

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMD/CWB

11030ESC.18

December 4, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7017 0660 0001 1844 7679

Mr. Steve Whitesides
Big Island Dairy LLC
695 N 700 E
Rupert, Idaho 83350

Dear Mr. Whitesides:

Subject: Notice of Violation and Order
Docket No. 2018-CW-EO-27
Hawaii Water Pollution Rules and Regulations
Big Island Dairy LLC
39-3261 Hawaii Belt Road
O'okala, Island of Hawaii 96720

The Department of Health (DOH), Clean Water Branch (CWB), is serving you with the enclosed Notice of Violation and Order (NOVO) for violations of Hawaii Water Pollution laws. The enforcement action was taken for three (3) separate discharges of wastewater from the Big Island Dairy facility at 39-3261 Hawaii Belt Road O'okala, Hawaii, between April and May 2018.

Under HRS, Chapter 342D-9 and 342D-31, the DOH is ordering corrective actions and assessing a monetary penalty of \$91,000.00. The enclosed Order shall become final 20 calendar days after this NOVO is served, unless you request a hearing in writing no later than 20 calendar days after service. The request for hearing must be made in accordance with the requirements listed in the NOVO. Furthermore, if the penalty is not paid to the DOH within 30 calendar days after it becomes due and payable, the Director may initiate a civil lawsuit to recover the penalty.

Please be aware, that the NOVO only addresses the specific violations cited. The DOH-CWB reserves its right to seek full penalties for any other violations of the HRS, Chapter 342D, found pursuant to this notice or failures to meet the included Order.

www.carrollcox.com 808-782-6627

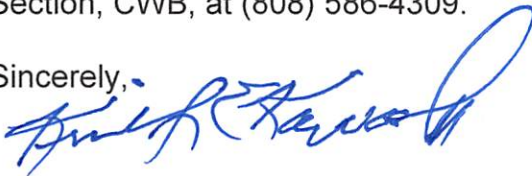
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The DOH is aware that you plan to either sell or close the dairy. While sale or closure may be forthcoming, you remain required to prevent any polluted discharges, including those associated with concentrated animal feeding operation and field fertilization. Additionally, the DOH will proceed with development of an National Pollutant Discharge Elimination System (NPDES) permit until it is deemed unnecessary.

Should you have any questions, please contact Mr. Matthew Kurano of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,



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

SC:na

- Enclosures:
1. Notice of Violation, Docket No. 2018-CW-EO-27
 2. Exhibit A
 3. Exhibit B
 4. Exhibit C
 5. Exhibit D
 6. Certificate of Service
 7. Certification

c: Mr. Edward G. Bohlen, Deputy Attorney General, Department of the Attorney General (w/encl.)