DEPARTMENT OF HEALTH

STATE OF HAWAI'I

Application No. 0008-13

Application of Puna Geothermal Venture for)	NSP Permit No. 0008-02
Renewal of Noncovered Source Permit Request for a Co) _) ntos	Request for a Contested Case Hearing ted Case Hearing
		g application No. 0008-13 of Puna Geothermal
Venture (PGV) for renewal of Noncovered So	urce	Permit No. 0008-02.

Requesting Party

In re.

Name	 	
Address		
Email		
Phone		

Legal Authority

This request for a contested case is based on Hawai'i Revised Statutes (HRS) Chapters 91 and 342B; Hawai'i Administrative Rules (HAR) Chapters 11-1 and 11-60.1; *Pele Defense Fund v. Puna Geothermal Venture*, 77 Hawai'i 64, 881 P.2d 1210 (1994) (a contested case hearing is required where a permit could adversely affect constitutionally protected rights); the Constitutions of the State of Hawai'i and the United States of America and such further matters as may be presented in support hereof by this and any additional Requesting Parties.

Requesting Party's Interest

The Department of Health (DOH) is considering renewal of Noncovered Source Permit (NSP) No. 0008-02-N issued to PGV on in 2009. Requesting Party's constitutionally protected interests include but are not limited to a right to a clean and healthful environment, public safety

and personal well-being, and the value and preservation of real property that may be adversely affected if DOH grants the renewal as requested. Requesting Party's public hearing testimony is included herein as a further statement of the Requesting Party's interest and related issues.

Matter being contested; facts and issues raised

Renewal of PGV's NSP No. 0008-02 is not warranted by facts and circumstances of this situation. Following is an overview of some of the matters being contested and related issues:

- * DOH should regulate PGV based on the amount of hydrogen sulfide (H₂S) actually released by PGV, not on readings self-reported by PGV's samplers;
- * PGV's H₂S samplers at its facility boundary sample air at 15 feet too high to detect ground hugging H₂S released during maintenance and too low to detect H₂S in steam that rises over the samplers before descending into the community;
- * PGV has only three H₂S samplers and the DOH Clean Air Branch has admitted that wind direction could cause those three PGV samplers to fail to detect a release;
- * The H₂S samplers are not adequate to allow County First Responders to make reasonable decisions on evacuation and direction of evacuation;
- * The permit does not require sampling for deposits of heavy metals, caustic soda or of other potentially dangerous chemicals.

Relief requested

It is requested that DOH conduct an evidentiary contested case hearing pursuant to HRS § 91-9 (parties shall be afforded an opportunity for hearing after reasonable notice) regarding PGV's request for renewal of NSP 0008-02-N to consider evidence and testimony relevant to the proposed application that may assist DOH in making a final decision on the permit. It is further requested that DOH give timely notice to the Requesting Party if DOH requires use of particular forms or needs additional information regarding this request so that the Requesting Party may promptly comply with any such requirements.

Dated:	, Hawai i,	_, 2015.
[town]	[date]	
	Requesting Party	7
	[signature]	