

**RICHARD T. BISSEN, JR.**  
Mayor

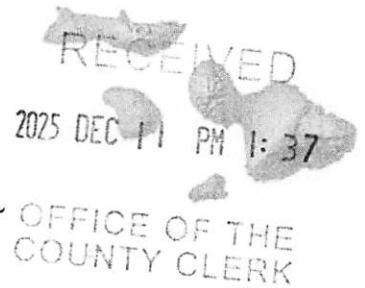
**VICTORIA J. TAKAYESU**  
Corporation Counsel

**MIMI DESJARDINS**  
First Deputy

**LYDIA A. TODA**  
Risk Management Officer



DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
200 SOUTH HIGH STREET, 3<sup>RD</sup> FLOOR  
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December 11, 2025

VIA EMAIL only at [county.clerk@mauicounty.us](mailto:county.clerk@mauicounty.us)

Alice L. Lee, Council Chair  
and Members of the Council  
County of Maui

SUBJECT: Litigation Matter – Authorization for Special Counsel  
Lahaina Wastewater Facility  
NPDES PERMIT NO. HI 0021848

Dear Chair Lee and Council Members:

Please find attached separately a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL BEST BEST KRIEGER LLP AS SPECIAL COUNSEL TO ASSIST AND REPRESENT AS CO-COUNSEL THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, COUNTY OF MAUI WITH THE PERMITTING PROCESS AND ANY LEGAL CHALLENGES ARISING OUT OF THE ISSUANCE OF A NPDES PERMIT FOR THE LAHAINA WASTEWATER FACILITY (NPDES PERMIT NO. HI 0021848)." The purpose of the proposed resolution is to hire special counsel to assist the Department with the permitting process and to represent the County in any legal challenges to the permit. Proposed counsel has specialized expertise in Clean Water Act laws and administrative rules and has extensive experience representing municipalities regarding wastewater regulations.

May I request that the proposed resolution be scheduled for discussion and action, or referral to the appropriate standing committee at the Maui County Council's currently scheduled Friday, December 19, 2025 meeting. Maui County has requested a contested case proceeding with the Department of Health, State of Hawai'i on the issuance of NPDES Permit No. HI 0021848, for which a pre-hearing schedule is proceeding, and which is set for hearing on May 18, 2026.

An executive session may be necessary at the members discretion to discuss questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and/or the Committee.

Alice L. Lee, Council Chair  
And Members of the Council  
December 11, 2025  
Page | 2

Should you have any questions or concerns, please do not hesitate to contact us. Thank you for your anticipated assistance in this matter.

Sincerely,

A handwritten signature in black ink that reads "BRIAN A. BILBERRY". The signature is written in a bold, slightly stylized font with some ink bleed-through.

BRIAN A. BILBERRY  
Deputy Corporation Counsel

cc: Shayne Agawa, Director, DEM  
Eric Nakawaga, Wastewater Reclamation Division Chief, DEM

Lit 9030

Attachment:

Resolution Authorizing the Employment of Best Best & Krieger LLP as Special Counsel, et seq.