

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

TO: Kauai Island Utility Cooperative 4463 Pahee Street, Suite 1 Lihue, Hawaii 96766-2032 <p style="text-align: center;">RESPONDENT</p>	NOVO No. 18-CA-EO-05 <i>(Please write this NOVO number on all correspondence)</i> Re: Covered Source Permit (CSP) No. 0452-01-C Property/Facility: Kapaia Power Station One (1) 27.5 MW Combustion Turbine Generator with Heat Recovery Steam Generator and One (1) 600 kW Black Start Diesel Engine Generator
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, and CSP No. 0452-01-C, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on records review of deviation reports 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, and CSP No. 0452-01-C
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Nature of the Violation	1) Attachment II, Section C, Special Condition 1.a.2): Exceeded the twenty-five (25) minute shutdown time limit for the combustion turbine generator on June 25, 2017, at 22:56 by twelve (12) minutes. 2) Attachment II, Section C, Special Condition 1.e.2): Exceeded the permit limits of nitrogen oxides (NO _x as NO ₂) and carbon monoxide (CO) as follows:																																			
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Date of Violation</th> <th style="width: 10%;">Time of Violation</th> <th style="width: 10%;">Pollutant</th> <th style="width: 20%;">Reported Emission</th> <th style="width: 30%;">Maximum Emission Limit (3-hour Average)</th> </tr> </thead> <tbody> <tr> <td>Sept. 12, 2017</td> <td>02:00</td> <td>NO₂</td> <td>13.79 lbs/hr</td> <td>12.92 lbs/hr</td> </tr> <tr> <td>Sept. 14, 2017</td> <td>16:45</td> <td>CO</td> <td>55.21 lbs/hr</td> <td>47.16 lbs/hr</td> </tr> <tr> <td>Feb. 2, 2018</td> <td>17:00</td> <td>NO₂</td> <td>13.15 lbs/hr</td> <td>12.92 lbs/hr</td> </tr> <tr> <td>Feb. 15, 2018</td> <td>16:16</td> <td>NO₂</td> <td>32.89 lbs/hr</td> <td>12.92 lbs/hr</td> </tr> <tr> <td>Feb. 15, 2018</td> <td>16:16</td> <td>NO₂</td> <td>79 ppmvd @ 15 % O₂</td> <td>15 ppmvd @ 15 % O₂</td> </tr> <tr> <td>October 25, 2018</td> <td>07:18</td> <td>NO₂</td> <td>13.29 lbs/hr</td> <td>12.92 lbs/hr</td> </tr> </tbody> </table>	Date of Violation	Time of Violation	Pollutant	Reported Emission	Maximum Emission Limit (3-hour Average)	Sept. 12, 2017	02:00	NO ₂	13.79 lbs/hr	12.92 lbs/hr	Sept. 14, 2017	16:45	CO	55.21 lbs/hr	47.16 lbs/hr	Feb. 2, 2018	17:00	NO ₂	13.15 lbs/hr	12.92 lbs/hr	Feb. 15, 2018	16:16	NO ₂	32.89 lbs/hr	12.92 lbs/hr	Feb. 15, 2018	16:16	NO ₂	79 ppmvd @ 15 % O ₂	15 ppmvd @ 15 % O ₂	October 25, 2018	07:18	NO ₂	13.29 lbs/hr	12.92 lbs/hr
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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 **TWENTY TWO THOUSAND EIGHT HUNDRED DOLLARS AND NO CENTS (\$22,800.00)** 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

JUL 11 2019

 Date



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