



## DEPARTMENT OF THE ATTORNEY GENERAL

### News Release

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GOVERNOR

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For Immediate Release: October 1, 2004 News Release No. 2004-41

#### **ENVIRONMENTAL CRIMES UNIT INITIATES PROSECUTIONS**

HONOLULU - Attorney General Mark Bennett announced today that the Oahu Grand Jury has issued indictments in two felony cases presented by the Attorney General's Environmental Crimes Unit. The Department of the Attorney General has issued penal summons in two other cases.

John T. King was indicted on August 10, 2004, on one count of knowingly causing or allowing a water pollutant to enter into Kaneohe Bay in connection the construction of a home in 2002. He is alleged to have filled in a portion of a lagoon on his property with soil in order to extend his back yard and build a boat ramp. The soil from the fill entered into Kaneohe bay.

Jerry Souza and Michael Nueva were indicted on September 15, 2004. Souza and Nueva are charged with one count of knowingly causing or allowing a water pollutant to enter into state waters near Campbell Industrial Park. They are alleged to have dumped a tar-like pollutant into a storm drain along Kauhi and Komohana Streets. The pollutant ran down the drain and into a drainage canal that leads to the ocean.

Knowingly allowing or causing a water pollutant to enter into state waters is a class C felony punishable by up to three years in prison, or a fine of not less than \$5,000 and not more than \$50,000, or both.

"These indictments send a message to the community that crimes against the environment will be thoroughly investigated and vigorously prosecuted," said Bennett.

The Department of the Attorney General has issued a penal summons for Peter Kealoha, Jr., to answer to 24 counts of Prohibitions Against Disposal of Solid Waste Without a Permit. Kealoha is alleged to have ordered the unpermitted burying of white goods at the old Waipahu Incinerator while he was a superintendent there from March 2001 to February 2003.

The Department of the Attorney General has also issued penal summons for Hawaiian Steam, Inc. owner Benson Lee and manager Buddy Costa for Prohibitions Against Disposal of Solid Waste Without a Permit.

Hawaiian Steam, Inc. had contracted to haul and dispose of construction debris and other solid waste from June 2003 to May 2004. Lee and Costa are alleged to have ordered their drivers to

dump the solid waste at the Onipa'a Ranch without a permit. The Department of Health discovered a pit of solid waste and dirt approximately 15 feet deep and covering an area measuring approximately 100 by 200 feet.

At the time of these offenses, Prohibitions Against Disposal of Solid Waste Without a Permit was classified as a petty misdemeanor punishable by up to 30 days in prison or a fine of up to \$25,000. Effective June 23, 2004, the unpermitted disposal of solid waste in an amount greater than 10 cubic yards is classified as a class C felony punishable by up to five years in prison or by a fine of up to \$50,000.

An indictment or penal summons is only an accusation. All defendants are presumed innocent until proven guilty at trial.

The Environmental Crimes Unit, established earlier this year, 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 public is encouraged to report environmental crimes to the Attorney General's Investigation Division at (808) 586-1240.

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