

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

TO: Covanta Honolulu Resource Recovery Venture 91-174 Hanua Street Kapolei, Hawaii 96707 <p style="text-align: center;">RESPONDENT</p>	NOVO No. 18-CA-EO-03 <i>(Please write this NOVO number on all correspondence)</i> Re: Covered Source Permit (CSP) Nos. 0255-01-C and 0255-02-C Property/Facility: H-POWER Refuse Derived Fuel Facility Two (2) 854 TPD Municipal Waste Combustor Boilers H-POWER Mass-Burn Facility
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, HAR §11-60.1-161, and CSP Nos. 0255-01-C and 0255-02-C, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on records reviews of source 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, HAR §11-60.1-161, and CSP Nos. 0255-01-C and 0255-02-C.
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Nature of the Violation	<p>CSP No. 0255-01-C:</p> <p>1) Attachment II, Section C, Special Condition 10: Exceeded the 85,000 ppm permit limit of the total dissolved solids (TDS) content of the recirculation water from the five-cell cooling tower with the TDS results on the following dates:</p> <p style="margin-left: 20px;">a) July 19, 2018 at 9:30 a.m., CT-1, exceedance was reported as 104,000 ppm; b) August 2, 2018 at 10:00 a.m., CT-1, exceedance was reported as 112,000; and c) August 13, 2018 at 12:15 p.m., CT-1, exceedance was reported as 95,400 ppm.</p> <p>CSP No. 0255-02-C:</p> <p>2) Attachment II, Section C, Special Condition 4.b: Failed to keep all air pollution controls (i.e., internal gas recirculation fan, carbon feeder) fully functional and operational at all times for combusting municipal solid waste on the following dates:</p> <p style="margin-left: 20px;">a) December 5, 2017 to December 8, 2017 was reported as 78.7 hours; b) March 16, 2018 to March 17, 2018 was reported as 35.1 hours; and c) July 31, 2018 to August 1, 2018 was reported as 13.5 hours.</p> <p>3) Attachment II, Section C, Special Condition 11.a: Exceeded the 85,000 ppm permit limit of the total dissolved solids (TDS) content of the recirculation water from the two (2)-cell cooling tower with the following dates and results:</p> <p style="margin-left: 20px;">a) May 10, 2018 at 11:30 a.m., CT-2, exceedance was reported as 93,600 ppm; b) May 15, 2018 at 11:30 a.m., CT-2, exceedance was reported as 92,100 ppm; c) May 29, 2018 at 11:30 a.m., CT-2, exceedance was reported as 86,400 ppm; and d) July 19, 2018 at 9:30 a.m., CT-2, exceedance was reported as 87,700 ppm.</p>
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The facts of this case and the law justify the following order.

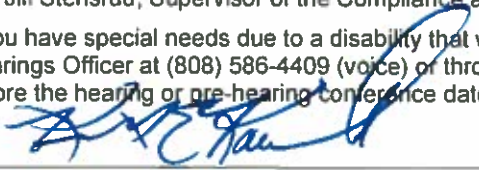
ORDER

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 **NINETEEN THOUSAND SEVEN HUNDRED DOLLARS AND NO CENTS (\$19,700.00)** 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.


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

DEC 30 2019
 Date


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