EARTHJUSTICE

SETTLING THE LAHAINA CASE

Working Together To Protect The Public Interest

DAVID HENKIN
EARTHJUSTICE, MID-PACIFIC OFFICE

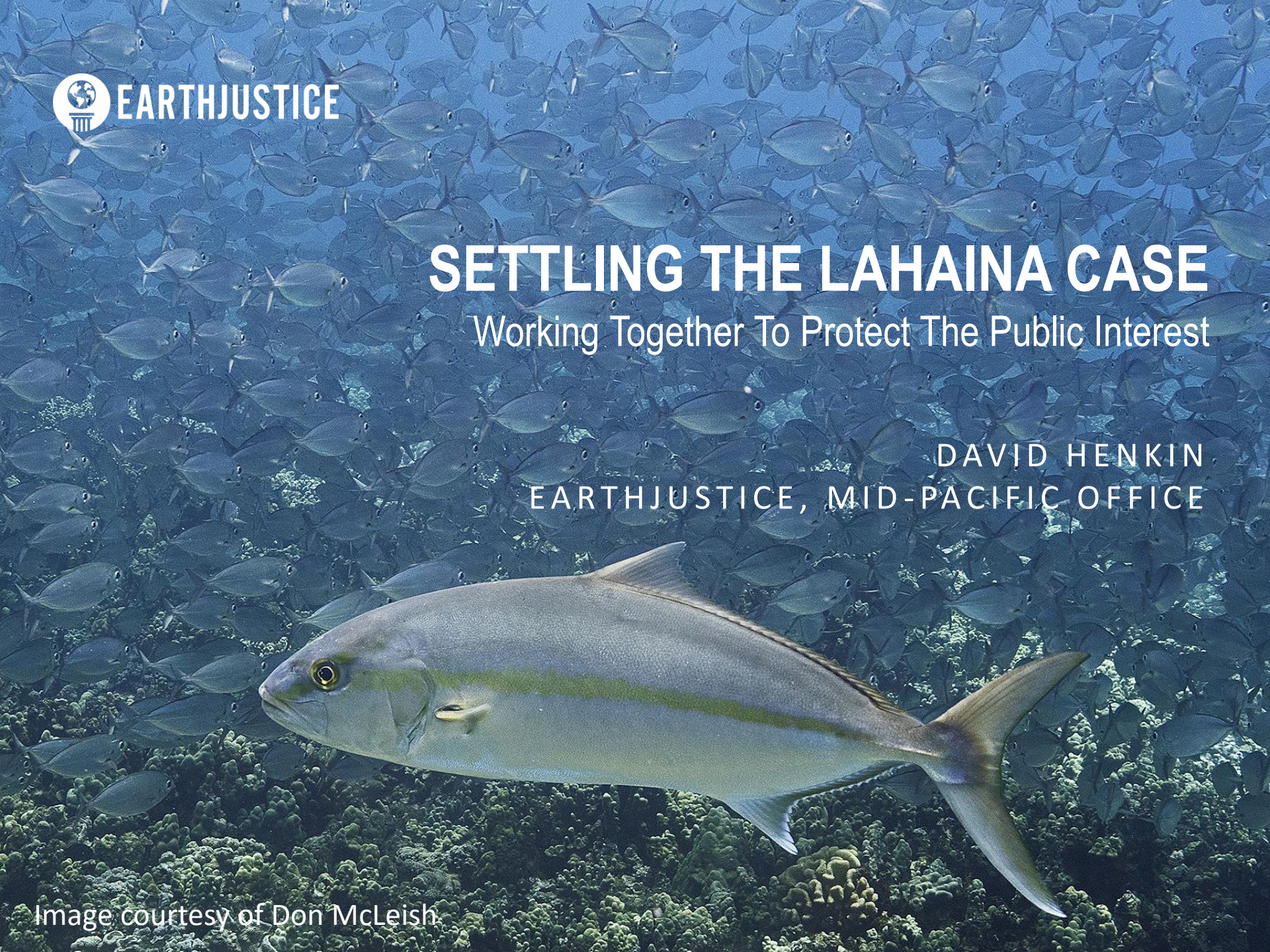

Image courtesy of Don McLeish


LWRF
Kahekili Beach Park
Google Earth


Image courtesy of Jen Smith

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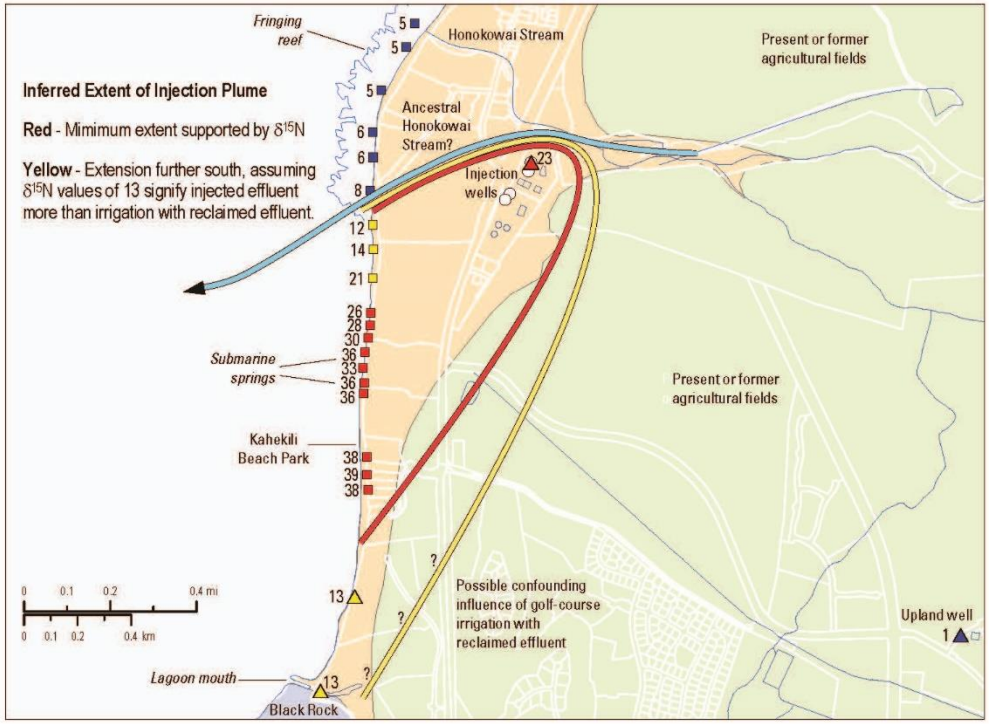
Image courtesy of Jen Smith

USGS
science for a changing world

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

Image courtesy of Jen S

- Wastewater Plume Detected Using $\delta^{15}N$ (Dailer, et al. 2011)
- Highest Algal $\delta^{15}N$ Values Ever Detected (Dailer, et al. 2012)

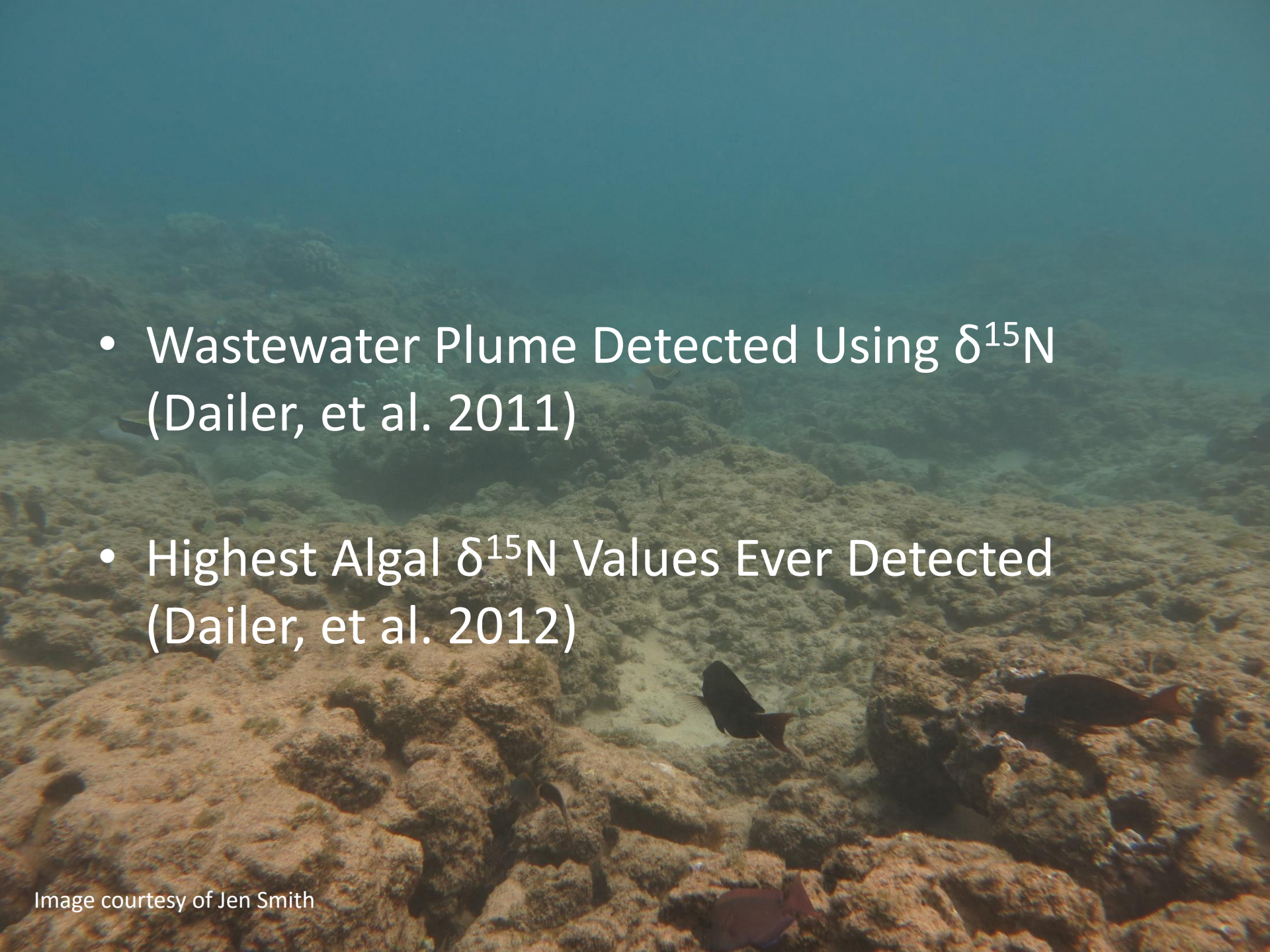


Image courtesy of Jen Smith

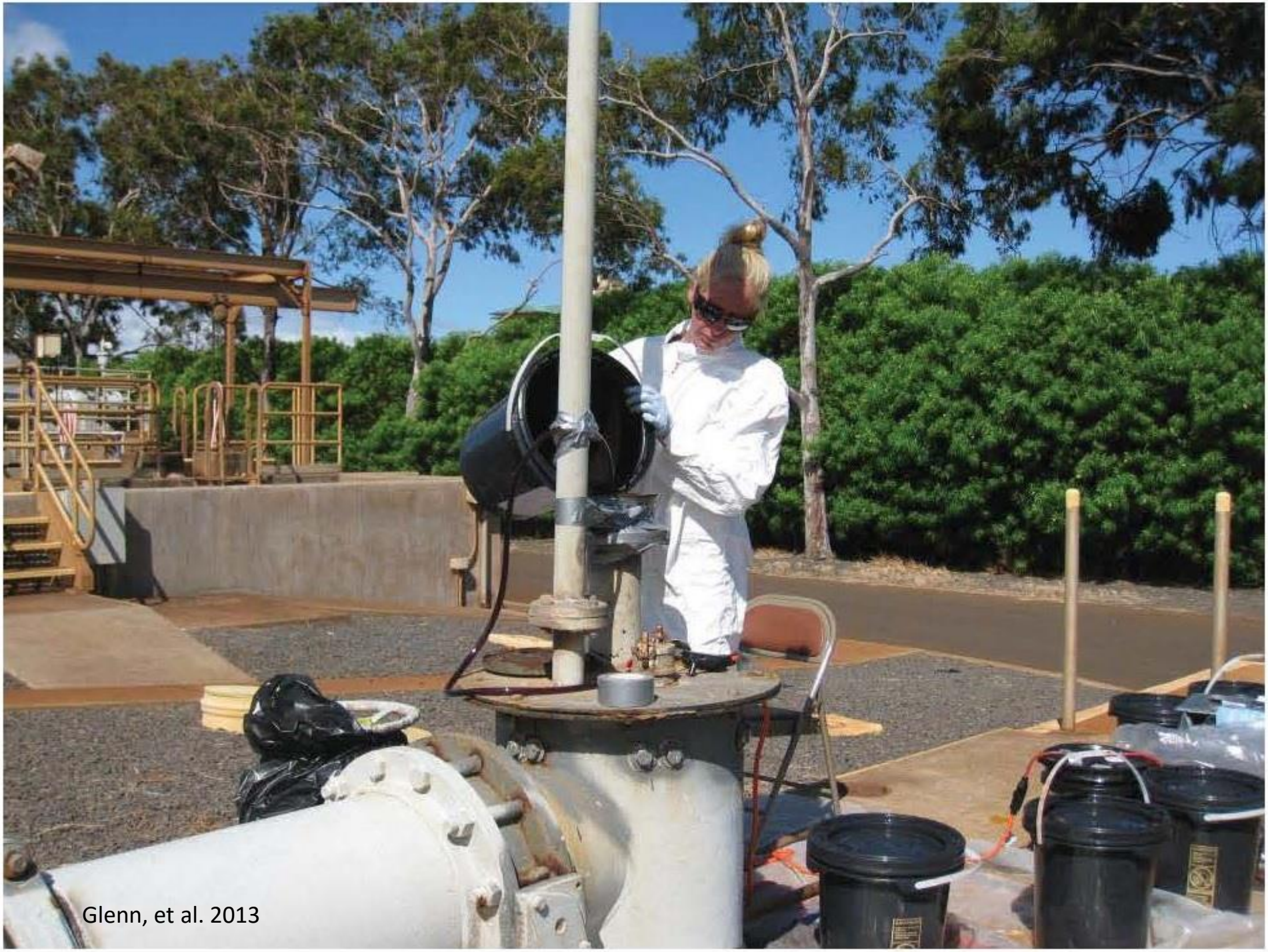
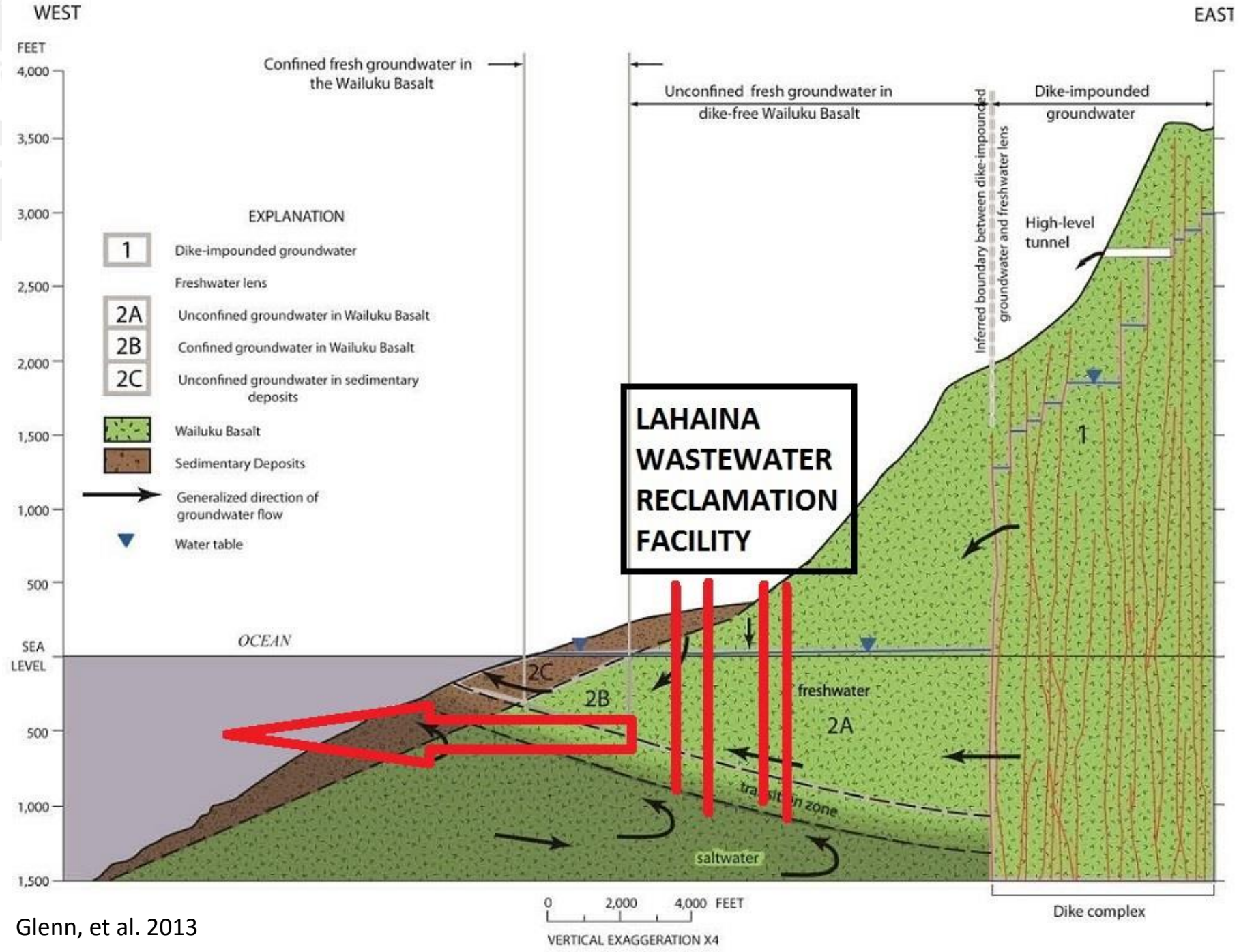
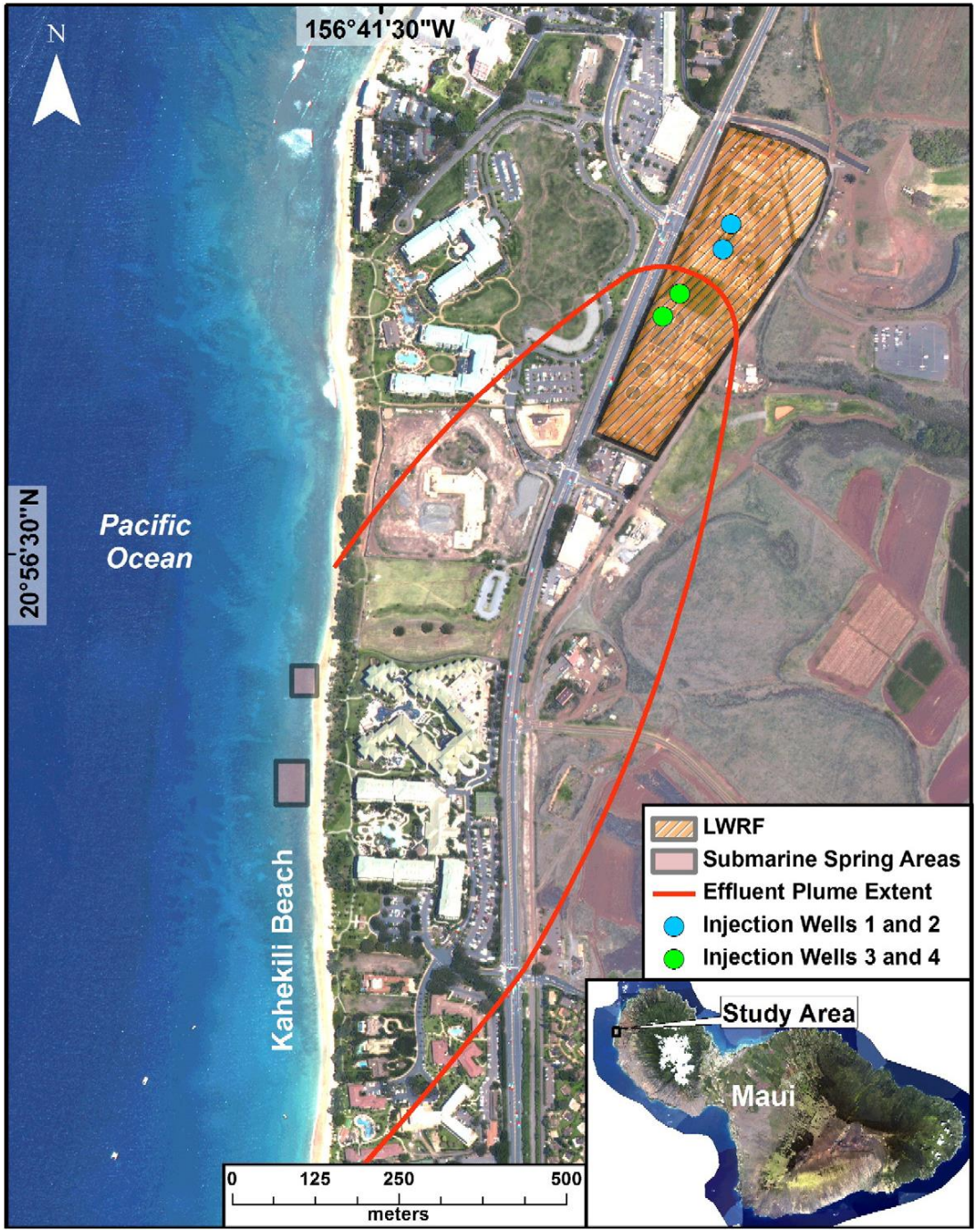

Glenn, et al. 2013

Image courtesy of Jen Smith

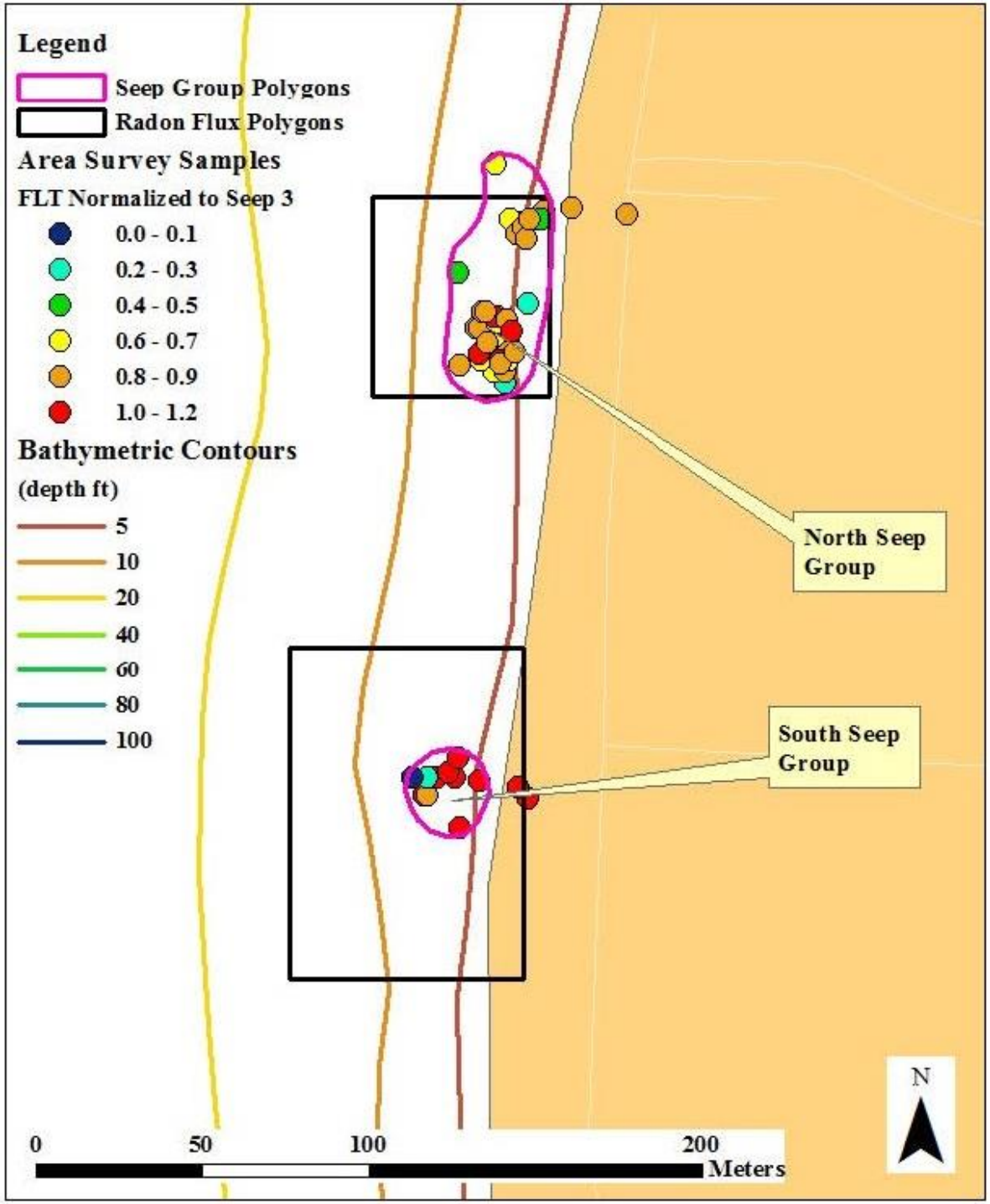
Video courtesy of Meghan Dailer



Glenn, et al. 2013



Fackrell, et al. 2016



Glenn, et al. 2013

Location	Date (MM/DD/YY)	<>	NO_3^- + NO_2^--N (mg N/L)	<>	Total N (mg N/L)	<>	Total P (mg P/L)
South control mid-depth	7/14/14		0.010		0.082		0.012
North control surface	8/25/14		0.023		0.085		0.014
Control north mid-depth	8/25/14		0.014		0.100		0.014
North seep surface	8/25/14		0.029		0.103		0.016
North seep mid-depth	8/25/14		0.035		0.135		0.013
North seep A	8/25/14		2.59		2.94		0.260
North seep B	8/25/14		2.61		3.47		0.310
North seep C	8/25/14		2.09		3.53		0.190
South seep A	8/25/14		2.61		3.80		0.320
South seep B	8/25/14		3.20		3.90		0.330
South seep C	8/25/14		1.63		3.71		0.295
South seep surface	8/25/14		0.042		0.068		0.012
South seep mid-depth	8/25/14		0.019		0.120		0.011
South control surface	8/25/14		0.010		0.085		0.011
South control mid-depth	8/25/14		0.010		0.129		0.009
North control surface	9/29/14		0.021		0.103		0.014
Control north mid-depth	9/29/14		0.016		0.090		0.013
North seep surface	9/29/14		0.023		0.095		0.014
North seep mid-depth	9/29/14		0.024		0.102		0.015
North seep A	9/29/14		1.69		3.17		0.310
North seep B	9/29/14		1.78		2.83		0.310
North seep C	9/29/14		1.62		2.80		0.325
South seep A	9/29/14		1.72		2.81		0.345
South seep B	9/29/14		1.57		2.61		0.340
South seep C	9/29/14		1.56		2.80		0.330
South seep surface	9/29/14		0.026		0.111		0.016
South seep mid-depth	9/29/14		0.023		0.106		0.019
South control surface	9/29/14		0.010		0.087		0.011
South control mid-depth	9/29/14		0.008		0.083		0.011
North control surface	10/27/14		0.004		0.063		0.011
Control north mid-depth	10/27/14		0.004		0.066		0.020
North seep surface	10/27/14		0.027		0.091		0.020
North seep mid-depth	10/27/14		0.019		0.085		0.022
North seep A	10/27/14		1.29		1.64		0.320
North seep B	10/27/14		1.68		1.86		0.280
North seep C	10/27/14		1.58		1.83		0.295
South seep A	10/27/14		1.66		1.79		0.330
South seep B	10/27/14		1.60		1.83		0.225
South seep C	10/27/14		2.24		2.45		0.340
South seep surface	10/27/14		0.002		0.078		0.011

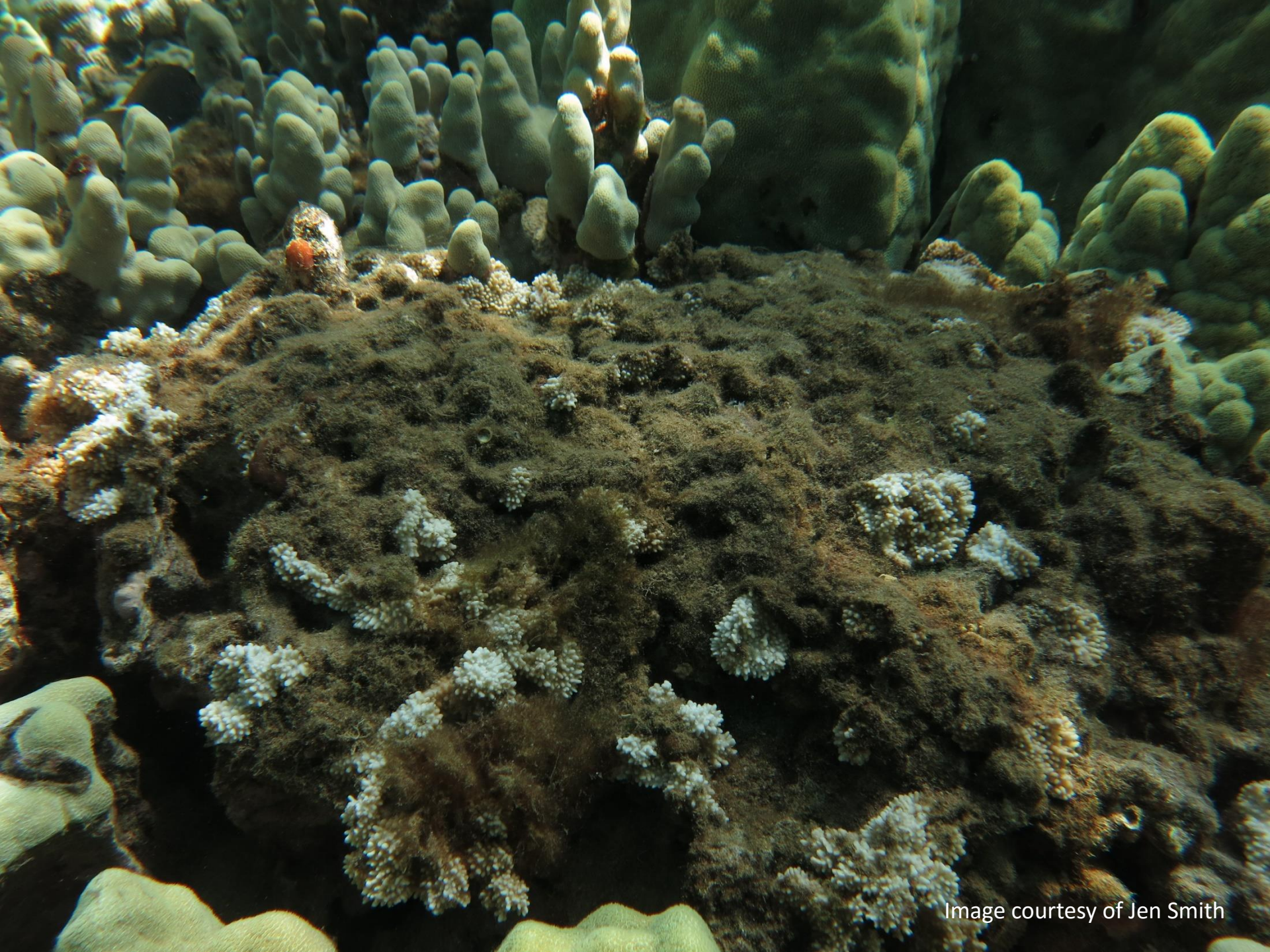


Image courtesy of Jen Smith

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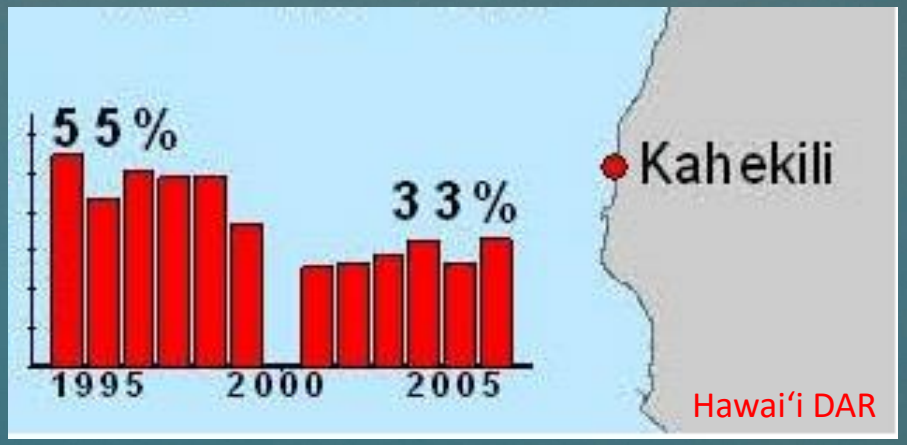
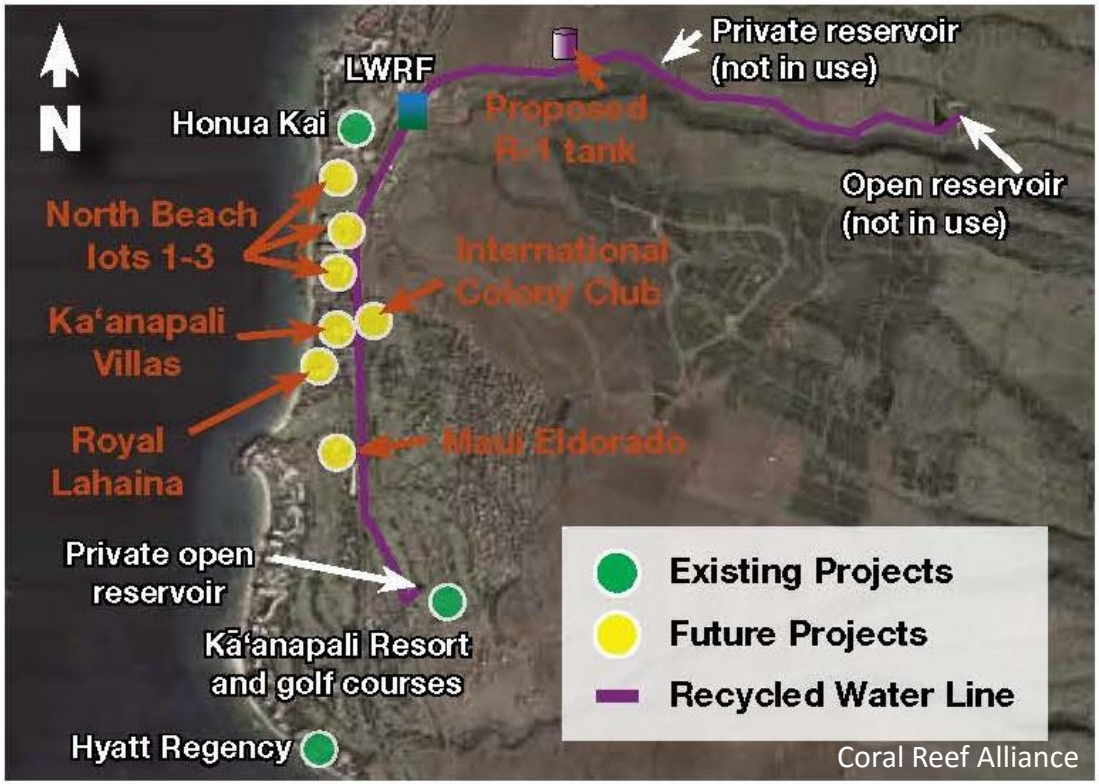


- Due to Lahaina injection wells - Rates of bioerosion orders of magnitude higher (Prouty, et al. 2017)

Image courtesy of Jen Smith

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