



## NOTICE OF VIOLATION

MAR 18 2022

DENR-PAB Case No. 08-000019-22-A

### NAGA-NAGA PETRON GASOLINE STATION

Brgy. 71, Naga-naga, Tacloban City

Thru: **GILBERT GERNALE**  
Managing Head

**GERARDO M. GERNALE**  
Pollution Control Officer

ENVIRONMENTAL MANAGEMENT BUREAU  
RELEASED BY:   
DATE: 3/21/2022  
TIME: 2:01 PM

Sir/Madame:

This notice is being served upon you for alleged violation of the provisions 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) of this Office last **12 January 2021**.

### ACTS CONSTITUTING THE VIOLATION

| Finding/s  | Prohibited Act/s   |
|--|--|
| Operating five (5) units <b>underground tanks</b> , without the required <b>Permit to Operate</b> for Air Pollution Sources Installations since <b>12 January 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 **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: 1/12/2021Mission Order No.: EMBR8-2021-000399**1. GENERAL INFORMATION**

|  |                                     |  |
|--|-------------------------------------|--|
| Name of Establishment: <b>Naga-naga Petron Gasoline Station (Gerardo M. Gernale)</b> |                                     |  |
| Address: <b>Brgy. 71, Naga-naga, Tacloban City</b>                                   |                                     | Geo Coordinates:<br>11.2446, 124.98384 |
| Nature of Business: Retail of gasoline, diesel fuel                                  |                                     |  |
| PSIC Code: 4661  | Product: Gasoline, kerosene, diesel | Year Established: 1995                 |
| Operating hours/day: 7   | Operating days/week: 16             | Operating days/year:                   |

| Product Lines                                 | Production Rate as Declared in the ECC (unit/day) | Actual Production Rate (unit/day)      |
|---|---|--|
|   | N/A   |  |
| Name of Managing Head: <b>Gilbert Gernale</b> |   |  |
| Name of PCO: <b>Gerardo M. Gernale</b>        |   |  |
| PCO Accreditation No.:                        | <b>2015-RVIII-0070</b>                            | Date of Effectivity: <b>8/20/2015</b>  |
| Phone/Fax:                                    | <b>09266512462</b>                                | Email: <b>gilbertgernale@gmail.com</b> |

**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"/> 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 _____   | <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

|  |
|--|
| <input type="checkbox"/> Industrial Ecowatch                                 |
| <input type="checkbox"/> Philippine Environmental Partnership Program (PEPP) |
| <input type="checkbox"/> Pollution Adjudication Board (PAB)                  |
| <input type="checkbox"/> Others _____  |

☐ Others \_\_\_\_\_

|                        |                        |
|------------------------|------------------------|
| Name of Contact Person | <b>Gilbert Gernale</b> |
| Position / Designation | <b>Managing Head</b>   |



3. COMPLIANCE STATUS

3.1 DENR Permits/Licenses/Clearance

| Environmental Law | Permits                    |                   | Date of Issue | Expiry Date |
|-------------------|----------------------------|-------------------|---------------|-------------|
| PD 1586           | ECC1                       | ECC-R08-1808-0033 | 8/16/2018     |             |
|                   | 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.              |                      |
| Type (Brand/Model)               | Simoto generator set |
| Rated Capacity                   | 3.2 KW               |
| Fuel Type & Quantity             | Gasoline             |
| Operating Capacity               | Stand-by             |
| Control Facility                 |                      |
| Notes                            |                      |

| Emission Source Data Information |  |
|----------------------------------|--|
| Emission Source No.              |  |
| 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<br>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. Environmental Compliance Certificate with reference code ECC-R08-1808-0033 was issued on August 16, 2018 to Mr. Gerardo M. Gernale for the Naga-naga Petron Gasoline Project which covers an area of 496 square meters located at Brgy. 71, Naga-naga, Tacloban City, Leyte. The project has the following components/facilities:
  - a. Canopy with 3-units dispensing pump
  - b. 5 units underground tanks (45 KL total capacity) which is comprised of 3 units with 7KL capacity for gasoline, 1 unit 7 KL for kerosene and 1 unit of 15 KL capacity for diesel fuel.
  - c. Shop area, Store Space, Comfort rooms
  - d. Septic tank
  - e. Drainage system
2. The gasoline station was operating at the time of inspection.
3. The establishment has a stand-by 3.2 KW Simoto generator set used for power outages.

4. The establishment has two comfort rooms. One is located inside the shop area while the other is located outside which is open for public use. Proponent presented their water bill with a total consumption of 17 cubic meters from November 4, 2020 until December 1, 2020.
5. PCO of the gasoline station is Mr. Gerardo M. Gernale with the accreditation no. 2015-RVIII-0070 issued on August 20, 2015.
6. No CMR submission was received by the office.


Remarks and Recommendation:

1. It is recommended for the proponent to apply for Permit to Operate for the underground tanks.
2. PCO should apply for accreditation renewal.
3. For issuance of Notice of Violation for operating without valid Permit to Operate under RA 8749 or the "Philippine Clean Air Act of 1999."

List of Documents Reviewed:

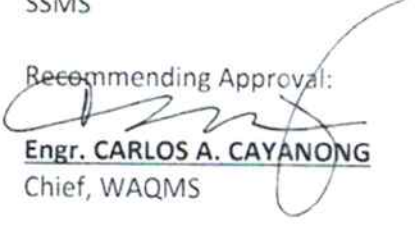
ECC

Submitted by:

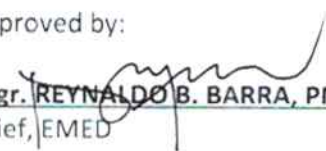
  
Engr. SARAHSTER A. ALEJANDRE  
SSMS

  
Engr. JANET T. POLEA  
Engineer IV

Recommending Approval:

  
Engr. CARLOS A. CAYANONG  
Chief, WAQMS

Approved by:

  
Engr. REYNALDO B. BARRA, PME  
Chief, EMED

Noted by:

  
LETECIA R. MACEDA  
Regional Director