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

~~DEC 10 2021~~

DENR-PAB Case No. 08-000128-21-A

**PHOENIX FILLING STATION PROJECT**  
 Brgy. Calumpang, Naval, Biliran

Thru: **LORIE M. ROMERO**  
 Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU  
 RELEASED BY: \_\_\_\_\_  
 DATE: 12-13-21  
 TIME: 12:00

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 September 2021**.

**ACTS CONSTITUTING THE VIOLATION**

Finding/s	Prohibited Act/s
Operating three (3) units underground fuel storage tanks each with 16 KL capacity for Diesel and Gasoline, without the required <b>Permit to Operate</b> for Air Pollution Sources Installations since <b>29 September 2021</b> .	Violation of <b>Section 1, Rule XIX</b> of <b>DENR Administrative Order (DAO) No. 2004-26</b> , amending DAO 2000-81, in relation to <b>Section 1, Rule LVI</b> of DAO 2000-81, in relation further to <b>Pollution Adjudication Board Resolution No. 01, Series of 2019</b> .

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**  
 OIC-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: **29 September 2021**Mission Order No.: **EMBR8-2021-015273****1. GENERAL INFORMATION**Name of Establishment: **Phoenix Filling Station Project**  
(Proponent: *Lorie M. Romero*)Address: **Brgy. Calumpang Naval, Biliran**Geo Coordinates: **11.56524° N, 124.40468° E**Nature of Business: **Gasoline Station**PSIC Code: **4661**Product: **Gasoline & Diesel**Year Established: **2015**Operating hours/day: **16 hrs**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:	<b>Lorie M. Romero</b>	
Name of PCO:	-	
PCO Accreditation No.:	-	Date of Effectivity:
Phone/Fax:	-	Email:

**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

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\_\_\_\_\_ Hazardous Waste ID Registration

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\_\_\_\_\_ Hazardous Waste Transporter Registration

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\_\_\_\_\_ Hazardous waste TSD Registration

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\_\_\_\_\_ Permit to Operate Air Pollution Control Installation

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\_\_\_\_\_ Discharge Permit

☐☐

\_\_\_\_\_ Others \_\_\_\_\_

☐☐

- ☒ 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	<b>Julius Solamo</b>
Position / Designation	<b>In-Charge</b>



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-R08-1506-0128	07/10/2015	N/A
	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)	3 UGTs
Rated Capacity	16 kL capacity each UGT
Fuel Type & Quantity	Diesel & Gasoline
Operating Capacity	UGTs
Control Facility	
Notes: Fuel Storage Tanks	

Emission Source Data Information	
Emission Source No.	N/A
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:

- Phoenix Filling Station of Lorie M. Romero has been issued an Environmental Compliance Certificate, ECC-R08-1506-0128, last July 10, 2015.
- The gas station was operational during the time of inspection. Air pollution source equipment provided in the gas station are Underground Fuel Storage Tanks each having 16 kL capacity for diesel and gasoline fuel.
- The gas station was not able to present Permit to Operate for the abovementioned sources. Likewise, as per records and online permitting system, no application has been lodged yet for Permit to Operate Air Pollution Source and Control Facility since the start of its operation. The gas station has already been operating since 2015.
- Facilities in the gas station include canopy with dispensing machines and cashier booth and building for commercial use.

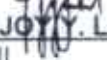
**Remarks and Recommendation:**

Phoenix Filling Station of Lorie M. Romero is to be issued a **Notice of Violation** for operating Underground Fuel Storage Tanks without the valid Permit to Operate pursuant to Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26 amending DAO 2000-21, in relation to Section 1, Rule LVI of DAO 2000-81, in relation further to Pollution Adjudication Board Resolution No. 01, series of 2019, "All sources of air pollution subject to his IRR must have a valid Permit to Operate..."

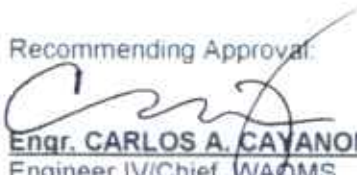
**List of Documents Reviewed:**

Copy of ECC

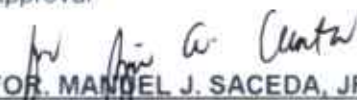
Submitted by:

  
LEDANE JOY Y. LAURENTE  
Engineer II

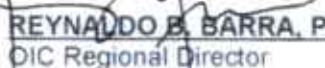
Recommending Approval:

  
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