



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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For Immediate Release: Nov 27, 2007

News Release No. 2006-37

**TRUCKING COMPANY PRESIDENT
GUILTY OF SOLID WASTE POLLUTION**

(HONOLULU)- On November 22, 2006, a state court adjudged Rick Martin and Martins Farms, Inc. guilty of two counts of felony solid waste pollution pursuant to their no-contest pleas. Martin, 40 years old, will be sentenced on January 31, 2007 and faces up to 5 years in prison and up \$50,000 in fines for each count. His company, Martins Farms, Inc., faces similar fines.

The case stems from two dumping incidents occurring on December 2, 2005 off Halawa Heights Road and January 27, 2006 in Maunawili near Kawainui Marsh. In both cases, Martin had permission from private contractors to deliver concrete demolition waste for rock wall construction projects but did not have the Department of Health's permission or permits to deposit such waste. Even with a private landowner or contractor's permission, it is against the law to dump or deposit chunks of concrete waste that are 8" or greater in diameter or that contain exposed metal rebar or any other type of solid waste, anywhere other than a permitted solid waste management system. Dumping or depositing 10 cubic yards or more constitutes a felony offense for both the dumper and the trucking company.

This was the second solid waste pollution case that was successfully prosecuted this month. On November 9, 2006, James Wyse and Pacific Waste Services, Inc., entered guilty pleas to one count each of felony solid waste pollution, occurring between December 28, 2005 and March 8, 2006. The case against Wyse and his trash hauling company arose from complaints about the smell coming from the company's Campbell Industrial Park base yard. The Department of Health conducted an inspection and discovered that Wyse had started accumulating large amounts of solid waste on-site after their access to Waimanalo Gulch was suspended for non-payment of fees. Wyse was warned by the Department of Health to cease accepting trash from its customers and storing it on premises. Wyse declined to stop during the two month period,

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referring to it as a necessary business decision to keep servicing the company's customers. Shortly thereafter, the company shut down.

In the last year, the Attorney General's Office has successfully prosecuted a total of six solid waste pollution cases, four water pollution cases and one falsification of records case. The sentences imposed have included probation or deferral supervision, fines of up to \$5,000, imprisonment of up to one year, and up to 250 hours of community service work.

Attorney General Mark J. Bennett stated, "We, as a State, must carefully guard our environment, and we will vigorously prosecute those who criminally violate our environmental laws."

Bennett encourages those with information about solid waste, water or air pollution, to please report it to the Department of the Attorney General, Environmental Crimes Unit, at 586-1243.

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