

STATE OF HAWAII

DEPARTMENT OF HEALTH,  
STATE OF HAWAII,

Complainant,

vs.

LUDWIG CONSTRUCTION, INC.,

Respondent

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DOCKET NO. 17-CA-EO-01

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I served the documents listed herein by mailing, via certified mail, return receipt requested (#7018 0040 0000 8040 5593), 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. Herman Ludwig  
President  
Ludwig Construction, Inc.  
16-211 Mikahala Street  
Keaau, Hawaii 96749

DATED: Honolulu, Hawaii,

OCT 22 2018



MARIANNE ROSSIO, P.E.  
Manager, Clean Air Branch

c: Deputy Attorney General, State of Hawaii  
U.S. EPA, Region IX, Air & TRI Section (Enf 2-1), Enforcement Division

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. 17-CA-EO-01, and
2. Certificate of Service,

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

DATED: Honolulu, Hawaii, OCT 22 2018

ATTEST:



MARIANNE ROSSIO, P.E.  
Manager, Clean Air Branch

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

<b>TO:</b>  Ludwig Construction, Inc. 16-211 Mikahala Street Keaau, Hawaii 96749  <p style="text-align: center;"><b>RESPONDENT</b></p>	<b>NOVO No. 17-CA-EO-01</b> <i>(Please write this NOVO number on all correspondence)</i>  <b>Re: Temporary Covered Source Permit ("CSP") No. 0754-01-CT</b>  <b>Property/Facility: 400 TPH Mobile Crushing Plant</b>
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, and Temporary CSP No. 0754-01-CT, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on a records review, 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.

<b>Statutes/Rules</b>	HRS, §342B-11, HAR §11-60.1-2, and Temporary CSP No. 0754-01-CT
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<b>Nature of the Violation</b>	<ol style="list-style-type: none"> <li>1) Attachment I, Standard Condition 25: Failed to submit a permit renewal application to the Department of Health and the U.S. EPA, Region 9, a minimum of twelve (12) months prior to the permit expiration date of May 13, 2017. The application was submitted late on July 12, 2016, sixty (60) days after the due date of May 13, 2016.</li> <li>2) Attachment II, Section E, Special Condition 4: Failed to submit the semi-annual monitoring report within sixty (60) days after the end of the semi-annual calendar period:             <ol style="list-style-type: none"> <li>a) January to June 2016 report was not submitted; and</li> <li>b) January to June 2017 report was submitted late on October 4, 2017, thirty-six (36) days after the due date of August 29, 2017.</li> </ol> </li> <li>3) Attachment II, Section F, Special Condition 1: Failed to conduct an annual performance test on the crushing plant equipment for calendar years 2015 and 2016.</li> </ol>
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The facts of this case and the law justify the following order.

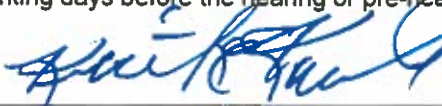
**ORDER**

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 SIX HUNDRED DOLLARS AND NO CENTS (\$8,600.00)** 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.




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

**OCT 22 2018**

Date



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