

IN THE DEPARTMENT OF HEALTH

18-666C&E CAB

STATE OF HAWAII

DEPARTMENT OF HEALTH,)	DOCKET NO. 16-CA-EO-13
STATE OF HAWAII,)	
)	
Complainant,)	
)	
vs.)	
)	CERTIFICATE OF SERVICE
PUNA GEOTHERMAL VENTURE,)	
)	
Respondent)	
)	

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 5715), 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. Mike McVey
Plant Manager
Puna Geothermal Venture
P.O. Box 30
Pahoa, Hawaii 96778

DATED: Honolulu, Hawaii, OCT 22 2018



 MARIANNE ROSSIO, 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. 16-CA-EO-13, 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**

TO: Puna Geothermal Venture P.O. box 30 Pahoa, Hawaii 96778 <p style="text-align: center;">RESPONDENT</p>	NOVO No. 16-CA-EO-13 <i>(Please write this NOVO 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") §11-60.1-2, 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 incident reports submitted to the DOH by RESPONDENT, as well as DOH inspections of 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 NSP No. 0008-02-N
Nature of the Violation	RESPONDENT violated the conditions of NSP No. 0008-02-N listed in Attachment 1.

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 **ELEVEN THOUSAND ONE HUNDRED DOLLARS AND NO CENTS (\$11,100.00)** 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 for Environmental Health

OCT 22 2018
 Date


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

Notice and Finding of Violation and Order
NOVO No. 16-CA-EO-13

Attachment 1

RESPONDENT violated the following conditions of NSP No. 0008-02-N:

- 1) Attachment IIA, Section C, Special Condition 4: Failed to meet the 75 percent completeness in each calendar quarter requirement found in the U.S. Code of Federal Regulations Title 40, Part 50, §50.4 (d):
 - a) Completeness at Station A, for the fourth quarter of 2016 was 64 percent; and
 - b) Completeness at Station B, for the first quarter of 2017 was 30 percent.
- 2) Attachment I, Standard Condition 5 and Attachment IIB, Section C, Special Condition 5: Failed to maintain and ensure the Emergency Steam Release Facility (ESRF) was fully operational on September 29, 2016. The ESRF became fully inoperable after a one-inch (1-inch) vent detached from production well KS-13 expansion loop.
- 3) Attachment IIB, Section C, Special Condition 6: Failed to prevent accumulated wellhead gas or any other geothermal fluid to be discharged into the atmosphere without first being directed through a hydrogen sulfide abatement system. Due to the failure of the ESRF on September 29, 2016, the pressure release valve (PRV) servicing production wells KS-5 and KS-6 released accumulated wellhead gas or geothermal fluid into the atmosphere without first being directed through a hydrogen sulfide abatement system.
- 4) Attachment IIB, Section C, Special Condition 6: Failed to prevent accumulated wellhead gas or any other geothermal fluid to be discharged into the atmosphere without first being directed through a hydrogen sulfide abatement system. Due to the failure of a wellhead control valve on October 3, 2016, the PRV servicing production well KS-14 released accumulated wellhead gas or geothermal fluid into the atmosphere without first being directed through a hydrogen sulfide abatement system.
- 5) Attachment IIB, Section E, Special Condition 2: Failed to notify DOH in writing within two (2) working days after the completion of drilling production well KS-16.
- 6) Attachment IIB, Section E, Special Condition 10.b: Failed to submit the semi-annual monitoring report form, "Fuel Certification," to DOH within sixty (60) days after the end of the following semi-annual periods:
 - a) January to June 2014;
 - b) July to December 2014; and
 - c) July to December 2015.
- 7) Attachment IIB, Section F, Special Condition 2: Failed to submit the following samples for analyses to a qualified laboratory within five (5) working days after obtaining the samples:
 - a) Production wells KS-6 and KS-9: Samples were submitted late on October 12, 2015, seven (7) working days after the collection date of October 1, 2015;

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Attachment 1

- b) Production wells KS-5 and KS-16: Samples were submitted late on October 12, 2015, six (6) working days after the collection date of October 2, 2015; and
 - c) Production well KS-14: Samples were submitted late on October 12, 2015, six (6) working days after the collection date of October 4, 2015.
- 8) Attachment IIB, Section F, Special Condition 2: Failed to submit the resampling results for production well KS-5 to the DOH within five (5) working days after receiving the results from a qualified laboratory. The results were submitted late on May 3, 2016, twelve (12) working days after the collection date of April 15, 2016.
- 9) Attachment IIB, Section F, Special Condition 2: Failed to resample production well KS-6 within six (6) months after the October 1, 2015, test results indicated a hydrogen sulfide concentration deviation greater than ten percent (10%) of the initial well test measurement.
- 10) Attachment IIB, Section F, Special Condition 2: Failed to sample production well KS-10 in calendar year 2014.