From: Jock Yamaguchi
To: David Albright/R9/USEPA/US@EPA
Subject: Re: Lahaina Wastewater Facility
Date: 08/05/2010 07:30 PM

David:

Thank you for your response. It's greatly appreciated as we too are concerned about the discharges from the Lahaina injection wells to our nearshore waters. For clarity - when I read the EPA's January 2010 letter to the Department of Environmental Management, it was an "order" and not a request. Most of the residents that I've spoken with saw the same thing - and were grateful that the EPA was taking such a strong stance to protect our residents, visitors, and marine life from potential harmful discharge.

Talk to you when you get back. Have a safe and great trip.

Sincerely,
Jock Yamaguchi,
Executive Assistant to
Councilmember Wayne Nishiki
(808) 270-7108

>>> <Albright.David@epamail.epa.gov> 8/5/2010 1:30 PM >>>
Hello Jock,

Here is a brief update I sent to some of the West Maui community members recently. I'll be out of the office next week, but back in on Aug 17th.

"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."

Aloha,
David
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David Albright
Manager, Ground Water Office

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From: "Jock Yamaguchi" <jock.yamaguchi@mauicounty.us>
To: David Albright/R9/USEPA/US@EPA
Date: 07/26/2010 02:20 PM
Subject: Lahaina Wastewater Facility

David,

A few months ago, we had a brief telephone conversation relating to the injection wells at Maui County's Lahaina Wastewater Facility. My boss, Councilmember Wayne Nishiki, continues to have serious concerns about these injection wells and their impacts on Maui's nearshore waters.

As you know, a recent USGS study detected pharmaceuticals such as Carbamazepine (an anti-convulasant) and Sulfamethxazole (an antibiotic) along with elevated nitrogen and phosphorus concentrations in Maui's nearshore waters that are coming from wastewater being injected into injection wells at the County's Lahaina and Kihei Wastewater Reclamation Facilities. This report is available online at:http://pubs.usgs.gov/sir/2009/5253/.
These results coincide with published findings by Meghan Dailer of the University of Hawaii and a previous USGS study which found that about 40% of all the total nitrogen load at the shoreline in Kihei is the result of the injection plume.

We know that the EPA is taking these finding seriously. In January the EPA acknowledged these studies and ordered Maui County to conduct water sampling, testing, and "tracer studies" in West Maui. At that time, the Department of Environmental Management ("DEM"), had failed to meet

the EPA's deadlines of March 15 and April 26.

DEM's noncompliance with the EPA order spurred the Council – in its recently completed budget - to require the department to start complying with the EPA order before spending any money budgeted to rehabilitate existing injection wells. DEM opposed this requirement, claiming to be in on-going negotiations with the EPA. At that time, however, you informed me that you had **only one conversation** with DEM following the January 27th order; and, that it was you who initiated the call to express disappointment in the department's response to the order.

May we request an update of what is being done by Maui County regarding the injection wells? Can we also have an update on whether the County is complying with the January order, and whether there has been any negotiations with the County?

Thank you,
Jock

Jock M. Yamaguchi
Executive Assistant to
Councilmember Wayne Nishiki
(808) 270-7108