From: Lucienne DeNaie
To: David Albright/R9/USEPA/US@EPA
Subject: Re: Lahaina UIC update
Date: 08/06/2010 01:31 PM

Mahalo for the update david and for the partnership efforts to move forward and get the information we need.

I am writing to provide a brief update on the status of our efforts at the Lahaina WWRF. As you may recall, we issued a second draft UIC permit in May 2009 and held a public hearing on that draft permit in August 2009, extending the public comment period to September 2009. As we evaluated the comments and testimony, and in consideration of key research findings by the USGS and the University of Hawaii, we determined that the County needed to apply to Hawaii DOH for CWA 401 certification for their injection facility at Lahaina. By letter in March 2010, we directed the County to seek certification and they applied to DOH in May 2010. DOH is presently reviewing/evaluating the County's application and EPA is consulting with DOH on potential terms and conditions, which we would be required to fold into our UIC permit. Now that we have determined that 401 certification is necessary, EPA cannot issue a final UIC permit until the 401 process is complete.

In addition, back in January 2010, EPA sent the County of Maui a CWA section 308 letter requesting that they develop protocols and conduct sampling of the coastal seeps and wastewater effluent and design and implement an introduced tracer study. The County has not yet followed through on these requirements, citing a number of concerns, such as a lack of funds, lengthy budgeting/procurement process, lack of expertise, and the scope of EPA's authority. EPA is sensitive to the difficult economic circumstances faced by many local and state governments across the country, yet we also remain concerned about potential discharges from the Lahaina injection wells to the near shore coastal environment, compliance with federal laws, and protection of public health. With that in mind, EPA, DOH, and the Army COE have joined forces to implement a tracer study at Lahaina using federal and DOH resources. Our goal is to commence contract work on the tracer study in the next couple of months. The other elements of EPA's 308 request to the County are not yet resolved.

I hope this information is useful.

Regards,
David
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