
	Republic of the Philippines Department of Environment and Natural Resources ENVIRONMENTAL MANAGEMENT BUREAU DENR Compound, Jones St. Tacloban City, Philippines	
	NOTICE OF VIOLATION	


FEB 14 2022

ENR-PAB Case No. 08-000015-22-A

SPEED VELOCITY GASOLINE STATION
Brgy. Capoocan, Purok 1, Calbayog City

Thru: **TOMAS CO**
Managing Head

ERROL LUGI V. LARUDA
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 2/14/2022
TIME: 4:18pm

Sir/Madame:

This notice is being served upon you for alleged violation of **RA 8749** otherwise known as the Philippine Clean Air Act of 1999, based upon the compliance inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Samar last **20 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Non-submission of the required quarterly Self-Monitoring Report (SMR) for the period 1 st -4 th quarter of 2020 and 1 st to 3 rd quarter of 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 .

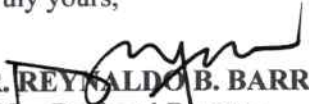
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public, **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 failure to submit the abovementioned report within the prescribed period** 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 embr8_legal@emb.gov.ph, 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
OIC – Regional Director

**COMPLIANCE INSPECTION FOR AIR QUALITY MANAGEMENT****ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION**

Report Control Number: _____

Date of Inspection: **OCTOBER 20, 2021**Mission Order No.: **EMBR8-2021-017048****1. GENERAL INFORMATION**Name of Establishment: **SPEED VELOCITY ASOLINE STATION**Address: **Brgy. Capoocan, Purok 1, Calbayog City**Nature of Business: **Fuel Retailing**

Geo Coordinates:

Latitude:

Longitude:

PSIC Code: **N/A**Product: **FUELS**Year Established: **2018**Operating hours/day: **16 hrs.**Operating days/week: **7 days**Operating days/year: **360 days excluding breaks and holidays**

Product Lines	Production Rate as Declared in the ECC	Actual Production Rate
Premium, Unleaded and Diesel Fuels	n/a	22 kl premium, 22 kl diesel 11 kl Unleaded fuels
Name of Managing Head:	TOMAS C. CO	
Name of PCO:	ERROL LUIGI V. LARUDA	
PCO Accreditation No.:	COA No. 2018-RVIII-0106	Date of Effectivity: 8/15/2018-8/15/2021
Phone/Fax:	09776207899	Email: N/A

2. PURPOSE OF INSPECTION☐ Verify accuracy of information submitted by the establishment pertaining to new permit applications, renewals, or modification

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

Aileen Gamale - 09152828277

Position / Designation

Administrative Clerk

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-R08-2018-0089	07/02/2018	N/A
	ECC2	N/A	N/A	N/A
	ECC3	N/A	N/A	N/A
RA 6969	DENR Registry ID	N/A	N/A	N/A
	PCL Compliance Certificate	N/A	N/A	N/A
	CCO Registry	N/A	N/A	N/A
	Permit to Transport	N/A	N/A	N/A
RA 8749	POA No.	18-POA-J-0860-0261	10/23/2018	10/23/2023
RA 9003	ECC for Sanitary Landfill	N/A	N/A	N/A
RA 9275	DP No.	NONE	N/A	N/A

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information	
Emission Source No.	1
Type (Brand/Model)	POWERMAN
Rated Capacity	16 KVA – 16 KW
Fuel Type & Quantity	DIESEL
Operating Capacity	OCCASSIONAL
Control Facility	MUFFLER
Notes: Standby	

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

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		/		Q ₁ Q ₃	Q ₂ Q ₄
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 Gen sets with capacity greater than or equal to 1,250 KW undergo annual emission testing (with 3 test runs). These gen sets 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.			/	

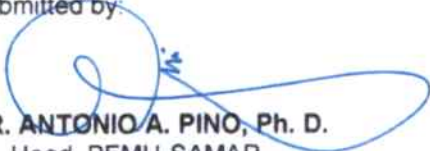
Section 6 (9)	EMB Director and Regional Director have been notified of CEMS malfunction that lasted longer than seven (7) consecutive days.			/	
Section 7 (1)	Records of occurrence and duration of any start-up, shut-down or malfunction in the operation of any source or control facility is available in 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:

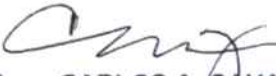
1. The station is operational during the time of inspection.
2. There is an office structure for administrative personnel, a canopy with cashier's booth and 2 units dispensing pumps with 1 unit of 6 nozzles and 1 unit of 4 nozzles.
3. 3 units UGT with a capacity of 22kl for premium, 22kl for diesel and 11kl for unleaded fuels with a total of 55kl landed underground tanks within the service area.
4. No submission of SMR since 1st-4th quarter of 2020 and 1st – 3rd quarter of 2021.
5. The generator set is installed within the vicinity of the station and it is occasionally used when power interruption occur. (for emergency use only).

Remarks and Recommendation:
1. To issue Notice of Violation for non-submission of SMR. - 7 qtrs. 2. For continuous monitoring.
List of Documents Reviewed:
PTO, ECC and other local permits and clearances

Submitted by:


DR. ANTONIO A. PINO, Ph. D.
Head, PEMU-SAMAR

Reviewed by:


Engr. CARLOS A. CAYANONG
Chief, WAQMS

Approval:


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

Noted:


ENGR. REYNALDO B. BARRA, PME
OIC, Regional Director





PERMIT TO OPERATE AIR POLLUTION INSTALLATIONS

https://lis.emb.gov.ph/emb/dms/dms/dispositionForm

Permit No. 18 - POA - J - 0860 - 0261

Date Issued

October 23, 2018

Valid Until

October 23, 2023

(New)

Pursuant to Rule XIX of the Implementing Rules and Regulations of Republic Act 8749 otherwise known as The Philippine Clean Air Act of 1999, authority is hereby granted to:

SPEED VELOCITY GASOLINE STATION

(Name of firm, individual, owner, etc.)

Brgy. Capocan, Calbayog City
(Plant Address)

to Operate the following (Description of structure and/or equipment):

One (1) unit 16 KVA (12.8 KW) "POWERMAN" brand standby generator set; Two (2) units UGT for Diesel & Premium gasoline with a capacity of 20 KL each; One (1) unit UGT for Unleaded gasoline with a capacity of 10 KL.

PERMIT CONDITIONS:

1. Subject to automatic revocation if found violating the Implementing Rules and Regulations of RA 8749 and the conditions set forth in this Permit;
2. This Operating Permit covers only the aforementioned structure/equipment;
3. This Permit shall be posted conspicuously near the equipment adequately framed and protected against damage;
4. Application for the renewal of this Permit shall be filed at least **thirty (30) days** before the expiry date;
5. The Manager or Pollution Control Officer in charge of the above installation(s) shall keep record of the fuel and oil consumption and no. of hours of operation, to be included in the quarterly report for submission to this office.
6. The permittee shall allow authorized officers of the Department or the Bureau entry and access to any part of the establishment, to conduct inspections, gather information, test emissions or take samples at all times during office hours. The permittee and its personnel shall not obstruct such officers in the performance of the said functions, and shall furnish any reasonable information or materials requested by them. The permittee shall also obey any lawful instruction or direction given by the authorized or accredited officer of the Department or the Bureau at all times.
7. The permittee shall maintain adequate records/logbook of monitoring, operational data of APSE and APCD, operating hours of the APSE and APCD and other relevant information for perusal and verification during inspection. They shall also submit reports of such records/information to DENR quarterly as part of the SMR.
8. The permittee shall conduct, if applicable, emission compliance test as required under DENR EMB MC No. 2007-003.

ERDO/LUT/LARUDA
11/10/2018