IN THE DEPARTMENT OF HEALTH

18-665C&E CAB

STATE OF HAWAII

DEPARTMENT OF HEALTH, STATE OF HAWAII, Complainant, vs. AES HAWAII, INC., Respondent	)))))))))))	DOCKET NO. 17-CA-EO-02 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 5661), 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. Steven Barnoski
Plant Manager
AES Hawaii, Inc.
91-086 Kaomi Loop
Kapolei, Hawaii 96707

DATED: Honolulu, Hawaii, OCT 29 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-02, 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 29 2018

ATTEST:

Marianne Rossio

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

STATE OF HAWAII
DEPARTMENT OF HEALTH
CLEAN AIR BRANCH

NOTICE AND FINDING OF VIOLATION

TO:	NOVO No. 17-CA-EO-02
AES Hawaii, Inc. 91-086 Kaomi Loop Kapolei, Hawaii 96707 RESPONDENT	*(Please write this NOVO number on all correspondence)* Re: Covered Source Permit ("CSP") No. 0087-02-C Property/Facility: 203 MW Coal-Fired Cogeneration Plant

Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, and CSP No. 0087-02-C, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on a records review 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 CSP No. 0087-02-C

Nature of the Violation	Attachment IIA, Section C, Special Condition 10: Exceeded the three-hour (3-hour) average Hydrogen Chloride (HCL) maximum emission limit of 0.002 lb/MMBtu. On May 25, 2016, Boiler B emitted three-hour (3-hour) average emissions of 0.00351 lb/MMBtu.

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 **NINE THOUSAND FOUR HUNDRED DOLLARS AND NO CENTS ($9,400.00)** 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 29 2018
Date

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