



NOTICE OF VIOLATION

JAN 28 2022

DENR-PAB Case No. 08-00004-22-A

CJM TORRES SHELL SERVICE STATION PROJECT

Aviles & Bonifacio Sts., Brgy. Dist. 8, Ormoc City

Thru: **CARMEN JEAN TORRES-RAMA**
Managing Head

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: [Signature]
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 Environmental Monitoring and Enforcement Division – Water Air Quality Monitoring Section (EMED-WAQMS) last **12 November 2021**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating four (4) units Underground Fuel Storage Tanks with 24 kl and 16 kl capacities, without a valid Permit to Operate for Air Pollution Sources Installation since 12 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 **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

3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

Environmental Law	Permits		Date of Issue	Expiry Date
PD 1586	ECC1	ECC-RO8-1008-0105	09/07/2010	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	1 UGT with 24kL 4 UGTs with 16kL
Fuel Type & Quantity	Diesel and gasoline
Operating Capacity	
Control Facility	
Notes: UGTs as Fuel Storage	

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		/		PTO application was on process as to the time of inspection.
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:

- CJM Torres Shell Service Station Project of Carmen Jean Torres-Rama has been issued an Environmental Compliance Certificate, ECC-R08-1008-0105, on September 7, 2010 to be located in Aviles & Bonifacio Sts., Brgy. District 8 Ormoc City, Leyte.
- The gasoline station is operational since 2000. It has 4 filling machines with cashier booth, four (4) Underground Tanks with 24 kL and 16 kL capacities and one (1) 10 KVA generator set. No valid Permit to Operate presented for these air pollution sources (UGTs) during the time of inspection. Likewise, no application for PTO lodged online yet.
- ECC public notice was likewise posted.
- The Proponent is to submit its Compliance Monitoring Report semi-annually online.

Remarks and Recommendation:

- CJM Torres Shell Service Station Project of Carmen Jean Torres-Rama located in Brgy. District 8 Ormoc City is to be issued a **Notice of Violation** for operating Underground Fuel Storage Tanks without the valid Permit to Operate since the start of its operation until the time of inspection as 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 this IRR must have a valid Permit to Operate..."
- The Proponent is to submit its Compliance Monitoring Report semi-annually online.
- Permit to Operate for operating Underground Fuel Storage Tanks is to be secured in this Office.

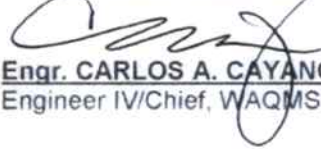
List of Documents Reviewed:

ECC Copy


Submitted by:


LEDANE JOY M. 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