



NOTICE OF VIOLATION

DEC 10 2021

DENR-PAB Case No. 08-000125-21-A

DAYA KRISTELLE S. TY GASOLINE STATION
Heroes Hill, Sitio Bagalongon, Poblacion, Kananga, Leyte

Thru: **DAYA KRISTELLE S. TY**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 12-10-21
DATE: 12-10-21
TIME: 12:15

Sir/Madame:

This notice is being served upon you for alleged violation of **R.A 8749** otherwise known as the Philippine Clean Air Act of 1999 based upon the survey/inspection conducted by the technical personnel of the Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) of this Office last **29 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating three (3) units underground fuel storage tanks with a total capacity of 20 KL, without the required Permit to Operate for Air Pollution Sources Installations, since 29 October 2021 .	Violation of Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26 , amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81, in relation further to Pollution Adjudication Board Resolution No. 01, Series of 2019 .

Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **within fifteen (15) days from receipt hereof**, your defense/position to the alleged violation which is punishable by a fine of **Nineteen Thousand Five Hundred Pesos (P19,500.00) for every five (5) years of violation** of the above cited prohibited act and to show cause why no Order should be issued against you, directing immediate cessation of the project operation.

Please submit a hard copy of your written explanation to this Office, as well as an electronic copy of the same to **embr8_records@emb.gov.ph**, copy furnished **legalunitembr8@gmail.com**, to expedite the submission.

Please be informed that failure to submit the position paper on or before the period prescribed above shall mean a waiver of your right to contest the findings of the report and present evidence on your defense and the case may be decided based on evidence on record.

Please be guided accordingly.

Very truly yours,

ENGR. REYNALDO B. BARRA
OLC-Regional Director



SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT

Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Survey/Inspection: October 29, 2021

Mission Order No.: EMBR8-2021-017140

1. GENERAL INFORMATION

Name of Establishment: **DAYA KRISTELLE S. TY GASOLINE STATION**

Address: **Heroes Hill, Sitio Bagalongon, Poblacion, Kananga, Leyte**

Geo Coordinates:
11.179448 N, 124.56129 E

Nature of Business: **Automotive Fuel refilling station**

PSIC Code: **4661**

Product: **No operation**

Year Established: **2012**

Operating hours/day: **10**

Operating days/week: **7**

Operating days/year: **365**

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
	Storage capacity= 20KL	
Name of Managing Head:	DAYA KRISTELLE S. TY	
Name of PCO:	None	
PCO Accreditation No.:	None	Date of Effectivity:
Phone/Fax:	09173025880/09177135067	Email:

2. PURPOSE OF INSPECTION

- ☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

	New	Renewal
<input type="checkbox"/> New Renewal		
<input type="checkbox"/> PMPIN Application	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste ID Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous Waste Transporter Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Hazardous waste TSD Registration	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Permit to Operate Air Pollution Control Installation	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discharge Permit	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Others _____	<input type="checkbox"/>	<input type="checkbox"/>

- ☒ Determine compliance status with the environmental regulations, permit conditions, and other requirements

- ☐ Investigate community complaints
☐ Check status of voluntary commitment

☐ Industrial Ecowatch
☐ Philippine Environmental Partnership Program (PEPP)
☐ Pollution Adjudication Board (PAB)
☐ Others _____

☐ Others _____

Name of Contact Person: **CHRISTINE TY**

Position / Designation: **Owner**

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1205-0049	05-11-2012	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID			
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.			
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.			

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	Three (3) units UGT (diesel, premium gasoline, unleaded gasoline)
Rated Capacity	2-8kl, 1-4kl
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes	

Emission Source Data Information	
Emission Source No.	
Type (Brand/Model)	
Rated Capacity	
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes	

Legal Provision	Regulatory Requirements	Compliant			Notes
		Y	N	N/A	
DAO 2004-26					
Rule 19 Section 1	Application for Permit to Operate has been filed for new or modified emission sources		✓		
Rule 19 Section 3	As built design of the installation conforms with submitted engineering plans and specifications		✓		
	Declared control facilities are installed and operational		✓		
	Installation is located as proposed in the vicinity map (plant and machinery layout)		✓		
	Facility design capacity is within the capacity declared in the application for permit to operate		✓		
Rule 19 Section 5	Temporary Permit is still valid			✓	
DAO 2000-81					
Part 7 Rule 25 Section 5 a# 3	Facility is fossil fuel-fired powerplant over 10 MW rating installed with CEMS for particulates, sulfure oxide, and NOx			✓	

	Facility is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Facility is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx			√	
	Facility is steel plant installed with CEMS for particulates and sulfur oxide			√	
	Facility is ferro-alloy production facility installed with CEMS for particulates			√	
	Facility is cement plant installed with CEMS for particulates			√	
Section 3a #1	Facility has the potential to emit at least 750 tons/year of regulated pollutant. Facility has CEMS and COMS.			√	
	Facility has the potential to emit at least 750 tons/year of particulate matter. Facility has COMS.			√	

EMB DAO 2007-22

Section 5	CEMS/COMS Specifications for Opacity is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 1			√	
	CEMS/COMS Specifications for Sulfur Dioxide and Nitrogen Oxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 2			√	
	CEMS/COMS Specifications for Carbon Dioxide and Oxygen is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 3			√	
	CEMS/COMS Specifications for Carbon Monoxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 4 and 4A			√	
	CEMS/COMS Specifications for Hydrogen Sulfide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 7			√	

Other Observations:

- An Environmental Compliance Certificate (ECC) with reference code: ECC-R08-1205-0049 was issued by this Office on 11 May 2012 to Daya Kristelle S. Ty for Gasoline Station Project located at Heroes Hill, Sitio Bagalongon, Poblacion, Kananga, Leyte.
- The proponent installed an ECC billboard on the right side portion of the concrete fence.
- The Fuel station was operational during the monitoring. It has three (3) units of Underground Fuel Storage Tank with a total capacity of 20KL.
- The proponent has no application filed for Permit to Operate issuance.
- Office records showed that the project has no submission of reports.


Remarks and Recommendation:

- Designated PCO to attend 40- Hour Basic PCO training and apply for accreditation before this Office.
- The proponent to secure Permit to Operate for Air Pollution Source Installation for the underground tanks.
- This Office to issue Notice of Violation for operating without valid Permit to Operate in violation of Section 1, Rule XIX of DENR Administrative Order No. 2004-26, amending DAO 2000-81 in relation to Section 1, Rule LVI of DAO 2000-81, in relation further to Pollution Adjudication Resolution No.01, Series of 2019.

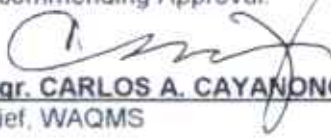
List of Documents Reviewed:

Copy of the ECC

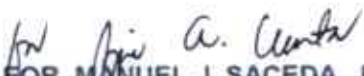
Submitted by:


JANET T. POLEA
Engr. IV

Recommending Approval:


Engr. CARLOS A. CAYANONG
Chief, WAQMS

Approved by:


FOR. MANUEL J. SACEDA, JR.
OIC-Chief, EMED

Noted by:


REYNALDO B. BARRA, PME.
OIC-Regional Director