From: Nancy Rumrill
To: John Seebart
Cc: David Albright; Wendy Wiltse
Subject: Re: Lahaina injection well permit
Date: 03/03/2011 01:08 PM

Dear Mr. Seebart,

It is nice to hear from you. The status of the proposed Lahaina injection well permit is that we are waiting for a Clean Water Act (CWA) section 401 water quality certification process to be completed by the State. Under §401 of the CWA, a federal agency cannot issue a permit or license for an activity that may result in a discharge to waters of the U.S. until the state where the discharge would originate has granted or waived §401 certification. EPA has determined that the County's UIC permit renewal is subject to the section 401 water quality certification requirement.

The Hawaii Department of Health (DOH), Clean Water Branch, conducts water quality certifications under Hawaii Administrative Rules, Chapter 11-54. The County has submitted the 401 water quality certification application to DOH, and they are working to process the application. After the 401 certification process is complete, EPA will issue our decision on the final UIC permit.

As for ordering any studies of the nearshore waters, EPA sent a letter to the County pursuant to Section 308 of the CWA that required the County to conduct an introduced tracer study and an effluent and coastal seep sampling program to assess the impact of the Facility's effluent on the coastal waters and determine compliance with the CWA. The County responded that they could not conduct these activities as described because of funding constraints and timing issues. To make progress on the introduced tracer study, EPA arranged for DOH to use EPA funding to contract out part of the introduced tracer study and for the U.S. Army Corps of Engineers, Honolulu District (ACOE) to assist in funding the other part of the tracer study. DOH and ACOE are working to put contracts in place for the tracer study project to conduct this study within the next six months. Currently, we will continue to require the County to conduct the effluent and coastal seep sampling, but this may change if we are able to find another way of accomplishing the seep sampling.

This is all for now.

Sincerely, Nancy Rumrill

▼ "John Seebart" ---02/28/2011 05:58:43 PM---Dear Ms. Rumrill, Hello from Lahaina! I was at a Maui County Council Committee meeting today concern

From: "John Seebart" <seebartj001@hawaii.rr.com>
To: Nancy Rumrill/R9/USEPA/US@EPA
Date: 02/28/2011 05:58 PM
Subject: Lahaina injection well permit

Dear Ms. Rumrill,

Hello from Lahaina! I was at a Maui County Council Committee meeting today concerning the future of Maui waste water disposal and the injection wells and I was wondering about the status of the Lahaina injection well permit. The last I heard was that former Environmental Director Okuma had written the EPA challenging it's authority to order studies of the nearshore waters in close proximity to the injection wells. I have been led to believe that the EPA is near a decision on the permit.

If possible, I would love to have an update on the permit status.

Thank you,

John Seebart