

GET Committee

From: David Henkin <dhenkin@earthjustice.org>
Sent: Friday, May 17, 2019 2:57 PM
To: GET Committee
Cc: Isaac Moriwake
Subject: RE: Letter to Messrs. Henkin and Moriwake of Earthjustice Mid-Pacific Office

Chair Molina,

Thank you very much for the invitation to provide a presentation to the GET Committee at its hearing on Monday, May 20, which we accept.

Please use this link to access our presentation: <https://earthjustice.sharefile.com/d-s5dc8530618e4bc0a>. If you have any difficulty accessing our presentation, please let us know.

Regards,

David Henkin
Staff Attorney
Earthjustice
850 Richards St., Suite 400
Honolulu, HI 96813
T: 808-599-2436, ext. 6614
F: 808-521-6841
www.earthjustice.org

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

From: GET Committee <GET.Committee@mauicounty.us>
Sent: Wednesday, May 15, 2019 11:39 AM
To: David Henkin <dhenkin@earthjustice.org>; Isaac Moriwake <imoriwake@earthjustice.org>
Subject: Letter to Messrs. Henkin and Moriwake of Earthjustice Mid-Pacific Office
Importance: High



SETTLING THE LAHAINA CASE

Working Together To Protect The Public Interest

DAVID HENKIN
EARTHJUSTICE, MID-PACIFIC OFFICE



Image courtesy of Don McLeish



Kahekili Beach Park

Google Earth

JUSTICE.ORG



Image courtesy of Jen Smith



Image courtesy of Jen Smith



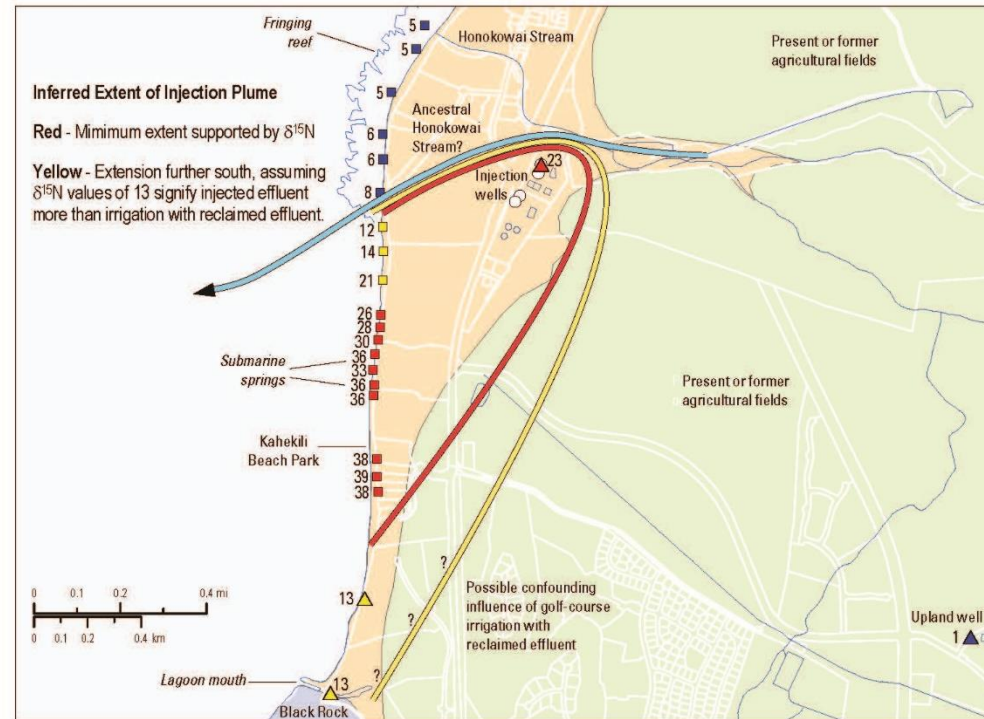
Image courtesy of Jen Smith



Image courtesy of Jen Smith

Prepared in Cooperation with the Hawaii State Department of Health, Clean Water Branch

A Multitracer Approach to Detecting Wastewater Plumes from Municipal Injection Wells in Nearshore Marine Waters at Kihei and Lahaina, Maui, Hawaii



Scientific Investigations Report 2009–5253

U.S. Department of the Interior
U.S. Geological Survey


- 
- An underwater photograph of a coral reef. The water is a deep, clear blue. In the foreground, there are large, brownish-orange coral structures. Several fish are visible, including a prominent black fish with a red tail in the center, and other smaller fish in the background. The overall scene is a natural marine environment.
- Wastewater Plume Detected Using $\delta^{15}\text{N}$ (Dailer, et al. 2011)
 - Highest Algal $\delta^{15}\text{N}$ Values Ever Detected (Dailer, et al. 2012)





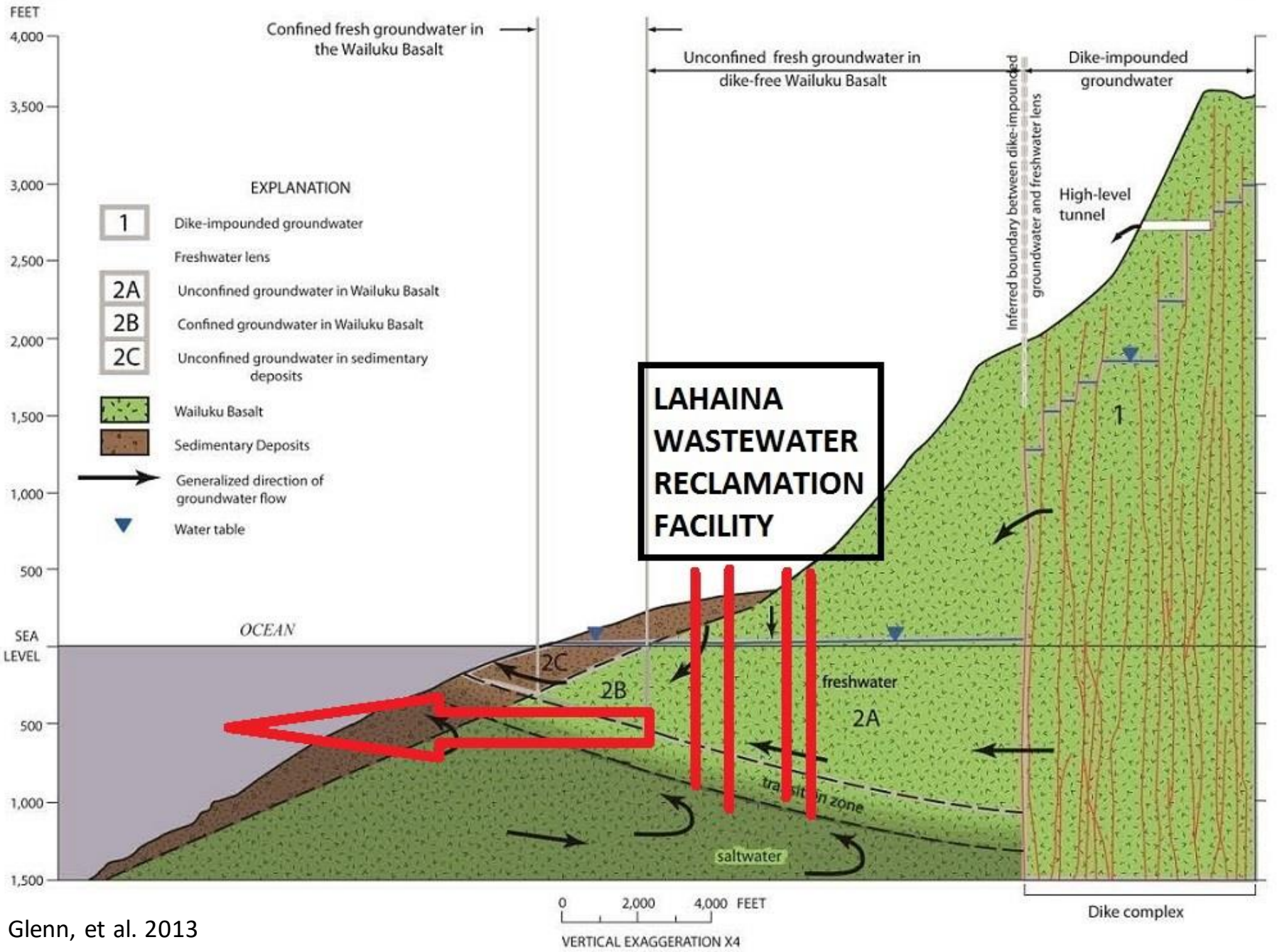
Image courtesy of Jen Smith



Video courtesy of Meghan Dailer

WEST

EAST







Legend

- Seep Group Polygons
- Radon Flux Polygons

Area Survey Samples

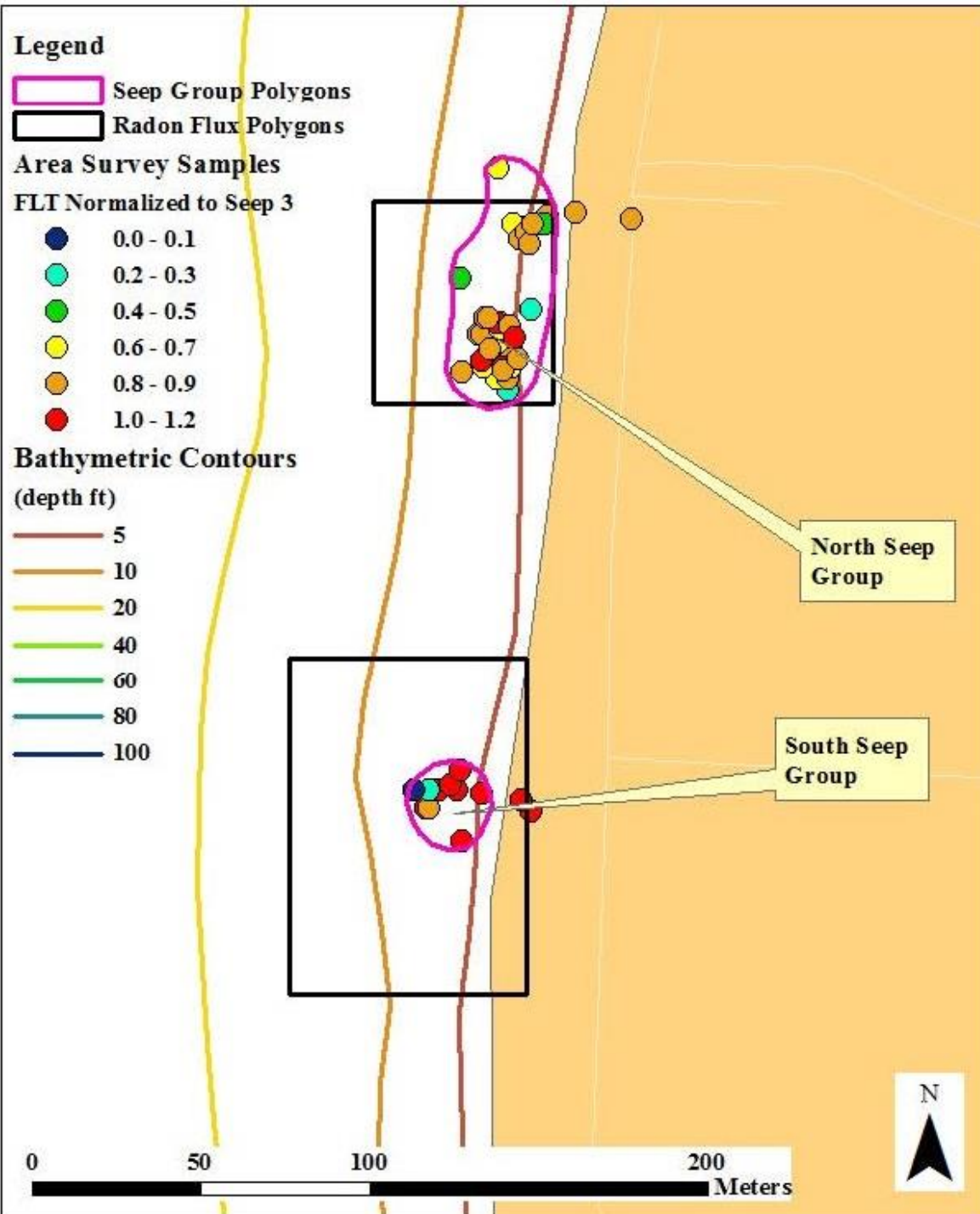
FLT Normalized to Seep 3

- 0.0 - 0.1
- 0.2 - 0.3
- 0.4 - 0.5
- 0.6 - 0.7
- 0.8 - 0.9
- 1.0 - 1.2

Bathymetric Contours

(depth ft)

- 5
- 10
- 20
- 40
- 60
- 80
- 100



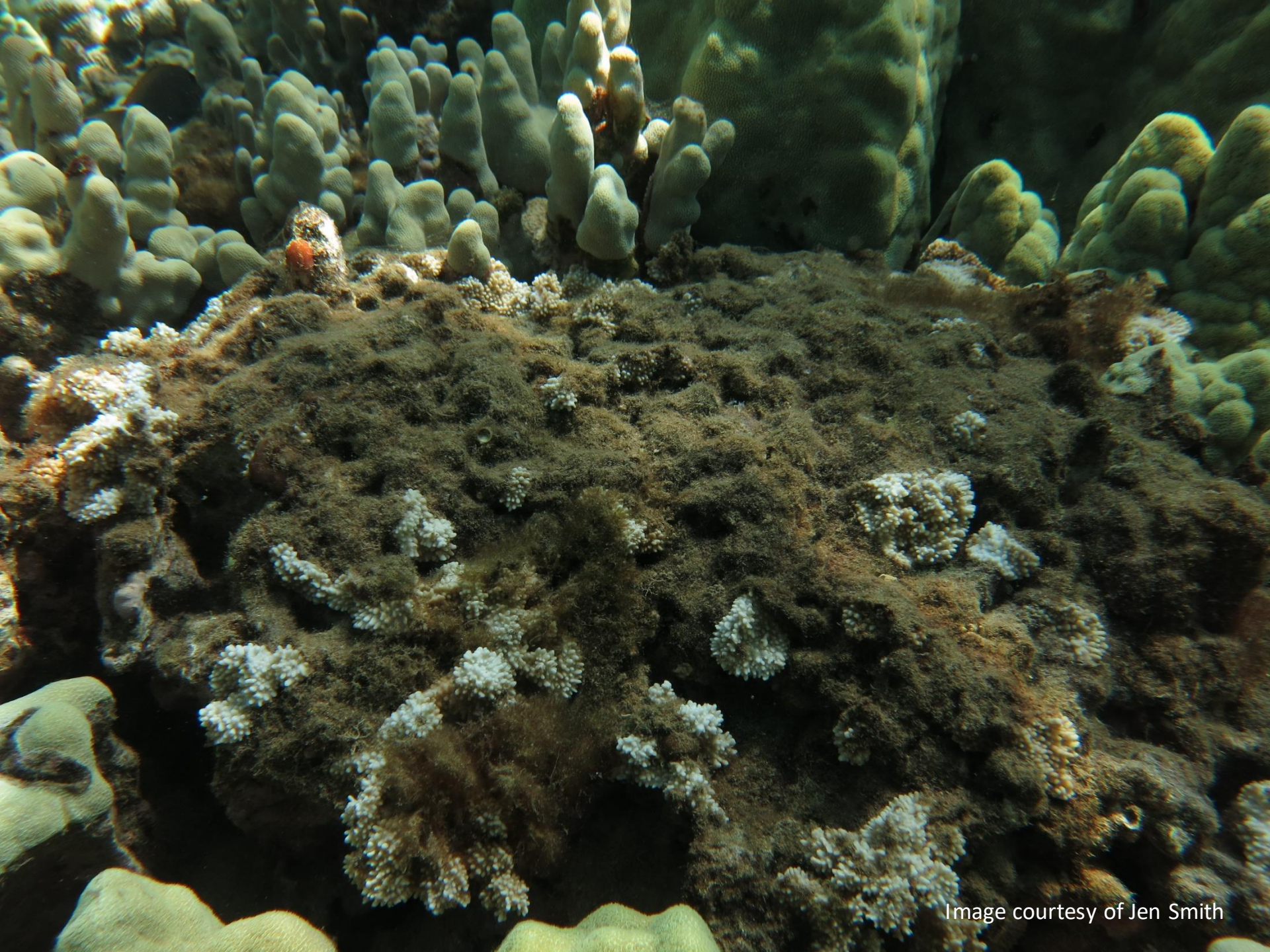
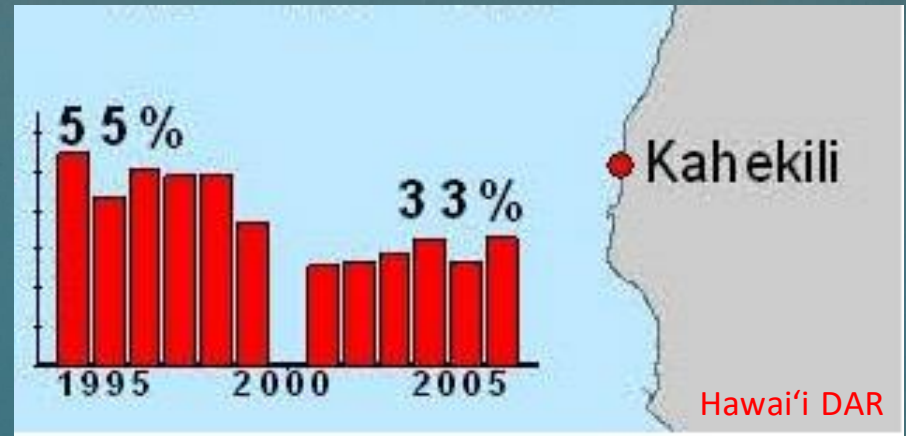


Image courtesy of Jen Smith



Image courtesy of Jen Smith

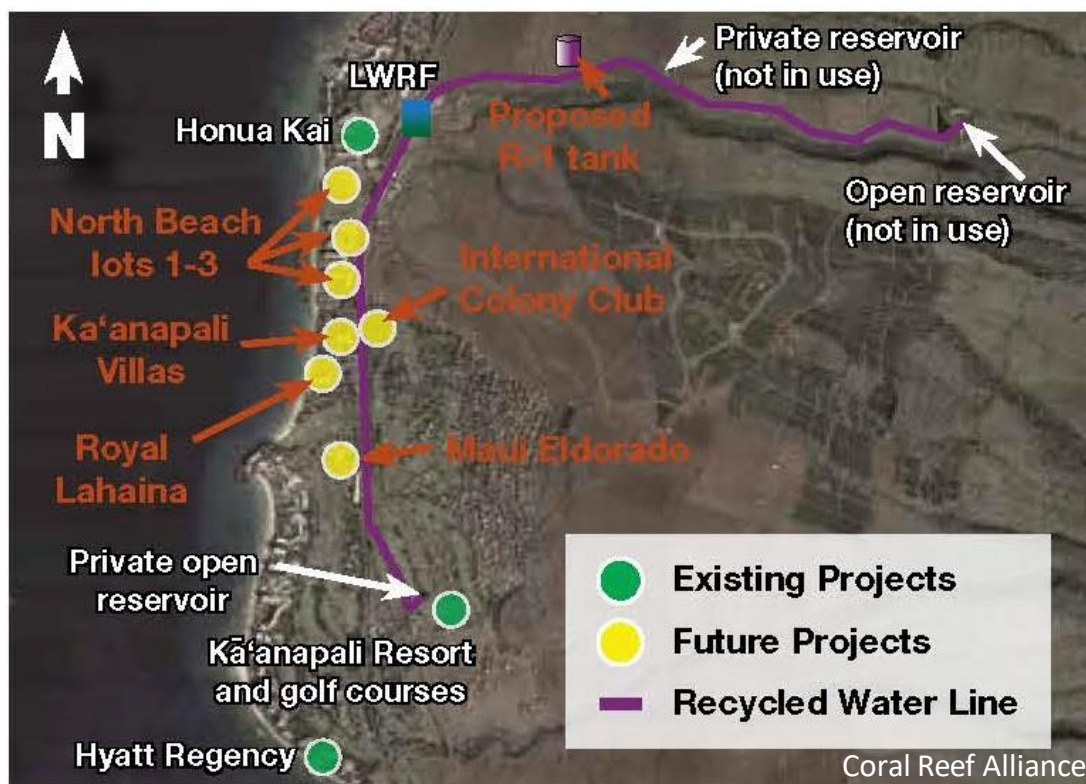


- Due to Lahaina injection wells - Rates of bioerosion orders of magnitude higher (Prouty, et al. 2017)



The Path Forward

- Investment to increase R-1 Reuse





The Path Forward

- Investment to increase R-1 Reuse



Hawai'i Dept. of Health



Coral Reef Alliance



The Path Forward

- Good faith efforts to get/comply with permit
- No future litigation
 - Over Lahaina injection wells
 - Over other County injection wells
 - Over reuse of R-1 water
- No admission of harm



Draft Resolution

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby approves settlement of this case **under the terms set forth in an executive meeting before the Governance, Ethics, and Transparency Committee**; and
2. That it hereby authorizes the Mayor to execute a Release and Settlement Agreement on behalf of the County in this case, **under such terms and conditions as may be imposed, and agreed to, by the Corporation Counsel**; ...



Image courtesy of Jen Smith



Image courtesy of Jen Smith