

Press Conference
Civil Enforcement of EPA Violations
September 30, 2008

In May of this year, I announced that the federal government in Hawaii would be stepping up its enforcement of our environmental laws. This statewide enforcement initiative, entitled "Operation E Ola Pono" was the result of numerous complaints that were being made about illegal dumping of waste and abandonment of other items at sites all across our state, which clearly were threatening our lands, our waters, and our air.

Thus, with the announcement of this initiative, EPA investigators, along with the assistance of other state and federal agencies, executed a search warrant on a 10-acre property located at Hakimo Road on the Waianae Coast.

This search revealed a dump site for 55-gallon drums containing chemical waste, along with other hazardous waste, like gasoline, used oil, anti-freeze liquid containing lead, and a large number of car batteries still containing acid.

Two men were ultimately charged with environmental and firearm violations, and one of them have already pled guilty and is awaiting sentence in Federal Court.

This year, EPA investigators were again on another piece of property --- this time at Haleahi Road on our Leeward Coast. While at this site, agents saw an amount of discharged oil on the ground near Kaupuni Stream, which clearly posed a threat to our waters. An emergency stabilization effort was then undertaken by EPA to remove the threat.

Additionally, on the Haleahi Road property, a Matson container with 11 x 55-gallon drums and numerous containers of waste were recovered. Being stored inside these drums and containers was tetrachloroethylene, a very strong industrial chemical.

As a result of this investigation, last week a federal grand jury indicted Jerome Anches and Stephen Swift for illegally transporting and storing hazardous waste. Additionally, Defendant Swift was charged with mail fraud for sending a false and fraudulent response through the U.S. mail to the Hawaii State Department of Health, which indicated that he was only storing defective cargo on his property and he denied that it was any form of hazardous waste.

If convicted of transporting the hazardous waste count, the maximum penalty is two years in prison and a \$50,000 fine. If convicted for the storage of hazardous waste without a permit, the maximum penalty is five years in prison and a \$50,000 fine for each day the violation existed (August 2001 - Feb 2005 - May 2008).

Finally, if convicted of the Mail Fraud count, Defendant Swift's maximum penalty is 20 years imprisonment and a \$250,000 fine.

Clearly, “Operation E Ola Pono” is having a positive impact in our state, and I would like to thank EPA for its leadership in this zealous effort to keep Hawaii pristine and clean.

Our people need to know and recognize those who our champions are in the fight for a better Hawaii.

- Granta Y. Nakayama – EPA’s Assistant Administrator for Enforcement and Compliance Assurance;
- Wayne Nastro – EPA’s Regional Administrator, Pacific Southwest Region;
- Fred Burnside – Director of EPA’s Office of Criminal Enforcement, Forensics and Training;
- Nick Torres – Special Agent in Charge of EPA’s Criminal Investigative Division;
- Gary Guerra – Resident Agent in Charge of EPA’s Honolulu Resident Office; and
- Kahi Kahakui – EPA Special Agent in Honolulu.

And, I am proud of them, because each one of them cares about our State and cares about our families and our environment. Thank you.

As you can see from our criminal charges, this initiative not only covers environmental crimes --- but will also address EPA-related offenses as well --- such as, mail fraud, lying to federal investigators, and other such crimes intending to hide one’s environmental misconduct.

Unfortunately, these criminal investigations only solves half the problem --- because although we will prosecute those responsible for polluting our environment --- unless the pollution is properly removed and disposed of, the danger to our people remains on these properties. No doubt, this is a very costly task, and one that the government cannot be solely responsible for.

So, today, I applaud EPA’s pending announcement that it will begin civil enforcement of environmental violations. These administrative orders will require the owners of the property and those polluting our environment to clean up and abate their violations at their cost.

Thus, failure to comply with these clean up orders will then allow EPA to thereafter begin its own clean up operations at the location --- and then to assess the property owner or polluter with the costs of the clean up. This could ultimately mean that the property will be taken away and later (after the clean up) re-sold to new owners.

Clearly, EPA’s civil enforcement measures present another valuable tool for us to ensure that Hawaii’s environment remains pure, and our families continue to live safely in our Islands.

Finally, I would again urge the public to continue to report alleged environmental violations, to EPA at www.epa.gov/compliance. Information reported to them will be referred to an investigator or to the appropriate authority that can best address the matter.

You can also call the Honolulu EPA Office at (808) 541-2720.

- Statement by Wayne Nasti – EPA’s Regional Administrator, Pacific Southwest Region;
- Statement by Granta Y. Nakayama – EPA’s Assistant Administrator for Enforcement and Compliance Assurance;