From:	Brett Moffatt
To:	Edward.G.Bohlen@hawaii.gov
Bcc:	Nancy Rumrill
Subject:	Fw: Lahaina's proposed 401 Certification Conditions
Date:	09/08/2010 03:28 PM
Attachments:	Proposed 401 Certification Conditions for Lahaina.doc

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Ted,

Thank you for discussing the Section 401 certification issues with me today. We recognize that this is an unusual and complicated situation. On the one hand, more data about the discharge is expected to be collected in the next year or two; on the other hand, it is already ongoing, and if the discharge is violating the State's water quality standards, those violations will continue unabated for at least as long as the new federal UIC permit is on hold.

EPA staff made an initial effort to identify conditions that will achieve compliance with the State's water quality standards and incorporate EPA's monitoring requirements (attached below). We sent these to DOH staff as basis for discussing both the specific terms and the structure of a conditional certification.

Our view is that the State has the authority, under the current circumstances, to issue a conditional certification that: (1) contains discharge limitations for the receiving waters; (2) has requirements for data collection that will inform the terms of EPA's UIC permit (which will impose limits at the injection wells) and compliance with the State's discharge limitations; and (3) allows for modification of both the State's certification and the UIC permit, in the event that new information indicates that the discharge is violating any criteria in the State certification.

EPA's proposed UIC permit and supporting documents can be found here - http://www.epa.gov/region9/water/groundwater/uic-permits.html#lahaina . This permit was drafted before the need for a State water quality certification was identified, and therefore may need to be revised to incorporate any conditions contained in a water quality certification.

I will follow up with more information on some of the issues we covered. Please feel free to call me if you have any questions.

Thanks,
Brett

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----- Forwarded by Brett Moffatt/R9/USEPA/US on 09/08/2010 12:50 PM -----

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Cc:	Elizabeth Sablad/R9/USEPA/US@EPA, DavidW Smith/R9/USEPA/US@EPA, David

Albright/R9/USEPA/US@EPA
Date: 08/10/2010 02:05 PM
Subject: Lahaina's proposed 401 Certification Conditions

Hello Alec,

I'm sending our proposed 401 certification conditions regarding the Lahaina WWTF injection wells for your review. I would like to schedule a conference call with you to discuss the conditions.

This week we have tomorrow, Wednesday, afternoon at 2 or 3 pm PST (11 or 12 your time) available. As you know David Albright will not be available this week, but David Smith and Elizabeth Sablad will be available tomorrow for the call. Or, next week on Tuesday, 8/17, at 2 or 3 pm PST, is also good for all of us. Please let me know what day/time works for you.

Thanks, Nancy

Proposed 401 Certification Conditions for Lahaina.doc

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