



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

ENVIRONMENTAL MANAGEMENT BUREAU
RELEASED BY: 
DATE: 3/21/2022
TIME: 2:17PM

MAR 21 2022

DENR-PAB Case No. 08-000023-22-A

REPHIL GAS STATION (REPHIL ABAD SANTOS, INC.)
Brgy. 110 Utap, Tacloban City

Thru: **JAYSON MARTINEZ**
Managing Head

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) of this Office last **17 February 2022**.

ACTS CONSTITUTING THE VIOLATION

Finding/s	Prohibited Act/s
Operating three (3) units underground tanks (total of 59 KL), without the required Permit to Operate for Air Pollution Source and Control Installations since 17 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 **Twenty-Three Thousand Five Hundred Seventy-Nine and Forty-Eight Centavos (P23, 579.48) 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: **February 17, 2022**Mission Order No.: **EMBR8-2022-006109****1. GENERAL INFORMATION**

Name of Establishment: REPHIL GAS STATION (Rephil Station, Inc.-Proponent)		
Address: BRGY. 110, UTAP, TACLOBAN CITY		Geo Coordinates: 11.22768 N, 124.98993 E
Nature of Business: Retail of Gasoline, Diesel Fuel		
PSIC Code: 4661	Product: Gasoline, Kerosene, Diesel	Year Established:
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:	JAYSON MARTINEZ	
Name of PCO:	NONE	
PCO Accreditation No.:	N/A	Date of Effectivity: -
Phone/Fax:	0967-825-4045	Email: -

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 _____

Name of Contact Person	JAYSON MARTINEZ
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-R08-1302-0015	2/22/2013	
	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)	NONE
Rated Capacity	
Fuel Type & Quantity	One (1) UNIT Diesel; One (1) UNIT Regular, One (1) UNIT Premium
Operating Capacity	22 KL; 15 KL; 22 KL
Control Facility	
Notes UGT's	

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 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. This Office has issued Environmental Compliance Certificate with reference number: ECC-R08-1302-0015 to Rephil Dealers, Inc. for the proposed Rephil Refilling Station project to be located at Barangay 110, Utap, Tacloban City on June 29, 2015. The project has the following components/facilities:
 - a. Building (Office, Stock Room, Crew Quarters, CR)
 - b. Canopy
 - c. 3 units Dual Fuel Dispenser
 - d. Cashier Booth
 - e. 3 units Underground Tank
 - f. Generator Set
 - g. Septic Tank

h. Drainage System

- 2. **The gasoline station was operating at the time of inspection.**
- 3. The gasoline station has nine (9) dispensing pumps and three (3) underground tanks (total of 59 KL) which is comprised of: One (1) UNIT 22 KL for Diesel, One (1) UNIT 15 KL for Regular, and One (1) UNIT 22 KL for Premium.
- 4. No Standby Generator Set is present.
- 5. 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. Two comfort rooms were functional during inspection. The average daily water consumption is 24 m3/day.
- 6. The gasoline station is headed by their Station Supervisor, Mr. Jayson Martinez.
- 7. No CMR submission was received by the office.

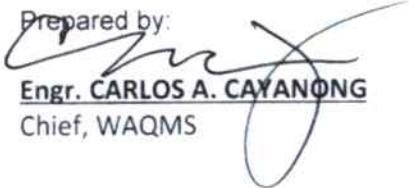
Remarks and Recommendation:

- It is recommended for the proponent to:
- 1. Apply for Discharge Permit for the comfort rooms.
 - 2. Designate an accredited Pollution Control Officer (PCO) for the gasoline station.
 - 3. For this office to issue Notice of Violation (NOV) to **REPHIL GAS STATION, Brgy. 110 Utap, Tacloban City** for failure to secure a Permit to Operate Air Pollution Source and Control Installation for **59 KL Underground Tanks, 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 to Section 1, Rule LVI of DAO No. 2000-81, and in relation further to PAB Resolution No. 01-2019.**


List of Documents Reviewed:

ECC

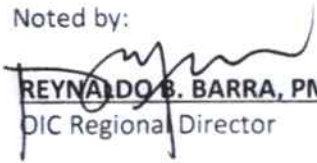
Prepared by:


Engr. CARLOS A. CAYANONG
Chief, WAQMS

Approved by:


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

Noted by:


REYNALDO B. BARRA, PME
OIC Regional Director