



Republic of the Philippines
Department of Environment and Natural Resources
ENVIRONMENTAL MANAGEMENT BUREAU
Regional Office No. VIII
DENR Compound, EMB Building, Jones St., Tacloban City, Philippines



NOTICE OF VIOLATION

MAR 25 2022

DENR-PAB Case No. 08-000028-22-A

PROPOSED GASOLINE REFILLING STATION
(Rephil Abad Santos, Inc.)
Calle Real, Brgy. Sagkahan, Tacloban City

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
DATE: 3/28/2022
TIME: 4:35pm

Thru: **BARNETT SO**
Managing Head

MENCHIE ALONZO
Pollution Control Officer

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-WAQS) of this Office last **16 February 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating three (3) underground tanks with 22 KL, 22 KL and 15 KL capacities, without the required Permit to Operate for Air Pollution Source and Control Installations since 16 February 2022 .	Violation of Section 1, Rule XIX of DENR Administrative Order 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



Department: ENVIRONMENTAL MONITORING AND ENFORCEMENT DIVISION-WATER AIR QUALITY MONITORING SECTION

Report Control Number: _____

Date of Survey/Inspection: **16 February 2022**Mission Order No.: **EMBR8-2022-006213****1. GENERAL INFORMATION**

Name of Establishment: Proposed Gasoline Refilling Station (Proponent: <i>Rephil Abad Santos, Inc.</i>)		
Address: Calle Real, Brgy. Sagkahan Tacloban City		Geo Coordinates: 11.2271537°N, 125.0016751°E
Nature of Business: Gasoline Station		
PSIC Code: 4661	Product: Gasoline & Diesel	Year Established: 2016
Operating hours/day: 24 hrs	Operating days/week: 7 days	Operating days/year: 365 days

Product Lines	Production Rate as Declared in the ECC (unit/day)	Actual Production Rate (unit/day)
N/A		
Name of Managing Head: Barnett So		
Name of PCO: Menchie Alonzo		
PCO Accreditation No.:	-	Date of Effectivity:
Phone/Fax:	0936 378 2615	Email: menchiepido@gmail.com

2. PURPOSE OF INSPECTION

<input type="checkbox"/> 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"/>

<input checked="" type="checkbox"/> Determine compliance status with the environmental regulations, permit conditions, and other requirements	
<input type="checkbox"/> Investigate community complaints	
<input type="checkbox"/> Check status of voluntary commitment	
_____ Industrial Ecowatch	
_____ Philippine Environmental Partnership Program (PEPP)	
_____ Pollution Adjudication Board (PAB)	
_____ Others _____	
<input type="checkbox"/> Others _____	
Name of Contact Person	Menchie Alonzo
Position / Designation	Station Supervisor

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-OL-R08-2015-0027	11/27/2015	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)	UGTs
Rated Capacity	2 UGTs with 15 kL each 1 UGT with 22 kL capacity
Fuel Type & Quantity	
Operating Capacity	
Control Facility	
Notes: Underground 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:					
<ul style="list-style-type: none"> • The gas station is operational since 2016. • Two (2) filling machines are utilized, each with four (4) nozzles, in the gas station. A one-storey commercial building was constructed for office, staff house and comfort rooms purposes. • Based on Office Records, the gas station has no Permit to Operate (PTO) for its three (3) Underground Tanks with capacities 15kL, 15kL and 22kL. No PTO application has been lodged online yet. • Likewise, no Discharge Permit issued for its domestic wastewater generation. • No online submission yet of the required semi-annual Compliance Monitoring Report. • ECC public notice was posted however not conspicuously. • No Pollution Control Officer (PCO) designated in the gas station. 					
Remarks and Recommendation:					

- To issue a **Notice of Violation** for failure to secure a Permit to Operate Air Pollution Source and Control Installation for the three (3) units of Underground Tanks with capacities 22 kL, 22kL and 15 kL, in violation of Section 1, Rule XIX, DENR Administrative Order No. 2004-26 (Implementing Rules and Regulations of R.A. 8749), amending Section 1, Rule XIX of DAO NO. 2000-81, in relation further to PAB Resolution No. 01-2019.
- The Proponent also must secure a Discharge Permit for its domestic wastewater generated in the gas station through the online permitting and monitoring systems. (opms.emb.gov.ph)
- To submit the Compliance Monitoring Report online thru online.emb.gov.ph/cmr

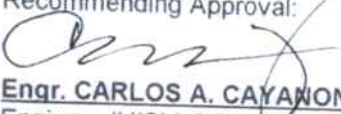
List of Documents Reviewed:

Copy of ECC


Submitted by:


LEDANE JOY LAURENTE
Engineer II

Recommending Approval:


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

Approval:


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

Noted:


REYNALDO B. BARRA, PME
OIC Regional Director