



DEPARTMENT OF HEALTH

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Hawaii Department of Health fines Big Island Dairy for water pollution violations and requires additional regulatory measures to ensure protection of state waters

HONOLULU – The Hawaii State Department of Health (DOH) has issued a Notice of Violation and Order to Big Island Dairy, LLC for the unlawful discharge of wastewater from the dairy's Concentrated Animal Feedlot Operations (CAFO), located in O'okala on Hawaii Island, to Kaohaoha Gulch.

The DOH has ordered Big Island Dairy, LLC to immediately cease discharging wastewater to state waters, pay a penalty of \$25,000 to the state, and take corrective actions to prevent future unlawful discharges from the dairy to state waters. Further, the dairy is required to apply to DOH for a National Pollutant Discharge Elimination System (NPDES) permit required under the Federal Clean Water Act, and State of Hawaii water pollution laws. Additional DOH oversight of other past and current dairy issues is continuing.

"Big Island Dairy will immediately cease illegal discharges and pay a penalty fee for violating environmental laws," said Keith Kawaoka, DOH deputy director of Environmental Health. "Food production and environmental protection are not competing interests, and through this enforcement action and future permitting efforts, DOH will seek mutually beneficial results for the dairy, O'okala community, and greater State of Hawaii."

On March 28-29, 2017, the DOH conducted an inspection of the dairy and Kaohaoha Gulch based on information provided by community leaders. During the inspection, DOH found clear

evidence of an unlawful discharge of wastewater from the dairy's field irrigation practices. The discharge was composed of animal wastewater, biosolids and dirt.

Requirement for an NPDES Permit Authorizing the Discharge to State waters

Under the federal Clean Water Act and state water pollution laws, a dairy with 700 or more mature milking cows which operates as a CAFO and discharges is required to obtain and comply with an NPDES permit. NPDES permits regulate the discharges from the dairy to state and federal waters by requiring implementation of pollution reducing practices and compliance reporting. Big Island Dairy has 30 days to submit an application for NPDES permit coverage to DOH.

Requirement for the Development and Implementation of a Comprehensive Nutrient Management Plan

Big Island Dairy is ordered to develop or revise a Comprehensive Nutrient Management Plan (CNMP) that defines how the dairy treats, uses, and distributes its wastewater for crop production purposes. The CNMP must follow Federal guidelines and be approved of by the DOH before implementation. The CNMP will be an enforceable provision of the NPDES permit.

Surveys of State waters within Dairy Property

Big Island Dairy is required to conduct surveys and inspections of state waters located within the dairy property to identify all points of discharge from the dairy. The dairy must develop corrective action plans if the dairy finds any evidence of waste or wastewater within state waters due to dairy operations. DOH will review the final reports and conduct due diligence to authenticate conclusions made in the dairy's report.

Big Island Dairy, LLC may contest the Notice of Violation and Order and has 20 days to request a hearing.

The Hawaii Department of Health's Clean Water Branch protects the health of residents and visitors who enjoy Hawaii's coastal and inland water resources. The Branch also protects and restores inland and coastal waters for marine life and wildlife. This is accomplished through statewide coastal water surveillance and watershed-based environmental management using a combination of permit issuance, water quality monitoring and investigation, water quality violation enforcement, polluted runoff control, and public education.

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