

IN THE DEPARTMENT OF HEALTH

15-807C&E CAB

STATE OF HAWAII

DEPARTMENT OF HEALTH,)	DOCKET NO. 15-CA-EO-04
STATE OF HAWAII,)	
)	
Complainant,)	
)	
vs.)	
)	CERTIFICATE OF SERVICE
HAWAIIAN COMMERCIAL & SUGAR COMPANY)	
A DIVISION OF ALEXANDER & BALDWIN, INC.,)	
)	
Respondent)	
)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served the documents listed herein by mailing, via certified mail, return receipt requested (#7014 3490 0001 8105 5709), on this date, a copy of the following documents to the person named below at the address indicated.

DOCUMENTS:

1. Notice and Finding of Violation
2. Order

PERSON SERVED AND ADDRESS:

Mr. Rick W. Volner, Jr.
Plantation General Manager
Hawaiian Commercial & Sugar Company
A Division of Alexander & Baldwin, Inc.
P.O. Box 266
Puunene, Maui, Hawaii 96784

DATED: Honolulu, Hawaii, JAN 15 2016



 NOLAN S. HIRAI, P.E.
 Manager, Clean Air Branch

c: Deputy Attorney General, State of Hawaii

CERTIFICATION

I hereby certify that the attached copies are correct copies of the following documents:

1. Notice and Finding of Violation and Order in Docket No. 15-CA-EO-04, and
2. Certificate of Service,

and that with respect to the above-described documents, I am authorized to make this certification.

DATED: Honolulu, Hawaii, JAN 15 2016

ATTEST:



NOLAN S. HIRAI, P.E.
Manager, Clean Air Branch

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

<p>TO:</p> <p>Hawaiian Commercial & Sugar Company A Division of Alexander & Baldwin, Inc. P.O. Box 266 Puunene, Maui, Hawaii 96784</p> <p style="text-align: center;">RESPONDENT</p>	<p>NOVO No. 15-CA-EO-04 <i>(Please write this NFVO number on all correspondence)</i></p> <p>Re: Agricultural Burning Permit (AGP) No. AGP-15-005P</p> <p>Property/Facility: Puunene, Maui</p>
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, and AGP No. 15-005P, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on a review of deviation reports submitted to the DOH by the facility, the DOH finds the following violation(s) alleged below. 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 AGP No. AGP-15-005P
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Nature of the Violation	<p>RESPONDENT violated the following conditions of AGP Permit No. AGP-15-005P:</p> <ol style="list-style-type: none"> 1. Condition 6, Exhibit 1, Section B(1): Failed to continue monitoring and recording observations of the May 27, 2015, burning of Field 416 until all visible smoke passed overhead beyond public areas or out to sea and any ground level visible smoke that impacts public areas were dissipated. 2. Condition 12: Failed to submit a written report to the DOH within five (5) working days after the deviation you reported regarding the burning of Field 416 on May 27, 2015. The report was submitted late on June 23, 2015, sixteen (16) working days after the June 3, 2015, due date. 3. Condition 6, Exhibit 1, Section A(5): Failed to refrain from burning Field 500 on June 13, 2015, when the Western Weather Group's (WWG) HC&S Maui Weather & Dispersion Forecast predicted fair/poor dispersion during the scheduled burn time. 4. Condition 11: Exceeded a Public Impact Code of 3 on July 25, 2015. The DOH's Paia monitoring station recorded a one-hour (1-hour) average PM_{2.5} reading of 284 µg/m³ for the 4:00 a.m. to 5:00 a.m. time period exceeding the permitted one-hour (1-hour) average ambient air concentration of fine particulate matter (PM_{2.5}) limit of 115 µg/m³ as described in Exhibit 1, Section C(3)(c) and Exhibit 1, Attachment 1f. 5. Condition 11, Exhibit 1, Section B(1)(f)(iv): Failed to record the period of time in the "Min. Visual Impairment" box of the Burn Monitor Log that visibility of five hundred (500) feet or less was observed on July 25, 2015, for the burn of Field 204 at 4:40 a.m.
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The facts of this case and the law justify the following order.

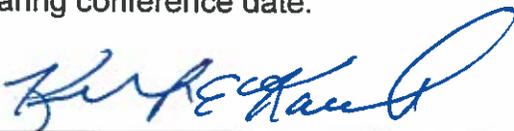
ORDER

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 **EIGHT THOUSAND THREE HUNDRED DOLLARS AND NO CENTS (\$8,300.00)** 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 NOVO 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 Twenty-Five Thousand Dollars (\$25,000) per day, per violation. 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.



KEITH E. KAWAOKA, D. Env., Deputy Director
Environmental Health Administration

JAN 15 2016

Date



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