
	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>	


JAN 18 2022

DENR-PAB Case No. 08-000137-21-A

**IRAYA GASOLINE STATION**  
 Brgy. 7, Poblacion, Dolores, Eastern Samar

Thru: **GRACE TEGIO**  
 Managing Head

**MA. CRISTINA T. APURA**  
 Pollution Control Officer

**ENVIRONMENTAL MANAGEMENT BUREAU**  
 RELEASED BY:   
 DATE: 9/19/2022  
 TIME: 4:28pm

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 compliance inspection conducted by the technical personnel of the Provincial Environmental Monitoring Unit (PEMU) – Eastern Samar last **06 October 2021**.

**ACTS CONSTITUTING THE VIOLATION**

Finding/s	Prohibited Act/s
Operating two (2) units <i>underground fuel storage tanks</i> (8 KL for Diesel and 8 KL for Gasoline) and without the required <b>Permit to Operate</b> for Air Pollution Source Installations, <b>06 October 2021</b>	Violation of <b>Section 1, Rule XIX of DENR Administrative Order (DAO) No. 2004-26</b> , amending DAO 2000-81, in relation to <b>Section 1, Rule LVI of DAO 2000-81</b> , in relation further to <b>Pollution Adjudication Board Resolution No. 01, Series of 2019</b> .

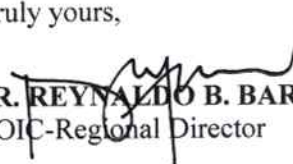
Pursuant to **Pollution Adjudication Board Resolution No. 02, Series of 2020**, otherwise known as the **Interim Guidelines of the Pollution Adjudication Board during the Public Health Emergency due to COVID-19**, you are hereby required to explain in writing, duly subscribed before a Notary Public,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



Republic of the Philippines  
Department of Environment and Natural Resources  
**ENVIRONMENTAL MANAGEMENT BUREAU**

Regional Office No. VIII  
DENR Compound, EMB Building, Jones Street, Tacloban City, Philippines

**INVESTIGATION REPORT**

**NAME OF RESPONDENTS** : PETRO GAS STATION/IRAYA FUELS  
**ADDRESS OF RESPONDENTS** : Brgy. 7, Poblacion Dolores, Eastern Samar  
**GEOGRAPHIC COORDINATES** : 12°2'5"N, 125°29'1"E  
**NAME OF PERSON/S CONTACTED** : MA. CRISTINA T. APURA  
**NATURE OF COMPLAINT** : Operation of a gasoline station that allegedly causes contamination and fish kills in the sea covered by the municipality of Dolores, Eastern Samar  
**COMPLAINANT'S CONTACTED** : N/A  
**DATE OF INSPECTION** : 5-8 October 2021

**I. PROCEEDINGS**

1. On **24 September 2021**, the DENR-EMB Central Office referred to this Office an e-mail complaint from a concerned citizen against the operation of a gasoline station that allegedly causes contamination and fish kills.
2. As a result of the said complaint, the undersigned investigating personnel were ordered to investigate on the matter in issue.
3. On **5-8 October 2021**, the undersigned staff proceeded to the site in question.

**II. MATTERS INVESTIGATED**

4. Compliance with the following environmental laws:
  - a) **Presidential Decree No. 1586**, otherwise known as the Environmental Impact Statement System.
  - b) **Republic Act No. 9275**, otherwise known as the Philippine Clean Water Act of 2004 and its Implementing Rules and Regulations.
  - c) **Republic Act No. 8749**, otherwise known as the Philippine Clean Air Act of 1999, and its Implementing Rules and Regulations.
  - d) Such all other acts/omissions which may be violative of any of the environmental laws under the mandate of the EMB.

**III. FINDINGS AND OBSERVATIONS:**

1. The concern of the complainant involves the absence of the gasoline station's required permits from the municipality of Dolores, Eastern Samar, and the DENR while in continuous operation. It added the concern on the location of the gasoline station, situated along the coast, that allegedly causes contamination and fish kills.
2. The subject gasoline station was in operation at the time of investigation or verification inspection. Two (2) units of Underground Tanks were observed, one for Diesel and the other is for Gasoline, each with an 8KL capacity.
3. No copy of an Environmental Compliance Certificate (ECC) and other environmental permits were presented when asked by the investigating team. Ms. Ma. Cristina T. Apura, representative of the proponent, added that the firm's pertinent documents were kept at the main office as they would be frequently drenched with water when applicable permits were being posted at the gasoline station's office due to rain and considering that the establishment is located along the shoreline/riprap/embankment.



4. In an interview with Ms. Apura, she states that the gasoline station operates for ten (10) hours a day and seven (7) days a week. Established and started its operation in 2018, with an ECC issued last November 2019.
5. Office records also reveals that the respondent has not yet processed or secure a Permit to Operate (POA) Air Pollution Source and Control Installations for its underground tanks, while no standby generator set observed in the station. Moreover, the concern on water contamination and fish kills cannot be given credence for the impossibility of the allegation as there can be no possible discharges coming from the operation of the gasoline station which can cause contamination and fish kills.

## V. REMARKS

1. **General Condition** of the proponent's **Environmental Compliance Certificate (ECC)** stipulates that the project shall secure a **Discharge Permit** for Water Pollution Source and Control Facilities as well as **Permit to Operate** for Air Pollution Source and Control Installation.
2. **Paragraph (c) of Section 27, RA 9275** or the Philippine Clean Water Act of 2004 prohibits the operation of facilities that discharge regulated water pollutants without the valid required permits. In here, no structures/facilities constructed on the gasoline station which has the possible generation of wastewater hence, not required to secure a discharge permit.
3. **Section 1, Rule XIX of DENR Administrative Order No. 2004-26**, Implementing Rules and Regulations of **RA 8749**, or the Philippine Clean Air Act of 1999 or for **failure to secure a Permit to Operate Air Pollution Source and Control Installation**

## VI. RECOMMENDATIONS

1. To issue a Notice of Violation against **Petro Gas Station/Iraya Fuels** for operating without a valid **Permit to Operate Air Pollution Source and Control Installation for two (2) units underground fuel storage tanks (8KL Diesel and 8KL Gasoline)** 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, in relation further to PAB Reso. 2019-01.
2. For continuous monitoring and further appropriate actions as may be deemed necessary by the Air and Water Monitoring Section considering the foregoing findings.
3. For further appropriate actions as may be deemed necessary by this Office considering the foregoing findings.

Investigating Team:

  
**FLORAMAE A. SUYOM**  
EMS I, ORD-Legal Unit

  
**JOSEPHINE L. FUENTES**  
Senior EMS, OIC-PEMU E. SAMAR

Approved by:

  
**FOR. MANUEL J. SACEDA, JR.**  
OIC-Chief, Environmental Monitoring and Enforcement Division

Noted by:

  
**ENGR. REYNALDO B. BARRA**  
OIC-Regional Director

PHOTO DOCUMENTATION

