

AUG 19 2021

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 8/20/2021
TIME: 2:48 PM

DENR-PAB Case No. 08-000077-21-W

**PETRON FUEL STATION
(GOLDEN GATE EXPRESS SERVICE)**
Brgy. Poblacion, Zone 3, Baybay, Leyte

Thru: **MS. CARMEN ROBLES**
Managing Head

MS. JULIE ANN BAGASLAO
Pollution Control Officer-Designate

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 9275** otherwise known as the Philippine Clean Water Act of 2004, based on the evaluation/table monitoring conducted by the technical personnel of the Provincial Environmental Monitoring Unit – Leyte (PEMU-Leyte) of this Office last **09 March 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating a facility that discharges regulated water pollutants without a valid wastewater Discharge Permit since 13 December 2020 .	Violation of Paragraph (c), Section 27 of R.A 9275 , in relation to Section 28 thereof and in relation further to Pollution Adjudication Board Resolution No. 01 Series of 2019 .

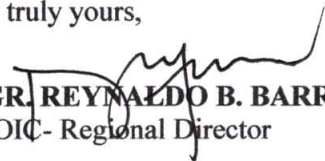
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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 year 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.

To expedite the submission, you may send an electronic copy of your duly signed position paper thru embr8_records@emb.gov.ph, copy furnished legalunitembr8@gmail.com.

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
OIC- Regional Director



COMPLIANCE INSPECTION FOR AIR QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Table Monitoring: March 9, 2021Mission Order No.: Table Monitoring**1. GENERAL INFORMATION**Name of Establishment: **PETRON FUEL STATION (GOLDEN GATE EXPRESS SERVICE)**Address: **Barangay Poblacion, Zone 23, Baybay, Leyte**

Geo Coordinates:

10.6926237 124.8005066Nature of Business: **Gasoline Station**

PSIC Code:

Product: **N/A**Year Established: **2017**Operating hours/day: **16**Operating days/week: **7**Operating days/year: **365**

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
N/A		
Name of Managing Head:	Carmel Robles	
Name of PCO:	Julie Ann Bagaslao – PCO designate	
PCO Accreditation No.:	None	Date of Effectivity: None
Phone/Fax:	09173076905	Email: No data

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 Air Quality Compliance Monitoring

Name of Contact Person	Carmel Robles
Position / Designation	Proprietor/Owner

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-RO8-1709-0038	9/22/2017	
	ECC2			
	ECC3			
RA 6969	DENR Registry ID	NONE		
	PCL Compliance Certificate			
	CCO Registry			
	Permit to Transport			
RA 8749	POA No.	POA-2020-E-0837-0144	5/29/2020	5/29/2025
RA 9003	ECC for Sanitary Landfill			
RA 9275	DP No.	DP-RO8-19-04346	12/12/2019	12/12/2020

MODULE AQM01: PRE-INSPECTION INFORMATION SHEETFOR EMISSION SOURCES

Emission Source Data Information		Emission Source Data Information	
Emission Source No.		Emission Source No.	
Type (Brand/Model)	CUMMINS	Type (Brand/Model)	UGT
Rated Capacity	25 KVA	Rated Capacity	
Fuel Type & Quantity	Diesel	Fuel Type & Quantity	
Operating Capacity		Operating Capacity	
Control Facility		Control Facility	
Notes	with muffler	Notes	2 UGT tank as declared in the SMR

Legal Provision	Regulatory Requirements	Compliant			Notes
		Y	N	N/A	
DAO 2004-26					
Rule 19 Section 1	All emission sources have a valid Permit to Operate	/			
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			/	
Rule 19 Section 6	Application for renewal has been filed for expiring Permit to Operate 30 days before permit expiration date	/			
Rule 19 Section 9	Permit to Operate displayed conspicuously upon the installation or in an accessible / visible place near the installation	/			
	Conditions of the Permit to Operate are complied with	/			

Rule 19 Section 11	Plant operational problems notification submitted to EMB within 24 hours of occurrence		/		
Rule 19 Section 12	Quarterly submission of self-monitoring report	/			Online SMR for the 4 th Q 2020 was submitted on Dec.13, 2020
DAO 2000-81					
Part 7 Rule 25 Section 5 a# 1	Person in charge of the plant / equipment has sufficient measure to ensure that no dark smoke is discharging from any stack in the establishment. E.g.: window view of stack, mirror to reflect top of stack, smoke density indicator, CCTV, etc.			/	
Part 7 Rule 25 Section 5 a# 2	All oil-burning equipment have heaters capable of heating oil to a temperature appropriate for the oil and burner			/	
Part 7 Rule 25 Section 5 a# 3	Establishment is fossil fuel-fired power plant over 10MW rating installed with CEMS for particulates, sulfur oxide, and NOx			/	
	Establishment is petroleum refinery / petrochemical industry installed with CEMS for particulates, sulfur oxide, and NOx			/	
	Establishment is primary copper smelter installed with CEMS for particulates, sulfur oxide, and NOx			/	
	Establishment is steel plant installed with CEMS for particulates and sulfur oxide			/	
	Establishment is ferro-alloy production facility installed with CEMS for particulates			/	
	Establishment is cement plant installed with CEMS for particulates			/	
Part 7 Rule 25 Section 5 b	Miscellaneous equipment like reheating furnace, smoke oven, bake oven, coffee heaters, varnish kettles, etc. are installed with pollution control facilities			/	
Part 7 Rule 25 Section 13 a	Establishment has precautionary controls for dusts generated during vehicular movement, transportation of materials, construction, etc. (List controls identified)			/	
Part 7 Rule 25 Section 13 b	Establishment has precautionary controls for volatile organic compounds or organic solvent emissions generated during storing, pumping, handling, processing, etc. (List controls identified)			/	
Part 7 Rule 25 Section 13 d	No open burning activity in the establishment				

EMB Memorandum Circulars

MC 2009-04	Standby Gensets with capacity greater than or equal to 1,250 KW undergo annual emission testing (with 3 test runs). These gesets should not have the potential to emit more than 100tons/year of regulated pollutant.			/	
MC 2007-003 (2)	Boiler rated at greater than or equal to 251HP undergo bi-annual emission testing (with 3 test runs)			/	
	Other sources that have potential to emit equal to or greater than 100tons/year of regulated pollutant undergo bi-annual emission testing (with 3 test runs)			/	
	Boiler rated between 100 to 250 HP undergo annual emission testing (with 3 test runs)			/	
	Diesel generator rated at 600 to 1,249KW undergo annual testing (with 3 test runs)			/	
	Other sources that have potential to emit greater than 30 but less than 100tons/year of regulated pollutant undergo annual emission testing (with 3 test runs)			/	
	Sources of emissions of hazardous air pollutants included in PCL (DAO 1998 -58) undergo bi-annual emission testing (with 3 test runs)			/	
	Emission sources of petroleum refinery undergo bi-annual emission testing (with 3 test runs)			/	
	Emission sources of petrochemical works undergo bi-annual emission testing (with 3 test runs)			/	
	Emission sources of smelters undergo bi-annual emission testing (with 3 test runs)			/	
	Emission sources of cement kilns undergo bi-annual emission testing (with 3 test runs)			/	
	Emission sources of steel -making plants undergo bi-annual emission testing (with 3 test runs)			/	
	Emission sources of ferro-alloy-making plants undergo bi-annual emission testing (with 3 test runs)			/	

	Emission sources of glass-making plants undergo bi-annual emission testing (with 3 test runs)			/	
	Boiler rated at 99HP or less undergo biennial emission testing (with 3 test runs)			/	
	Diesel generator rated at 599KW or less undergo biennial emission testing (with 3 test runs)			/	
	Other sources that have potential to emit at least 10tons/year but less than 30tons/year of regulated pollutant undergo biennial emission testing (with 3 test runs)			/	
	Source using Bunker Fuel Oil, blended fuels involving Bunker Fuel Oil, or sulfur content of 1% or more undergo bi-annual emission testing			/	
Appendix F (Quality Assurance Procedures)					
Section 6 (8)	Notification has been sent to EMB for any changes made in the CEMS installation			/	
	Notification has been sent to EMB for any changes made in the CEMS quality assurance and quality control plan			/	
Section 6 (5)	Each CEMS is audited and conducted in accordance to CFR 40 part 60 Appendix F.			/	
Section 6 (6)	Relative Accuracy Test Audit (RATA) is performed annually by industries in the presence of EMB personnel.			/	
	Establishment has sent thirty (30) day notice to EMB prior to the RATA testing schedule			/	
Section 6 (7)	Calibration gases are subject to audit or relative accuracy audit test every quarter			/	
	Other alternative quarterly audits employed by the establishment are approved by EMB.			/	


Section 6 (9)	EMB Director and Regional Director have been notified of CEMS malfunction that lasted longer than seven (7) consecutive days.			/	
Section 7 (1)	Records of occurrence and duration of any start-up, shut-down or malfunction in the operation of any source or control facility is available in the establishment.			/	
Section 7 (2)	Records of audits, performance testing, evaluations, calibration checks, adjustments and maintenance of any continuous emission monitors that have been installed pursuant to Rule IX Section 5 of DAO 2000-81 are available in the establishment.			/	
Section 8 (1)	SMR includes data on the time intervals, date and magnitude of excess emissions, nature and cause of excess, corrective actions taken, and preventive measures adopted.			/	
Section 8 (2)	SMR includes information on the averaging period used for data reporting corresponding to the averaging period specified in the emission test period used to determine compliance with an emission standard for the pollutant/source category in question.			/	
Section 8 (3)	SMR includes information on time and date for each period during which the continuous monitoring system was inoperative and the nature of system repairs and adjustments made in the CEMS/COMS			/	
Section 8 (4)	SMR data measurements are within 75% data capture?			/	
For Facilities Engaged with Consent Agreement					
EMS established within 18 months upon entering Consent Agreement with EMB	EMS established within 18 months upon entering Consent Agreement with EMB			/	
DAO 2000-81 Part 7 Rule 25 Section 9b	Environmental Management Plan derived from EMS process submitted within 6 months after entering Consent Agreement with EMB			/	

Other Observations:
1.Evaluated through table monitoring with the submitted online SMR as the reference; Some information on the submitted online SMR which are relevant for table monitoring has no data.SMR Reference No. 74902
2.With 2 underground tanks (with 2 and 3 compartments respectively) at a capacity of 1750 gallons each
3. DP-RO8-19-04346 valid only until 12/12/2020
4. Permit to Operate No. POA-2020-E-0837-0144 valid until 5/29/2025 for the 25 KVA Cummins and 2 UGT for gasoline and diesel
Remarks and Recommendation:
1.To input relevant and vital information in submitting quarterly online SMR
2.To issue a Notice of Violation for operating without valid Discharge Permit in violation of paragraph c, section 27 of RA 9275
List of Documents Reviewed:
SMR

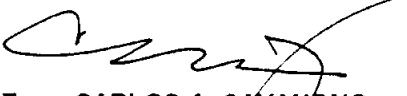
Submitted by:


CYRIL ANN B. BADEO
EMS II/ PEMU Leyte

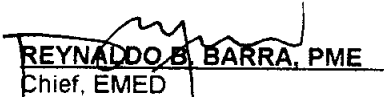
Reviewed by:


JOSEPHINE L. FUENTES
Senior EMS/ OIC, PEMU Leyte

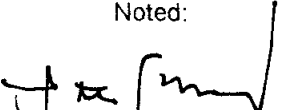
Recommending Approval:


Engr. CARLOS A. CAYANONG
Engineer IV/Chief, WAQMS

Approval:


REYNALDO B. BARRA, PME
Chief, EMED

Noted:


LETECIA R. MACEDA
Regional Director