



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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Septic Tank Driver Sentenced to Prison for Discharging Wastewater

HONOLULU - Septic tank driver David W. Kerwin of Kailua-Kona has been sentenced to a prison term for knowingly discharging wastewater from his septic tank truck into the Hilo Forest Reserve. Kerwin admitted that he partially emptied the contents of his septic tank truck, which contained human urine and feces, onto a lava field in the Reserve.

A Kona grand jury indicted Kerwin on November 8, 2004. On May 11, 2005, Judge Ronald Ibarra granted Kerwin's motion for deferred acceptance of guilty plea and sentenced Kerwin to one year of imprisonment, of which six months were suspended. The court allowed Kerwin to serve the term intermittently over a three-year period, and ordered Kerwin to pay a fine of \$5,000.

Knowingly allowing or causing the discharge of wastewater onto the ground is a class C felony punishable by up to three years in prison, or a fine of not less than \$5,000 or more than \$50,000, or both.

Attorney General Mark Bennett stated, "This case is one of a series brought by our Environmental Crimes Unit." The unit, established in 2004, is a joint effort of the Attorney General, the Department of Health, and the U.S. Environmental Protection Agency. It allows for a coordinated response and investigation when an environmental crime occurs. The Department of Land and Natural Resources also participated in the Kerwin case.

“This integrated approach of compliance assistance, interagency coordination, and vigorous criminal enforcement maximizes compliance and reduces threats to public health and the environment,” Bennett said.

The public is encouraged to report environmental crimes to the Investigations Division of the Department of the Attorney General at (808) 586-1240.

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