



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



NOTICE OF VIOLATION

JAN 28 2022

DENR-PAB Case No. 08-00001-22-A

SPEED POWER GASOLINE REFILLING STATION

Brgy. Malajog, Calbayog City, Samar

Thru: **BILLY J. MARTIRES**
Managing Head

BILLY C. MARTIRES II
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU .
RELEASED BY:
DATE: 02/02/2022
TIME: 9:03am

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 Provincial Environmental Monitoring Unit (PEMU) – Samar last **25 October 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating three (3) units Underground Fuel Storage Tanks with respective rated capacities of 12 kl for Premium, 10 kl for Unleaded, and 12,900 kl for Diesel, without a valid Permit to Operate for Air Pollution Source Installations since 25 October 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 **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: OCTOBER 25, 2021Mission Order No.: EMBR8-2021-01**1. GENERAL INFORMATION**

Name of Establishment: SPEED POWER GASOLINE REFILLING STATION		
Address: Brgy. Malajog, Calbayog City		Geo Coordinates:
Nature of Business: FUEL RETAILING		Latitude: 12.3590000°N
PSIC Code: N/A		Longitude : 124.3520000°E
Product: FUELS		Year Established: 2019
Operating hours/day: 16 hrs.	Operating days/week: 6 days	Operating days/year: 360 days

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
Unleaded	n/a	10kl Unleaded
Premium		12kl Premium
Diesel		12,900kl Diesel
Name of Managing Head:	Billy J. Martires	
Name of PCO:	Billy C. Martires II	
PCO Accreditation No.:	COA No. 2021-RVIII-0030	Date of Effectivity:03/23/2021 -03/23/2024
Phone/Fax:	09279528959	Email: Devraux 13@gmail.com

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"/>	<input type="checkbox"/>
<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 <u>Survey</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	Billy C. Martires
Position / Designation	PCO

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-0L-RO8-2018-0107	08/24/2018	N/A
	ECC2	N/A	N/AN/A	N/A
	ECC3	N/A	N/A	
RA 6969	DENR Registry ID	None	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.	On Process	N/A	N/A
RA 9003	ECC for Sanitary Landfill	N/A	N/A	N/A
RA 9275	DP No.	DP-RO8-20-06234	12/14/2020	12/14/2021

MODULE AQM01: PRE-INSPECTION INFORMATION SHEET FOR EMISSION SOURCES

Emission Source Data Information		Emission Source Data Information	
Emission Source No.	1	Emission Source No.	n/a
Type (Brand/Model)	AIRMAN	Type (Brand/Model)	n/a
Rated Capacity	15 KVA	Rated Capacity	n/a
Fuel Type & Quantity	DIESEL	Fuel Type & Quantity	n/a
Operating Capacity	OCCASSIONAL	Operating Capacity	n/a
Control Facility	MUFFLER	Control Facility	n/a
Notes Standby genset and utilize for operation depending the number of hours of power interruption and/or for emergency use.		Notes n/a	

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	/		/	On process
Rule 19 Section 3	As built design of the installation conforms with submitted engineering plans and specifications			/	
	Declared control facilities are installed and operational				Installed at the power room
	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		/		No temporary permit was issued
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

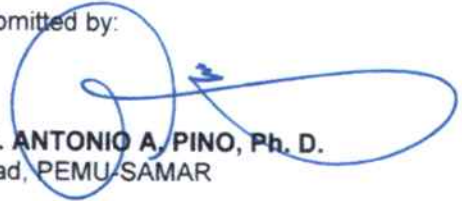
Section 5	CEMS/COMS Specifications for Opacity is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 1			/	
	CEMS/COMS Specifications for Sulfur Dioxide and Nitrogen Oxide is compliant with: USEPA 40 CFR Part 60 Appendix B, Performance Specification 2			/	
	CEMS/COMS Specifications 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:

1. The station is operational during the time of inspection vis-à-vis 2 shifts schedule from 4:30am to 8:00pm.
2. 3 units UGT with a capacity of:
 - 2.1 Premium 12kl
 - 2.2 Unleaded 10kl
 - 2.3 Diesel 12,900kl
3. 2 units dispensing pumps with 2 nozzles each.
4. Last submission of SMR is 3rd quarter of 2021.
- X 5. Operating without valid permit to operate on Air using 15kva standby generator set.
6. As cited during the inspection the 15kva generator set is installed within the designated Air Pollution Control Facility at the station and it is being used during emergency.

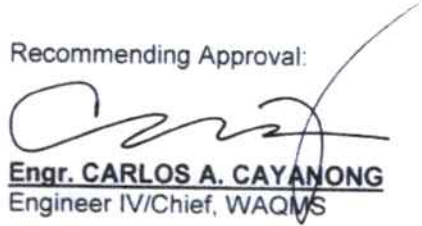
Remarks and Recommendation: 1. For issuance of Notice of Violation for Operating without Permit to Operate Air Pollution Source/Control Installations for their Underground Tanks. In violation of Section 1, Rule XIX, DENR Administrative Order No. 2004-06, amending Section 1 Rule XIX of DAO No. 2000-81, in relation to Section 47 of R.A. 8749, and in relation to PAB Resolution No. 01-2019.
List of Documents Reviewed: DP and other local permits and clearances PCO Accreditation Certificate

Submitted by:



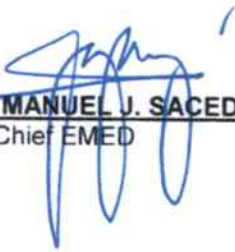
DR. ANTONIO A. PINO, Ph. D.
Head, PEMU-SAMAR

Recommending Approval:



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

Approval:



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

Noted:



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