

**STATE OF HAWAII
DEPARTMENT OF HEALTH
CLEAN AIR BRANCH
NOTICE AND FINDING OF VIOLATION**

TO: Puna Geothermal Venture P.O. Box 30 Pahoa, Hawaii 96778 <p style="text-align: center;">RESPONDENT</p>	NFVO No. 14-CA-EO-11 <i>(Please write this NFVO number on all correspondence)</i> Re: Noncovered Source Permit (NSP) No. 0008-02-N Property/Facility: 14-3860 Kapoho-Pahoa Road Pahoa, Hawaii
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR"), and NSP No. 0008-02-N, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on records reviews of excess emissions reports submitted to the DOH by the RESPONDENT, as well as DOH inspections of the facility, the DOH finds the following violations alleged below and the DOH may bring other cases for other violations. This case deals only with the violations alleged below, and the DOH may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

Statutes/Rules	HRS, §342B-11, HAR, §11-60.1-2, and NSP No. 0008-02-N
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Nature of the Violation	1) Attachment I, Standard Condition 5, and Attachment IIB, Section C, Special Condition 6: On August 7, 2014, from approximately 7:25 p.m. to 9:18 p.m., a failure of the Pressure Release Valve (PRV) servicing the KS-9 well resulted in accumulated wellhead gas or geothermal fluid being released into the atmosphere without first passing through a hydrogen sulfide abatement system. This unabated release resulted in 39 pounds of H ₂ S being released into the atmosphere. 2) Attachment I, Standard Condition 16: Failed to submit a written report for the unabated H ₂ S release from the PRV servicing the KS-9 well within five (5) working days of the initial notification. The written report was submitted late on August 28, 2014, nine (9) days after the August 14, 2014, due date. 3) Attachment IIA, Section C, Special Condition 4 and Attachment IIB, Section D, Special Condition D.1: Failed to operate and maintain three (3) meteorological monitoring stations and three (3) ambient air quality monitoring stations for H ₂ S from August 7, 2014, to August 14, 2014.
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The facts of this case and the law justify the following order.

ORDER

You are ordered to:

1. Take corrective action within twenty (20) days after the receipt of this Order, to prevent further violations, if RESPONDENT has not already done so.
2. Within twenty (20) days after the receipt of this Order, notify the DOH of the corrective actions taken.
3. Pay an administrative penalty of **TWENTY-THREE THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$23,700.00)** for the above violations. **Within 20 days after the receipt of the NoVO**, send a certified check to: Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. The **check should be made payable to the "State of Hawaii" and include the NFVO reference number stated above.**

This NOVO becomes final and enforceable, and the penalty becomes due and payable 20 days after your receipt of this NOVO unless before the 20 days expire, you submit a **written** request for a hearing to the Hearings Officer, Department of Health, 1250 Punchbowl Street, Third Floor, Honolulu, Hawaii 96813 **and** to the Clean Air Branch, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801. In the request, include a copy of the NOVO. At a hearing, you may seek to avoid any penalty, and the DOH may seek the maximum penalty of Ten Thousand Dollars (\$10,000) per day, per violation of open burning control rules and Twenty-Five Thousand Dollars (\$25,000) per day, per violation of rules other than vehicular smoke emission control and open burning control rules. Parties may present evidence and witnesses on their behalf, and may examine and cross-examine all witnesses and evidence presented by the DOH. Parties may be represented by lawyers at their own expense, or they may represent themselves. Any hearing will follow HRS, Chapters 91 and 342B, and the DOH Rules of Practice and Procedure. After a hearing, the Director of Health or her appointee will decide the actual administrative penalty, which may be more or less than the penalty in this Order, or no penalty at all. If you have questions, please call Ms. Jill Stensrud, Supervisor of the Compliance and Enforcement Section, Clean Air Branch, at (808) 586-4200.

If you have special needs due to a disability that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least ten (10) working days before the hearing or pre-hearing conference date.


 GARY GILL
 Deputy Director
 for Environmental Health

JAN - 7 2015

Date


 Approved as to form by:
 William F. Cooper
 Deputy Attorney General