

**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>NFVO No. 14-CA-EO-01 <i>(Please write this NFVO number on all correspondence)</i></p> <p>Re: Permit to Operate (PTO) No. P-783-1586, Authority to Construct (ATC) No. A-1128-1042, PTO No. P-605-1584, PTO No. P-40-1585, Code of Federal Regulations (CFR) Part 60, Subpart D §60.42, Hawaii Administrative Rules (HAR) §11-60.1-15(a), HAR §11-60.1-16(a), HAR §11-60.1-16(b), and HAR §11-60.1-32(b)</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, HAR §11-60.1-15(a), HAR §11-60.1-16(a), HAR §11-60.1-16(b), HAR §11-60.1-32(b), PTO No. P-783-1586, ATC No. A-1128-1042, PTO No. P-605-1584, PTO No. P-40-1585, and CFR Part 60, Subpart D §60.42, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NFVO"). Based on records reviews of semi-annual reports, deviation letters, and additional information submitted to the DOH by the RESPONDENT, 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, HAR §11-60.1-15(a), HAR §11-60.1-16(a), HAR §11-60.1-16(b), HAR §11-60.1-32(b), PTO No. P-783-1586, ATC No. A-1128-1042, PTO No. P-605-1584, PTO No. P-40-1585, and CFR Part 60, Subpart D §60.42.
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Nature of the Violation	<p>Based on semi-annual reports, deviation letters, and additional information submitted to the DOH by the RESPONDENT, violations of:</p> <ol style="list-style-type: none"> 1) HAR §11-60.1-15(a) are listed in Attachment I; 2) HAR §11-60.1-16(a) are listed in Attachment II; 3) HAR §11-60.1-16(b) are listed in Attachment III; and 4) HAR §11-60.1-32(b), PTO No. P-783-1586, ATC No. A-1128-1042, PTO No. P-605-1584, PTO No. P-40-1585, and CFR Part 60, Subpart D §60.42 are listed in Attachment IV.
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The facts of this case and the law justify the following order.

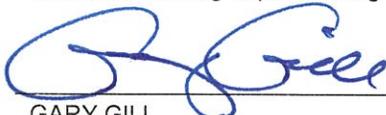
ORDER

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 **ONE MILLION THREE HUNDRED THIRTY-FIVE THOUSAND DOLLARS AND NO CENTS (\$1,335,000.00)** for the above violations. **Within 20 days after the receipt of the NFVO, 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 NFVO becomes final and enforceable, and the penalty becomes due and payable 20 days after your receipt of this NFVO 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 NFVO. 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.

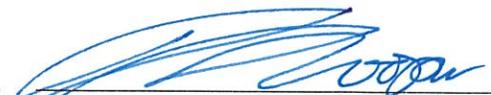
If you have special needs due to a disability that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least ten (10) working days before the hearing or pre-hearing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



GARY GILL
Deputy Director
for Environmental Health

JUN 18 2014

Date



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