

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

<p>TO:</p> <p>Mauna Loa Macadamia Nut Corporation A Subsidiary of Hawaiian Host, Inc. 16-701 Macadamia Road Keaau, Hawaii 96749-8020</p> <p style="text-align: center;">RESPONDENT</p>	<p>NOVO No. 21-CA-EO-01 <i>(Please write this NOVO number on all correspondence)</i></p> <p>Re: Covered Source Permit (CSP) No. 0317-02-C</p> <p>Property/Facility: Biomass and Used Oil Fired Main Boiler, Fired Back-Up Boiler, and Two (2) Diesel Engine Generators</p>
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Under Hawaii Revised Statutes ("HRS"), §342B-11, Hawaii Administrative Rules ("HAR") §11-60.1-2, and CSP No. 0317-02-C, the Department of Health, Clean Air Branch ("DOH"), issues this Notice and Finding of Violation and Order ("NOVO"). Based on record reviews of reports submitted to the DOH by the RESPONDENT and annual 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 CSP No. 0317-02-C.
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Nature of the Violation	<ol style="list-style-type: none"> 1) Attachment IIA, Section C, Special Condition 1.k: Failed to conduct a tune-up of the back-up boiler no more than twenty-five (25) months after the previous tune-up on December 17, 2018. The tune-up was done in August 2021, seven (7) months after the due date of January 2021. 2) Attachment IIA, Section E, Special Condition 2.a: Failed to submit the 2020 annual emissions report for the boilers within sixty (60) days after the end of the calendar year. The report was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021. 3) Attachment IIA, Section E, Special Condition 3.a.: Failed to submit the July – December 2020 semi-annual report for the boilers within sixty (60) days after the end of the semi-annual calendar period: <ol style="list-style-type: none"> a) The report for the boilers was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021. b) The report for opacity exceedances was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021 4) Attachment IIA, Section E, Special Condition 9.b: Failed to submit the 2020 compliance certification for the boilers within sixty (60) days after the end of the calendar year. The report was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021: 5) Attachment IIB, Section C, Special Condition 2.a.i: Exceeded the twelve (12) consecutive months of operation of the temporary replacement diesel engine generator (DEG): <ol style="list-style-type: none"> a) DEG, Serial No. 06RE300912 operated from October 2017 to August 2020, twenty-one (21) months from October 2018. b) DEG, Serial No. 06RE301114 operated from October 2018 to present, twenty-one (21) months from October 2019. 6) Attachment IIB, Section E, Special Condition 3.a: Failed to submit the 2020 annual emissions report for the DEG within sixty (60) days after the end of the calendar year. The report was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021. 7) Attachment IIB, Section E, Special Condition 4: Failed to submit the July – December 2020 semi-annual report for the DEG within sixty (60) days after the end of the semi-annual calendar period: <ol style="list-style-type: none"> a) The report for the DEG was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021. b) The report for opacity exceedances was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021. 8) Attachment IIB, Section E, Special Condition 5.b: Failed to submit the 2020 compliance certification for the DEG within sixty (60) days after the end of the calendar year. The report was submitted late on July 26, 2021, one hundred forty-six (146) days after the due date of March 1, 2021. 9) Attachment IIB, Section E, Special Condition 6.a: Failed to submit a written request and receive prior written approval from Clean Air Branch before exchanging the permitted DEGs with temporary replacement units
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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-EIGHT THOUSAND THREE HUNDRED DOLLARS AND NO CENTS (\$28,300.00)** 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 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.

Kathleen Ho

KATHLEEN S. HO
Deputy Director for Environmental Health

JUL 25 2022

Date

Lyle T. Leonard

Approved as to form by:
Lyle T. Leonard
Deputy Attorney General