

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

<b>TO:</b>  Edwin DeLuz Trucking & Gravel, LLC P.O. Box 9 Kamuela, Hawaii 96743  <p style="text-align: center;">RESPONDENT</p>	<b>NOVO No. 18-CA-EO-01</b> <i>(Please write this NOVO number on all correspondence)</i>  Re: 1) Covered Source Permit (CSP) No. 0454-01-C 2) Noncovered Source Permit (NSP) No. 0360-01-N  Property/Facility: 1) 750 TPH Stone Quarrying and Processing Plant, Kapoaula, Hawaii 2) 660 TPH Crushing and Screening Plant, South Kohala, Hawaii
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, CSP No. 0454-01-C, and NSP No. 0360-01-N, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on inspections and records reviews of the permitting equipment at the locations listed above, 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, CSP No. 0454-01-C, and NSP No. 0360-01-N.
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<b>Nature of the Violation</b>	1) <u>CSP No. 0454-01-C:</u> a) Attachment I, Standard Condition 6: Failed to construct and operate the plant in accordance with the application for the CSP. b) Attachment II, Section C, Special Condition 5.b: Failed to install, operate, and maintain the water pressure gauge. c) Attachment II, Section C, Special Condition 5.c: Failed to maintain the water spray system in good operating condition; and d) Attachment III: Failed to submit the annual fee within sixty (60) days after the end of the 2016 calendar year.  2) <u>NSP No. 0360-01-N:</u> a) Attachment II, Section B, Special Condition 3: Failed to utilize the diesel engine generator listed in the permit for the crushing and screening plant; and b) Attachment II, Section B, Special Condition 11: Failed to maintain the water spray system in good operating condition.
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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 the outstanding annual fee of **FIVE HUNDRED DOLLARS AND NO CENTS (\$500.00)** for calendar year 2016 **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 "Clean Air Special Fund - COV" and include the NOVO reference number stated above.
4. Pay an administrative penalty of **SIX THOUSAND THREE HUNDRED DOLLARS AND NO CENTS (\$6,300.00)** 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 designated 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

**JUN - 6 2019**  
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 Date

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