



NOTICE OF VIOLATION

FEB 14 2022

DENR-PAB Case No. 08-00008-22-A

NITRO FUEL

Brgy. Cabalawan, Tacloban City

Thru: **WILSON UY**
Managing Head

ALBERTO HOLANDA
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 2/14/2022
TIME: 4:10pm

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 – Leyte (PEMU-Leyte) last **03 November 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating one (1) unit 20 kVA Powercity Generator Set and three (3) units Underground Tanks without the required Permit to Operate for Air Pollution Source Installations since 03 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



SURVEY/INSPECTION FOR AIR QUALITY MANAGEMENT



ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____
Date of Survey/Inspection: **November 3, 2021**
Mission Order No.: _____

1. GENERAL INFORMATION

Name of Establishment: NITRO FUEL		
Address: Brgy. Cabalawan, Tacloban City		Geo Coordinates: 11.2933805,124.958449
Nature of Business: Gasoline Station		
PSIC Code:	Product: N/A	Year Established: 2019
Operating hours/day: 16	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:	Wilson Uy	
Name of PCO:	Alberto Holanda	
PCO Accreditation No.:	No data	Date of Effectivity: N/A
Phone/Fax:	09297122084	Email: None

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 _____	<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 Survey**

Name of Contact Person	Alberto Holanda
Position / Designation	PCO

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-R08-2019-0157	09/10/2019	
	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 SHEET FOR EMISSION SOURCES

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

Emission Source Data Information	
Emission Source No.	
Type (Brand/Model)	POWERCITY
Rated Capacity	20 KVA
Fuel Type & Quantity	Diesel
Operating Capacity	
Control Facility	
Notes	

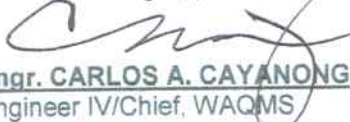
Legal Provision	Regulatory Requirements	Compliant			Notes
		Y	N	N/A	
DAO 2004-26					
Rule 19 Section 1	Application for Permit to Operate has been filed for new or modified emission sources		/		
Rule 19 Section 3	As built design of the installation conforms with submitted engineering plans and specifications	/			
	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:					
1. Gasoline station was operational during time of monitoring. 2. Facility has just started its operation on September 2019. 3. With ECC-OL-R08-2019-0157 issued on 09/10/2019. 4. With 3 underground tanks for its Premium, Unleaded and Diesel with a capacity of 24 KL each respectively. 5. With 20 KVA Powercity standby genset. 6. With 2 CRs, 2 unit gasoline pumps and 12 noozles.					
Remarks and Recommendation:					
1. Recommended to issue Notice of Violation for operating without valid PTO for the 20 KVA Powercity genset and UGT 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 Reso 1-20192. 2. To submit SMR/CMR thru EMB online system.					
List of Documents Reviewed:					
ECC					

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