



NOTICE OF VIOLATION

FEB 14 2022

DENR-PAB Case No. 08-00009-22-A

C & S GAS STATION

Brgy. San Juan, Hilongos, Leyte

Thru: **CLAUDIO BALICASTRO**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY:
DATE: 2/14/2022
TIME: 4:04pm

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 table monitoring conducted by the technical personnel of the Provincial Environmental Monitoring Unit – Leyte (PEMU-Leyte) last **23 November 2021**.

ACTS CONSTITUTING THE VIOLATION

| Finding/s | Prohibited Act/s |
|--|--|
| Operating three (3) units Underground Tanks without the required Permit to Operate for Air Pollution Source Installations since 23 November 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 **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 Table Monitoring: **November 23, 2021**

Mission Order No.: _____

1. GENERAL INFORMATION

| | | |
|--|-------------------------------|---|
| Name of Establishment: C & S GAS STATION (Claudio Balicastro) | | |
| Address: Brgy.San Juan, Hilongos, Leyte | | Geo Coordinates: 10.3920319,124.7419854 |
| Nature of Business: Gasoline Station | | |
| PSIC Code: | Product: N/A | Year Established: 2013 |
| Operating hours/day: 8 | 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: | Claudio Balicastro | |
| Name of PCO: | None | |
| PCO Accreditation No.: | None | Date of Effectivity: None |
| Phone/Fax: | No data | Email: No data |

2. PURPOSE OF INSPECTION

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

| | | |
|---|--------------------------|--------------------------|
| <input type="checkbox"/> New Renewal | 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 | Claudio Balicastro |
|------------------------|---------------------------|

| | |
|------------------------|-------------------------|
| 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-R08-1308-0094 | 8/8/2013 | |
| | ECC2 | | | |
| | ECC3 | | | |
| RA 6969 | DENR Registry ID | N/A | | |
| | PCL Compliance Certificate | | | |
| | CCO Registry | | | |
| | Permit to Transport | | | |
| RA 8749 | POA No. | NONE | | |
| RA 9003 | ECC for Sanitary Landfill | | | |
| RA 9275 | DP No. | NONE | | |

MODULE AQM01: PRE-INSPECTION INFORMATION SHEETFOR EMISSION SOURCES

| Emission Source Data Information | |
|----------------------------------|---------------------------|
| Emission Source No. | |
| Type (Brand/Model) | UGT |
| Rated Capacity | Diesel, Unleaded, Premium |
| Fuel Type & Quantity | 24KL, 16KL, 12KL |
| Operating Capacity | |
| Control Facility | |
| Notes | 3 UGT |

| Emission Source Data Information | |
|----------------------------------|------|
| Emission Source No. | |
| Type (Brand/Model) | NONE |
| 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 | 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 | | | / | |

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|-------------------------------|---|--|---|--|
| 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 | | / | |
| 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


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|-----------------|---|--|--|---|--|
| 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 | | | / | |

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| Other Observations: 1.C & S Gas Station was operational during time of monitoring. 2. With 3 UGT for Premium, Unleaded and Diesel gasoline and a capacity of 12KL, 16KL and 24 KL respectively. With 2 units gasoline pumps and 8 noozles. Remarks and Recommendation: Recommended for issuance of Notice of Violation for operating without valid Permit to Operate for its 3 Underground Tanks in violation of Section 1, Rule XIX of DAO 2004-26 amending DAO 2000-81, in relation to Section 1, Rule LVI of DAO 2000-81, and in relation further to PAB Resolution No.1 series of 2019. List of Documents Reviewed: ECC |
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Submitted by:


CYRIL ANN B. BADEO
 EMS II/ PEMU Leyte

Recommending Approval:


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

Approval:


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

Noted:


REYNALDO B. BARRA, PME
 OIC Regional Director