

GET Committee

From: Daniel Grantham <d1g2@me.com>
Sent: Thursday, September 05, 2019 11:15 AM
To: GET Committee
Subject: May God bless you all on Friday

Dear Councilmembers,

One quick summary of the hearing testimony Tuesday on Lahaina wastewater case:

After repeated and total debunking by environmental attorneys and other professionals of the county administration promoted fear about backyard septic and cesspools that the ninth circuit court and the state health department were going to demand expensive permits and radical changes from defenseless homeowners, it became clear the only argument left for going to the Supreme Court was that polluting the reefs and fish and limu of a once outstanding fishery at Kahekili was an easy and cheap way to dispose every day of 3 to 5,000,000 gallons of treated waste water.

A couple of private attorneys, one claiming to represent the realtor association opinions, testified about how citizens could and likely would be sued by neighbors and health department alike if Maui did not challenge and win the case it lost in the Ninth Circuit court.

Attorneys actually involved with the case pointed out the difference between a plant for thousands of people and millions of gallons being pumped daily into the ground next to the beach and the difficulty of proving even that water was showing up in the ocean.

They agreed that a septic system with an outflow pipe ending close to the beach should need a permit from the health department, but that even if someone sued one or more normal septic or cesspool owners, the difficulty and expense of proving surface water pollution would be extreme and take years, if it ever could be. (For upcountry systems, the odds would be considerably higher, unless they were sited by a stream.)

Regarding recycling of the Lahaina waste water, county engineers replied there was some already used on golf courses and landscaping, but wrung their hands over the difficulty and high cost of pumping the injection wells water uphill for agricultural use.

One engineer estimated that it would cost more than \$150 million for an uphill "Land treatment" system; however other testifiers pointed out the existence of uphill reservoirs and pipelines already going to them, adding the possibility of replacing some of the water being diverted from streams (about 20 mgd) into the Honolulu ditch with 3 to 5 mgd treated water.

Another engineer (most of whom seemed to be wastewater employees), bemoaned the fact it would take two 175 horsepower engines to pump the waste water uphill against gravity, while producing lots of carbon dioxide, and was stunned into astonishment when Councilmember Rawlins-Fernandez pointed out the engines could be powered by solar and wind power.

It seems the reasons we are left with for going on to the Supreme Court are unwillingness to spend the money to save the reef and fish which had long been a highly valued fishing area and went on to become a tremendous tourist attraction, or wounded pride at the county's inability to win in lower courts, or some kind of dark politics which sees this case as a lever to pry open the gate to legalize the old, pre-Clean Water Act pollution known for killing off nature and sitting rivers on fire.

With the current president in power, the last possibility might be the most likely.

Whatever the reasons, a long time Maui teacher and marine biologist pointed out that whatever the outcome at the Supreme Court, there will be a significant cost to Maui tourism for parading our dirty laundry, er, water, in a well reported national arena like the Supreme Court, while defending a supposed right to continue polluting the very things visitors come to enjoy, like beaches, clean oceans, reefs, fish and snorkeling. Seems like we could do better.

GET Committee

From: County Clerk
Sent: Thursday, September 05, 2019 7:47 AM
To: GET Committee
Subject: FW: Please settle the Lahaina Injections Wells case

-----Original Message-----

From: steve@everyactioncustom.com <steve@everyactioncustom.com>
Sent: Wednesday, September 04, 2019 5:06 PM
To: County Clerk <County.Clerk@mauicounty.us>
Subject: Please settle the Lahaina Injections Wells case

Dear Maui County Clerk Maui County Council,

I support the County seeking to settle the Lahaina Injection Well case (HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT) as per CC 19-225,

The County of Maui should not be spending money attempting to gut the Clean Water Act. Instead, the money should be spent ensuring no pollutants reach the ocean from our wastewater facilities.

Sincerely,
Steve P Sargenti
100 Kane Rd Haiku, HI 96708-5828
steve@sksargenti.com

GET Committee

From: Alice L. Lee
Sent: Thursday, September 05, 2019 7:44 AM
To: GET Committee
Subject: FW: 9/3/19 GET meeting; GET-26: It's time to make the pono choice and withdraw the attack against th

From: Felichia Ritter <Felichia.Ritter.213454704@p2a.co>
Sent: Wednesday, September 4, 2019 12:44 PM
To: Alice L. Lee <Alice.Lee@mauicounty.us>
Subject: RE: 9/3/19 GET meeting; GET-26: It's time to make the pono choice and withdraw the attack against th

Dear Councilmember Alice Lee,

Hi, my name is Felichia Ritter and I live in Honolulu, Hawaii. I am submitting this testimony for the September 3, 2019 committee meeting on item GET-26 (settlement in Hawai'i Wildlife Fund, et al., v. County of Maui).

Aloha Maui Councilmember Sugimura:

As a resident of The State of Hawaii, our government must increase protection of our reefs. I know Maui County has to dispose of treated sewage, but spilling it onto the reefs is deadly to the reefs. Upgrade our infrastructure to allow use treated waste water for irrigation, this should be a top priority. Fresh water is a precious resource in our islands & we should recycle water from treatment plants to conserve fresh drinking water.

Reef recovery can take decades. Hawaii's reefs are our treasure, tourists flock to marvel at the living reefs & people rely on reefs for sustenance. Please work with nature, preserve our lands & our reefs. Killing the reefs will kill a major part of the tourism industry, & I know tourism is important to Maui's economy. Don't settle for an easy way out, please work towards Maui's future & fighting for the remaining pristine lands & reefs of Maui.

Remember, Hawaii's reefs are Hawaii's treasure, please preserve our treasure.

Respectfully,
Felichia Ritter

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court, focus on solutions for wastewater pollution, and stop the damage to priceless ocean and reef resources. The county should invest in Maui's future by building the necessary infrastructure to reuse the Lahaina facility's treated wastewater for irrigation, which is a true "win-win" solution. In contrast, destroying the law to advance the county's "right to pollute" the ocean is a "lose-lose" for both the county and the people.

We need Maui County's elected representatives to show leadership and turn this situation around. It's time to stop the reckless attack on the law and focus on building a responsible wastewater system of the future at the Lahaina facility.

We don't want Maui to do the dirty work with the Trump administration for our nation's worst polluters by dismantling the nation's bedrock clean water law.

We need your help before Maui County goes down in history as the champion for water pollution in the United States. Please, create a lasting, positive legacy by focusing on the solutions for this pollution problem and upholding—not destroying—the legal protections of clean water for Maui, Hawai'i, and the entire nation.

Regards,
Felichia Ritter
5085 Likini St.
Honolulu, HI 96818 ■

GET Committee

From: jennypawai@everyactioncustom.com on behalf of Jenny Pawai
<jennypawai@everyactioncustom.com>
Sent: Thursday, September 05, 2019 7:43 AM
To: GET Committee
Subject: Testimony in SUPPORT of resolution CC-19-178 re: settling the Lahaina Injection Wells lawsuit

Dear Maui County GET Committee,

My name is ____ and I am a resident of _____. I care about this issue because _____.

I am writing in support of Maui County settling the Lahaina Injection Well case (HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, RELATING TO THE CLEAN WATER ACT).

Both the Hawai'i district court and Ninth Circuit appeals court have already ruled that the County must get a permit under the Clean Water Act to continue discharging treated wastewater into the groundwater via the Lahaina injection wells. I ask the County to withdraw its appeal and work with state and community stakeholders to modernize the treatment facility and invest in water reuse solutions.

Settling the case would end a detrimental challenge against the Clean Water Act and allow the County to avoid further penalties as long as it diligently works toward solutions. The Department of Health has already made clear that private cesspools and septic tanks would not need to get NPDES permits, so there is no risk to individual homeowners.

However, if the County continues its appeal, it threatens to gut the federal Clean Water Act. If the County wins the case at the Supreme Court, polluters across the United States would be free to contaminate water bodies as long as they release their waste from a pipe just short of the waters' edge or into the ground. The Trump Administration and industrial polluters like pipeline companies, the oil and gas industry, manufacturers, coal-burning utilities, and mining associations are all hoping that you will continue the appeal. As elected officials, I hope you will do the right thing, not for the Trump Administration and industrial polluters, but for public trust waters and present and future generations in Maui and all of Hawai'i.

Maui County has a history of being leaders in environmental protection, and you can uphold this reputation and continue this legacy by withdrawing the appeal. Please help to uphold the Clean Water Act and protect Maui's reefs, which not only provide many economic benefits, but hold cultural and environmental significance for all of Hawai'i. I ask you to support the settlement of the Lahaina Injection Wells case and withdrawal of the appeal.

Sincerely,
Jenny Pawai
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jennypawai@gmail.com