

NOTICE OF VIOLATION

MAR 18 2022

REPHIL REFILLING STATION
(REPHIL DEALERS, INC)
Brgy. 80, Marasbaras, Tacloban City

Thru: **MENCHIE ALONZO**
Managing Head

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 **17 February 2022**.

ACTS CONSTITUTING THE VIOLATION

| Finding/s | Prohibited Act/s |
|--|--|
| Operating three (3) units underground tanks (total of 54 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 (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 **Twenty-Three Thousand Five Hundred Pesos (P23,500.00) 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: **February 17, 2022**Mission Order No.: **EMBR8-2022-006109****1. GENERAL INFORMATION**

| | | |
|---|-------------------------------------|---|
| Name of Establishment: REPHIL REFILLING STATION (Rephil Dealers, Inc.-Proponent) | | |
| Address: BRGY. 80, MARASBARAS, TACLOBAN CITY | | Geo Coordinates: 11.235501 N, 124.991690 E |
| Nature of Business: Retail of Gasoline, Diesel Fuel | | |
| PSIC Code: 4661 | Product: Gasoline, Kerosene, Diesel | Year Established: 2016 |
| 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: | MENCHIE ALONZO | |
| Name of PCO: | NONE | |
| PCO Accreditation No.: | N/A | Date of Effectivity: - |
| Phone/Fax: | 0936-378-2815 | Email: mechiepdo@gmail.com |

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 | 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-R08-1506-0126 | 06/29/2015 | |
| | 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; 16 KL; 16 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 (ECC) with reference number: ECC-R08-1506-0126 to Rephil Dealers, Inc. for the proposed Rephil Refilling Station project to be located at Barangay 80, Marasbaras, Tacloban City on June 29, 2015. The project has the following components/facilities:
 - a. Building (Sales Office, T&B, Locker, Electrical Room)
 - b. Canopy with Cashier Booth
 - c. Dual Fuel Dispenser
 - d. Underground Tank
 - e. Oil and Water Separator
 - f. Generator Set
 - g. Septic Tank
 - h. Solid Waste Mgt. Facility

i. 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 54 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, Ms. Menchie Alonzo.
7. No CMR submission was received by the office.

Remarks and Recommendation:

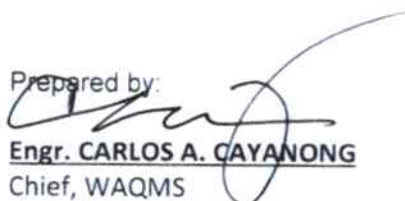
It is recommended for the proponent to:

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 REFILLING STATION, Brgy. 80 Marasbaras, Tacloban City** for failure to secure a Permit to Operate Air Pollution Source and Control Installation for **54 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