

LINDA LINGLE
GOVERNOR OF HAWAII



MAY 13 2010
FILE COPY
CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

CERTIFIED MAIL -
RETURN RECEIPT REQUESTED
(#7009 0960 0000 3852 5813)

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

In reply, please refer to:
File:

10-368C&E CAB
10-INF-026

May 12, 2010

Mr. Joe Whelan
Vice President/General Manager
Waste Management of Hawaii, Inc.
92-460 Farrington Highway
Kapolei, Hawaii 96707

Dear Mr. Whelan:

SUBJECT: Informal Notice of Violation
Waimanalo Gulch Municipal Solid Waste Landfill
Covered Source Permit (CSP) No. 0489-01-C

The Department of Health, Clean Air Branch (DOH), conducted an inspection on March 31, 2010 of your facility located at 92-460 Farrington Highway, Kapolei, Hawaii. A violation of Hawaii Revised Statutes §342B-11, Hawaii Administrative Rules §11-60.1-2, and the following condition of the CSP was noted:

Attachment II, Section G, Special Condition 5.a: Failed to submit performance test plan within thirty (30) days prior to conducting a source performance test. The performance test plan was mailed to the wrong address on September 10, 2009 and was not received by our office until April 1, 2010.

The DOH has elected to serve you with this informal written notice that a violation has occurred rather than pursuing its other remedies which may include administrative, civil, or criminal penalties. Although the DOH has decided not to seek sanctions against your company at this time, it reserves the right to do so if further violations are noted.

Unannounced follow-up investigations may be conducted in the future, and civil and administrative fines may be imposed in an amount of not more than \$25,000 per day per violation. Accordingly, you should ensure that corrective action has been or will be taken as soon as possible.

If there are any questions, please contact Mr. Ronald Ho of my staff at 586-4200.

Sincerely,

W. K. Nagamine
FOR WILFRED K. NAGAMINE
Manager, Clean Air Branch

RH:rkb

c: William Cooper, Deputy Attorney General, State of Hawaii
Timothy E. Steinberger, P.E., Director, Department of Environmental Services,
City and County of Honolulu, 1000 Uluohia Street, Suite 308, Kapolei, HI 96707

bc: Nolan Hirai, Supervisor, Clean Air Branch

EXHIBIT K65