From: DavidW Smith
To: Wong, Alec Y; Lum, Darryl C; Edward.G.Bohlen@hawaii.gov
Cc: David Albright; Elizabeth Sablad
Subject: Fw: Community Groups Sue Maui County To Stop Illegal Sewage Discharges
Date: 04/16/2012 03:44 PM

As I mentioned a few minutes ago. We are not looking for press on this, but if we talk to the press, it will be David Albright speaking about the disinfection order we issued before and our cooperative research work with you folks and others--steering clear of the issue about whether an NPDES permit is required or not.

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----- Forwarded by DavidW Smith/R9/USEPA/US on 04/16/2012 03:37 PM -----

From: David Albright/R9/USEPA/US
To: DavidW Smith/R9/USEPA/US@EPA
Cc: Nancy Woo/R9/USEPA/US@EPA
Date: 04/16/2012 03:17 PM
Subject: Fw: Community Groups Sue Maui County To Stop Illegal Sewage Discharges

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EarthJustice suing Maui Co over discharge from Lahaina injection wells.

From: Janice Brown [mailto:jbrown@earthjustice.org] **On Behalf Of** Earthjustice Mid-Pacific Office
Sent: Monday, April 16, 2012 11:00 AM
To: Earthjustice Mid-Pacific Office
Subject: Community Groups Sue Maui County To Stop Illegal Sewage Discharges

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newsroom

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN ROCKIES
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FOR IMMEDIATE RELEASE: April 16, 2012

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Community Groups Sue Maui County To Stop Illegal Sewage Discharges

Lahaina injection wells foul Kahekili Beach Park, killing coral and triggering algal blooms

Honolulu – Four Hawai‘i community groups filed suit today under the federal Clean Water Act to stop Maui County from discharging wastewater into the ocean from its Lahaina treatment plant without a permit. Millions of gallons of wastewater injected into wells at the facility each day surface offshore of popular Kahekili Beach Park in West Maui, killing the coral reef and triggering outbreaks of invasive algae.

Earthjustice filed the complaint in federal district court on behalf of Hawai‘i Wildlife Fund, Surfrider Foundation, West Maui Preservation Association, and Sierra Club-Maui Group. The action follows years of unsuccessful efforts to resolve the issue out of court.

“We notified Maui County last June that its Lahaina facility was damaging the reef and operating illegally, in hope that the County would voluntarily seek the required permit for wastewater discharges from the injection wells,” said Earthjustice attorney Caroline Ishida. “Unfortunately, it apparently takes an enforcement action to get the County to do anything, which is why we’re now seeking relief from the court.”

Maui County has been discharging partially-treated sewage into injection wells at the Lahaina wastewater treatment plant for 30 years, knowing full well that the wastewater would eventually reach the ocean, but has refused to apply for, much less comply with, the required federal wastewater discharge permit. Currently, three to five million gallons of wastewater are discharged into the wells each day.

The complaint filed by the groups today asks the court to direct Maui County to secure a National Pollutant Discharge Elimination System permit, which would set limits on the pollutants that can be discharged from the wells.

In addition to pollutants like nitrogen and phosphorous, the wastewater contains bacteria and other pathogens, in violation of the federal Safe Drinking Water Act. In September 2011, the Environmental Protection Agency required the County to disinfect all of the wastewater pumped into the injection wells at the Lahaina facility by the end of 2013. The County’s failure to adequately disinfect the water over the

past several years has been linked to staph infections among swimmers and other users of Kahekili Beach Park.

“While disinfection is a step in the right direction, it won’t remove nitrogen and phosphorous from the wastewater, so it won’t get rid of the harmful algae growth at Kahekili,” said Hannah Bernard of Hawai‘i Wildlife Fund. “Algae smother the coral and upset the ecosystem because fish and other marine animals depend on the reef for food and need the crevices within the reef for shelter.”

Researchers from the University of Hawai‘i (UH) analyzed the specific type of nitrogen found in the algae growing in the waters offshore of Kahekili Beach and were able to positively identify it as the same type of nitrogen being pumped into the injection wells.

An ongoing tracer dye study conducted by the EPA and UH scientists has further confirmed the connection between the wells and the ocean, showing that pollutants injected into the wells make their way into the nearshore waters of Kahekili Beach Park via freshwater seeps.

“Algae growth and infectious diseases aren’t the only problems the injection wells cause,” explained Tim Lara, Chair of Surfrider Foundation-Maui Chapter. “Studies have shown that chemicals like pharmaceuticals and fire retardants also travel from the injection wells into nearshore waters, posing additional threats to the delicate ecosystem and to local residents and tourists swimming and surfing at Kahekili Beach.”

“The Lahaina wastewater facility must cease using the public nearshore waters to dispose of its waste,” said Lance D. Collins of West Maui Preservation Association. “In the face of the scientific evidence, continuing to pretend the injected effluent magically disappears is no longer acceptable.”

"The algal growth and damage to the reefs have a major, negative impact on the West Maui economy," said Earthjustice attorney Caroline Ishida. "People check out of hotels early and avoid the beach when there are algal blooms, costing Maui's businesses millions of dollars in lost tourism revenue."

"The County should be treating and re-using the millions of gallons of wastewater for irrigation at resorts, golf courses and other areas of West Maui, not dumping it onto the reef," commented Chris Taylor of Sierra Club-Maui Group. "Reusing the water would not only save the reef, but also address West Maui's increasingly severe water shortages."

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Earthjustice is a non-profit, public-interest, environmental law firm. The Mid-Pacific office opened in Honolulu in 1988 as the Sierra Club Legal Defense Fund, and has represented dozens of environmental, native Hawaiian, and community organizations. Earthjustice is the only non-profit environmental law firm in Hawai'i and the Mid-Pacific, and does not charge clients for its services. For more information, visit www.earthjustice.org.

Hawai'i Wildlife Fund is a Hawai'i non-profit corporation based on Maui that is committed to the protection of Hawai'i's native wildlife through research, education and conservation. For more information, visit www.wildhawaii.org.

The Surfrider Foundation-Maui Chapter is the local Maui chapter of the national Surfrider Foundation, a non-profit environmental organization founded in 1984 that is dedicated to the protection of oceans, waves and beaches. For more information, visit http://ww2.surfrider.org/maui/.

West Maui Preservation Association, founded in 2004, is a Hawai'i non-profit corporation committed to preserving, protecting and restoring the natural and cultural environment of West Maui. For more information, visit www.savewestmaui.com.

Sierra Club-Maui Group, a member group of the national Sierra Club, raises awareness of environmental issues and works towards preserving the environment on the island of Maui. For more information, visit www.hi.sierraclub.org/maui.

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