



DEPARTMENT OF HEALTH

News Release

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**DOH CITES KULANA, KAPA'A 382 AND
DAN DIAMOND FOR SOLID WASTE VIOLATIONS**

KAPA'A -- The Hawai'i State Department of Health (DOH) has filed a notice and finding of violation and order against Kulana, Kapa'a 382, LLC and Dan Diamond for solid waste dumping and operation of an open dump. The violations occurred at the Kulana Condominium on Kaua'i. The DOH imposed a penalty of \$18,000.

Kulana, Kapa'a 382, LLC and Dan Diamond disposed of solid waste and operated an open dump at this site. A DOH inspection of the site on May 18, 2006 uncovered buried solid waste in the form of a large truck, four tires, and a crushed 55-gallon drum.

In addition to the \$18,000 penalty, Kulana, Kapa'a 382, LLC and Dan Diamond have been ordered to cease and desist improper disposal of solid waste and/or operation of an open dump. The DOH also ordered that the Kulana Condominium be assessed for buried waste and that all waste be removed and properly disposed. Kulana, Kapa'a 382, LLC and Dan Diamond have requested a hearing to contest the findings and order.

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The DOH determined the penalty based on DOH's Penalty Policy, which takes into account factors such as the extent of deviation from the law and the potential for harm. A permit is required to operate a landfill or a solid waste disposal facility. Operating such a landfill or facility without a required permit makes the landfill or facility an open dump and is a major deviation from state law. In addition, generators of solid waste are required to dispose the waste at a permitted facility and depositing it elsewhere is a major deviation from state law. The potential for harm comes from the amount and type of solid waste and its disposal in or near groundwater.

The DOH Solid Waste Section regulates standards governing the design, construction, installation, operation, and maintenance of solid waste disposal, recycling, reclamation, and transfer systems. Such standards are intended to prevent pollution of the drinking water supply or waters of the state, prevent air pollution, prevent the spread of disease and the creation of nuisances, protect the public health and safety, conserve natural resources, and preserve and enhance the beauty and quality of the environment.

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