

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

<p>TO:</p> <p>David Ostermann The Slop Man, LLC 47-816 Kamehameha Highway Kaneohe, Hawaii 96744</p> <p style="text-align: center;">RESPONDENT</p>	<p>NOVO No. 23-CA-EO-02 <i>(Please write this NOVO number on all correspondence)</i></p> <p>Re: Complaint No. OA-2023-3152</p> <p>Property/Facility: 48-438 Waiahole Valley South Branch Road Kaneohe, Hawaii 96744</p>
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Under Hawaii Revised Statutes (“HRS”), §342B-11, Hawaii Administrative Rules (“HAR”) §11-60.1-2 and HAR §11-60.1-52(a), the Department of Health, Clean Air Branch (“DOH”), issues this Notice and Finding of Violation and Order (“NOVO”). Based on a complaint investigation conducted on February 28, 2023, and a review of Honolulu Fire Department’s Incident Report No. 2023-0004435, 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 HAR §11-60.1-52(a)
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Nature of the Violation	Illegal open burning of food waste and pallets was conducted at The Slop Man farm located at 48-438 Waiahole Valley South Branch Road, Kaneohe, Hawaii at approximately 6:30 p.m. on January 19, 2023.
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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 **FOUR THOUSAND THREE HUNDRED DOLLARS AND NO CENTS (\$4,300.00)** 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 Mr. David Wong, 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

Lyle T. Leonard

KATHLEEN S. HO
Deputy Director for Environmental Health

Date

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