

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

September 20, 2019

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, SEPTEMBER 20, 2019, BEGINNING AT 9:00 A.M., WITH CHAIR KELLY T. KING PRESIDING.

COUNCIL CHAIR KELLY T. KING: Good morning, Maui. My name is Kelly King. I'm the Chair of the Maui County Council. I'm calling to order at 9:00 in the morning the Maui County Council regular meeting of September 20, 2019. And before I go to introductions, I just want to let folks know that we also have a concurrent public hearing that I'll be gaveling into after the ceremonial resolutions. So, we have two ceremonial resolutions today that we'll be taking up first, as part of the regular Council meeting.

And with that, we will go into roll call. Madam Clerk.

ROLL CALL

PRESENT: COUNCILMEMBERS NATALIE A. KAMA, ALICE L. LEE, MICHAEL J. MOLINA, TAMARA A.M. PALTIN, SHANE M. SINENCI, YUKI LEI K. SUGIMURA, VICE-CHAIR KEANI N.W. RAWLINS-FERNANDEZ AND CHAIR KELLY T. KING.

EXCUSED: COUNCILMEMBER G. RIKI HOKAMA.

(Councilmember Hokama was not present when the roll call was called; however, he arrived at 9:02 a.m.)

CHAIR KING: So, right now, I guess we'll, oh, here he comes; Mr. Hokama. I mark you as present.

DEPUTY COUNTY CLERK MARGARET CLARK: So, Madam Chair, there are nine Members present and zero Members "excused". A quorum is present to conduct the business of the Council.

CHAIR KING: Okay. Thank you. And this morning for opening remarks, we go to our Vice-Chair Keani Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I, I am sorry. I wasn't aware that I was doing opening remarks this morning.

CHAIR KING: Oh. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry.

CHAIR KING: If you like, we can put, we can skip this one and put you in the next rotation.

Ms. Lee.

COUNCILMEMBER LEE: I volunteer Tasha.

CHAIR KING: You volunteer Tasha?

COUNCILMEMBER PALTIN: Volun-told.

CHAIR KING: Would our Pro Tem like to make opening remarks today?

COUNCILMEMBER KAMA: Yes, I would. Thank you.

OPENING REMARKS

The opening remarks were offered by Councilmember Tasha Kama.

CHAIR KING: Thank you, Ms. Kama, our Pro Tempore. And I apologize to our Vice-Chair that you weren't notified of, of the rotation. But we'll, we'll substitute you for our Pro Tem next time. And thank you for your words. We, you're right, we do need to be fed occasionally, but we work hard.

Alright, so all those who is so inclined, please stand and join me for the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR KING: Okay, thank you. Before we proceed with today's agenda, may I please request that everyone silence their cellphones or other noisemaking devices? And I also want to request that we maintain decorum in the chambers at all times. It's very important to get, getting through this long, this really tough agenda we have today. So, I appreciate that, if everyone can give us their cooperation.

And, Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with ceremonial resolutions. We have two individuals signed up to testify in the chamber on ceremonial resolutions. The first person signed up to testify is Dr. Virginia Cantorna. To be followed by Rowena Dagdag-Andaya.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

DR. VIRGINIA CANTORNA:

Good morning.

CHAIR KING: Good morning.

DR. CANTORNA: I want to warn you that I might be stoic, or I might weep as I give my testimony. I am Dr. Virgie Cantorna, a licensed clinical psychologist now in private practice after working for Family Court, Drug Court, Aloha House, and the Department of Education. I am also a former Director of Nursing at Maui Memorial Medical Center.

Someone recently sent me an email "Happy Suicide Awareness Week". Happy suicide awareness week; there is nothing happy about suicide.

Let me tell you about some of my experiences with suicide both inside and outside of my psychotherapy practice. Suicide does not discriminate by age. My youngest suicidal patient was five years old. Suicide is not limited to the poor mentally-ill druggie. It affects professionals, dentists, physicians, attorneys. It affects good loving families.

It can be committed in private, such as in a closet or a car, or in public like at Target, Kahului School. Suicides have occurred even with close attention, like the time a patient flung himself out of a Maui Memorial Hospital window under the watch of a bedside safety sitter. Suicide can be completed dramatically as with a gunshot wound or so suddenly that no one would guess, such as discontinuing of vital medication, or staging a car accident, or accidental drowning. I know of a teen girl who strangled herself with her purse-strings, purse straps, broadcasting it on social media; and another who used fingernail clippers to sever her veins.

I have treated not just one, but many housewives, suicidal because they lost their house and children to husbands who could afford experienced divorce attorneys. And with the signing of the divorce decree, they were homeless and lost their children; their very reason for living. And because they could not stop crying, a normal human response to grave losses, they were deemed mentally-ill and unfit.

There are those who die for reasons society might think are trivial; the loss of a beloved pet or a very brief intimate relationship. And others who kill themselves, and other who kill themselves, because life was unrelenting in serving them challenge after challenge after challenge.

I have had patients who just couldn't catch a break. Would you want to live after an ocean accident, plus a cancer diagnosis, plus surgery, plus losing a job, plus losing medical insurance, losing house, car breaks down, emotional support dog becomes sick, father dies, all in the span of less than a year.

Today I want to put a face to the statistic that there is a suicide every other day in Hawaii. This is my beloved 29-year old nephew, Casey Chargualaf, who took his own life on the grounds of Maui Memorial Medical Center last week on September 9, 2019. We believe that he was seeking admission and treatment at the hospital. He tried three times to enter within 12 hours. When an uncommunicative medical patient appears at the emergency department, he or she is rushed to be admitted, urgently assessed, and treated. But when an inarticulate suicidal patient in emotional crisis appears at many emergency departments, he or she is made to sit in the waiting room unaccompanied.

I'm here testifying because for every one completed suicide, there are 25 suicide attempts in Hawaii. Since Casey's death, I have learned that there have been two additional suicides in Maui in 10 days. And my family is heartbroken and devastated. And we are Casey's voice.

What is Suicide Awareness? I see posters everywhere, "Suicide Awareness Week". And what are we supposed to be aware of? My list includes the following: Number one, know that suicidal individuals rarely say directly and specifically, "I am going to kill myself". You must look for changes in behavior.

Number two, ask by using the words, "Are you thinking of killing yourself"? There's a myth that confronting suicide might compel the depressed person to in fact kill themselves, but the opposite is true.

Never leave a suicidal person alone. Accompany them to the hospital and stay with them to answer questions and ensure their safety. Fix the cracks in our healthcare systems, especially our hospital. Whom can we trust if hospitals, agencies, and professionals fail our loved ones?

Because of Casey's death, I am committed to improving suicide response, not just suicide awareness; suicide response. If you find someone who has tried to commit suicide, take them down, take their pulse, and perform CPR.

Treat mentally-ill drug addicts and suicidal patients with urgency, respect, and compassion. Please do not call them the dregs of society, the frequent flyers, the weak, the stupid, the selfish, the sinners, good for nothing.

In my nephew, he was courageous, kind, sweet, fun-loving, protective. He tried again and again to fight his merciless demons. He fought for his life and he wanted to live. Number six, fight the stigma of suicide; talk about it and support survivors of suicide loss. Rowena is my first cousin, so it affects the both of us. Thank you very much with this resolution. For--

CHAIR KING: Thank you.

DR. CANTORNA: That helps to bring suicide out of the darkness. We have to talk about it. We have to put names and faces to suicide.

CHAIR KING: Thank you, Dr. Cantorna. Can I ask the, the Council if they have any questions?

DR. CANTORNA: Thank you.

CHAIR KING: Councilmembers, any other questions? Okay, thank you so much for being here. And Rowena, do you have, are you speaking as well? Okay.

MS. ROWENA DAGDAG-ANDAYA:

Aloha, Chair and Councilmembers. My name is Rowena Dagdag-Andaya. And although I'm the Director of Public Works, I'm speaking here on my own time and also in a personal capacity in support of my cousin Virgie, and to share the story of my nephew Casey.

Casey was my cousin Evelyn Dagdag Chargualaf's youngest son and he was loved by our family so much. I know he tried really hard to beat addiction and his illness, mental illness, and our family did everything possible to support him. When my cousin Virgie called me that night that he passed away, she explained that he tried to check himself into detox at the hospital just hours before taking his own life. It's heartbreaking knowing that someone in your family, his death could have been prevented.

And you know, we have ceremonial resolutions and, and awareness months all the time, but when stuff like this happens and it hits home, I mean, I really want to urge the Council to, to take action. And a couple months ago, I came before one of the Council Committees to talk about the built environment and the social determinants of health. I think we really need to look at that chart one more time and understand how the laws that we pass, the policies that we enact affect community health. We're facing a crisis here. Casey's death was followed by two other suicides of individuals that both my husband and I knew. And it's alarming to see what the statistics are in Hawaii of suicide, suicide deaths.

I hope that we can work together. As Public Works Director, I'm willing to step in and, and be committed towards suicide prevention. It affects not only our families, but our, our employees as well. So, in my capacity as Director, and I urge my colleagues too, to know what the signs are, to not be afraid to ask for help and to encourage those who do need help in our departments to seek help where it's needed. So, thank you for allowing us to share our story, and to also be able to talk about this very important issue. Mahalo.

CHAIR KING: Thank you, Ms. Dagdag-Andaya. And thank you, Dr. Cantorna for your, your ongoing advocacy. Any questions? Okay.

Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, there is no one else signed up to testify on ceremonial resolutions.

CHAIR KING: Okay. So any objections to closing testimony on ceremonial resolutions?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Testimony is closed for ceremonial resolutions. And then we go to Councilmember Yuki Lei Sugimura for our first resolution.

COUNCILMEMBER SUGIMURA: So you're going to go to the first resolution? Could I ask the Clerk to read the resolution in its entirety?

CHAIR KING: Okay. Madam Clerk.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 19-156

RECOGNIZING THE MONTH OF
SEPTEMBER AS SUICIDE PREVENTION
AWARENESS MONTH IN MAUI COUNTY

(The resolution was read in its entirety.)

CHAIR KING: Thank you, Ms. Clark.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you, Ms. Clark, for reading the resolution.

I WOULD LIKE TO MOVE TO ADOPT THE RESOLUTION,
CHAIR.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Sugimura, seconded by Councilmember Alice Lee.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you. I think what Dr. Cantorna and Rowena Dagdag-Andaya said speaks volumes. And I need not add to it in more, but I think that what was said, which was a life experience captured my heart. I had tears in my eyes when I saw Virgie before the meeting, and she explained to me why she was here. I like what she said, that we need to do suicide response month. Awareness is part of it, and I will take that into consideration, Virgie, for future.

I also want to share with you, and I want to thank my staff. They wrote for me this great speech just to, to talk about this. But as you may or may not know, I have an experience in my family where my father took his life when I was 17 years old. It was very, very painful. It was very hard for me. I was the youngest of four children in the family and trying to grow up in a life figuring it out why. Why did he do it? And there was nothing at that time where people could talk to you and try to explain that it was, it was like a hidden secret occurrence in the community.

So, it was not something that we could have a public discussion like this today. So, I'm more so stand by the words spoken by you, Virgie and Rowena. It's still something hard for me, even if it's 50 years ago my dad took his life. But it's something that pained our family for many years. It molds my discussion. It molds my decisions. It helps shape my integrity as a person in the community. So, it's something very important. So, at this time, I'd like to ask my fellow Councilmembers to support this resolution.

CHAIR KING: Thank you, Ms. Sugimura. Any other comments?

I think it's a very sad topic and the awareness is good because we do need to talk about it in public. And, you know, since I know it's really hard to, for folks to chime in, I would actually like to ask if we could just, on behalf of yourself, Ms. Sugimura, and all of the rest of us, myself who have been touched by suicide on Maui, let's have a moment of silence--

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: --before we vote.

MEMBERS OF THE COUNCIL, AND OTHERS IN ATTENDANCE,
OBSERVED A MOMENT OF SILENCE.

CHAIR KING: Thank you. And that's on behalf of all those who lost somebody and all those who have been lost, and all the missed opportunities that we've been hearing about just recently. Any, if there are no other comments, then we'll call for the question. All those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion carries nine to zero; unanimously.

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Chair. And thank you, Members. I would like to know if I could ask Virgie and Rowena to come forward to receive the resolution. And that, while they're coming down, I just want to say that Danielle Bergman, who's Executive Director of this organization that requested the resolution, I believe she had surgery scheduled this week. And we asked her to change from the beginning, the first Council meeting in September to this week. So, she's not able to, although she tried to be here.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: So, thank you very much, Virgie and Rowena.

CHAIR KING: And then Councilmembers, if you'd like to just come on the floor and recognize our recipients.

COUNCILMEMBER SUGIMURA: Thank you very much for your heartfelt speech and really making this a very meaningful ceremonial resolution for today. And I wanted the Councilmembers to be here. And if we have staff, can you take a picture so that we can have this in unity that we support them and their family and all families who've experienced this tragedy?

Thank you. Would you like to say just a few words, or have you?

DR. CANTORNA: A staff, one of the staff members approached me this morning and said that her husband had completed a suicide. We say completed now instead of committed. And to hear Yuki's personal story, really touches me. Those of you who have been affected by suicide know that if you know somebody else who was similarly affected, it can be very bonding and very healing. So, I want to encourage you to talk about your loved ones, those of you who are survivors of suicide loss.

And I want to thank the Maui County Council for again taking the subject out of the darkness and into the light. It's so important. We can't lose anybody else. And you know, a suicide every other day is just way too much. But that's not just the only statistic. I was shocked to learn that for every one completed suicide, there are 25 others who have made attempts. So, thank you and aloha.

CHAIR KING: Okay. Madam Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-156.

RESOLUTION
NO. 19-157

RECOGNIZING THE EFFORTS OF MAUI
COUNTY RESIDENTS TO HIGHLIGHT CLIMATE
CHANGE, ESPECIALLY THROUGH
PARTICIPATION IN THE GLOBAL CLIMATE
STRIKE ON SEPTEMBER 20, 2019

CHAIR KING: Okay. Thank you.

Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: Thank you, Madam Chair. May I request that the Clerk read the resolution in its entirety please?

CHAIR KING: Madam Clerk.

(The resolution was read in its entirety.)

CHAIR KING: Okay. Thank you, Ms. Clerk.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair.

I MOVE TO ADOPT THE PROPOSED CEREMONIAL
RESOLUTION.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay, moved by Councilmember Sinenci, seconded by Councilmember Keani Rawlins-Fernandez.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you. I wanted to recognize, we have some students today that have joined us, who are our planet's greatest advocates. These kids understand the new reality of climate change that policymakers are still struggling to accept. They recognize the fact that we need immediate action, and they are telling us adults it's time to do something.

No one understands the threats we are facing better than those who have to live with these damaging effects. Their generation will bear the brunt of climate change. It's our responsibility as adults and even more so as policymakers to protect the world that we give to our children and be good stewards and good kupuna.

More than one million students across the world in over 150 countries have already participated in a climate strike. We have many students here in Maui today participating. So, Chair, I would now like to ask the following student leaders to come up and receive a lei for their work that they've done in advocating.

CHAIR KING: We need to vote on the resolution first, Mr. Sinenci.

COUNCILMEMBER SINENCI: Oh, go ahead.

CHAIR KING: That's good, we're enthusiastic. And so, any other comments on this issue?

Councilmember Molina.

COUNCILMEMBER MOLINA: Yea, thank you very much, Madam Chair. I would like to speak in support of the resolution. And thank my colleague from Hana, Mr. Sinenci for bringing this to our attention and, and to the County. Because what we do as the kupuna decision-makers today affects their future. And of course, they will become our future leaders.

And it's quite timely with this resolution because we have another item that relates to our environment in a very important matter. So, I want to thank all of our young leaders

out there and all of the teachers and parents who are behind all of this. Because, you know, the health of our environment is, it's certainly being brought to the attention of the world. And the global climate change and health of our reefs and oceans is certainly very serious. And there is a spiritual, spiritual connection for us here in Hawaii, especially to our oceans. And so, thank you again Councilmember Sinenci and to all involved with the climate change movement. Thank you, Madam Chair.

CHAIR KING: Thank you. Any other comments?

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I also speak in strong support of this resolution. And my mahalos to Member Sinenci for bringing it forward. And you know, just a quick reminder to all of us that, you know, we do not inherit the earth from our ancestors; we borrow it from our children. And, I mean, it's the reason that I'm here. Nona hanauna. And he ali'i ka `aina, he kauwa ke kanaka. We are but stewards of the chief, the ali'i who is the aina. Mahalo, Chair.

CHAIR KING: Mahalo. Any other comments? I want to add my thanks to Member Sinenci, because I think most of us were at the planning conference last week when you were working on this. And so, you were able to get it in, in the deadline for today which coincides with the climate strike. So, thank you for working on this.

I also wanted to mention that when we had the, the presentation in the EACP Committee earlier this week with Josh Stanbro about the possibility of creating an office like the one on Oahu for sustainability and climate change resiliency. He suggested, the suggestion was made at the time that we don't call it climate change, that we call it climate action.

And I think, like the previous subject that we just heard, the previous resolution, that we need action now. It's nice to recognize these events and, and have a suicide prevention month and have a recognition of the strike, but we do need action. And it's incumbent upon this body to take those kinds of actions. So, I'm happy that the students are here today in prioritizing this, even if you have to miss school. But I mean, that, that makes, and I'm sure all of you would rather be in school than be here in the chambers. But I'm, I'm happy that you're here and I'm happy that you're rising up, you know, before, hopefully before our sea level does.

If there are no other comments, Mr. Sinenci, any other comments from you? Okay. No, if there are no other comments, all those in favor of the resolution on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero; unanimously.

Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. And thank you, Members. So, from the, I'd like to call up some of these student leaders today. From the organization Fridays for Future Student Climate Strikers, we have with us today: Sage Campbell; Siena Schwartz; and Georgia Eyerman. From the Hawaii Youth Climate Strike representatives: Punahale DeCosta; Kyrie Sisouvong. From the UHMC Student Ohana for Sustainability, we have Sanoma Boynton. And the Maui Huliau student representatives are Amia Datts-Voluntad and Camry Gach.

CHAIR KING: Okay. So, we'll, is, do you want someone to say a few words first or? Okay. Is there somebody who's going to speak for the group?

COUNCILMEMBER SINENCI: Yes. So, each one of these bright students exemplifies leadership, commitment, and a special commitment to our future. I'm so glad to have them here today. I want to let them know we greatly appreciate them and are inspired by their efforts. So, if you wanted to say, share some thoughts, you may do so right now.

MS. SIENA SCHWARTZ: Hi. I'm Siena Schwartz.

MS. SAGE CAMPBELL: I'm Sage Campbell.

MS. GEORGIA EYERMAN: And I'm Georgia Eyerman.

MS. SCHWARTZ: We're in the eighth grade and we go to Kihei Charter School.

MS. CAMPBELL: We would like to first start by saying thank you for recognizing us and what we're doing.

MS. EYERMAN: We would also like to thank you for supporting us in our pursuit of climate, of climate action.

MS. SCHWARTZ: We would like to talk about why we strike for climate action. Of course, there are a myriad of reasons why we could strike, but for me, I strike because my future depends on it; because I don't want to be a part of the reason our humanity is doomed.

MS. EYERMAN: I strike to raise awareness about climate change, what it's doing and the things we can do to help it. Also, the fact that I've been thinking about my future since I was a little girl and the thought of not being able to live out that future is terrifying. And I thought that, and it's just awful and something that I really want to prevent.

MS. CAMPBELL: I also strike for numerous reasons as well. But the two main reasons are so that people are more informed about the climate crisis and because I want to be able to fight for my future. I want to live in a world where I can have the choice to have a future but at all, because when the adults are acting like children, the children must act like adults.

MS. SCHWARTZ: Since we've started taking action, we've done a great deal of things; some of which include striking school on multiple occasions and meeting with Mayor Victorino, spreading awareness throughout our school and community, and contributing hours of volunteer work with Coral Reef Alliance and other associations.

MS. EYERMAN: And we hope to accomplish a multitude of things in the future.

MS. CAMPBELL: For example, we hope to pursue, persuade elected officials to declare a climate emergency. We also hope to bring more awareness to the climate crisis and the effects that it has on both our environment and our society. Another thing that we'd like to accomplish is decreasing our carbon footprint on a massive level.

MS. SCHWARTZ: Once again, we'd like to thank you for recognizing us today.

MS. EYERMAN: And we hope to achieve even more and greater things in the future.

MS. CAMPBELL: Since the reason we are all here today is so that we can fight for our futures.

MS. SCHWARTZ: Because our time is running out and we need to act now.

MS. EYERMAN: Because the climate crisis is one of the most important issues worldwide.

MS. CAMPBELL: We plan to come on Friday as much as we can, because this is a major topic concerning everyone on Maui and worldwide.

MS. SCHWARTZ: We need to fight for our future if no one else will. Thank you.

CHAIR KING: Mr. Sinenci, is there anybody else, is there anybody who wants to speak to the actual event today?

MS. KYRIE SISOUVONG: Hi. My name is Kyrie Sisouvong.

MS. PUNAHELE DECOSTA: Hi. My name is Punahele DeCosta.

MS. SISOUVONG: And we represent Hawaii Youth Climate Strike. As a member of the youth right now, we do need to take action because as these girls have said, this is our future. We need to take action now, not when, sorry kind of nervous.

CHAIR KING: It's okay. You're doing great.

MS. SISOUVONG: Not when we can't take action. This is a current issue, but people are treating it as not a current issue.

MS. DECOSTA: Also, when we're talking about this climate discussion, I think it's really important for us to also listen to native scientists. Because, especially being here in Hawaii, we really need to listen to kanaka maoli. And there's many scientists that are native, especially because kanaka have taken care of the land forever and it's based on aloha aina and not expectations. So, I think it's really important to make sure that we're listening to indigenous voices while we're talking about the climate.

MS. SISOUVONG: Thank you.

CHAIR KING: Okay. Thank you.

MS. AMIA DATTS-VOLUNTAD: Hi. My name is Amia Voluntad, or Amia Datts-Voluntad.

MS. CAMRY GACH: Hi. I'm Camry Gach. And we're from Maui Huliau Foundation.

MS. DATTS-VOLUNTAD: The reason why I'm striking is because I feel like, I feel that we've been given this world and that we are a part of nature, and we're a part of creation. So, what happens if our world, if our world falls, what will happen to us? And I just don't want to see, I don't want to be the reason our world falls. So, I want to make a change so that we can live the way we're intended to live.

MS. GACH: I just believe that the world and the earth has given so much to us, and we've taken so much from it. And we've prospered and we have had success, and we have been able to accomplish great things as humans, but now is the time to give back. And I want to give back because I believe that we should all respect the plants, and the animals, and other species that inhabit this earth just as much as they would respect us.

And I also believe that we, we need to give back to the earth, because we need to be able to have the regenerable resources that will allow us to continue living as a human race. Because if we take and take and take, there will be nothing left for us. So, I'm really excited and proud of the fellow students here before us today that are taking action and bringing awareness.

And I would just say for everyone to just remain educated on this topic and know who and policy, which leaders support environmental advocism *[sic]*, advocism *[sic]*. And yes, just like, who supports that and what action is going to be taken and to educate yourselves, vote, and continue to support organizations that want to accomplish great things. So, thank you so much.

CHAIR KING: Okay. Thank you.

MS. SANOMA BOYNTON: Aloha, everyone. I'm Sanoma Boynton with the University of Hawaii Maui College and the president of the Student Ohana for Sustainability Club. I'm here striking today because I want to preserve our resources for future generations. If it's alright, may I speak on the behalf of our leader Vince today? Later today, at the UHMC campus on the great lawn, we will be holding another climate strike. We will be having speakers speaking such as these fine ladies on why it is important to continue for future generations. And we will also be going out onto the streets to let the public know how important it is to preserve our future and our planet. Thank you.

CHAIR KING: Thank you. Okay.

VICE-CHAIR RAWLINS-FERNANDEZ: Will you let us know what time?

MS. BOYNTON: It'll begin at 4 p.m. and we'll continue on till about 6:30 p.m.

CHAIR KING: Okay. So, Councilmembers, if you would like to come and recognize these young ladies on the floor, we, this would be a good time to do that now.

COUNCILMEMBER SINENCI: And take a, and take a photo. Thank you, Chair.

CHAIR KING: And take a photo.

MINUTES

of the

PUBLIC HEARING HELD ON

THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, CONVENED A PUBLIC HEARING ON FRIDAY, SEPTEMBER 20, 2019 AT 9:46 A.M., IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, WITH CHAIR KELLY T. KING PRESIDING.

CHAIR KING: Okay, Members, at this time I will be convening the public hearing, which was posted for 9 a.m. today in the Council chambers, so we're a little late on this. But the public hearing is to be held concurrently with this Council meeting.

The Office of Information Practices was previously consulted on this and their Sunshine Law compliant procedures will be followed in our meetings today. So, we're gaveling in for the public hearing; September 20, 2019.

Public hearing will now come to order. Ms. Deputy Clerk, please proceed.

DEPUTY COUNTY CLERK: Madam Chair, for the record, relative to the climate change resolution, RESOLUTION 19-157.

Proceeding with the presentation of testimony on agenda items. We have established limited interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from the District Offices should now sign up with staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located in the eighth-floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agendas.

When testifying, please state your name and the name of any organization you represent. Please also identify to the Council if you are a paid lobbyist.

Madam Chair, we currently we have 27 individuals who have signed up to testify in the Council chamber. The first person to testify is Juan Rivera, testifying on Committee Report 19-112. To be followed by Cassie Martin.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JUAN RIVERA (testifying on Committee Report 19-112):

Good morning. My name is Juan Rivera. I am the capital improvement manager for the County of Maui Wastewater Reclamation Division and I'm here testifying on CR 19-112, Hawaii Wildlife v. County of Maui.

Once again, I urge you, Councilmembers, to vote "no" on settling this case. As a professional engineer, as a, and as your employee, it would be responsible *[sic]* of me to tell you otherwise. Since my last appearance here, I have talked to many of my colleagues and have since become even more convinced that settling is a bad idea, and I'm alarmed by the unintended consequences. My colleagues have been here, they have submitted testimony, and met with you in private. I urge you to listen to them.

The reasons are many and complex; the uncertainty of the law, higher sewer rates, large expenses on pie-in-the-sky projects with marginal environmental benefits, the possibility of NPDES requirements for private cesspool and septic systems, the failure of taking into account the environmental cost of alternative disposal methods and expanding to 100 percent reuse. You know this. It has been explained to you.

I urge you to listen to the engineers. They are the ones who will be responsible to figure this out, not the plaintiffs. Listen to the rate-payers. They are the one who will carry the financial burden of this decision; not the plaintiffs. The plaintiffs will collect their fees and gleefully leave us here behind to deal with the costly aftermath. Their promises to work with us are hollow. They are not engineers. They are not a financial charity. They are useless in creating a solution to this. They will catch their unicorn and leave the island. You and I will be here to deal with the rest.

I care about this island. It is my home too. I care about the working-class people whose sewer rates are going to double or triple. I care about the people on fixed-income who will not be able to afford a home, who will be displaced by wealthy outsiders who have no problem paying higher sewer rates.

I care about spending your money where it can do the most good, like repairing broken sewerlines and connecting unsewered coastal communities to our system. This will

remove more pollutants at a lower cost than trying to squeeze out the last milligram of nitrogen from the effluent. This is your money, but I get to spend it. It is my duty to you and to the rate-payers to make sure we get the most bang for the buck for it.

I care about the environment. I worry about tons of CO2 going into the atmosphere just to pump reuse water uphill. I care about having a holistic approach to the climate crisis, not just latching on to the simplistic solutions that may be worse than the problem. Real world solutions do not fit on a . . . sign. We owe this to the keiki that were here a minute ago.

Also, I do not care if the plaintiffs lump us with the Trump Administration. That's laughable and insulting for--

CHAIR KING: Thank you, Mr. Rivera. Your time is up.

MR. RIVERA: I do not fear Trump's tweets. I do not care what he will say--

CHAIR KING: Mr. Rivera, your time is up.

MR. RIVERA: He lies about everything. And please come visit the plant. I'll show you the plant.

CHAIR KING: We have three minutes. And when the red light goes off, your time is up.

MR. RIVERA: Yes, ma'am.

CHAIR KING: Thank you very much.

Ms. Clark, next testifier.

MR. RIVERA: No questions? Alright.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Cassie Martin. To be followed by Peter Davis.

MS. CASSIE MARTIN (testifying on Committee Report 19-112):

Hello. Aloha. I'm Cassie Martin. I'm the technical support engineer for the County of Maui. I am an environmentalist. I always have been, and this is the reason I'm in this field.

As wastewater professionals, we devote our careers and our lives to taking waste that no one wants to think about, and we work day in and day out to turn this back into clean and clear water; protecting public health and our environment. We have operators, mechanics, electricians, technicians, chemists, and engineers working; many on-call 24/7 to protect our oceans from sewage spills and treat your waste to a very high quality.

We are environmentalists and we ask you, as our Council, to fund projects that are needed to continue to protect our citizens, our oceans, and the environment. But to truly protect the environment, we need to look holistically at the impacts of all other discharges, including stormwater runoff and fertilizers, septic systems and cesspools; all of which contribute to the nutrients that reach our ocean.

After truly looking at these impacts, if then it's shown that the quality of the water that, in our injection wells are impacting the environment, we or you as County Council have the power to fund projects and systems that meet the quality that we feel is needed to protect it. We don't need it to be written into a permit to make that change. Why do we make, why are we asking the Federal and State agencies to dictate in a permit what, what we should be doing? They don't even want to, because it's not the right mechanism for this.

And to fund 100 percent reuse plus an outfall, which is what's going to be needed if it rains, 100 percent reuse, we still need to have an alternative to reuse. We still keep getting this flow every day and we need something to do with it. This is going to; an outfall would be the alternative to injection wells. But where is that money coming from? Increasing sewer rates and everyone from everyone paying in Maui County by three times or more? I'm not sure who can afford this.

And then what happens to the projects that still need funding, like replacing aging infrastructure to prevent raw and untreated sewage from spilling into the ocean and into our communities. If funding is directed away from these projects it's only a matter of time before we will have failures.

I think you owe it to the community to allow this case to move forward and prevent mandates that will hurt our customers and possibly even our environment. As environmentalists, we can work together to determine where funding should best go to protect our environment without an NPDES permit and without the Federal and State agencies telling us how to do it. I have confidence in this. Thank you.

CHAIR KING: Thank you, Ms. Martin, for your testimony. We have one question for you. Is it a clarifying question?

COUNCILMEMBER SUGIMURA: Yea. Thank you.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I just wanted to thank you for testifying and I would like to hear you--

CHAIR KING: Ms. Sugimura, we're just going to take the clarifying questions. We're not going to do deliberations or thank you's because we have a lot of testimonies to get through. So, do you have a question?

COUNCILMEMBER SUGIMURA: I just want to ask her if she could come and visit me with her ideas of how we can make this better, Chair.

CHAIR KING: Okay. Yea, we can take that offline, those kinds of requests.

MS. MARTIN: I would gladly.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: Next person signed up to testify is Peter Davis, testifying on Committee Report 19-112. To be followed by Jason Economou.

MR. PETER DAVIS (testifying on Committee Report 19-112):

Good morning, Chair. Good morning, Council. My name is Peter Davis. I'm testifying as an individual today. I'm an attorney, I'm admitted to practice before the U.S. Supreme Court. I'm here to urge you not to settle this case because you are depriving the Supreme Court of being able to do its job.

The Supreme Court takes 80 cases a year out of 8,000 appeals that they receive. They chose this one because of its relative importance to the country to get the question answered; what does the Clean Water Act mean? What does it not mean? If you choose to settle this case, that question gets taken off of their agenda and doesn't get answered for years to come, but it will get answered. It's the question of another case working its way up through the system and getting to the Supreme Court that has that question in it.

What happens in the meantime? Four, five, seven years down the road they finally answer the question. And if they answer it and say that the Ninth Circuit got it wrong, what has happened to people in the meantime? Five, seven years of enforcement? People losing their jobs because the companies were shut down? People's properties being condemned? And five or seven years later, you say, "Gosh we're sorry it should never have happened? It was illegal. What we did to you was illegal all along". That's what you're voting on doing and that's a bad thing for the country.

It's also bad for Maui to settle this lawsuit, I've testified before. The fact that the Sierra Club and other entities who are plaintiffs in this lawsuit are guaranteeing that they will not go after cesspool owners does not mean that other people will not go after cesspool owners. Any individual can file a lawsuit. I suggested before a class action against a group of people on cesspools. I wouldn't want to be the person on this Council responsible for letting that happen.

I want to raise one procedural issue before I finish. I was one of those people who sat up late at night during the last hearing and I was stunned when I heard a Member of the Council say that she had been a plaintiff in this lawsuit up until she took her seat on the Council. Member Paltin was, I researched this, Member Paltin was a, was a director of an organization in 2017, moved up to be the president of that organization in 2018. And then in 2019, as a Member of this Council, is voting to give direct benefits to that association which is the West Maui Preservation Association. In my view, I seek, excuse me. In my view--

CHAIR KING: Decorum please.

MR. DAVIS: Thank you. In my view, I think that presents a conflict of interest, at least an apparent conflict of interest and I suggest that she should be required to abstain from voting on this measure as a procedural matter. Thank you.

CHAIR KING: Alright. Thank you for your testimony. Any questions, clarifying questions? No. Thank you for your testimony, Mr. Davis.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chambers is Jason Economou. To be followed by Mike Ottman.

MR. JASON ECONOMOU, REALTORS ASSOCIATION OF MAUI, INC. (testifying on Committee Reports 19-112 and 19-113):

Good morning, Chair King. Good morning, Council. I would like to testify on two matters today.

CHAIR KING: Are you on behalf of yourself, Mr. Economou or your organization?

MR. ECONOMOU: Oh, excuse me. My name is Jason Economou. I'm speaking on behalf of the Realtors Association of Maui, our 1700 members. I am their government affairs director; that is a paid position.

Regarding, I'll start with the less controversial issue; Committee Report 19-113. So, this deals with increased penalties and fines for operating an illegal short-term rental. I like it. I, I generally support this. Generally, I'm against deterrents, but sometimes deterrents works. So, that \$20,000 fine is pretty high, but I can understand it. My one issue in something that came up commonly when I was practicing as an attorney is that oftentimes tenants will advertise illegal short-term rentals; either one room in the unit or the whole unit just for throughout the year.

There have been instances that have gone up in front of the Board of Appeals where a tenant did this. A notice of warning was received by the landlord. The landlord immediately spoke to the tenant, gave them a ten day notice to quit or vacate. And the tenant promised they weren't going to do it again. The ad stopped and a year later, however long later, they get a notice of violation. And the landlord, as the property owner, is liable for that. They, they have to pay that fine even if the tenant is the one that was doing it behind their back. Even if the landlord has it in their lease, that it says no Airbnb explicitly. Even if the landlord sent warning letters, sent notices to cure the defect that the, the tenant is engaging in, the landlord is still liable for that.

So, what I would recommend is that in addition to this, you look into changes to the Maui County Code 19.65.080, dealing with enforcement. And you add some level of protection for a landlord that is able to demonstrate that they sent a notice of warning to the tenant; warning them that if they continue with this then they'll be evicted. If you don't add some level of protection, what I really worry about is you're going to get a couple of landlords who end up paying \$40,000 in fines and the news story gets out and suddenly property owners around the island are really uncomfortable renting out their vacant units. And that's just going to add to the housing issue. So, I support you guys on this one, but I ask that you add some level of protection. This way it doesn't have a chilling effect on the housing market. Any questions for that?

Alright. I'll move on. The less popular opinion that I have is dealing with Committee Report 19-112. So, I testified pretty ardently in the past. My testimony remains the same. I don't think the County should settle this lawsuit. And I, I don't even think you guys should vote on it today.

Councilmember Lee made a really great point when she voted on September 6. And she pointed out that the Council likely doesn't have complete authority over this issue. If you look at Harris v. DeSoto, that case that says if it's purely fiscal, then you guys get authority. That makes sense. But this isn't a fiscal matter. It's not a purely fiscal matter. And even the fiscal aspects of it, you know, paragraphs two and three in that settlement agreement, those just enumerate previous fiscal obligations that the County's already committed to. And the plaintiffs have said that they're not going to, to request legal fees. Well, that removes the fiscal authority from the Council. So, your, your sole explicit exclusive authority is diminishing by day.

Aside from that, I like home rule. I think Hawaii should be in charge of its groundwater. The Nine Circuit's opinion essentially gave complete authority to Trump's EPA under the Clean Water Act. So, the fear that this case going in front of the Supreme Court, which has two Trump appointees on there, that that's going to gut the Clean Water Act. That takes away from the fact that Trump is in charge of the EPA. And the Clean Water Act gives the Federal government and the Federal EPA authority over our groundwater based on the Ninth Circuit Court's decision.

So, that uncertainty, I think needs to be cured. And the only way to cure uncertainty with Federal law like this is really to appeal it to the, the ultimate, which is the Supreme Court. It's unfortunate. I don't trust Trump's Supreme Court either, but I want to see Hawaii in charge of its own groundwater. And in order to do that, the best possible way to do that, really the only possible way at this point, is to go before the Supreme Court.

If Trump wants to gut the Clean Water Act, he can do that without this case. You know, and previous testifiers on this issue have pointed out, you know, over 84 Federal regulations on the environment have been rolled back in the, the short time that Trump has been President. Well, there haven't been 84 Supreme Court cases. That's not the only mechanism.

Oh, and also, you know, I, I think Councilmember Paltin should get an independent opinion on this issue regarding the Board of Ethics complaint before voting on it, you know, just based on, on the lack of clarity. Don't vote on this today. That's just my opinion. And if you do vote, let it go to the Supreme Court. Let's get clarity.

CHAIR KING: Thank you, Mr. Economou. Any questions? If not, oh, Vice-Chair Rawlins-Fernandez, you have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes. Aloha, Mr. Economou. Mahalo for your testimony. So, at that last meeting, at GET Committee, a RAM member testified and said that she was not given the opportunity to direct RAM's testimony, and therefore

wanted to make clear that your testimony did not represent her position. It made me wonder how many other RAM members your testimony did not represent, and that perhaps your representation of RAM's position was just a way to make it sound like there's more support for moving forward to Supreme Court than there really is. So, my question is, how many members does your position really support?

CHAIR KING: Mr. Economou.

MR. ECONOMOU: Yea, so, you represent people too.

VICE-CHAIR RAWLINS-FERNANDEZ: Just, just a number.

MR. ECONOMOU: 1700, over 1700. So, so even--

VICE-CHAIR RAWLINS-FERNANDEZ: Ex, excluding the mem, the person who's testified.

MR. ECONOMOU: If you're going to ask me a question, I would like to answer it. So--

CHAIR KING: Mr. Economou, maybe you could explain the process you use to represent to, to, you know, when you represent yourself as, as representing 1700 members. What, what process is that?

MR. ECONOMOU: Yea, so like anybody that represents a large group, you can't capture accurately every individual's voice when you testify. But you do have to testify or take a position that's favorable to the whole group. You know, it's the greater good sort of thing. You know, I'm sure you get complaints from, from your constituents saying that.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair. Chair King.

MR. ECONOMOU: I'm going to explain.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair King asked you to, to explain the process in which you came to it--

CHAIR KING: Yea. What is the process? Did you do a survey?

VICE-CHAIR RAWLINS-FERNANDEZ: Not the policy behind it.

CHAIR KING: Yea, just the process.

VICE-CHAIR RAWLINS-FERNANDEZ: Please. Mahalo.

MR. ECONOMOU: Yea, so what I did was I put out articles on our blog that's internal. I sent out the, the similar article that went out externally as well. I have a podcast that goes out to all of our members that also explain the position. I invite people to comment on it.

We have a Government Affairs Committee that vets all of the issues related to government affairs that's going on in the County. The Government Affairs Committee will deliberate the issue. They'll vote on a motion that'll go to the Executive Committee. We have an Executive Committee that then hears what the issue is and our deliberations. They, they hear from me and I provide a written report. The Executive Committee then votes on whether it's going to go to our Board of Directors. And our Board of Directors has about like 40 members. When it goes to the Board of Directors, the Board of Directors hear my deliberation, they read my written report, they deliberate. We have a further discussion and then there's a motion and a vote on the motion.

So, based on that, there, there are several layers that any, any position I take generally will go through before I'm allowed to say that I speak on behalf of the Realtors Association. And when I say that I speak on behalf of an association, that's truly what it is. It's an association with 1700 members. Now, I'm not saying I speak on behalf of John Doe and Jane Smith, individually. But I am speaking on behalf of their interest as a larger organization, just like the Sierra Club, just like any of the plaintiffs; they have members.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, you answered my question. And regarding your testimony on CR 19-113, I'd, I'd like to try to get the amendment in there, so if we could work together on that.

MR. ECONOMOU: I would love that. Yea, that'd be great. Thank you.

VICE-CHAIR RAWLINS-FERNANDEZ: Alright. Mahalo. Mahalo, Chair.

CHAIR KING: Okay. So, so just to clarify, Mr. Economou, that process you described was used for this case? So, the Board of Directors voted on it?

MR. ECONOMOU: Yes.

CHAIR KING: Okay.

MR. ECONOMOU: Yea. So, that went through, and it came up to, just to add further clarity. The Realtors Association did have concerns. You know this issue came up a couple of times throughout our, our deliberations in Committee and in Executive Committee.

CHAIR KING: Yea, I think it, I think that came up because there were at least two realtors who came before us and said they, they don't feel represented by RAM and they had an opposing view. So, that's why the question. Okay.

MR. ECONOMOU: Yea, and, and if there are any realtors that do feel that way, they can contact me. I mean, my, my information is--

CHAIR KING: Well, they can come before us too. So, thank you.

MR. ECONOMOU: Yea, of course.

CHAIR KING: Thank you for your testimony.

MR. ECONOMOU: Alright. Thank you.

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Mike Ottman, testifying on Committee Report 19-112. To be followed by Dane Ottman.

MR. MIKE OTTMAN (testifying on Committee Report 19-112):

Good morning, Council Chair.

CHAIR KING: Good morning.

MR. OTTMAN: Councilmembers. My name is Mike Ottman. I'm here on behalf of the community, my family. I love the ocean. I'm also part of Surfrider Foundation. Now you're going to hear the other side. And you know, it's from someone who loves the ocean, someone who's in the water at least twice a day and frequents that area. I would beg to differ if the other gentleman that spoke do the same.

Let me start off by saying here in Hawaii, you know, I'm really impressed to see that we have some of the highest clean energy targets anywhere; a place where people come from around the world for good health and vitality. This is a health State. This is Maui No Ka Oi. Think about what we're doing. Here on Maui, you and your predecessors have led the nation in banning legislation that have helped ban plastic bags, banning cigarettes from beaches and parks, banning polystyrene food containers. All of these things have been major polluters. And last year's ban of a couple harmful chemicals in sunscreen including oxybenzone, all to protect our reefs.

We're moving forward, slow but pretty solid incremental steps. And now we're looking at taking a huge step back. Why? Why are we even here? Why are we having this conversation? Anyone and everyone that goes in the ocean, that loves the ocean. I'd love to pump all that discharge into the gentlemen's backyards, that, and let them see what that's like. The science has been proven. I don't need to, to say anymore about that. The science is showing what it is doing to the reef and the ecosystem. That is clear as day.

Just a couple additional points. Our environment is our economy. Look at it the other way around. Or economy is our environment. Think about that. A good part of our economy is reliant upon visitors who come here, spend their money, where that supports local businesses; including real estate and the people that buy real estate. A decent chunk of that revenue goes to the hotels that are actually right in front or near the plume where the injection wells are injecting the discharge. How long do you think tourists are going to continue to come here and, you know, to see this happening and to see the destruction that's going to happen? I'll tell you, we got . . . just like the kids said, before it's too late.

I believe that all of you agree that we have a local housing shortage and are in support of affordable housing. I know it's the main focus. Tasha's not here. But how can we justify building houses? Oh, Tasha, I'm sorry; you are here. Thank you for being here.

CHAIR KING: Mr. Ottman, your time is up. So, I have to ask you--

MR. OTTMAN: How, how can you support housing--

CHAIR KING: Can you conclude your testimony?

MR. OTTMAN: --and not support clean water for those people that fish, swim, and make their living in the ocean?

CHAIR KING: Okay. Thank you for your testimony. Any questions, Council? Thank you very much.

MR. OTTMAN: Thank you.

CHAIR KING: Appreciate. Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Dane Ottman. To be followed by Jacob Kaneakua

MR. DANE OTTMAN (testifying on Committee Report 19-112):

Hello, everybody. Oh, too far away? This is good? Everyone hear me? Okay.

CHAIR KING: You can move the microphone closer to your mouth.

MR. OTTMAN: Hello, everybody. My name is Dane Ottman. I'm a junior at King Kekaulike High School. I wanted to come speak today as a concerned youth who wants to talk about this. If we push this to the Supreme Court, it's a conservative court and I don't like the fact that that will probably be pushed towards big business and or the non-environmental side. I think that that's just probably going to screw everything up and make it go towards big business and then they'll keep pumping it and maybe even do worse things, because they'll have overruled us here.

I also, I'm someone who loves to go in the ocean. I like to swim. You know, I go out with my father, just have fun in the ocean. And I've been over there a few times and I don't want to see oceans and beaches just destroyed by carelessness. Thank you.

CHAIR KING: Alright. Thank you, Mr. Ottman. Any questions? Thank you for being here.

Ms. Clark, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Jacob Kaneakua. To be followed by Eric Nakagawa.

MR. JACOB KANEAKUA (testifying on Committee Report 19-112):

Hello.

CHAIR KING: Aloha.

MR. KANEAKUA: Can you hear me good? Okay. Good morning.

CHAIR KING: Good morning.

MR. KANEAKUA: I'm here to, I guess talk about the injection well. And I feel like growing up in, in Hawaii, like, that's, you know what I mean, the water is where we go for get our, like all our food, you know what I mean, our refrigerator, you know? So, it's like, if you guys go and send this up to them, I'm pretty sure they no care what happen with us over here, you know, those guys up there. So, keep em locally, you know what I mean?

Protect us, you know what I mean? Protect the aina. Prince Kuhio, that's why he made the County. He gave you guys back the power; for the people. Not for send em back up there, you know. So, keep em locally. Stay home. . . . Thank you.

CHAIR KING: Thank you for your test, any questions, Council. Thank you.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Eric Nakagawa, testifying on Committee Report 19-112. To be followed by Jenny Roberts.

MR. ERIC NAKAGAWA, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (testifying on Committee Report 19-112):

Hi. Aloha, Members, Chair. My name is Eric Nakagawa and I'm the Director of Department of Environmental Management. I always thought facts and numbers would drive this decision. Things like how the Department treats wastewater to the highest quality of water, just short of drinking water. And how we are already heavily regulated by Federal and State agencies that have never issued us a violation of our permits nor issued us a fine. Explaining that the NPDES permitting process is designed only for end of pipe discharges like outfalls, and not injection wells. But I realize that catchy phrases like "polluting our reefs" and "gutting the Clean Water Act" quickly drowned out those facts. But today I'm here to get back to the facts, because I truly believe that's what this decision should be based on.

Couple of days ago, I met with DOH and peers from the other counties to discuss on day one what would happen if the Ninth Circuit ruling became law? If we choose to approve this settlement, for the first time in history, we will be in violation of the Clean Water Act and subject to the fines associated with it. This is not limited to Lahaina, but to all of the facilities in the State; including Kihei, Kahului, and Kaunakakai.

Even though we submitted NPDES permit applications to DOH, it does not shield us from the penalties and fines. DOH will comply with the law and issue us an NPDES permit and UIC permit. DOH said it will be end of pipe permits.

Professionals in our field stated that the Water Quality Standards cannot be met with an end of pipe system like our injection wells, forcing us to turn to deep ocean outfalls, which will cost hundreds of millions of dollars. This will create a huge financial burden to the community and local businesses. The rate model forecasts that in five years sewer rates will double, and in ten years it will triple.

This decision will not only impact the County, but many onsite disposal systems throughout the State. There are very few options for rural homeowners and the costs are very high.

I believe the lack of education over the past seven years has resulted in the lack of support to continue on in our appeal for this case. However, I feel the Department's intentions and their transparency has always remained the same; which is to protect the people of Maui County from further lawsuits resulting from this case and the unnecessary financial burdens that could be used for more beneficial projects that protect our environment. We all want to protect our environment and the Department does it every day.

In conclusion, we have heard from numerous other similarly situated parties like the County, that the Clean Water Act should not be extended to groundwater and how this ruling could extend to private homeowners with cesspool/septic systems. We have heard from DOH that this paper exercise will not solve anything and that it will set a precedent. And now you have heard from the Department how huge a financial burden this will be for our community.

For these reasons, the Department of Environmental Management does not recommend approving this settlement and strongly urges this Council to continue the path in getting clarification from the U.S. Supreme Court.

I also have a letter from the Mayor from Big Island, supporting us to going on, and just wanted to send it on. I'll be getting the others later. So, that's all. Thank you. Mahalo.

CHAIR KING: Thank you for your testimony. Any questions, Councilmembers?

I, I guess my question would be, Mr. Nakagawa, you've given, you've stated some information that is contrary to what we have in writing from the DOH and what we heard in person from the Director Anderson. So, do you have anything in writing that backs up what you just told us from the DOH?

MR. NAKAGAWA: In writing, no.

CHAIR KING: Okay.

MR. NAKAGAWA: We just met the other day.

CHAIR KING: Thank you. No other questions? Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Jenny Roberts, testifying on Committee Report 19-112. To be followed by Deborah Aweau.

MS. JENNY ROBERTS, SURFRIDER FOUNDATION (testifying on Committee Report 19-112):

Aloha, County Council and Chair King. Thank you for allowing us to come here to do a public hearing and to testify. I was there on September 3 when we had I think it was 99 testimonies, so I don't want to add to that time today. I think you guys have heard a lot. You understand today is a processing day. But I want to thank you for considering to settle this case again. I don't want to keep going.

But to repeat what those kids are saying, I just want to leave you with this, the biggest threat to our planet today is thinking somebody else is going to take care of it. We have the chance today to move forward and to do something about it. Like those kids were saying, we don't have the time to think; we need to act. Thank you for listening to me today and please settle this case.

CHAIR KING: Alright. Thank you, Ms. Roberts. No questions?

Alright. Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Deborah Aweau. To be followed by Nicholas Drance.

MS. DEBORAH AWEAU (testifying on Committee Report 19-112):

Hi. My name is Deborah Aweau and I'm maintenance coordinator for wastewater. I also have a Masters in Chemical Oceanography from UH Manoa and my thesis was on point v. nonpoint sources of pollution into coastal waters.

Our democracy is currently in jeopardy because Trump and many other elected officials consider, won't consider opinions that are contrary to their own beliefs. And I beg you and urge you to please consider the full implications of this decision.

And I also want you to be sure about the information that you're receiving and its source, because bad science or regulations can be a lot worse than none at all.

And I want to talk about the fact that, you know, due to some of the protestors, some of the people who've spoken, that the EPA forced Wastewater Division to disinfect all its effluent right about the same time that we were doing the seep study. And unfortunately, this decision resulted in damage to the environment. The chlorine that we were forced to put into our injected water killed a lot of the denitrifiers in the aquifer. And this was significant and measurable in increases in nitrogen over time in those seeps as the study progressed. It also resulted in significant greenhouse emissions once we switched over to UV treatment.

Chlorine disinfection, like I said, began about the same time as the dye tracer study. And at the start of the seep monitoring, we were still receiving the undisinfected water. And there were no fecal indicators detected in that water that wasn't disinfected. So, there was really no good science supporting disinfecting all of that water.

The next topic I want to talk about is NPDES permits. At the other meeting I spoke about, yea, we wouldn't be able to need an NPDES permit cause there's no zone and mixing and it was mentioned that there are two other, that there are other NPDES permits. I found two other ones. And one was actually for a seepage basin, so it calls into question whether reuse would be, need an NPS permit, NPDES permit to be used in the County if this decision stands.

I also wanted to say that these two were not comparable to our situation. Both of these permits had standards which are lower than our current UIC permit. And they were both made in the last five years. Our UIC permit is due for a renewal. It's 25 years old. When our permit was made 10 milligrams per liter of nitrogen was the lowest that we'd seen. And a lot of this is because our standards are much higher in Hawaii for nutrients for all the water.

They only have standards for ammonia, and phosphorus, and e-coli. And because the waters there are going into our water, are meeting all their limits, they have a different set of regulations going to them.

The waters of Kahekili are Class A Marine Waters, and therefore, .0035 milligrams per liter of nitrogen is the maximum, which is impossible.

CHAIR KING: Okay. Thank you for your testimony.

Seeing no questions, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Nicholas Drance, testifying on Committee Report 19-112. To be followed by C. Rose Reilly.

MR. NICHOLAS DRANCE (testifying on Committee Report 19-112):

Good morning, Council. I have two documents that you have copies of. First, I wanted to touch on the money side of this. Unless we're paying lip-service to the students that were here, this is something that we understand we're going to have to take care of no matter what.

The gentleman from the Realtors Association said that your responsibility is purely fiscal. And the arguments put forth against this resolution are purely physically, fiscal. Let's look at them. We are being told some pretty unbelievable numbers. And I'd like you to think about these numbers that we're being told. The Clean Water Act with our 18 wells is, that's a million dollars a day. That's an impossible scenario. It's like the world is not going to change that we know it now. All of a sudden, it's not going to change into something impossible.

Statewide, 7,000 wells, that's \$371 million a day. That's an impossible fantasy. The injection wells converted to ocean out, out fills, 800 million. No, that's not, that's not correct. To get the nitrates down to an acceptable level is tens of millions of dollars, but it's not 800 million. And that number was discussed in terms of the annual budget of the County, saying that that's in addition to it. These are impossible fan, fantasy numbers. The County's bond rating would be affected. I mean, these guys are pulling out all the stops, but think about the numbers. They're just simply not realistic. These are scare tactics.

Building permits, Fiscal Year 2020 infrastructure projects, all kinds of things will be delayed. No, it's not possible. The statement was made in these arguments that the State does not have the manpower or the ability to enforce these things. Well, what are we talking about here? All of a sudden, you know, the State is going to have, issue fines or be subjected to \$371 million a day? These things are not believable. Projects could be delayed for months or years while procedures are developed. Come on. You, we, we can't build something because we don't know about the permits and the State of Hawaii is going to do that? I don't think so.

The discussion about using recycled water. It says, if, what if the departments, Department of Parks and Recreation decide not to use recycled water. That would be a problem. That's not realistic either. The other point was made that the plaintiffs would have oversight in the core aspects of our County's functioning. That's another thing; it's unprecedented. It's never happened. Doubling and tripling sewer rates; impossible.

Could I have 30 seconds more?

CHAIR KING: You can conclude.

MR. DRANCE: Okay. Public relations to do this quickly. It's a bonanza if we walk away from this public relations. If we don't walk away from it, it's a public relations disaster about how Maui fought for the right to pollute itself and this is how we would become known around the world. If we walk away and settle, we're doing the right thing. We're taking the high road and everybody respects somebody who takes the high road.

CHAIR KING: Thank you, Mr. Drance.

MR. DRANCE: Thank you.

CHAIR KING: Any questions? Okay.

Next testifier.

MR. DRANCE: Okay. Thank you.

DEPUTY COUNTY CLERK: The next person signed up to testify is C. Rose Reilly, testifying on Committee Report 19-112. To be followed by Mike Moran.

CHAIR KING: Ms. Reilly. Okay, I don't see her in the chambers.

Mr. Moran.

DEPUTY COUNTY CLERK: Mr. Moran will be followed by Camry Gach.

MR. MIKE MORAN, KIHEI COMMUNITY ASSOCIATION (testifying on Committee Report 19-112):

Aloha, Chair and Councilmembers.

CHAIR KING: Aloha.

MR. MORAN: Mike Moran testifying for the Kihei Community Association. We're going to follow the lead of, of one of the many, many young ladies this morning. And I did note they were all ladies here. Where were the young boys? We don't have to go on and on. We support the withdrawal and I don't think you need us to take up anymore of your time. You've had many, many long days. We support the withdrawal and we thank the Council for their continuous hard work. Aloha.

CHAIR KING: Aloha. Thank you, Mr. Moran. Oh, I'm sorry, we have one question, Mr. Moran.

Member Paltin.

COUNCILMEMBER PALTIN: Oh, no. I just, I just wanted to point out there's some young boys, but they just came a little bit later.

CHAIR KING: Oh. Thank you for letting us know that.

MR. MORAN: We sleep late.

CHAIR KING: Thank you, Mr. Moran.

Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Camry Gach. To be followed by Lorrin Pang.

MS. CAMRY GACH (testifying on Committee Report 19-112):

Hello. Thank you for giving the community the opportunity to testify on this important matter. My name is Camry Gach and I am from Seabury Hall. And I am also with the Maui Huliau Foundation.

So, I would like to settle this case to enact the infrastructure to properly treat Maui's wastewater and not pursue the Supreme Court to abolish the Clean Water Act. When reading and when I found out that three to five million gallons of partially treated sewage are released into Maui's groundwater every day for the past 30 years, that broke my heart. And I want us to invest money, I want our Maui community to invest revenue into developing the technology and the infrastructure to, to filter out these harmful toxins that are going into our oceans, instead of spending the money to fight the Supreme Court on the Clean Water Act, which will pollute our marine ecosystems which are so precious and meaningful to us all.

And not only will our waste affect our beautiful Maui environment, but the ocean connects us all. And eventually that, that sewage and those toxins will be polluted into other regions of the world.

I also understand the concern that maybe using the energy to filter out these toxins could release carbon, carbon dioxide emission into the air. But this could be solved by creating a system that is solar or wind powered in order to solve this problem and to keep our reefs clean. And if we abolish the Clean Water Act, if we try to get the Supreme Court to do this, then that means that every other State in the United States could pollute the water much more easily. And that would, that would multiply this problem times 100, times 50, because there's 50 states and they could all do the same thing. And that would be awful. And so, I just hope that you will take that into consideration. So, thank you so much.

CHAIR KING: Thank you, Ms. Gach.

MS. GACH: Mahalo.

CHAIR KING: Thank you, Ms. Gach.

Next testifier, Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Lorrin Pang, testifying on Committee Report 19-112. To be followed by Randy Awo.

DR. LORRIN PANG, DEPARTMENT OF HEALTH (testifying on Committee Report 19-112):

Good morning. I'm Dr. Pang. I have a chemistry degree from Princeton University. I have a medical degree where I've studied germs and infectious disease. I was going, I'm going to change my testimony because of all the previous presentations, especially the one who spoke before me.

We were quietly working on the solution here, scientific solution for cesspools. Human waste, poo and pee, should not be where it does not belong in huge amounts; not the ocean, not your food, not your drinking water. So, we were trying to resolve this cheaply and scientifically for cesspools. It dawned onto me that this also could address your injection wells. So, we knew how to process poo and pee to remove the germs. But the remaining problem seems to be the nitrates. Someday it might be something else once we remove the nitrates.

There is some fantastic science going down and it's playing out in Haiti. And it sounds weird and I thought it was weird till I checked it out. It's called composting toilets. We went to presentations in the Big Island. I brought this idea up with the Department of Health, so I can speak on behalf of Department of Health. And they worry about the gray water. So, if you separate out the poo and pee, you drop the nitrate level by

97 percent. Well, where should you put this nitrate now? Where it belongs; in composted form, because that will kill the germs on the land where it is taken up by your plants. And in the plant form; it could be your flowers, it could be your food, it could be whatever.

How much does a composting toilet cost? \$1,000. The science behind it is being played out in Haiti. I'm asking for the settlement thing, either settle or give me time to make a presentation. I think we have one scheduled. As a cheap alternative to a massive sewage system, which really doesn't work unless you extend the outfall out forever or septic tanks, which you think work but not as good as composting toilets. Thank you.

CHAIR KING: Thank you, Dr. Pang. Do we have any questions for Dr. Pang? Can you, can you join us for a little bit longer?

Councilmember Paltin.

COUNCILMEMBER PALTIN: I just was wondering, and I looked at composting toilets in the past. And is it something changed that it can accept the mass volume of, like we wanted to try put some out at Honolulu Bay, but the volume of tourists coming through for like four bathrooms, like, how did they address that?

DR. PANG: Okay. I too looked, have been tracking this for about ten years. And up till five years ago it was kind of laughable. Now, some of us it's, it's moved well since the Haiti earthquake. The scientists are there, Berkley's there, Stanford's there. They have proven that things work. The Big Island guys are onboard because their, they can't connect to sewer systems. So, I too have been tracking this and it is fantastic and cheaper and cheaper and cheaper what they are doing.

So, I was just doing cesspools, but I believe this might be your solution to the injection wells in Lahaina. The massive amounts are not so massive once you separate off the poo and pee and the gray water goes wherever, wherever it's going now, because that will have 97 percent less nitrate. Our biggest obstacle is the consensus to use a composting toilet. It's not hard to put it in. I could do it in two hours in my house. It's not what you think it was. It's not what it was. You can be squeamish about it.

We can fix the aesthetics and I think we heard from the youth. If they want a greener planet and they're willing to make this sacrifice, do you mind digging around in the compost that's been processed? No, we don't mind. Do you mind using a compost toilet? You ever used one? It's not bad. It's, it's fantastic and curious from a chemist's point of view, and it doesn't smell. So, aesthetics have been resolved and germs have been resolved.

COUNCILMEMBER PALTIN: Thank you.

DR. PANG: Thank you.

CHAIR KING: Dr. Pang. Dr. Pang, I have one more question for you, since you're representing the Department of Health.

DR. PANG: Yes.

CHAIR KING: And we really appreciate you being here. But we got a letter on June 18 from the Department of Health, from the Deputy Director, who says the DOH has no plans to enforce NPDES permit requirements against existing septic systems and cesspools. So, do you have any reason to think that that's not true. I mean, do they have, do they actually have a possibility of enforcing against, because that's, this is the statement we got from the Deputy Director Kawaoka.

DR. PANG: Okay. Yea, I, I spoke to Keith. I speak to him every couple weeks, cause I talk about this. And on the scientific level, his concern was what do we do with gray water? That's kind of like--

CHAIR KING: No, I understand that. But he sent us a statement saying--

DR. PANG: Sure.

CHAIR KING: --that they would, the DOH will not--

DR. PANG: Not enforce.

CHAIR KING: Is that your understanding?

DR. PANG: That's what he told me. He said we won't enforce immediately. But I told Keith I think we should. We shouldn't just settle this and dink around. We should actually do something about the pollution, and I think we have the solution in front of us.

CHAIR KING: Okay.

DR. PANG: And I'm willing to, to, to give it a try.

CHAIR KING: Okay. Thank you.

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you for being here. And I know I had a conversation with you regarding the compost, compost toilets.

DR. PANG: Yes.

COUNCILMEMBER SUGIMURA: So, are you suggesting that as part of this settlement, that the Lahaina Town then convert all of their toilets to compost toileting, toilets; all of Hawaii?

DR. PANG: Okay. My colleague who is actually talking to the composting guys by phone now, she left. So, just your two pilot studies; 200 toilets in Lahaina injection well, that population whether they're receptive or not, and 200 up in Kula, Upcountry where the cesspool issue is fermenting. The Big Island guys are all onboard. They told us they know this thing. They said, you know, we put in septic tanks cause you told us to, but we still use our compost toilets. Wow. And that is correct, because septic tanks do not remove as much nitrates as you think they do.

So, yes, we are looking at how big a composting toilet system can serve. Right now, the science says serving maybe 10 to 12. So, you mean, each guy needs his own composting toilet? Well, doesn't each person need their own toilet? Kind of. Or some houses have three toilets. I am shocked. The new composting toilets are as easy to put in as a toilet. I mean, I thought it was two levels so you can dig it out and all. They got this down to a science. Study Haiti; these guys are moving so fast and the material is cherished because it makes things grow. And it really does put the pollutants where they belong; out into the land, out into the plants. Thank you.

COUNCILMEMBER SUGIMURA: So, you also mentioned out, outfall.

DR. PANG: Outfall.

COUNCILMEMBER SUGIMURA: Yea. So, can you tie that into the, you mentioned in your testimony?

DR. PANG: Okay. If you build a big sewage system and you capture all this stuff, okay, how far is your outfall? And we were challenged because . . . far enough. And if you said, well, yes, it is for germs. Yea, okay, it's for germs. What about the nitrates? So, every time they put on a new thing, we have to kind of say, well, I guess we got to make the outfall farther. If you look at the cost benefit, a centralized sewage plant is expensive, and the benefit is not that great. I admit, if we fix the nitrate problem, someone's going

to say, well, where's your heavy metals. We will deal with that when we resolve the nitrates first, but thank God we resolved the germs. You know, the poop used to be germy. So, we resolved the germs--

CHAIR KING: Did--

DR. PANG: --and we were left with the nitrates now.

CHAIR KING: Okay, so.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Do we, does that answer your question?

COUNCILMEMBER SUGIMURA: Yea.

CHAIR KING: Sort of? Thank you, Dr. Pang.

DR. PANG: Thank you.

CHAIR KING: Okay. Next testifier. Before we call the next testifier, it's 10:39, but we have had our little breaks getting up and down, so is, is the Council willing to go for, till 11 before we take our morning break, or do you want to take the break now?

How many more testifiers do we have signed up?

DEPUTY COUNTY CLERK: We are on number 16 of 30 signed up currently.

CHAIR KING: So, about half way through? Is everybody willing to, to soldier on? Okay. We'll keep going with the testifiers.

DEPUTY COUNTY CLERK: The next person signed up to testify is Randy Awo, testifying on Committee Report 19-112. To be followed by Hannah Bernard.

CHAIR KING: Randy Awo. Oh, I guess not here.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Hannah Bernard. To be followed by Gabriel Beeson-McArdle.

MS. HANNAH BERNARD, HAWAII WILDLIFE FUND (testifying on Committee Report 19-112):

Good morning, Madam Chair, Vice-Chair Keani Rawlins-Fernandez, and the rest of the Councilmembers. Mahalo. Thank you so much. Hannah Bernard, Hawaii Wildlife Fund for the opportunity to speak once again. I'd like to be as brief as can, because you've heard from me many times and the rest of us on this issue.

I just wanted to address a couple of points. One of them was that I've heard from these engineers over and over again about how we can't afford to do this, and we don't know how to do this, and their only alternative is an outfall. My father was an engineer. He's passed away and may he rest in peace. I'm sure he's not in peace hearing engineers testify about how we can't resolve this problem as engineers. I know very well how creative they can be.

And as we just heard from Dr. Lorrin Pang, there's even other ideas. If we send this case away up to the U.S. Supreme Court for settlement and decision up there, rather than keeping it at home and resolving it locally, we lose the ability to have these conversations and figure this out together. Together we can do this. In the meantime, we have our climate strike going on. The reefs are dying. There isn't any denying this. And the science is clear. It's been made clear over and over again.

And what Ms. Aweau said about no fecal indicators in the water; well, nitrogen-15 was isolated in the algae, in the limu growing out in the seeps. That is an indicator of human waste, that it comes; it's a smoking gun, it comes from human waste. So, a consent decree forced the County to clean the water, to disinfect that water. It wasn't being all disinfected. And yes, chlorine isn't the best answer, which is why it switched over to UV air radiation. So, yes, it's cleaner and it's better than it was.

So, we can do better. We've done better for human health. Now, it's time to do better for the reefs. The reefs are in trouble. They're dying. We've lost 50 percent of this reef, . . . Reef off of Kahekili. So, let's dig in, let's fix it. Mahalo.

CHAIR KING: Mahalo. Any questions? Okay. Thank you, Ms. Bernard.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Gabriel Beeson-McArdle, testifying on Committee Report 19-112 and 19-113. To be followed by Kyle Ginoza.

MR. GABRIEL BEESON-MCARDLE (testifying on Committee Reports 19-112 and 19-113)

Aloha kakou. My name is Gabriel Paul Beeson-McArdle. Mahalo for the opportunity to speak today. This is a very serious issue to me. It hits me hard in the pu'uwai.

I am a resident of Lahaina. I moved to beautiful West Maui when I was three years old. My family moved to Fleming Road in the early 80's. We moved into an old plantation home at the end of the road by the cane fields. We had a big mango tree in the front yard; I climbed it every day that we weren't at the beach. What a beautiful time 1983 in West Maui was. Then my little brother was born shortly after. What a beautiful soul. My dad was a surfer and did construction. He built some houses on the west side.

As a family, we were really connected to the aina. Together, we spent most of our time at the beach. My father was an avid surfer. He was semi-pro and was always in the water surfing. During these times, my brother, my mother and I were on the beach playing in the rocks, swimming in the shore break and surge zone. My dad taught me how to ride my bike in the driveway of our house on Fleming Road. I was three and a half. When I tell people about my memories of growing up on Maui, some were astonished to learn that I was only three and four years old and how much I remember at such a young age, how much I can recall for being so young. It's true, I have been blessed with an excellent memory.

I moved back to Maui after finishing school in Southern California four years ago. I noticed a major change in the beaches and sea life; definitely a stark contrast. When we were on canoe team when I was keiki at Canoe Beach, at five years old, our coach would have us go up and down the beach and pick up Portuguese man o' war. There was all kinds of fish under the canoe; so much that you'd have to be careful jumping off the wa'a because of all the fish and jellyfish. You would have to try and not to hit turtles. Just so much life, it was so incredible. I just wish you could all see it.

And the rocks, that was my favorite place on earth; just so much peace and innocent life. The simple life of crabs and tiny little fish, all the things jumping around, playing. I'd play on the rocks and then when the sun would be setting, I knew that was time to meet my dad on the beach to go collect limu for salad. We gathered a lot of fruit and coconut and limu. My father made a lot of seaweed salad. He would teach me about the different species. Now, no more to identify. It was so beautiful to witness every night. There was a community vibe down there at sunset. Uncle was always getting out of the water with a 3-prong and a tako in his hand. And people catching all kind of fish; just abundance.

And I don't know where that all went, all of it. And it's very sad to see that it's gone. But this is an opportunity to do what's right. This is an opportunity to kokua and malama this aina and our beaches. Do what is right and do what is pono, please, I'm begging you. Let's take responsibility of our own stuff and let's settle this. Mahalo. Aloha.

CHAIR KING: Mahalo. Do you have another--

MR. BEESON-MCARDLE: And here's just a couple of pictures. This is my mom on the beach with my little brother shortly after he was born.

CHAIR KING: Mr. McArdle, you had another item, CR 113.?

MR. BEESON-MCARDLE: Yea.

CHAIR KING: Okay. You can go ahead and start the clock on this item.

MR. BEESON-MCARDLE: Okay. This is my mother with my little brother shortly after he was born. He looks, I don't know, probably only like three or four weeks, so we were there a lot. This is my mom and my dad and my older brother in Kaanapali in the 80's, early 80's.

CHAIR KING: So, I have to ask you--

MR. BEESON-MCARDLE: My mom passed away.

CHAIR KING: I have to ask you to move onto the second item.

MR. BEESON-MCARDLE: Yea, yea. Yea and then this is in our house on Fleming Road. And we, my parents always talked about how they wanted to buy that house. And we moved from this house on Fleming Road to Honokowai to Napili, back to Kahana, back to Napili. And then eventually, my parents separated, and they moved off-island. But I'm confident, though, if there was some affordable housing in place, potentially, we may have stayed.

But I'm speaking on this now and I remember when Council Chair Mike White was Councilmember, he would always try to keep you really on your specific topics. But after seeing the family get up and talk about suicide, it really hit me that the other day, or on my drive here today, I was in tears, I'm in tears now. And I mean, very emotional about the things occurring on this aina and it's all tied in. So, when you want me to talk about this topic, this subject and this subject, to me it's all one thing. You don't have anywhere to go. I have sores on my shoulder right now. I took a picture of them. I was going to submit it. I don't really have--

CHAIR KING: Please--

MR. BEESON-MCARDLE: This is part of, these sores have been popping up on my shoulder here. I got to get out of the water and rinse off all the time. And so, what I'm getting at is people are confined to an island. There's no housing. Can't get in the water cause it's poisoned. Can't go fish cause you can't catch the fish. And so, then you're going to commit suicide. So, it is all connected. You don't have a house, you can't sleep. Your parents are, they don't have a home. So, I know you want me to move to the next topic, but I feel I'm on it.

CHAIR KING: Well, we're on, yea, we're on the second topic now, so.

MR. BEESON-MCARDLE: But I appreciate your time.

CHAIR KING: Okay.

MR. BEESON-MCARDLE: Mahalo nui loa for all your . . . And I hope this is settled here on Maui.

CHAIR KING: Mahalo nui.

Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kyle Ginoza, testifying on Committee Report 19-112. To be followed by Robin Knox.

MR. KYLE GINOZA (testifying on Committee Report 19-112):

Good morning, Chair King and Councilmembers. My name is Kyle Ginoza. As you know, as some of you know, I was formerly County Director of Environmental Management and now I'm in the private sector. And I'm speaking just as a citizen of Maui County.

And I mean I, I think many of you had read my viewpoint in the Maui News some months ago about how I feel about this. And having been immersed in this issue for many years, having served five years as Director, I, I too believe that we should let Federal law be determined by the U.S. Supreme Court.

And you know, when I look at the landscape of people out here, you know, I mean, to me it's not the Maui I grew up with. And you know, in large part because the people I

grew up with have decorum when other people have other opinions. And people I grew up with wear deodorant.

So, you know, for me, I wanted to express today that, you know, the big thing when I was in my capacity was that people were so sensitive about the sewer bill and how much they pay. And even like a five percent increase was hard on our citizens. And you know, my thing is, you know, a lot of people have come up to me, a lot of friends, a lot of random people knowing my former position, saying you got to speak up because, you know, there's going to be an impact to our families.

You know, yesterday, you guys talked about affordable housing. You know, this, not only are housing costs going up, but just cost of living here are going up. And you know, what I look at is, you know, yea, people say that 600-800 million is, is too much or is, like, fantasy. We don't know. I mean, you know, like Chair King said, the Department of Health does not plan or does not intend to enforce against septic and cesspool. But they don't say they will not, nor will, nor has the EPA said they will not. And so, this uncertainty creates, creates harm for our residents that don't know what it'll cost to live here.

And you know, frankly, I haven't seen any studies saying that the injection well water resulting in the ocean is a primary stressor of reef damage. And so, you know, we could do this, spend 800 million and then oh well, that didn't cure the problem. So, you know, as we look at the kind of things that we can fund with hundreds of million dollars or even tens of millions of dollars, I think many people who are working, who have jobs, you know, would rather see it either put somewhere else or kept in their pockets to feed their families. So, you know, in addition to the public meetings that you have like this, I would implore you to just walk around like Foodland and ask others how doubling or tripling would impact them. Thank you.

CHAIR KING: Thank you, Mr. Ginoza.

Seeing no questions, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Robin Knox. To be followed by Emily Hosseinnian.

MS. ROBIN KNOX (testifying on Committee Report 19-112):

Aloha, Council. Aloha, Chair.

CHAIR KING: Aloha.

MS. KNOX: Thank you for this opportunity. Before I get to my prepared testimony, which I have an abbreviated oral presentation, but I did send you in writing some more details. I would just like to say that I have direct firsthand experience that counters what the County employee said earlier about bacteria in the Lahaina effluent, so if anyone wants to ask me about that later, I'll answer those questions.

I want to try to dispel certain themes that seem to arise over and over again that I don't think are valid. One is that there's this need for clarity and certainty, and that going to the Supreme Court with this case will resolve this. I will just tell you that most of that discussion around clarity is about what is the water of the U.S. That's not the main point of this case; to say that groundwater is the water of the U.S. It's to say that you can't put pollution in the ocean from a point source without an NPDES permit.

So, it was Supreme Court cases that, that caused all of this discussion and lack of clarity. And it will be regulatory reform, which Trump and Obama both have attempted. You know, that means the regulated community, the regulators, and the public getting together and hammering it out with technical support. It does not need to be decided by the Supreme Court. And I doubt that it will be clarified, so be sure what you're asking for when you're talking about clarity. What are you asking them to clarify?

Two, the NPDES permit is costly and unattainable. Despite this fact, thousands and thousands of entities across this country do exactly that. They get these permits and they comply with them. And when it's tough, and when it requires reducing pollution more, and even developing new analytical technology so you can measure that low, it gets done, because in our country business innovates. Government puts out what the requirements are and business innovates.

Yes, it costs more to not pollute than it does to pollute. We need to reduce the pollution that is going to cost us more. But the numbers you're hearing are outrageous. You're hearing there is no technology that can meet ocean water quality criteria. Hawaii's criteria are very strict; that is true. But there is also no requirement to do that. I can understand why the County might think that based on what Department of Health says, but Department of Health is not always right.

There are technologies that can reduce the amount of pollution that we're putting out right now and that's the point; we need to reduce the pollution. We do not have to abandon the injection wells or go to an ocean outfall; that is all fallacy. And the affecting other projects, if you read the plain language of the decision which I put some highlighted excerpts from into my written testimony to you, it's specifically says they're not trying to regulate groundwater. So, I don't know where people are getting all of those for. Thank you for your time.

CHAIR KING: Thank you, Ms. Knox. We have some questions for you.

Member Sinenci, do you have a question?

COUNCILMEMBER SINENCI: Mahalo, Ms. Knox, for being here. You know, we had some numbers over here about fines of nearly a million dollars per day for Maui County's 18 injection wells. Was the case for all 18 injection wells?

CHAIR KING: Ms. Knox.

MS. KNOX: I don't believe that it was. It was only the Lahaina four wells. I will just say that the Clean Water Act is very powerful because those big numbers can be calculated, but then what you have to do is defend yourself and tell the agency why you shouldn't be fined that much. And the biggest factor they consider in how much to fine you is are you recalcitrant or not. And if you're taking them to the Supreme Court, that's recalcitrance. So, you know, cooperating buys you more. If you're worried about fines, cooperating on solving the problem buys you more than resistance does.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR KING: Vice-Chair Rawlins-Fernandez, you have a question?

VICE-CHAIR RAWLINS-FERNANDEZ: Yea, mahalo, Chair. Aloha, Ms. Knox. Mahalo for your testimony. I wanted to find out what your schedule is like, so if, you know, Members, when we get up to this item, will you be able to be here to act as a resource if the Council would like to have--

MS. KNOX: I will do my best. I will hang out as long as I possibly can. I don't have any other commitments. I just sometimes get physically limited, yea.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo. So, Chair, I don't know if you--

CHAIR KING: Are there any objections to asking Ms. Knox to be a resource? Okay. No objections. Alright.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

CHAIR KING: If you can--

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Ms. Knox.

CHAIR KING: --that will be helpful, since I know you probably know more about the NPDES than--

MS. KNOX: I would be glad to, I'll stay as long as I can, as I can.

CHAIR KING: --anybody in this room. Thank you.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Emily Hosseinnian. To be followed by Marley Rutkowski.

MS. EMILY HOSSEINNIAN (testifying on Committee Report 19-112):

Hello. Hi, my name is Emily Hosseinnian. Thank you all for holding space for this discussion. And thank you all for having the integrity to deal with our kuleana. And no matter how challenging and complex of an issue this is, I'm here to encourage all of you to vote to settle the Lahaina injection well case here on Maui.

After you all made your recommendation on the third, I felt a sense of hope that I never experienced before in regards to politics. After the last meeting, when I shared the news with my community about the recommendation, I felt a shift in all of my friends as well. People that were once apathetic about the issue now cared. People that already cared were presenting solutions of how to solve the problem.

What we want is for our earth, what we want is to do what's right for our earth and to set a better example for future generations. Why settle for mediocracy if we can do better? If we settle this wastewater case now, imagine what the kids that are on strike right now from school are going to be able to do in 10 years.

The last time we spoke, you all asked me if I voted. In the moment, I was thinking about the presidential candidate, or the presidential election. But afterthought, I remembered I voted for County Council. Today, some of the people I voted for are actually sitting right here right now. I remember I took my little Ohana candidate flyer into the voting booth with me. And I was told that the people on that list were ready to make changes for, for Maui and that's what I wanted to do. Well, here's your opportunity to show us that one person is able to make a difference and that our voices matter. I want to show you that the youth is motivated to make a change and we are capable to help you build a sustainable future.

The last time we spoke, I asked you not to put this on our backs and to deal with this later. Now, I'm asking for you to put this issue in our hands. It took a lot of courage for me to be able to come up here and speak to you today. I'm shaking in my slippers in front of you today. But I hope my courage to be up here inspires all of you to have the courage to settle this case and to make a difficult shift, and to not put a price on our future and on our environment. Thank you.

CHAIR KING: Okay. Councilmembers, any questions? You did a great job. We would never thought you were shaking in your slippers. So, thank you for being here.

MS. HOSSEINNIAN: Hiding it well. Thank you.

CHAIR KING: Thank you.

Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Marley Rutkowski. To be followed by Casandra Renee Schuett.

MR. MARLEY RUTKOWSKI (testifying on Committee Report 19-112):

Aloha, everybody. And thank you so much for being here and listening to me today. My name is Marley Rutkowski. I come here on my own behalf as a resident; born and raised here on Maui. I grew up enthralled by the wonderful world that exists under the sea. Up to this day, I spend at least 10 hours a week, every week in the water. My background is in science and engineering, but I work here on the island now as an underwater photographer. So, every day I work, I'm out on the water.

I'm reaching 100-150 passengers, tourists, visitors to this island every day. And I always try to start off that relationship by talking to them about us in Hawaii and how we have a deeper relationship with all the world around us. How we come forward with aloha, that we are here in a loving recognition with all that world. I share with them and encourage them to share that relation with all the, the animals, with each other, with the reefs, with the ocean.

Standing here before you today, honestly, I'm embarrassed that I'm here. Why am I here telling you that we need to be aware of the world around us? Our, our reefs are suffering, these creatures are suffering. I've been there on those reefs with all my experience in the, in the water myself and I've seen the damage that's happening there. What would our tourists say if we, with that included in that speech when I'm relating

to . . . that our, our government here doesn't understand aloha, doesn't know, understand how to, how to recognize those creatures in the ocean as our kindred spirits.

We need to do what we can to respect their lives. They're a part of us. This is how the Hawaiians lived. I've learned this in my experience here growing up here with all my relations with the kanaka. They are my neighbors, they are my close friends. Since a child, I've been involved with the water issues in the North Shore, where I, I live in Honopou where we've gotten some of our water restored.

I've been working in high school. I did my senior project was a study on working with the water board on how we can solve our water needs here in our island. And I know that's another big problem, that we are all facing is how do we supply all the water we need? Well, here's a bunch of water that we have, that we can use. Let's use it. Let's use it. We use so much water for irrigating all that, let's use this water to do that.

There's no need to just get rid of it the easiest way possible. Let's invest in our future. We are all going to be here living this island way, way longer than all of you hopefully, and our children and everyone else. So, please allow us to do that. I thank you for listening to me. And I thank you for malamaing our kai. Please settle this case. Thank you.

CHAIR KING: Thank you.

Okay. Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Casandra Renee Schuett. To be followed by Roland Thomas Wittel.

MS. CASANDRA RENEE SCHUETT (testifying on Committee Report 19-112):

Aloha kokua *[sic]*. My name is Casandra Renee Schuett and I'm here personally, as well as on behalf of an organization by the name of Peace, Love, Unity. And I, I just feel inspired today to really bring presence and remembrance to how simple it is to put value in our sentiments over anything that could come between our relationship with the earth who is our heart and everything that supports us to be here.

And as I feel as beings who are blessed to live on this aina and have such a dear relationship with land in comparison to the United States, for example, where much is materialized. We are, we have a very clear relationship with how the aina supports us,

how the water supports us, and how we are truly, purely healed and cleansed by our, our mother/father source.

And just the, that simple truth can bring forth any and every solution that can allow us prosperity, and peace, and freedom among all things that exist here. Mahalo ke kua [sic] for, for being here. And, and for maintaining that vision of our, of our prosperity and, and our growth forward. Mahalo.

CHAIR KING: Thank you for your testimony. Any questions, Councilmembers? Okay. Thank you for being here.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Roland Thomas Wittel. To be followed by Seraph Da'Lerta.

MR. ROLAND THOMAS WITTEL (testifying on Committee Report 19-112):

Aloha.

CHAIR KING: Aloha.

MR. WITTEL: So, there's an acronym that came through recently for me, for home; it's honor our mother earth. And I know this was the prior meeting in here, but about a year ago, my mom went to the other side by choice of suicide on September 23. And so, it's been a really, though I chose to, to move out when I was 18, I always had that place to go back to and feel at home. And I haven't felt that in a very long time as it's felt. And then I moved to Maui to come bring back the remembrance of not only . . . to live in my heart, but live in the heart and share these solutions for the reclamation of clean, and pure, and real living water for the people, for the planet, for the plants.

And so, I've been shared, there's been some beautiful solutions shared with me through my journeys across this globe. And I'm here on behalf of The Structured Water Project. And a dear friend of mine, Vince . . . Davis, the founder, he's not able to be here right now, but he's in California, or actually might be in Bulgaria, I believe at the World Water Conference on behalf of Crystal Blue Enterprises. And the solution is here, can neutralize the nitrates, and the sulfates, and chlorine. There's no need for water treatment. We can structure it and give it life and electricity and the mineral composition that it deserves.

And the remembrance and going back to 432 Hz and natural order, because water holds memory much deeper than our brains do. And so much of our brain is water in our bodies. And so, that's one of the biggest things. We can get all the nitrates out, and we can get all the sulfates, all, all of the, just unnecessary things. And it comes down to the frequency of the water. And like Tessa said, everything is, you know, with keys of the universe, something, don't quote me but you know, frequency vibration and something else. But the frequency of, of it is what's most important. And especially the plants and the animals know this. So, yea, we know what we need to do, and we have the solutions. Aloha. We're all one love.

CHAIR KING: Thank you, Mr. Wittel.

Seeing no, questions, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Seraph Da'Lerta. To be followed by Rita Ryan.

CHAIR KING: Sera?

MR. SERAPH DA'LERTA (testifying on Committee Report 19-112):

That would be me.

CHAIR KING: Okay.

MR. DA'LERTA: Aloha. I'm Seraph Da'Lerta and I'm a volunteer with Hui O Ka Wai Ola, performing water temp quality tests which was submitted to the Department of Health. Our two years of collecting data have shown that nitrates and nutrients are at levels exponentially beyond Department of Health requirements for healthy ocean water.

The effects of this decline in coral is already being felt. During volunteer sessions collecting water at the shoreline, we have often encountered regular tourists who have been coming for decades and have observed the severe decline of living coral, and fish variety and population. If the tourist population knew the truth about the amount of living coral left surrounding Maui, they would all decide to stay somewhere else where there is living coral in say Cuba, Indonesia, Bahamas, Mexico.

Much discussion has been made by men in suits that the costs are too financially great. I wager that these men in suits don't see the ocean floor at 20, 30, 40, or even 65 feet deep. As a free-diver, I do. There is little life left and it breaks my heart. The reality is we cannot afford to keep pumping poop into the sea. Yes, I dare say it, poop.

I've spoken with a friend of mine in Ireland, in an island nation who tells me that the island population is four million strong with one million tourists a year. Ireland does not allow its sewage to reach the sea. They treat it to a high nitrogen concentrate which is used for fertilizers. As an island community, we need to ask other island communities how they treat their wastewaters. There are solutions out there and we need to take advantage of other methods for cleaning our waste; a.k.a. poop.

And on last year's Christmas Eve, I saved a turtle from drowning. I told you guys this story before, but I need to say it again. The only reason that it was drowning is because its very ecosystem is crumbling upon it. The coral had fallen onto it, pinning it, making it unable to surface, to breathe. When you see an environment literally crumbling on the very creatures that uses this environment to survive and live, it's, it's, I don't even have a word for it. It's beyond words.

And I, I just please pray that you guys will settle this. This is beyond anyone's full comprehension. And to say that it's too expensive, we can't afford to allow this to keep going because if we do, we don't know the consequences. Because it's never happened before, where there is no environment to stop whatever is coming, whether it be tidal waves or what have you that we haven't seen. And that's what I have to say.

CHAIR KING: Thank you, Mr. Da'Lerta.

Okay. Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Rita Ryan, testifying on Committee Report 19-112. To be followed by Michael Wildberger.

MS. RITA RYAN (testifying on Committee Report 19-112):

Aloha. Today is a really special day. It's September 20 and it's a day of international climate strikes. There's over 5,000 strikes planned today across the globe, and we Maui are one of those strikes.

I want to send my heartfelt compassion to the people who have discussed losing loved ones to suicide. I don't know if anybody is untouched by family or friends that have taken their own lives. My daughter just graduated from college. In the last four years since graduation, she lost five friends to suicide. And it's an epidemic, it's an epidemic amongst young people.

One of the contributing factors, there's many contributing factors of course, but one of the contributing factors is eco-grief, eco-anxiety, loss of hope for the future. So, I, I work with five environmental non-profits here on the island. My background is political science and computer science. But the last five years, I've been studying sustainability science here at UHMC and have really gotten a great education in what's going on here on Maui.

And, but I'm not going to talk about science today. I'm going to just talk about common sense. So, the, the arguments against settling very focus today on money and cost, okay. So, I think the argument is moot. The reason why is it's based on fear, uncertainty, and doubt, okay. Well, get ready, because those are ankle slappers compared to the tsunami that is coming called the climate crisis. There is no certainty in our climate crippled future, okay. We need to create a new economy based on living within our resources, not destroying them.

Okay. The solutions that Dr. Pang so eloquently discussed are, are, are good. There are solutions. And there was a nod to the Irish. I'm a dual citizen, I'm Irish myself. And there was a nod to the Irish how they're handling their wastewater. We don't need technological breakthroughs here. We just need to spend our money wisely on good solutions. So, we all need to change our behavior in the face of climate change, cut the climate crisis. Our community will be facing bigger challenges. Let's set a precedent today and settle. Please use your common sense today. Aloha.

CHAIR KING: Aloha. Thank you, Ms. Ryan.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Michael Wildberger, testifying on Committee Report 19-112. To be followed by Rob Weltman.

CHAIR KING: Okay. I guess Mr. Wildberger is not here. Tina Wildberger is here instead. Okay, would you like to come down testify?

REPRESENTATIVE TINA WILDBERGER, (testifying on Committee Report 19-112):

Thank you very much, Chair. Thank you, Council. My husband had to step out but I'm still here, so I'm taking his place. Thank you for that accommodation. How, how meaningful it is that we're here today on international day of climate strike where children all over the world, tens of thousands of people gathering in other places to make a statement about how we need to work smarter, not harder, in our environmental protections?

We're in this spot now, because previous Administrations have not been smart about infrastructure first development. And I am grateful that this Council is willing to make an investment in the, the normal infrastructure that should have gone in before our development took place. So, we're playing catch up now and, you know, it's appropriate to use our resources to invest in infrastructure for R-1 water reuse, to invest in the high-technology composting toilets that Dr. Pang spoke about. My friend Rhiannon, who works very hard in water preservation and management issues, has a very lovely slogan that we want all of our waters to be fishable, swimmable, drinkable.

And so, here we are about to collude with the Trump Administration, and the campaign manager in me cannot help but remind those of you who are thinking about pursuing this to the Supreme Court that your incumbency will be inextricably linked to the Trump Administration, frackers, fossil fuel producers, chemical companies, and rampant polluters on the mainland. So, I urge you all to drop this case. I thank you for your time, and consideration, and your hard work. Mahalo.

CHAIR KING: Thank you, Representative Wildberger. Any questions? No questions. Appreciate it.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Rob Weltman. To be followed by Junya Nakoa.

MR. ROB WELTMAN, SIERRA CLUB MAUI (testifying on Committee Report 19-112):

Aloha mai kakou--

CHAIR KING: Aloha.

MR. WELTMAN: *(Spoke in Hawaiian)*.

My name is Rob Weltman, speaking for Sierra Club. I just wanted to speak about one paradox, something I have a hard time wrapping my, my mind around. And that's that we've had speaker after speaker from the Department of Environmental Management here saying how expensive, difficult, inappropriate it would be to, to not use the injection wells, to reduce the use of injection wells.

And on the other hand, we have in this morning's paper, Mayor Victorino, who I believe is their boss saying, "he is fully committed to eliminating the use of injection wells other

than for emergency purposes", which is exactly what the environmentalists are asking for, exactly what the County is asking for. So, where, what, where is this disconnect coming from? Why are these people saying it's impossible when the Mayor is saying he's committed to this?

Then the next question is, if it is so expensive, then why is the Mayor saying we are committed to it? He must have a plan. If he doesn't have a plan, we'll help him get to that plan. So, the, the other options that have keep being raised by the people from the Department of Environmental Management about ocean outfalls are something that only they are proposing. No one from our side, no one from Sierra Club, no one from the County, is proposing this. Let's just drop this. We all agree that we need to reduce the use of injection wells through, through water reuse to the extent possible and then only use them for emergency purposes. There is no, there is no economic issue. There's no, since the Mayor is committed to this, it is, it should happen. That's all I wanted to say.

CHAIR KING: Okay. Mahalo. Any questions? No questions. Thank you, Mr. Weltman.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Junya Nakoa. To be followed by Ernesto Escaf.

MR. JUNYA NAKOA (testifying on Committee Report 19-112):

Morning.

CHAIR KING: Good morning.

MR. NAKOA: Howzit? My name Junya Nakoa. Whoa brah, you guys was here long time the last time, you guys is here again. I no envy you guys. I trying to listen and learn about what's going on with this whole injection wells, because it's in my backyard, it's in Lahaina. This is where we swim. This is where we da kine, live. So, I was trying for learn about this, this whole thing. It's one issue that is very dear to us guys. But, brah, this buggah is crazy.

I, I think you guys should settle, so you guys can handle um over here. You know what I mean? Cause I no trust those buggahs over there in the mainland at all. Okay. I think we can do um here. I get faith in our County guys that working on this to make um so we no need do this injection wells. So, I think us guys can do um over here. And you guys, I can call you guys up every time. I do anyway, okay. The guys in the

mainland, I no can call um up; they no going answer my phone. They going see 808, they not going answer.

But the plaintiffs, the guys who say they not going press charges against the County, against all these kind guys, you guys better hold up to your guys word, cause I going tell you right now, we going hold you guys up to it to. Cause, the money stuff is big issue, no get me wrong. But if we can spend the money to fix this problem so we no need pump um inside the, the ground and inside the water, let's spend the money on that, okay; not go spend um on all these legal fees and all this stupid stuff.

No get me wrong all you Wailuku guys, but that Wailuku thing over there, you guys thinking of building that big place. No, yea, no need cheering, I no need cheering. But you know, save the money for this kind stuff that da kine, that really going go make us live here forever; not one building, not da kine. You know what I mean? Serious. And you guys that do the plaintiffs whatever, you guys da da kine, better be stand up to your words, cause these guys going put their, their everything, their everything on the line for their vote and all this kind stuff. I feel for these buggahs. I don't want to be, like I said, I would never be um.

But the Mayor, who said he like take this thing, I called his office 16 times about this issue and the buggah never like talk to me. I talked to the Diedre, Diedre girl, she no like talk to me. The Al, the Alan Fukuyama guy, whatever him, he the Lahaina, him no more nothing to say. Sorry, braddah, I'm going to drop your guys name cause you guys never answer me.

The last time I came here, the September 3 one, I was in the elevator, I was coming up in the elevator, the Mayor and Alan when ride in the elevator with me. You know they, you know they never like that ride, okay. And I told them, why you guys no come in this meeting? State your, tell em why you guys like go take um to the Supreme Court and all this kine. So, I know as one voter, and I know as a kanaka where you guys stand. Cause these guys, I going find out where these guys stand today. Thank you.

CHAIR KING: Thank you, Mr. Nakoa. Well, I'm really glad I answered your call the last time you called.

MR. NAKOA: Huh?

CHAIR KING: I'm really glad I answered your call the last time you called.

MR. NAKOA: Oh yea. Cause I going call you guys out. You guys better answer the call.

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Ernesto Escaf. To be followed by Kaniloa Kamaunu.

MR. ERNESTO ESCAF (testifying on Committee Report 19-112):

Aloha kakou, my family. Yea, I say family, because we're all one family even though we have different points of view and we're representing different associations and organizations. I know that all of you know that we are all one family and in the end these problems affects us all equally.

It's a very special day today, for sure indeed. We're experiencing great awareness worldwide. I have been on this earth 35 years and I've never seen such a strong movement of keiki standing up in their power, and actually acting even more admirable than adults these days. There's a lot of adults nowadays that are just lacking awareness of, of self. It's, it's all about the self really.

I believe that as we evolve in life and we discover the true inner self, then we can honor everything that's around us and I feel like that's one of the main problems in this lack of awareness that we face today. I personally feel that the Supreme Court idea is one, it's taking away from all that we've done here in Hawaii and towards sovereignty. So, we have to really think if we want to give that power away to the people that are having, trying to take the power away from us here.

I'm not Hawaiian. I've been here four years. But I love this land, I love the culture. I love the land, the energy. The name Hawaii is the breath of life. And the water, and without the water, there's no breath of life. I think it's supremely important for us to really honor where we are, which is the land of the water, the breath of life. So, I feel that it's a time to come together and remember that even though we come from different places, we are all fighting for the same cause, which is freedom, which is the right to have clean water, clean air.

So, I beg you to step above, step above your position, step above your checks, step above your organization and really, really, really think from your heart and make a decision that it's going to look after the keiki, it's going to look after the future of our generations, it's going to look for the earth. And tomorrow, you're not going to look back and say I'm sorry to your kids, to your grandchildren.

CHAIR KING: Mr. Escaf, can you conclude?

MR. ESCAF: Yes, I conclude with saying that I had a feeling of embarrassment to come here to do this, but there's another part of me that it's really not embarrassed to do this because it, it is a time to do this now. There's some things that we can't really, really change. But I would be more embarrassed not to do this, or I would be more embarrassed not to make the right decision in the future. So, I encourage you all to, to embody this power and this--

CHAIR KING: Okay. Thank you. I have to ask you to conclude--

MR. ESCAF: --energy.

CHAIR KING: --cause your three minutes is up.

MR. ESCAF: Mahalo. Mahalo for listening.

CHAIR KING: Mahalo for your testimony.

MR. ESCAF: Aloha.

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Kaniloa Kamaunu, testifying on Committee Report 19-112 and Bills 43, 44, and 45.

MR. KANILOA KAMAUNU, AHA MOKU O' WAILUKU [testifying on Committee Report 19-112 and Bill Nos. 43 (2019), 44 (2019), and 45 (2019)]:

Aloha mai kakou. Kaniloa Kamaunu kou inoa, moku o' puni o' Maui, moku o' Wailuku, aha pua'a Waihee. So, going with the injection wells. Of course, what I haven't heard yet is that the ocean itself was medicine. When used to get kaki'os, first place you go, where? Oh, go down to the ocean, wash um out. You cannot do that anymore. It's poison. Cause now you get, it comes septic. You get, what is that thing they call now? Staph. Never did that before. You get one kaki'o, you go down there, you wash um out; that was medicine itself. People no realize that because they all foreigners.

We grew up here, the ocean was everything. Today's it's a playground and that's the problem. It's not a playground. It was a place that, one, we call our icebox. That was the main source of our food, our diet. Now, it cannot be eaten. Why? One, because

of all the, all the stuff that's going into it; not only for the injection wells, but from all over, the impact. This happens to be a heavier impact. But that's where our medicine came from, the limu. The limu wasn't only food, but it was medicine that was used. People no . . . The pa`akai that was made for us.

But see, foreigners no understand, and we get one foreign institution that's trying to take care of us, that has no idea of the basis of this whole thing. Ocean is life. To us it is life. It is our roadways, our highways. It was where our food, our sustenance came. It was our healing, not only physically but spiritually. And the one's that been robbed is us as kanaka.

We kept telling people. This is not the first time these things have come up. These are not the warnings of a new age. It's the warning that has been coming for years. Because why? The system does not take care. This system has failed its people drastically on the County and State level. Their only concern is economics, budgets, how much financing can we get. But yet, the resource only can remain if malama aina.

People forget, yea, our kumulipo, Papauakea give birth to aina. Aina is not property. Aina is a living person. And like any living person, when they get sick, it means to heal. And it's what you have to do, but refused to for years. Mahalo.

CHAIR KING: Mahalo. Okay. And, Mr. Kaumanu, you have the, you have the other issue, the Bill--

MR. KAMAUNU: Yea, they're pretty much all the same. You know, I'm with the, cause they all relate to that, that change yea? In the Waikapu section from ag to now, town, whatever, which basically only means that we going be building more homes. We going put more pressure on our infrastructure, which is inadequate. Maui builds, but Maui doesn't take care.

The infrastructure has suffered for years. This is why we're here today about the injection wells. This is why we're having sewage problems. This is why we having problems with clean water. Because why? The things that need to be malama; not. And that's what people need to understand. The kanaka's thinking is you take care of the source, because that aina interpretation, that which feeds. So, if you destroy that which feeds, what you going get? Nothing. So, what you doing?

As the water, as the Water Chair for the Aha Moku o` Wailuku, which was instituted 212, Act 212. So, we're a legislative body under DLNR, yea. So, the thing is, as the Water Chair, I say a`ole to building this, because where the water coming from? You getting demands on our, our moku to go to Grand Wailea for 150 more rooms. That includes 150 more toilets, 150 more water faucets, showers. Where you getting um?

You guys all know there's been a problem for water. Water is a problem. That's why Michelle Anderson brought up where is the water bill. Where you going get your water from? From the same straw? Only get one straw, people on this awa. I should say get two; one on this side and one on that side. Kahalawai and Haleakala; only get two straws. How many more people you going feed with those two straws, because the infrastructure he looking to put up, what this guy's looking, applicant cannot be sustained.

And as the Aha Moku Chair, on the water committee, I say a'ole. This is hewa, because how you guys going deal with all this? You guys cannot even move traffic. Traffic cannot move. What you going do? Dig up some more land, dig up more places? This is what I mean, the whole thing is the infrastructure itself, the system is broken. But nobody's stopping to fix the system. If you not going to fix the system to accommodate, then how you expecting to move forward?

See, the kanakas understood how things work and that's what this system needs to do. They need to understand how the system works. Malama aina. That's one heavy term. That means you take care of your family. Malama, take care. Kupuna, take care the chief. And that which feeds will always feed you. Mahalo.

CHAIR KING: Okay. Mahalo, Mr. Kamaunu.

Okay, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify in the chamber is Dennis Singer, testifying on Committee Report 19-112. To be followed by Daniel Grantham.

CHAIR KING: Dennis Singer? Doesn't appear to be here.

Daniel Grantham.

COUNCILMEMBER MOLINA: Chair. Just for Member's information.

CHAIR KING: Yes.

COUNCILMEMBER MOLINA: At what point are we going to be taking a break?

CHAIR KING: Well, I thought we might as well go till noon and then take our lunch break, take the hour and a half. It's already 11:34, unless anybody wants to take a break now and just, I mean, we could. We have about six more testifiers. So, we could get

through that and then take our lunch break if everybody's okay with that? Okay, any objections?

Okay. Councilmember Lee.

COUNCILMEMBER LEE: Can we just take it at 12?

CHAIR KING: Yea.

COUNCILMEMBER LEE: 12 or sooner? Because when, if we try and finish everybody, one by one new people will be signing up.

CHAIR KING: Right. Okay, we'll commit to 12:00 lunch hour. Okay.

COUNCILMEMBER LEE: Okay. Thanks.

CHAIR KING: Okay. Mr. Grantham.

MR. DANIEL GRANTHAM (testifying on Committee Report 19-112):

I'm actually almost willing that you take a break to think about what the last testifier said, instead of the rest of us coming and putting more information on. You guys are getting so much information here.

There is something that I wonder about is what is it with these engineers that are appearing here? You know, I always thought an engineer was, hey, we're the kind of people that can tell you how to fix something, you know. That's, that's my work; I, I fix appliances, I fix refrigerators, and washers and stuff. You look how to fix the problem; you don't run away from it. You don't say, oh we can't touch that, you know.

I understand that some people are worried that, well, if we don't go to the Supreme Court about this, we're going to get all these fines and everything. Well, think about that for a minute. That's exactly where you could get the fines. You go there, you lose big time. Whoa, we got to make an example of this. Instead, you settle. Settle means fixing it.

You know, last time, I guess that was on the 3rd, there was talk about, instead of pumping this water into the injection wells, why not pump it uphill and put it into the ditch and, and it can replace stream water? You can put, you know, that stream water back in the stream instead of diverting it. And just use that water for irrigation, for farming, for all kinds of useful things. And an engineer came up there and said, oh

gosh, you can't do that. You're going to have to get two 230-horsepower motors just to drive the pumps, and you're going to make carbon dioxide and that's horrible.

And I thought about that. Well, that's the equivalent of two car motors. And then one of your Councilmember's said, well, geez, you know, we can run those on solar panels. And he was like, you know, I think you guys need to kind of maybe have some talks with your engineers.

You know, I mean, who is creating the uncertainty here? You know, why is it, it's these, well, you had a couple of professors from, very old professors come over and say oh there's nothing wrong over there, and they hadn't seen the reefs in 12 years or something like that. Who is creating the uncertainty, you know? I'm pretty certain that this can be fixed and fixed economically. And wow, what's going on? Thank you.

CHAIR KING: Thank you, Mr. Grantham.

Seeing no questions, our next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Sierra Ondo, testifying on Committee Report 19-112. To be followed by Saman Rastegar.

MS. SIERRA ONDO (testifying on Committee Report 19-112):

Aloha everyone. Aloha, Committee Members. Aloha everyone here in court today. My name is Sierra Ondo. I'm a 22-year old graduate student born and raised on the islands. I have one more month until I get my Masters of Science in Environmental Conservation.

And while doing so, I've been very interested in this case. I've even, was the town hall moderator for the discussion a little while back if you guys remember and were there. Although I wasn't able to testify previously, I was here for the 80 plus residents that were here. And because there were so many people to testify, I'm sure that we're all pretty well-informed and educated about the topic.

My goal here today is to inspire rather than to argue. Hopefully by the end of today, the people who are against dropping this case can be drawn to the call of compassion, stewardship, and possibly look at this issue from a different perspective than yours. So, as one of many conservationists here on the islands, I just want to point out that we are not against everything. We are not trying to make anyone's lives difficult. We are for the most important things on these islands, and that is to keep it alive and healthy.

The scientists and experts, like Hannah Bernard and Robin Knox, who have studied these types of issues for years are probably one of the biggest blessings that our islands can have. It's people who are fighting to protect these islands and working every day and night to provide the right information to the public, and they should be respected and trusted.

And the islands have changed beyond belief. The once vast assemblages of coral reefs have been drastically bleached and reduced to mere visages of what they once were. And I'm sure we all know that. And we know with absolute certainty that our children will inherit a life here on the islands with radically diminished biological diversity, a sense of pollution of air, water, and soil. So, if we do respect our children and future generations, what excuse can we possibly have for not dropping this appeal to try to ensure that things don't get worse?

Redefining the Clean Water Act does not give clarity, it just gives confusion, resistance and a loss of hope. Saving our reefs and corals from any, or, saving our reefs and oceans from any degradation while looking at me like increasingly urgent issues nonetheless is having to be fought for. With climate change likely to be the defining issue for the rest of our lives, we must not let these smaller acts of environmental degradation become the backdrop of Hawaii's reputation.

And so, with that being said, I'm here because my life has been intertwined with conservation and nature since childhood. And I wanted to get involved professionally with ocean conservation and always believe that environmentalists and Hawaiians who were concerned about the environment were correct. And that as we learned more about the threats, people would realize that what they held dear was at risk.

So, here at the end of my testimony I can only hope that from a younger person's perspective that I can offer some bit of cliché advice; and that is to recognize that we live on a chain of islands and everything is connected. So, what we do has repercussions of tomorrow. And as important as conservation is us for today, its most important benefit is what it offers to future generations. Thank you.

CHAIR KING: Thank you, Ms. Ondo. Good timing.

Okay, next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Saman Rastegar, testifying on Committee Report 19-112. To be followed by Bernadine Sila.

CHAIR KING: If we could ask the next testifier to be ready so we can kind of get you up here quicker.

MR. SAMAN RASTEGAR (testifying on Committee Report 19-112):

Aloha, everybody.

CHAIR KING: Aloha.

MR. RASTEGAR: My name is Saman Rastegar. I'm representing NASA. It's my, my shirt represents NASA. Alright, so I came kind of late to this conference, but I heard about the different type of ideas about finding a solution to the, to the toxicity in the waters. And the what's it called? The injection wells and the nitrogen issue.

I was wondering if anyone here talked, has brought up at all about Paul Stamets' work and bioremediation using like mushroom mycelium mass? He's been doing work where he puts, he inoculates this, these floatation mycelium substrate. He inoculates them and puts them into the oceans. And that they're finding, proving that these mushrooms are able to like pull in toxins of . . . petroleum, what's it called; radioactive petroleum, heavy metals.

So, I'm wondering about like the, the nitrogen issue and using these compost toilets. It was brought up about the heavy metals being an issue with, when using the fertilizer from the nitrogen. So, maybe possibly get going at looking into bioremediation and the mycelium might be a good method to, to think about.

Alright, well, thank you for listening to me. Appreciate it. You guys are, this is amazing that everyone's coming together and talking about this important, you know, really important issue that we're having here. We want to keep this island magical and abundant. And everything's connected. And we are water like this brother said. And, and we, just by us coming together here and talking about this and bringing, bringing our consciences together, this information and this, this feeling and these emotions are going to ripple out and people are going to feel it. Aloha.

CHAIR KING: Aloha.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Bernadine Sila, testifying on Committee Report 19-112. To be followed by Randy Awo.

MS. BERNADINE SILA (testifying on Committee Report 19-112):

Aloha.

CHAIR KING: Aloha.

MS. SILA: I thought I was the last one. And thank God, because I was too scared. But anyway, I saw this thing about President Trump gave billions of dollars in grants for, for clean water and for sewer. And I went online, and I looked it up because I saw this like months ago. And it went President's funding for, for sewer and this and that. The EPA came up, there's billions of dollars that are available. The sites that you go down are really easy. There's phone numbers, there's applications.

It's for to do the sewer, to do the water. And the funding just came available, and so that would be, I think very helpful for a solution to this problem. And, and it's very easy to find. I tried to get it on my phone, but I don't have internet here. But I just, Google's got it, EPA. There's, it's great to tap into the funds if you know they're available. And it, and it seems like this is a perfect time to do that and to grab those funds if you know about them.

And then I just wanted to say, when I moved here in '89, there was no more house building, because there was no water. So, they wouldn't allow anymore house, houses. And then I lived close to the ocean and I saw this pipe with some oil, so, and my son at the time was doing homeschool, so I got to tour the sewer system. And back then, this is over like 25 years ago, they were saying the injection wells were very old and, and that it wasn't a very good system.

And I'm, the water since I've been here too, like, used to have a cut and you'd go in and it would heal it. And now when you go out, if you have a cut, you could get staph. And the water's cleaner further down. But actually, how we got to build more houses is when the hotels came in, they had to, they had to in, they had to make it impro, they had to make a aquifer so that we'd have more water. So, then that's my cap on building.

But anyway, thank you so much. I hope that you check the EPA for the funding. There's billions of dollars that are available. We are the perfect people to get it. I think that Maui can solve its own problems. And that if the water is dirty here, it's not going to have tourists come, because you go out and it smells like sewer. It's not good for our, ourselves. And if the funding's available, we need to jump on it. Okay, thank you.

CHAIR KING: Mahalo, Ms. Sila.

Next testifier.

DEPUTY COUNTY CLERK: The next person signed up to testify is Randy Awo, testifying on Committee Report 19-112. To be followed by Amy Wakingwolf.

MR. RANDY AWO (testifying on Committee Report 19-112):

Aloha, everyone.

CHAIR KING: Aloha.

MR. AWO: I know a lot has been said about this issue. I have nothing prepared, so I think I'm going to choose a theme to kind of drive my mana`o. And I think the theme for me this morning is gratitude and dismay.

So, I start with expressing gratitude to those citizens, that coalition of citizens on the West Maui, in the West Maui communities who recognized in 2008, that they had kuleana to sound an alarm that alerted us to injection wells, and the pollution and destruction that was occurring as a result. I want to thank all of those who participated in the scientific studies that verified those findings over the years.

I also want to thank Isaac Moriwake and Earthjustice, who in 2012 decided to litigate this matter on behalf of our communities. And, and to say that they have a long stoic history of doing this for all the right reasons, not for profit, but for aloha aina. And I also would like to say mahalo to the Councilmembers, who in our last meeting decided not to send this to the U.S. Supreme Court.

In 2008, I was still working for DLNR. And so, as a result of those experiences, which was approaching nearly 30 years, I've always had a balanced approach to environmental protection with a strong lean toward a sense of urgency. And that urgency has increased as the years have gone by. And so, the part that I'm utterly dismayed at is that our legislative leaders would somehow feel it's appropriate to snatch that narrative away from our community and hand it off to the U.S. State Supreme Court, who has a bias toward Donald Trump policies that are stripping away our environmental laws that protect our environment.

That concerns me a great deal. And this is a kuleana thing. We have a vested interest in choosing correctly here. And to our keiki, our makua, our kupuna who have filled

these chambers, to say to everyone this is something we must control. We must have, we must exercise control over our destiny. And especially to the keiki, mahalo--

CHAIR KING: Okay. Mahalo, Mr. Awo.

MR. AWO: --for having the wisdom, the `ike and commitment to be the adults in the room. Thank you.

CHAIR KING: Thank you.

Okay. Ms. Clark, next testifier.

DEPUTY COUNTY CLERK: The last person signed up to testify in the chambers is Amy Wakingwolf, testifying on Committee Report 19-112.

MS. AMY WAKINGWOLF (testifying on Committee Report 19-112):

When the student is ready, the teacher will appear. Yesterday, I was talking to somebody at my booth and I was talking about the injection wells. And he told me that we needed to do this system that his father invented. And I asked more about it. And he talked about how he had created something for Vail, Colorado, that uses the water, the effluent, and only produces; it cleans the water completely, something to do with ozone, there's much more research that I need to do. But here's the important part, it's been used for 25 years in Vail, Colorado successfully to clean the effluent and then have tons of fertilizer. And I drive through Maui, and I'm super sad that the sugar cane has left all of our lands brown. And it's sad.

And I snorkel all over this island. And I see so much things that are no longer there than when I got here almost 20 years ago. And like everyone else, if you are not snorkeling, you are not seeing what we're seeing. And as Councilmembers, I beg you, put on a snorkel. Go, go see. It's scary. It's dead. There's Depends in the water. I'm not kidding. That was right in front of Black Rock. We can do better, and we have to do better. We have no choice. Malama kai. Malama aina. Malama keiki. The end.

CHAIR KING: Mahalo. Okay, mahalo, Ms. Wakingwolf.

We're going to go to Molokai, because we've had a couple people waiting over there for a very long time. So, Ms. Clark, if we can go to our Molokai District Office and see if we can finish up the testimony over there before lunch.

DEPUTY COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ZHANTELL LINDO: Aloha. This is Zhan at the Molokai District Office. Our first testifier is Cora Schnackenberg.

MS. CORA SCHNACKENBERG (testifying on Committee Report 19-112):

Aloha, everyone. My name is Cora Schnackenberg, testifying CR 19-112, the adoption of the resolution to authorize settlement, the injection well case. I, my testimony is I am in support of the settlement. I think the problem has been identified and we need to get it fixed, and not to spend unnecessarily. Mahalo and thank you.

CHAIR KING: Thank you, Ms. Schnackenberg.

Seeing no questions, next testifier, Zhan.

MS. LINDO: Our next testifier is Judy Caparita.

MS. JUDY CAPARITA (testifying on Committee Report 19-112):

Aloha, everybody.

CHAIR KING: Aloha.

MS. CAPARITA: I, CR 19-112, okay. It's about the adoption of resident, resolution to authorize settlement of the injection well case. I agree to settle and fix the problem, because we know the problem. So, why go any higher. Just fix the problem. Aloha.

CHAIR KING: Aloha. Thank you, Ms. Caparita.

Next testifier, Zhan.

MS. LINDO: Our next testifier is Liko Wallace.

MS. LIKO WALLACE (testifying on Committee Report 19-112):

Aloha, Chair King and Honorable Members of the Council.

CHAIR KING: Aloha.

MS. WALLACE: My name is Liko Wallace. I am testifying in strong support of CR 19-112, adoption of the resolution to authorize settlement of Hawaii Wildlife Fund v. County of Maui. Yes, I am Keani's mom, and I support her. We don't always agree on everything, but this is something I fully support.

I watched the last GET meeting intensely on Akaku as the Committee fully vetted the issue and discussed the many hypotheticals. I want to commend GET Chair Mike Molina for his leadership. He remained calmed and professional throughout both meetings. It was truly admirable. And I assure you, Mr. Molina, it didn't go unnoticed.

I wanted to send my aloha to you, all of you. I've talked story with all of you, prayed with some of you, and felt your heart. I know this isn't an easy decision and I appreciate you doing the work. I ask you to be brave and let's take this next step together. Please vote to protect our environment and pass the resolution. Mahalo and aloha.

CHAIR KING: Mahalo, Liko. Any questions? No questions?

Any more testifiers on Molokai?

MS. LINDO: There are no more testifiers at the Molokai Office.

CHAIR KING: Okay. Thank you, Zhantell.

And, do we have any more testifiers in chambers? We have time for one more before the lunch hour.

DEPUTY COUNTY CLERK: Yes. Currently, we have three more individuals signed up to testify in the chambers.

CHAIR KING: Okay. Do we want to, Members, do you want to go ahead and take your break? Or do you want to finish up the three? Finish up? Okay.

DEPUTY COUNTY CLERK: The next person signed up to testify is Mark Deakos, testifying on Committee Report 19-112. To be followed by Steve Slater.

MR. MARK DEAKOS (testifying on Committee Report 19-112):

Good morning, Councilmembers. You guys are working hard this week. Mark Deakos, West Maui resident for 23 years.

It's one thing to have a healthy debate and ask tough questions to our reputable subject matter experts, but it's another to deliberately spread misinformation. We expect that from our President, but not from our Mayor, Councilmembers and Corp. Counsel.

For example, this DOH going after 1700 septic systems. Corp. Counsel says it could happen if they meet the criteria, okay. But they never described what the criteria are. The law states traceability, meaning you would need probably a very rich disgruntled neighbor that would have to get permission from the own, homeowner to put traceable dye into their toilets and then monitor the shorelines to make the traceable link to that homeowner, and then have a different signature for every toilet. Okay.

We know the injection wells. They often reference the Puako study that was a dye tracer study that was a collaborative effort between 15 homeowners and the UH. So, yes, people have gotten PhD's out of doing this work, but it's not going to happen for 17,000 septic systems. You also have a letter from DOH saying they won't go after it. So, I don't know why that issue keeps coming up.

Continuing to reference Steve Dollar, okay, as a reputable source and to ignore many of the reputable resources that are available to you that have shared their expertise is pretty dis-ingenuine. If you want to challenge the science, then do so on record, or have your expert discourse with reputable experts on the stand here. Don't just throw down Steve Dollar in, in your final deliberation.

Also asking questions like how are the fish doing at Kahekili? Just because we've got a herbivore ban there and that's done well, but making the reference at all, Kahekili is doing well, because the fish are doing well, I think is also a deliberative attempt to deceive.

So, I'll just stand by thinking holistically. We're definitely able to turn what we see, perceive as liabilities into assets. Wastewater is not a liability. You've all heard so many great solutions today, in the last few weeks; how to take this precious resource and, and use it as a precious resource. So, everyone that's ready to support the settlement is standing by to help with the solutions and work on solutions, including all the plaintiffs, the regulators. So, for our keiki, let's do the right thing and settle. Thank you.

CHAIR KING: Mahalo, Mr. Deakos.

Next testifier.

COUNCILMEMBER PALTIN: Oh, Chair, I have a question. Sorry.

CHAIR KING: Oh, I'm sorry, Mr. Deakos. We have one question from Councilmember Paltin.

COUNCILMEMBER PALTIN: When we were at the last meeting and there was talk about the Puako study, I think the Corp. Counsel made something like, you know, even if that's a case where they gave permission that it can be extrapolated as a model to go after all the other people that, you know, now they have the formula, the method or whatever. I mean, on probability wise of science of that, do you have anything to say?

MR. DEAKOS: Well--

COUNCILMEMBER PALTIN: Since you referenced Puako.

MR. DEAKOS: Yea. I mean, that, you know, the ground that the septic tanks are on, you know, you could, it's very different landscapes; Puako versus Lahaina, wherever it is. So, you can't just extrapolate the, the time period from the injection source to, to the coastline based on one study. It would have to be specific--

COUNCILMEMBER PALTIN: And then go after everybody else.

MR. DEAKOS: It would have to be specific, it would have to be specific to that septic system.

COUNCILMEMBER PALTIN: Thank you.

MR. DEAKOS: --because the land is, is different. It's different porous.

CHAIR KING: Thank you, Mr. Deakos. Appreciate your testimony.

Next testifier, Ms. Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Steve Slater, testifying on Committee Report 19-112. To be followed by Rae Tereari'i Chandler-Iao.

MR. STEVE SLATER (testifying on Committee Report 19-112):

Hi. Steve Slater, just testifying for myself. I don't usually wear hospital garb, but I was told that you wear blue if you feel strongly about this. And I feel really strongly; didn't have any other blue pants, so here I am.

I'm an avid snorkeler. I've been snorkeling on Maui, full-time resident 36 years; mostly North Shore but I know the whole island. Heart is broken by what I've seen, at least in

the last two years. I snorkel, I used to snorkel three or four times a week. I'm down to maybe once a week now. I see a lot. It's, it's pathetic. It's hard. It's really hard to bear.

But I have to fight my own, and what I feel like is our selfish interest. Yes, this is a big problem for us. This is an environmental problem. But what about playing into this game with the Trump Administration? I mean, to be a pawn in the fracking game, to even get close to the point where we could come into a Supreme Court that has been so politicized that it's no longer a court of law, it's a court of politics.

To allow ourselves to make a decision. If you're at all on the edge, if you're not feeling like, well, maybe I'll get some campaign donations if the RNC likes what I voted. If you at all have a heart, let's keep out of anything to do with making a Supreme Court case that they actually are dying to get us to do. If they can mess with the Clean Water Act, can you imagine all of our affect on worldwide pollution?

I mean, I just have to step back from my own heartbreak and go, no, I don't want to be seen that our island is part of allowing fracking to get worse, of allowing, and I don't even feel any affinity to the American side. I feel a resident of Hawaii myself. But this is worldwide. I don't want to be part, I'll, I'll sacrifice my own reasons just to plead with you not to fall into the trap of going to a what is now not a real court. It is a politicized court. This is not the time to take an environmental issue to the Supreme Court.

And I also wonder why some of the people missing here, maybe even our Mayor, I hope I'm wrong. If you are on the side of the Republicans, you may be getting some under the table campaign donations, since we have no control over what clean money is. Oh boy. And who, and we had a, somebody point out that, oh, a Presidential decision can, you know, change this. Well, a Presidential decision flips back and forth with each President. A Supreme Court decision is set in stone. We have to be so careful not to be pawns in this game. I think, just get out of this case and if we have to appeal again for the fines or whatever, let's negotiate with the, whatever it was, the third district.

Anyway, in conclusion, who actually pays? Is it really going to come on the backbone of poor people's sewer rates raising? Or could we do anything with hotels if we need to? We're paying a lot on highways. Where's the public information of how much money has been spent improving our roads?

CHAIR KING: Thank you, Mr. Slater.

MR. SLATER: Like our reefs aren't as important as our roads?

CHAIR KING: Thank you for your testimony.

Ms. Clerk, Clark.

DEPUTY COUNTY CLERK: The next person signed up to testify is Rae Tereari'i Chandler-lao.

MS. RHIANNON "RAE" TEREARI'I CHANDLER-IAO (testifying on Committee Report 19-112):

Aloha. I, again, I actually just wanted to say thank you. I was planning to say thank you for all the work that you did at the GET Committee and for, thank you to each person who voted to, to recommend settlement. And then, then so much happened today that I was like, oh man, all this stuff. I feel for you so much. Like, this is, this is such an important issue and there's so much misinformation and just all kind of things happening that I wanted to circle back to people keep telling you how much the, the, this is going to cost; in the hundreds and hundreds of millions of dollars.

There are so many theories right now. And, and to keep suggesting that we absolutely have to have an outfall at the \$125 million ticket price. Nobody has said that. This is about permitting. This case is literally about the fact that there's dye going out into the ocean, tells us we're polluting into the ocean. The Clean Water Act is for clean water, is to protect pollutants from getting into the ocean. And since we know they're there, we have to deal with it. We need the right permit. That's all this is about. It's not about crazy changes to upgrades and all the money, and money, and money.

And also, somebody earlier, not today, a different day, suggested a flush tax. And I, I don't know if we can look into that. But I think we need to raise revenue around this issue. And if, if tourists could play a, pay a flush tax; one man had suggested \$5 per person, maybe it's tacked onto the hotel room. I can't conceive of how it happens, but \$5 times 10 million tourists is \$50 million. You know, like, we need to put money towards the issue. And maybe not our people's money, that would be really great. And so, I, you know, I, this is so hard for you guys and I know you don't want to put the burden on the people. And I know that you love the people and I know that you love the environment.

Another way that we're getting money back is Earthjustice has waived their attorney fees. That is amazing. They put so much work into this case and they're willing to give

the money back because it's not about money. It's about the environment and fixing this problem here at home. Thank you so much to everybody who's a part of that.

And then, you know, traceability and cesspools; I feel like we beat this thing so hard. DOH already said, people are not, that, that Anderson himself testified and so, I feel, I hope that's not an issue for people anymore.

And then lastly, I have, I want to say one thing that I didn't think I was going to say. But as I sit across this floor, and I look at so many people I love, people who are not here, people on Corp. Counsel that I love, all kind of people that don't agree with this issue; so many things are flying around and then innocent people are becoming targets of all kind of stuff.

And one of them, in my opinion, is Tamara Paltin, somebody who I really, really commend for her, like, so deep dedication to the environment. And I do not think that it's fair to suggest that she doesn't get to vote, because she, once upon a time, was involved in, in something that she quit before she became a Councilmember. We want our Councilmembers to be involved in the community. And if we set a precedence that if you're involved in anything, you become a Councilmember, you can't vote on it, people are not going to want to do anything.

And so, please, like, let's just aloha for each other and get through this really hard moment in time. I wish I could hug every single person on this row for how hard this has been and how much your dedication shines for us because you're sitting here listening to us. Mahalo ke Akua. Mahalo.

CHAIR KING: Thank you, Ms. Chandler. Appreciate your testimony.

Okay. So, that was our final testifier in the chambers. And we have no more, and did you check the District Offices?

DEPUTY COUNTY CLERK: Correct. Madam Chair, there are no other individuals signed up in the District Offices nor the chamber who wish to offer testimony.

CHAIR KING: Okay. Thank you.

So, Members, is there any objection to receiving written testimony into the record? We have 196 in support of this, the resolution to settle and 6 opposed to the resolution to settle, into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART OF
THE RECORD OF THIS MEETING:

1. Juan A. Rivera;
2. Jason Economou, Realtors Association of Maui, Inc.;
3. Eric Nakagawa, Director of Environmental Management;
4. Deborah Aweau;
5. Nicholas Drance;
6. Mike Moran;
7. Robin S. Knox;
8. Paul Ackrill;
9. Jan Adam;
10. Melinda Ahn;
11. Kat Aina;
12. Terry Akana;
13. Natalie Alexander;
14. Laura Alskog;
15. Marluy Andrade;
16. Damian Antioco;
17. Diane Appler;
18. Anna Austin;
19. Thomas Baldwin;
20. Anna Barbeau;
21. Lahela Barcenilla;
22. Bruce Baum;
23. Katy Bayly;
24. Alex Beers;
25. Ruthie Bernaert;
26. Bobbie Best;
27. Robyn Blaisdell;
28. Lorraine Borden;
29. Blair Boucher;
30. Jonathan Boyne;
31. Alan Bradbury;
32. Bo Breda;
33. Laura Brewington;
34. Jeffrey Bronfman;
35. Leilani Bronson Crelly;
36. Aimee Brown;
37. Ron Brown;
38. Pamela Burrell;

39. Tom Calhoun;
40. Samantha Campbell;
41. Stephen Canham;
42. Troy Ching, Hawaii Society of Professional Engineers, Maui Chapter;
43. Camille Chong;
44. Mel Choy;
45. Chuckster78@outlook.com;
46. Eve-lynn Civerolo;
47. Irina Constantinescu;
48. Thomas M. Cook, CookSynergy;
49. Josie Cristobal;
50. Bob Crone;
51. Lois Crozer;
52. Christine Cruikshank;
53. Bill Cunningham;
54. Eva Daniells;
55. Jenna de Buretel;
56. Brenda deGerald;
57. Alexa Deike;
58. Carmen Dello Buono;
59. Laura Delplace;
60. Von Dent;
61. Angela DeVargas;
62. Cliff Devries;
63. Mark DiCerchio;
64. Sylvia Dolena;
65. Susan Douglas;
66. Normand Dufresne;
67. Malin Ek;
68. Pamela Elders;
69. Bruce Ellinwood;
70. Mark Enomoto;
71. Donald Erway;
72. Stephen Faes;
73. Nadine Ferraro;
74. Faye Field;
75. Christopher P. Fishkin;
76. Victoria FittsMilgrim;
77. Kendell Flavin;
78. Sheri Fletcher;
79. Pat Fling;
80. Anne Fojtasek;

81. Liz Foote;
82. Karen Frangos;
83. Neil Frazer;
84. Anne Freeman;
85. George Fry;
86. Julia Fujioka;
87. Richard Furst;
88. Robin Gaffney;
89. Lani Galetto;
90. Sheryl Gardner;
91. John Gelert;
92. Kristin Gillette;
93. Karen Gold;
94. Tom Gourley;
95. Bill Greenleaf;
96. Marta Greenleaf;
97. Michael Grinnell;
98. Lily Haggerty;
99. Diane Hanzel;
100. Cory Harden;
101. Craig Hart;
102. Lisa Hatem;
103. Joan Heartfield;
104. Curtis Helms;
105. Ralph Hendrickson;
106. Claudia Herfurt;
107. Leslie Hilles;
108. Kathleen Hilliard;
109. Theresa Hruska;
110. Ronnie Huddy;
111. Harry Hudson;
112. Lisa Husch;
113. Sylvia Hussey, Office of Hawaiian Affairs;
114. Leslie Hutchinson;
115. Sally Irwin;
116. Andrew Isoda;
117. Nalei Kahakalau;
118. Christina Kalili;
119. Annette Kaohelaul;
120. Zachary Kaufher;
121. Susanne Kiriathy;
122. Richard Kite;

- 123. Jono Knight;
- 124. Christine Kornet;
- 125. Arnie Kotler;
- 126. Colin Kurata;
- 127. Louise Lambert;
- 128. John Laney;
- 129. Maureen Langberg;
- 130. Gordon Lange;
- 131. Rei L'Asche;
- 132. Craig Lekven;
- 133. Ilana Leshem;
- 134. Elizabeth Levings;
- 135. Judy Levy;
- 136. James Long;
- 137. Clare Loprinzi;
- 138. Cynthia Lowe;
- 139. Mike Luque;
- 140. Linda Lyerly;
- 141. Robert Majewski;
- 142. Alexander Maksik;
- 143. Linda Maloney-Tarvers;
- 144. James Marcus;
- 145. Frank Marsh;
- 146. Martha Martin;
- 147. Sandra Masters;
- 148. Rita Lei Medina;
- 149. Thomas Mellin;
- 150. Linda Mende;
- 151. Eva Mesina;
- 152. Raymond Moline;
- 153. Nina Monasevitch;
- 154. Jeannine Moore;
- 155. John Mora;
- 156. Malia Morales;
- 157. Isaac H. Moriwake, Earthjustice;
- 158. Allison Morrell;
- 159. Bailey Morris;
- 160. Charlotte Mukai;
- 161. John Naylor;
- 162. Amanda Niles;
- 163. Ramiro Noguerol;
- 164. Thomas Nooney;

- 165. Diane Nushida-Tokuno;
- 166. Avi Okin;
- 167. Polli Oliver;
- 168. Karen Olson;
- 169. Lory Ono;
- 170. Sharon Ortiz;
- 171. Patricia Osborne;
- 172. Lisa Overly;
- 173. Pam Palencia;
- 174. Janice Palma-Glennie;
- 175. Naomi Pang;
- 176. Ed Pasqualin;
- 177. Tia Pearson;
- 178. Karen Pell;
- 179. Shakira Perelman;
- 180. Sue Perley;
- 181. Chris Peterson;
- 182. Marisa Plemer;
- 183. Lisa Poulsen;
- 184. Megan Powers;
- 185. Manon Pretre;
- 186. Greg Puppione;
- 187. Namphuong Quach;
- 188. Alana Rask;
- 189. Keoki Raymond;
- 190. Maggie Rayne;
- 191. Nancy Redfeather;
- 192. Eva Roberts;
- 193. Mitchel Rosenfeld;
- 194. Randy Rupa;
- 195. Jennifer Salisbury, Valley Isle Enterprises, Ltd.;
- 196. Frances Salvato;
- 197. Georgia Sartoris;
- 198. Annette Schmidt;
- 199. Jason Schwartz;
- 200. Juli Schwartzsmith;
- 201. Carol Schwarz;
- 202. J. David Scott;
- 203. Marina Scott;
- 204. Julie Shafer;
- 205. Michael E. Silva, Hawaii Society of Professional Engineers;
- 206. Joan Singleton;

207. Rene Siracusa;
208. Jacqui Skill;
209. Makana Smith;
210. Sheila Sone;
211. Amy Sophiella;
212. Jane Spaeth;
213. Fred Spanjaard;
214. Bill Staley;
215. Michael Stauber;
216. Charles Stoner;
217. Ann Strong;
218. Robin Swanson;
219. Ane Takaha;
220. Phoenix Taredi;
221. Jill Tarkington;
222. Gary Thaler;
223. Leo Thiner-Brickey;
224. Beverly Toyama;
225. Terry Travis;
226. Gayln Trevia;
227. Pamela Tumpap, Maui Chamber of Commerce;
228. J. Van Niel;
229. Maria Walker;
230. JJ Wassell;
231. Jennifer Watabayashi;
232. Robert Watkins;
233. Valerie Weiss;
234. Ben Welborn;
235. Madolin Wells;
236. Les Welsh, Conservation Council for Hawaii;
237. Laurel Whillock;
238. Tehani White;
239. Rory Wicks;
240. Ashley Wilcox;
241. Liz Wildberger;
242. Ann Williams; and
243. Julie Williams.

CHAIR KING: And is there any objection to closing testimony at this time?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Testimony is closed.

I'm going to be first adjourning the public hearing section of our meeting today. So, stay in your seats for a minute. The public hearing is now closed for September 20, 2019.

ADJOURNMENT

The public hearing of September 20, 2019 was adjourned by the Chair at 12:10 p.m.

CHAIR KING: And we are back in the regular meeting. We will take our lunch break for, is everybody okay with one hour; coming back at 1:15? So.

COUNCILMEMBER SUGIMURA: 1:45.

CHAIR KING: You want one and a half hours, or one hour is not long enough?

COUNCILMEMBER SUGIMURA: One--

CHAIR KING: Is it, is it--

COUNCILMEMBER SUGIMURA: One and a half.

VICE-CHAIR RAWLINS-FERNANDEZ: 1:15.

CHAIR KING: Okay, one and a half would be, would be--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, 1:30. Compromise, 1:30.

CHAIR KING: Okay. 1:30? Is everybody okay with that? Okay, so we will reconvene at 1:30 in the chambers. Thank you.

(THE MEETING WAS RECESSED BY THE CHAIR AT 12:11 P.M., AND WAS RECONVENED AT 1:30 P.M., WITH ALL MEMBERS PRESENT, EXCEPT FOR COUNCILMEMBERS HOKAMA AND KAMA, EXCUSED)

CHAIR KING: Members, thank you for being back here at 1:30 sharp, this is the reconvening of the regular Council meeting of September 20, 2019. And I hope everyone had a good lunch break. We're going to go ahead and continue on with our, we got all

Councilmembers in the chambers except for Member Kama and Member Hokama. So, we'll, we're expecting them to return soon.

And, Ms. Clark, can we go ahead and proceed with the minutes?

MINUTES

The minutes of the Council of the County of Maui's special meeting of May 28, 2019, special meeting of June 7, 2019, and regular meeting of June 7, 2019 were presented at this time.

CHAIR KING: Okay. Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

I MOVE TO ACCEPT ALL THE MINUTES READ BY THE CLERK.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay. Moved by Vice-Chair Rawlins-Fernandez, seconded by Member Lee.

Ms. Rawlins-Fernandez, any, any comments on that?

VICE-CHAIR RAWLINS-FERNANDEZ: No. No discussion. Mahalo.

CHAIR KING: Okay. Great. Thank you. Any other comments or questions? If not, I'll call for the question. All those in favor of the motion on the floor, say "aye".

AYES: COUNCILMEMBERS LEE, MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-CHAIR RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: COUNCILMEMBERS HOKAMA AND KAMA.

CHAIR KING: Measure passes seven to zero with two excused; Members Kama and Hokama.

Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with county communications.

CHAIR KING: Oh okay. I'm sorry. So, actually, Members, I was going to suggest that we take up, because we've had some people that have been sitting through all the morning testimony, so if there's no objections, in that interest of time, at this time I would like to ask that the Deputy Clerk call all bills for second and final reading.

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Alright. Madam Deputy Clerk.

COUNTY CLERK: Madam Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 43 (2019)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE 3061 (2002),
WAILUKU-KAHULUI COMMUNITY PLAN AND LAND USE MAP,
FROM PROJECT DISTRICT 5, SINGLE-FAMILY, AND
AGRICULTURAL TO WAIKAPU COUNTRY TOWN (WCT)
FOR PROPERTY SITUATED AT WAILUKU, MAUI, HAWAII

CHAIR KING: Thank you.

Councilmember Tamara Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. If there's no objections, may I request that the Clerk also bring up Bill 44 and Bill 45 as well?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: No objections?

Okay. Madam Clerk.

(Councilmember Kama returned to the meeting at 1:32 p.m.)

ORDINANCE NO. _____
BILL NO. 44 (2019)

A BILL FOR AN ORDINANCE AMENDING TITLE 19, MAUI COUNTY CODE,
RELATING TO WAIKAPU COUNTRY TOWN DISTRICT SITUATED IN WAILUKU,
MAUI, HAWAII

ORDINANCE NO. _____
BILL NO. 45 (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION)
AND AGRICULTURAL DISTRICT TO WAIKAPU COUNTY TOWN (WCT)
DISTRICT (CONDITIONAL ZONING) FOR PROPERTY SITUATED AT
WAILUKU, MAUI, HAWAII

CHAIR KING: Okay, thank you, Ms. Clark. And let the record recognize, for the record, we'll recognize Member Kama has joined us, our Pro Tem. Thank you for being here.

Ms. Paltin.

COUNCILMEMBER PALTIN: Chair, if I could just verify with the Clerk that all unilateral agreements for Bill 45 has been recorded with the Bureau of Conveyances?

CHAIR KING: Ms. Clark.

DEPUTY COUNTY CLERK: Yes, that is correct.

(Councilmember Hokama returned to the meeting at 1:33 p.m.)

COUNCILMEMBER PALTIN: Thank you.

I'D LIKE TO MOVE TO PASS BILL 43, 44, AND 45, ALL OF THE
YEAR 2019, ON SECOND AND FINAL READING.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Member Paltin, seconded by Member Lee.

Ms. Paltin.

COUNCILMEMBER PALTIN: These three bills will grant Waikapu Properties, LLC and other landowners the necessary land use entitlements for their proposed Waikapu Country Town Project. No further discussion, Chair.

CHAIR KING: Okay. Thank you, Ms. Paltin.

And for the record, Mr. Hokama has joined us. So, we now have a full complement of Councilmembers in the chambers.

Any further discussion or questions on the motion on the floor?

Member Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I just wanted to bring up that today we had a, an Aha Moku representative representing the wai committee and so he had some concerns. But I am going to support the bill, but just with the hopes that, that the project can go through and work with the Aha Moku of Wailuku. Thank you.

CHAIR KING: Okay. Thank you.

Ms. Paltin.

COUNCILMEMBER PALTIN: Oh, sorry. I should have mentioned, I spoke with Mr. Kamaunu afterwards. And his main concern was that the change in zoning was going to only affect this area and that other properties wouldn't be able to change their zoning in on the coattails of this one. So, I kind of explained like the process and, and that, you know, with all the 201H's that got approved before that, the coattails came before the project. And I support, you know, smart growth, proper planning, all the, the correct planning principles of walkability and transient-oriented development and all that stuff. So, he, he said that he would kind of, he's okay with it when we talked.

CHAIR KING: Okay. Okay, great. Thank you for that.

COUNCILMEMBER SINENCI: Mahalo.

CHAIR KING: Anything else, Mr. Sinenci? Okay.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Okay. Thank you. Yea, I was, I think I on top of that I also wanted to add that they are doing their own wastewater treatment facility and haven't asked for any exemptions from that. So, I think that was also commendable, along with the school.

Ms. Paltin.

COUNCILMEMBER PALTIN: Yea, I, I did bring those things up.

CHAIR KING: Okay. Great. So, if there's no other comments or questions--

COUNCILMEMBER SUGIMURA: Chair.

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Yea so, I got to speak to Mr. Atherton this morning. And it looks like he's probably going to do his infrastructure through our community facilities district option. So, we will be working in partnership with them, if that's the direction he chooses.

CHAIR KING: Okay.

COUNCILMEMBER SUGIMURA: It's just exciting for me. Thank you.

CHAIR KING: Alright. No other comments or question? I'll call for the question. All those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-
CHAIR RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Motion passes nine to zero; unanimous. Bills 42 [sic], 43, 44, and 45, and I believe I heard the figure of 12 years that you've been waiting to hear those words?

COUNCILMEMBER LEE: Six months and two days.

CHAIR KING: Twelve years, six months, and two days. Thank you, Mr. Atherton. Good luck on the project. We, we look forward to the first installment of infrastructure.

Okay, Madam Clerk.

ORDINANCE NO. _____
BILL NO. 47 (2019)

A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR
OF THE COUNTY OF MAUI TO ENTER INTO AN
INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII,
DEPARTMENT OF HAWAIIAN HOME LANDS
(AGREEMENT FOR LICENSES FOR
MAHINAHINA AND HONOKOWAI)

CHAIR KING: Councilmember Lee.

COUNCILMEMBER LEE:

MADAM CHAIR, MOVE TO PASS BILL 47 ON SECOND AND
FINAL READING.

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Lee, seconded by Councilmember Sugimura.

Ms. Lee.

COUNCILMEMBER LEE: No discussion. The title is self-explanatory.

CHAIR KING: Okay. Any other questions or discussion? If not, I'll call for the question. All those in favor of Bill 47 say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-
CHAIR RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero; unanimous.

Okay. Ms. Clark.

ORDINANCE NO. _____
BILL NO. 48 (2019)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 3.48, MAUI COUNTY
CODE, RELATING TO LONG-TERM DEDICATION FOR RESIDENTIAL
WORKFORCE HOUSING RENTAL UNIT PROJECTS

CHAIR KING: Okay. Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Thank you, Chair.

I MOVE TO ADOPT BILL NO. 48, A BILL FOR AN ORDINANCE
AMENDING THE CHAPTER IN WHICH THE CLERK HAS JUST
READ.

COUNCILMEMBER MOLINA:

SECOND.

CHAIR KING: Okay. Moved by Pro Tem Kama, seconded by Councilmember Molina.

Ms. Kama.

COUNCILMEMBER KAMA: No comments. It says, speaks for itself.

CHAIR KING: Okay. Any other questions or, or discussion? If not, all those in favor of the motion on the floor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, VICE-
CHAIR RAWLINS-FERNANDEZ, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes nine to zero; unanimous.

Okay. Ms. Clark.

DEPUTY COUNTY CLERK: Madam Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 19-377 - ROWENA M. DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS, (dated August 28, 2019)

Transmitting a copy of the Request for Project Authorization, Agreement, and/or Modification approving the federal funds to advertise for bids for the Kaupakalua Road Pavement Reconstruction, Phase 2, East Kuiaha Road to Hana Highway, Federal-Aid Project No. STP-0365(011).

(See pages 130 and 131 for discussion.)

VICE-CHAIR RAWLINS-FERNANDEZ: Chair.

CHAIR KING: I'm sorry. Ms. Clark.

DEPUTY COUNTY CLERK: Yes.

CHAIR KING: I think we had a earlier request to go to--

VICE-CHAIR RAWLINS-FERNANDEZ: I was hoping to extend the same courtesy to those in the gallery that have been here from this morning, that if we can take up item CR 19-112?

CHAIR KING: Okay. Any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay. Ms. Clark, we'll go to first reading. We have two committee reports on first reading. We'll start with 19-112.

COUNTY CLERK: Madam Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 19-112 - GOVERNANCE, ETHICS, AND TRANSPARENCY COMMITTEE:

Recommending that Resolution 19-158, entitled "AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM BMK, U.S. SUPREME COURT CASE 18-260," be ADOPTED.

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT NO. 19-112.

VICE-CHAIR RAWLINS-FERNANDEZ:

SECOND.

CHAIR KING: Okay. Moved by Councilmember Molina, seconded by Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Your GET Committee met on May 20, May 23, and September 3, and September 6, 2019, to address this issue. The Committee received hundreds of written testimony and heard from a large group submitting oral testimony both in support of and in opposition to settling the matter.

Your Committee Chair, yours truly, strived to ensure Members had the information they needed to make an informed decision. And representatives from the plaintiffs' side, Earthjustice and also State Department of Health were asked to weigh in on the matter as well.

After, of course, some much discussion and testimony, the Committee, on September 6, 2019, voted 5-3 to support the resolution to settle. Thank you very much, Madam Chair.

CHAIR KING: Okay. Thank you, Mr. Molina.

So, Members, we're, we have a motion on the floor. We're in deliberations right now. So, I think what I'm going to do is just take a book out of our Budget Chair's, or a page out of the Budget Chair's book and go down the line and we'll give each Member on the first round, seven minutes. If we end up taking a second round, we'll give each Member up to five minutes to deliberate.

Is there any further deliberation, Mr. Molina, that you feel like, that you want to start as, as Committee Chair?

COUNCILMEMBER MOLINA: Madam Chair, I'll yield to my colleagues, cause I do have something to say on my second and final turn on the motion.

CHAIR KING: Okay. Okay, we'll start over on this side with Pro Tem Tasha Kama.

COUNCILMEMBER KAMA: Chair, I just got this, it's the County of Maui v. Hawaii Wildlife. It's from David Raatz, the Supervising Leg. And I just got this now, and we're supposed to be able to read it and then make some sense of it.

CHAIR KING: No, it's, it's a, are you talking about a letter from Mayor Victorino.

COUNCILMEMBER KAMA: No, from David Raatz, the--

COUNCILMEMBER SUGIMURA: Mike Molina, memo to, from David Raatz. We just received it right now. Can we have some time to look at it?

CHAIR KING: Mr. Molina, do you want to make any comments on the memo, since it came to you?

COUNCILMEMBER MOLINA: Yeah, no objections if the Members need time to review it.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Okay, so it's 1:42, how much time does, does everyone think they can get this, through this in ten minutes or do you need more time?

COUNCILMEMBER KAMA: I'm going to have my staff look at it.

CHAIR KING: Ten minutes?

COUNCILMEMBER SUGIMURA: 2:00.

COUNCILMEMBER KAMA: Till 2?

CHAIR KING: Ten minutes.

COUNCILMEMBER KAMA: Till 2?

CHAIR KING: So, what's that? Till 2? You need 20, okay, so that's almost 20 minutes. Does everybody feel that.

Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I just, I guess so I don't need to read it. I, I, I just--

CHAIR KING: Maybe, maybe if, if you, if you have a question, Member Kama, we can maybe have Mr. Raatz explain the memo. He's here today.

COUNCILMEMBER KAMA: I haven't read it.

COUNCILMEMBER SUGIMURA: We haven't looked at it yet.

CHAIR KING: He's here in chambers.

COUNCILMEMBER KAMA: That's what I'm saying, I haven't read it yet. So I don't know what I'm going to be asking until I've finished reading it. That's what I'm saying.

CHAIR KING: Okay, do you want to give us a brief overview of what it is so that all the Councilmembers can decide if this is something that needs to be thoroughly, and, and this is the memo dated September 19? Is that the one you're talking about?

COUNCILMEMBER KAMA: Yes.

CHAIR KING: Okay.

SUPERVISING LEGISLATIVE ATTORNEY DAVID RAATZ: Thank you, Chair. For the record, David Raatz from the Office of Council Services. The memo is in response to a request from the Chair of the GET Committee to formally confirm the advice that he had been provided by Committee staff as this matter was proceeding.

The memo gets to the issue that is summarized on page 2 of the committee report. The second full sentence at the top of page 2 states, "The Supreme Court noted that a legislative body's settlement powers stems from its budget authority," and then there's a quote from the Hawaii Supreme Court that says, "To the extent a decision to compromise or settle a claim on behalf of the city is essentially fiscal, exclusive settlement authority is appropriately placed in the council."

And the memo explains how the, the Committee Chair was able to reach that conclusion, and place that statement in the committee report.

CHAIR KING: Okay, so if, if some of the Members feel like they want to take some time off, maybe we can do one, we'll do one round of deliberations and if you want to skip your round we can, we can come back to you later on.

But Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. The reason I don't need to read it is because I am confident in our authority to do the work that we're doing right now. So if anyone has any questions about whether they have the authority to settle, which has already been clearly stated and set, and has never been questioned by Corp. Counsel in all the meetings that we had.

We had two meetings in GET before these last two meetings. So a total of four meetings and at no time did Corp. Counsel say you know what Councilmembers you shouldn't be doing this because you actually don't have the authority to do it. So I don't need to read this, because I know that the Council has the authority to settle. So I, I, I would prefer not to go into recess.

CHAIR KING: Okay, well let's go ahead and start with deliberations and we'll start with you Vice-Chair Rawlins-Fernandez, since you're the Vice-Chair of the Committee that gave us this report. And then we'll go down the line from there.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, mahalo, Chair. I am going to, I voted to settle in GET, so my vote was to pass the resolution as amended in GET. I stated all my reasons at that time. And we had elected officials come out and share with us that they had constituents come out to them very concerned, and wanting them to urge us.

The, there were no elected officials that came out to testify urging us to go to the Supreme Court.

The House of Representatives, Representative from the Lahaina district, the district that this, this case directly affects came out in, in such strong adamant support of settling. And that's his district and that's his constituents who have come to him, you know, asking him to take a stand, take a position and urge this Council, who has the power to, to settle.

I spoke to the, we also had Representative Wildberger come out from South Maui, who also is affected. And OHA Trustee Hulu Lindsey, and that helps me segway into my next point, which is native people's rights. And Trustee Lindsey came and also urged us to settle on behalf of her constituents, many of whom are of, you know, Native Hawaiian descent and who practice their traditional and customary practices in the area.

And they, as we heard in many testimonies that this is the icebox, this is their refrigerator. This is where they gather food and sustenance *[sic]*. This is where they gather medicine. And not just to gather, but the ocean itself was used traditionally as, for healing. And that our residents want, particularly, you know, those who practice it from before with their kupuna, would, would like to one day be able to go back to the ocean for that type of healing practice again. And I want to advocate for that. I, I want the ocean to, to be that, that healing source.

In olelo Hawaii we don't have a Hawaiian word for resources. There's only the source. And the ocean was a source for healing. And we need to work back to the ocean being that for our people again. I also spoke to native peoples in other places that are depending on us to do the right thing today and to settle. Because they are also being impacted by more egregious polluters such as frackers, oil companies, coal mines, and the kind of pollution that are going into their food source and their waterways are like arsenic, you know? And, and I just, I don't want, as a native person, I don't want that on my conscience.

My work is to uplift our native peoples, all peoples, of course. But I don't want to be the reason that other native peoples in other places will be shut off from their gathering of fish, and rice, like the Fond du Lac Tribe.

As we heard today from our, our strikers, our keiki strikers, you know, they are such an inspiration, that we need to malama our 'aina. We need to malama our kai and we need to malama our planet. And they are looking to us to do that, they are looking to us to do the right thing. And I don't want to let them down.

We talk about, you know, there's some testifiers that said that we need to help the Supreme Court do their job in resolving the conflict that, that, the current conflict, but I don't see that as our kuleana. Why is it our kuleana for them to have to resolve? Our kuleana is to protect the health of our people and our 'aina. That is our kuleana, not for them to go and resolve this conflict. They can do that as the testifier said with another case. I don't want the County of Maui's name as that. I don't want that reputation for the County of Maui. Because that's forever, and I don't want that.

As we heard from the Chair of Department of Health, you know, he, you know, basically allayed all of our, our fears, you know, the fears that, and concerns that we heard that Department of Health is going to fine all of our, our homeowners with cesspools and septic. And we heard directly from him that he will not do that. And EPA cannot do that. They delegated their authority to Department of Health, and frankly, they don't have the resources to do that. So I, I think, again, like that's just one of the many scare tactics involved.

I also wanted to address the, the, another scare tactic of how much money all of this is going to cost? As I said in the GET Committee meeting, I, I don't support an ocean outfall. That's not the direction that I think we should be going either. So the exorbitant amounts of money that, you know, have been stated that it's going to cost over \$700 million to build all these outfalls, these ocean outfalls, like that, that's not the direction that I would support going. And that, that we never said that that's what we were going to do.

As, you know, Ms. Knox said, we just need to get the right permit.

CHAIR KING: Ms.

VICE-CHAIR RAWLINS-FERNANDEZ: My times up?

CHAIR KING: Your time is up. Well actually maybe we should put the beeper back on. We turned the beeper off, but.

VICE-CHAIR RAWLINS-FERNANDEZ: Oh okay, I was waiting for you guys to like signal me.

CHAIR KING: Yeah, I don't know.

VICE-CHAIR RAWLINS-FERNANDEZ: Like, okay, stop.

CHAIR KING: We're using the, we're using the timer over here. So when the--

VICE-CHAIR RAWLINS-FERNANDEZ: Okay, yeah, put the beeper back on okay--

CHAIR KING: --when the, yeah, and when the yellow light goes on so you have 30 seconds.

VICE-CHAIR RAWLINS-FERNANDEZ: Okay.

CHAIR KING: So, we'll go, we'll go down the line and we'll come back around.

So Councilmember Lee.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair.

COUNCILMEMBER LEE: Thank you, Madam Chair. Before we get to the issues that my colleague just mentioned, I am still concerned on whether or not the County has, the County Council has exclusive authority over this matter? And I didn't just pluck it out of the air today. I brought it up at the last meeting. I mentioned that I'm concerned that there needs to be a separation of powers. And as a result, I asked Corporation Counsel for an opinion. And I made it a point to ensure that all Members got this, a copy of this opinion before today's meeting so they would have time to review it.

I understand that there was another opinion that was being written, and which we received today. Now according to this other opinion, written by our staff attorney, the conclusion is based on the foregoing analysis, which he did, it appears the proposed settlement in this matter appears to be a policy-making matter within the Council's exclusive authority as the County's legislative body.

Which differs from the conclusion of Corp. Counsel's opinion. And in part it says to the question "Does the Council have the legal authority to settle a lawsuit on behalf of the County?" Response is "No, when the consideration for settlement requires both an exercise of municipal authority, vested exclusively by charter in the Council, and the executive branch, unless the Council and executive branch concur." So at this, you know, rather than just have discussion, when are we going to be able to ask questions of.

CHAIR KING: You can ask questions right now, you have seven minutes.

COUNCILMEMBER LEE: Okay, then I would ask Corporation Counsel for his or her comments on what I just read?

FIRST DEPUTY CORPORATION COUNSEL ED KUSHI: Madam Chair, if I may respond to Member Lee. Member Lee did request our office to get an opinion, to give an opinion on the specific question whether the Council has the legal authority to settle a lawsuit on behalf of the County? It didn't say legislative or executive, but just the general

question and it did not really apply to this case. So our response applies to all cases, litigation.

In that opinion, which is dated September 16, which at your request we forwarded to all the Councilmembers a couple of days ago, we did say what, what you stated on record. And it's based on the analysis of this Harris v. DeSoto case, it's a Hawaii Supreme Court case back in 1996, I believe. And our conclusion is like you said, if it's solely within the legislative branch, which means money, then the Council has the sole authority. If it has do with terms of the settlement is executive function, then it's solely with the executive, which is based on the Mayor. If it involves both functions, then both sides must concur. They need two partners to dance.

Having just received Mr. Raatz's opinion or memo dated September 19, and briefly looking at it, at least we concur that the controlling law is that Harris case, Harris v. DeSoto case. However, we strongly disagree with this application of the principles, and, and, and take issue on his conclusion that, that this proposed settlement is solely a fiscal matter. The key to this settlement is the withdrawal of the appeal and it doesn't involve money. It involves an executive function and only the Mayor can withdraw the case.

So again, I think it's inappropriate that we have discussions on dualing memorandums and opinions. I would gladly say that, or discuss that with you in executive session, if you so please? If not, we will gladly welcome a court of law to see which opinion is correct.

COUNCILMEMBER LEE: So will, I'm sure other people have other questions for you, but I'm hoping that this body will allow us to go into executive session so we can get more clarification and more information on this, on this particular issue.

FIRST DEPUTY CORPORATION COUNSEL: Madam Chair, Member Lee, just on this question, just on this issue?

COUNCILMEMBER LEE: Okay.

FIRST DEPUTY CORPORATION COUNSEL: Not about the merits of the case.

CHAIR KING: That's it?

COUNCILMEMBER LEE: Oh, I'm not talking about the merits of this. I'm just trying to see if we have authority. Yeah, thank you.

CHAIR KING: And why would that need an executive session, Mr. Kushi?

FIRST DEPUTY CORPORATION COUNSEL: Because I, I feel eventually this matter, this issue will be litigated, and we want to tell you our side of, our position in executive session as your attorney. You being our clients.

CHAIR KING: Okay, anything else, Ms. Lee?

COUNCILMEMBER LEE: I, I assuming, I'm assuming that other Members have questions for Corp. Counsel. So I'll yield the floor.

CHAIR KING: Do you have anything else?

COUNCILMEMBER LEE: I'll yield the floor.

CHAIR KING: Okay, yield.

Okay, Mr. Molina, any other comments or questions?

COUNCILMEMBER MOLINA: Well, this is a bombshell. I mean, I'm just kind of curious why this wasn't told to us earlier back in May, and only now that, you know, the opinions of Mr. Raatz now seems to differ from, you know, what Corp. Counsel has. I'm aghast at this to be honest and no disrespect to my colleague from Wailuku or anyone else here.

But as the GET Chair, I think I would have appreciated this issue to have been brought up earlier so we don't have to, now we're here at the 11th hour for a very important vote and I don't know what's going to be done by the Administration if we decide, we still decide to carry out the vote. I mean is there going to be an attempt to stonewall this vote or delay tactics will be tossed in?

Well does this count for my second time?

CHAIR KING: No.

COUNCILMEMBER MOLINA: Okay, good, yeah. Thank you. I appreciate you granting me that, this privilege to express my thoughts as the GET Chair now that we have reached this point. So I'll leave it to the rest, to hear the rest of the comments from my colleagues. But I'll just say I'm shocked.

CHAIR KING: Okay, and you have the document that is in question. It's actually there's the first line says, "yes".

COUNCILMEMBER MOLINA: And, Madam Chair, for, for the record since it was brought up that, you know, Mr. Raatz's letter was brought to the body today and I believe it was dated September 19, because I just got it yesterday as the Committee Chair. We also got a letter that was sent from Councilmember Sugimura to the Mayor, which I, we just received today, I guess asking the Mayor questions about the financial implications with this matter being settled or not being settled at the Supreme Court level. So I just wanted to state that into the record. So you had mentioned about giving the body a chance to read documents, so I think we should also be allowed to read the questions asked from Member Sugimura to the Mayor as it relates to this case.

CHAIR KING: Well, Member Sugimura can--

COUNCILMEMBER MOLINA: When appropriate.

CHAIR KING: --voice those questions out loud too when she has her time. The Mayor is certainly welcome to come down and talk about, you know, defend his press release of yesterday, where he claims the millions and millions of dollars that this is going to impact. And we would welcome him, or his representative to come and talk about that, if somebody wants to ask that question on the floor? Certainly, did you have, did you want to ask any questions of our counsel? You know you brought up that it was a differing opinion.

COUNCILMEMBER MOLINA: Not at this time, maybe at a later point. Thank you.

CHAIR KING: Okay, thank you, Mr. Molina.

Councilmember Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, I would like to use my time and, and ask Mr. Raatz, I guess his personal opinion of, of what Corporation Counsel has said in response to, to his letter.

CHAIR KING: Mr. Raatz.

COUNCILMEMBER SINENCI: If I may.

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Mr. Chair, Madam Chair, and Councilmember Sinenci. I, I would just point to page 5 of our office's memo to Councilmember Molina, it gets to the issue of filing the necessary paperwork to facilitate a settlement. There's an important citation in the Harris case by the Supreme Court of Hawaii in reference to Hawaii Rules of Professional Conduct 1.2(a) and its mentioned on page 5. The cited provision of the Hawaii Rules of Professional Conduct

states: "A lawyer shall abide by a client's decision on whether to settle a matter." So our understanding is a government attorney doesn't have the ability to dictate whether a settlement agreement should be executed or not. It's up to whoever has the authority in the particular case, whether it be the Mayor, or the Council or both.

COUNCILMEMBER LEE: Can we get a response? Corporation Counsel.

CHAIR KING: Well, Mr. Sinenci has the floor right now, Ms. Lee. So, you know, it's up to him if he would like to follow-up.

COUNCILMEMBER SINENCI: Yeah, thank you, Chair.

CHAIR KING: Mr. Sinenci.

COUNCILMEMBER SINENCI: Yes, we're also in receipt of by Mike Molina, September 11, and so it was signed, this one the Hawaii Wildlife Fund v. County of Maui, Civil 12-00198, Supreme Court Docket 18-260 and it's signed by Corporation Counsel and approved. This one's dated September 11, and at the, speaking about the settlement, and it was signed by Corporation Counsel, approved as to form and legality on September 11. So Corporation Counsel had agreed on that date to authorize the settlement. Thank you, Chair.

FIRST DEPUTY CORPORATION COUNSEL: Madam Chair. If, if, if we may.

CHAIR KING: Mr. Kushi.

FIRST DEPUTY CORPORATION COUNSEL: Yes, Mr. Sinenci, you're right. But look at the "BE IT RESOLVED" section. It says, "BE IT RESOLVED it hereby authorizes the Mayor to execute". So if the Mayor wants to execute, our office on his behalf we will withdraw the appeal. But it's up to him to decide. Your resolution says it authorizes him. It doesn't say it forces him or orders him. That goes into another arena.

CHAIR KING: Do you have a response to that Mr., Mr. Raatz?

COUNCILMEMBER SINENCI: So I take it as the resolution says authorizing the settlement in the case and so I mean, it looks like, and so the Mayor has to follow this reso, because that's the title on it? That he needs to--

FIRST DEPUTY CORPORATION COUNSEL: Madam Chair?

COUNCILMEMBER SINENCI: --execute the release and settlement agreement? Because this is, it says, "legality, form and legality." Does this authorize the Mayor to settle, that's my, my question? Is it?

FIRST DEPUTY CORPORATION COUNSEL: Mr. Sinenci, if the Mayor chooses to settle. And as the Harris case says it takes two sides to settle this matter.

CHAIR KING: That was one of the options that you gave to Ms. Lee in your memo. So there were other options in here. But do you have a response to that, Mr. Raatz?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Chair. And we don't necessarily want to engage in a public debate with the Corporation Counsel. We understand their role as chief legal advisor, and representative to the Council. But we've long anticipated this being a possible issue that the filing of the paperwork would be used as a basis for not abiding by the client's decision, in this case, the Council's decision whether to settle the matter. And our view of Harris v. DeSoto, the court clearly said that's not an appropriate view of looking at the balance of power within county government.

CHAIR KING: Okay, Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, in due respect to Mr. Kushi, I don't see in the "BE IT RESOLVED" that it says if he wishes to. It pretty much says it hereby authorizes the Mayor to execute a release and settlement agreement on behalf the County. It doesn't say if he wishes to. It doesn't give him an option. I mean "BE IT RESOLVED" or is that not being resolved? Thank you.

CHAIR KING: Okay, thank you, Mr. Sinenci.

Ms. Kama, you have the floor, if you would like it?

COUNCILMEMBER KAMA: I would just like to hear from our counsel. The Council has a counsel right.

CHAIR KING: Right we, we have been hearing from our counsel.

COUNCILMEMBER KAMA: No but, who is she?

CHAIR KING: From the special counsel.

COUNCILMEMBER KAMA: Yeah.

CHAIR KING: Okay, on, do you have a specific question you'd like to ask her?

COUNCILMEMBER KAMA: Here's what I'm, going on in my head. We have our Office of Council Service who gives us advice; I have the attorney, whose job is to, is our attorney, we're his clients; so and we're having differing opinions.

VICE-CHAIR RAWLINS-FERNANDEZ: Point of order.

CHAIR KING: Ms. Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Chair, that is not why our special counsel was hired. She was hired to represent us in court on this issue. She is not here to decide whether the Council has the authority to settle or the, or it's exclusively for the Mayor? That is not why we hired special counsel and that's why I'm calling a point of order and I think it's out of order.

CHAIR KING: You can ask that question of our counsel, if you like, since we've already engaged that in the Corp. Counsel. But I think Ms. Rawlins-Fernandez is correct about our special counsel that she was hired for this case. I think the, both Corp. Counsel and our special--

COUNCILMEMBER KAMA: What is your job in this case?

CHAIR KING: This, her job was to represent the County of Maui in this case. So I think the difficulty that Corp Counsel has and our special counsel has is they have two clients. They have the Mayor of Maui, they also have the Maui County Council. And so they are not, we're not all of like mind and it's not, it's correct that it's not her decision, or her job to decide who has the authority. It's her job to represent the County of Maui in this case. But if you would like to ask a question of our Corp. Counsel since they have, are making statements about our authority, that would probably be more proper.

COUNCILMEMBER KAMA: I'm trying to figure out in my head the right thing to do, hearing every testimony that has been written to me, that I've been hearing that comes through my email. And I still am questioning who should I listen to. So I'm going to have to listen to the one person that always guides me and therefore just knowing, just believing that is where my heart is at.

I don't know if there is any more questions that need to be asked that haven't already been asked? I don't know if, if we're even at a place where we need to be today? But I don't like what's being felt in this chamber. I feel like we're arguing about something. And it's okay to talk about stuff, but you don't have to get angry or haughty about it. Let's just talk it out. And sometimes we get like that on this chamber floor. I just want

to be able to have a conversation, and if I can't do stuff, that's fine, just tell me that. But you know, you don't have to chew my head off. And I would hope that we could have that kind of respect for each other to do that.

This is not an easy decision. We've got people who cheer when one person says something they agree, or they boo with something somebody doesn't like. We all get to choose. We all get to decide what we believe is the best thing to do. And nobody can take that right away from us. You can't bully me into making me decide what you want me to say by threatening me with well maybe next election, or you know, trying to tell me that I'm taking money under, and all these kinds of innuendos that have been said on this floor many, many times. That's not right. You don't know me. I don't even know you. The only thing you know about me is how I vote politically. But you know nothing about me.

But yet, we're here to deal with the situation that I'm totally prepared to deal with. But I don't think that we have to do it by getting on each other because we don't agree. It's okay. It's okay we don't agree. But that's today and that's this issue. Tomorrow another issue will come, or maybe half an hour from now, another issue will come and we'll agree. But let's not get all excited about stuff. Let's just be neighbors. Let's just be what the children told us do, to have love and harmony and to agree to disagree when those times come. But at this point, I, I would have to go and, with the decision that our Corp. Counsel has given us and that's my statement for today. Thank you, Chair.

CHAIR KING: Okay, thank you, Ms. Kama.

Councilmember Sugimura.

COUNCILMEMBER SUGIMURA: Thank you, Member Kama. Thank you, Members. You know, I want to tag onto what Member Lee was saying and I look forward to asking Corp. Counsel to take us in executive session so we can learn more about the issue at-hand and where we need to go with this. Because I think it's an important piece of information that we need as a body.

I wanted to, after the last meeting, and when something is said and it kind of sticks in your mind and you think okay what, what more do we need to do? I went back and listened to the verbatim or the video, and I want to clear something, because I think it's important, and because I respect my neighbor. And that is that statement, because she was so honest she said that she was a plaintiff with an organization, I guess, it's with the Earthjustice group.

So I went back and I tried to look for who are all the et als.? And I think that at that time when Ms. Paltin was in the community, she was part of a group that became plaintiffs in this, in this case. Because I think a lot of her, and the decisions that she made and because she was honest enough to tell us, because she didn't have to tell us. But I want to know if before we take a vote today, if she can take a vote? I mean, she participated very actively, because she has opinions on this and it's something she's passionate about. So what I would like to know is before we take a vote today or before she takes a vote today, would she have to get an opinion from the Board of Ethics? And, and if that's--

CHAIR KING: Ms. Sugimura.

COUNCILMEMBER SUGIMURA: I'm asking Corp. Counsel.

CHAIR KING: This is not a legal question, but it is in Robert's Rules, and Robert's Rules on page 407 says, "Abstaining from voting on a question of direct personal interest. No member should vote on a question which he has, he has a direct personal interest or pecuniary interest not common to other members of the organization. However, no member can be compelled to refrain from voting on such, in such circumstances." So it's up to the Member to decide whether he or she feels they have a conflict.

COUNCILMEMBER SUGIMURA: Thank you. So Corp. Counsel, because I think this goes further than our body for a house rule or for parliamentary procedure, and I want this to be something that's clean and legal. It bothers me, because I think a lot of Ms. Paltin, a lot. And it is not a measure of her character or anything. I just want to make sure that the steps that are taken is going to be legal, so we don't run into a stumbling block later because we should have, and we didn't know.

So Corp. Counsel, Mr. Kushi, you know, Ms. Thompson if, if you could tell us that we, if we need to have a Board of Ethic's opinion on this before we move forward?

CHAIR KING: Mr. Kushi.

FIRST DEPUTY CORPORATION COUNSEL: Madam Chair, this, that, that question, that issue and any response will not come from us. If anything, it will be, if and when, if and when the Board of Ethics review it, that's the proper body. We won't give you an opinion on that.

COUNCILMEMBER SUGIMURA: Okay. So, what is, as Corp. Counsel, what do you recommend? I'm not going to ask you about should we file or should she file a Board of Ethics. But I would like to hear something from the legal aspect of this because I think it's important.

CHAIR KING: I think Corp. Counsel has given you their answer, Ms. Sugimura. There is no legal aspect and they will not comment on it.

COUNCILMEMBER SUGIMURA: Okay, I don't know. I, I wish, anyway, going back to what the memo that was passed out to you today that is an answer to my questions that I had at the last meeting, GET meeting. I did bring out the financial aspects of the impact of settling versus going to the Supreme Court. I still stand on the side of getting this clarified. There is a disparity in what the lower courts have decided, and the Supreme Court as you know has decided to take this on, because it has national implications. It's not only Hawaii, otherwise, we would be in the Hawaii Supreme Court. Having said that, so my question was that if we do not, if we settle, what are the implications? What's going to be impacted?

And the Mayor's letter, which has come out in, I think, Eric Nakagawa as well as Scott Rawlings in some of the communications and letters to the Editor have said or Viewpoints have said the financial implications that are highlighted here, again, 18 injection wells, of which there could be today forward if we settle, or once it's accepted \$53,000 per day and since we have eight wells, eight and, I'm sorry eight injection wells in Kahului, Kihei and Lahaina four each, that's a total of 18. And what would that impact be? So this answered that question for future estimates.

It also talked about having to install and implement an outfall, versus what the costs would be. And I think we all heard that, but this just further states that it's \$150 to 200 million per facility. And so there's that cost. And my calculations then would be for outfalls, which would be \$3.1 billion, if we had to do all. Environmental Management alone has spent as you know hundreds of millions of dollars over the past three decades to treat it's wastewater and make it the highest quality of water in the State of Hawaii short of drinking water. I'm proud of that, I'm proud of the employees who came forward and testified and told us about all the things that they've been doing. So I want to thank them.

CHAIR KING: Thirty seconds left, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: This would affect our County bond rating. I think that's huge for us. I think we've always stood proudly on what we've done and, and I think that the reason that we need to get this clarified is that we heard from Department of Health, request for NPDS permit, which is the permit that is in question has been with them, our permit has been with them for three years and they can't figure out how, they don't know how to finalize it. And I can see where there would be value for us to go to, go to Supreme Court to get this clarified. I want to apology to Member Paltin, because I, I think of you my neighbor a lot, but really think it's an important thing, integrity-wise.

CHAIR KING: Okay, we'll come back to you because your seven minutes is, was up.

COUNCILMEMBER SUGIMURA: I just wanted to express to her. Thank you.

CHAIR KING: Yeah, we'll go to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you. I'm going to talk kind of fast, because I got choke stuff for nine, or seven minutes. Rules of the Council, Rule No. 9, Section A, B, C, 1, and 2 would allay Member Sugimura's concerns and everybody should have a Rules of the Council.

I live in the Lahaina district and for the past couple of decades, I work in the ocean, worked in the ocean. So, you know, I kind of feel like I disclosed that conflict of interest from working in the ocean. And so I was involved when the EPA came to Lahaina. And, you know, since before 2012, when the lawsuit was filed, and so I kind of feel like I have a more intimate knowledge of situation.

And I feel that this is an inherited issue that really has nothing to do with us, because the problem and the foundation and the root of the source of the problem has been voted out of office. So there is nobody here named Mayor Arakawa, you know, and that was the situation was that the community groups, us guys on west side, who love the ocean, wanted to work out a solution and he was not working out a solution.

And I think it's plain to see how his Administration treated the people that were trying to work out a solution by making public comments, disparaging about their body odor, you know? Like I don't know what kind of decorum that is? But moving on. Sorry.

This, this Corp. Counsel and special counsel already lost at the district-level. They lost at the appeals level, they lost at the 9th Circuit level and that was all before I ever joined the board of the West Maui Preservation Association in my tenure. We worked on public beach access issues, was never implemented, implicated the County.

I did want to read this confidential settlement communication from September 2019, 19, 2019, basically on behalf of the Maui, from, from Earthjustice. That Earthjustice acknowledges and appreciates the majority of GET Committee of the Maui County Council taking a step forward toward the future and recommending the Council settle the case and withdraw its appeal. Questions were raised about the reimbursement of the community group's cost of litigation under the prior settlement agreements. In this case parties provided that the County would reimburse the community groups cost of litigation over a million dollars.

As we explained in our written settlement offer and during committee meetings, the community groups and Earthjustice never shown any interest in County, having the County spend money on litigation, consistently sought to encourage County to invest it's taxpayers dollars to find solutions, kind of like before when Arakawa wouldn't work with us.

To this end, and in the spirit of moving forward and working together on solutions as expressed, Earthjustice will forebear the reimbursement of its attorney's fees and limit the reimbursement of litigation cost to the amount of the community groups' out-of-pocket cost, which is \$132,306.69, plus post-judgement interest. Acknowledge that the Council is committed to investing in wastewater reuse and pollution, mitigation, wastewater treatment facility. Mahalo for your commitment.

And they just wanted in the spirit of public transparency, preference and requested to have this communication made public, not be sealed for purpose of Council deliberations.

So just putting that out there that, and, and kind of similar to what Member Rawlins-Fernandez said, this is not about, you know, septic or these other things, and you know, the, the truth of the matter is that this is about a permit and there's NPDS permits with far weaker standards than what we have so it's not that, something that we should be scared of. And innovation I, I really believe in the younger generations and their creativity to not continually speak of outfalls, when nobody else is speaking of outfalls. You know, that's kind of so whack that septic, cesspools, and outfalls keep coming up. And it's like nobody, why are, why is it keep coming up?

I believe in our oceans, and in One Water, like Robin Knox always said, you know from back in the day, early 2000's, there's, there's only one, there's only, water is only, all the water that we have in the entire world is already in existence, it's just in different forms. So you have like gaseous, steam, solid ice, and water in regular water form, and we're not getting any more water. It just changes through the different phases, but once you pollute it, it stays polluted. So, and, and the issue is not limited to just injection wells. There is so much pollution happening in our oceans.

We have hundreds of swimming pools on the coastline, that's pretty much an outfall event, you just got to catch 'um, back, backwashing. You got, you know, stormwater run-off, and I think it's really a testament as to how bad the previous Administration is, how much time, energy and resources have been wasted in fighting this sort of thing, when all the communities and the plaintiffs' ever did want was to work together.

So I think that the sentiment was made clear when the person was not chosen to represent the people anymore. And I don't know why we continue on that inherited problem, and don't just, you know, do what, what was the point all along, which is to work together so that our ocean is cleaner. It's very simple. Thank you.

CHAIR KING: Thank you, Member Paltin.

Member Hokama, any comments? Questions?

COUNCILMEMBER HOKAMA: Thank you, Chair. I have been sitting and listening to this issue for a long time. I would just state that it is my position because when the County entered into this program we're in new grounds and the County had always sought guidance and direction from regulators, like State Department of Health, and Region 9, EPA. And we did receive verbal guidance from those two agencies that for apparent reasons now they chose not to put it in writing. But nonetheless, we had continuously sought guidance and direction because we wanted this to be done properly, legally, and permitted as required by law.

I find it interesting that we're here this afternoon, because of a lawsuit that has brought this to the forefront and now plaintiffs that brought the lawsuit are telling me not to follow through on this judicial path that any party is allowed to regarding appeals. So it was good to, our lawsuit to come, bring it forward, but not to go forward to get final determination. I would agree that the Supreme Court may not be the final decision on the current policy.

What I am interested in is if I knew this, and I was in a different position, like somebody in Congress, knowing that all the regions having difficulty in having different conclusions of public law, then why would Congress wait to have a court determine what is their policy? Why wouldn't Congress take the bull by the horns, and amend their law to bring clarity on what it expects from Safe Drinking Water and waters of the U.S..?

Okay, I find it interesting that Congress themselves is playing the ostrich game. They have the authority. They wrote the original law. And yet, they seem to appear to be willing to let the land's Supreme Court make the final determination on public law. I had hoped Congress would have had better . . . to take their responsibility, and amend the law accordingly so that the nation has one law, one understanding, and one application. So that's my disappointment in our Federal delegation.

But where we are today, I'm, I'm going to continue to support that we allow the courts to make the final call. And it's not because I don't have confidence. We have shown we are willing to do the right projects. Again, as I've always brought up the fiscal points

though, that let us be aware of what it costs to provide such operations and programs. I don't have a problem providing it. I just need the people to be aware of how much it's going to take in costs. Because if you understand public law on sewers, public law says that the consumers shall pay for it. So all those rate-payers will be paying for the improvements, expansions and requirements of the system.

So when I read the Mayor's article this morning about potential 100, 200% increases, again depending what the final technology for us to comply with whatever is the final determination. I would agree, it is very capable for us in ten years to increase sewer rates by 300%, if that's what it takes to implement and not discharge anything in the ocean. I would agree, we need to do it better. I would agree there is new technology every day that's making opportunities for us. But let's be real on the costs. Because I would agree that one factor we take into account, we've talked about it, all nine of us is sea-level rise. And how much that is going to add to the costs of compliance with the final decision?

So for me, Chair, I would agree, nothing is easy. We're all going base our decision on what we believe is the right decision and I respect all Members that they will vote accordingly. So at this time, Chair, I thank you for my opportunity.

CHAIR KING: Thank you, Mr. Hokama.

I'm going to do my first seven minutes and address some of the issues that have come up over the last few meetings, as well as today and on the floor here. And I wanted to start with saying that I understand the Department of Environmental Management has fiscal concerns. If they are fiscal concerns, then it is within this right of this body to address these because that is one of the issues that we deal with, any lawsuits that are, that involve financial settlement, which this one clearly does.

And it is clearly per the Corp. Counsel's opinion if you look at the conclusion, letter "A" under the conclusion of does the Council have the legal authority to settle a lawsuit on behalf of the County is "Yes, when the consideration for settlement involves the commitment of County funds in excess of \$7,500, or an exercise of municipal authority exclusively vested in the Council by charter." Our counsel advised me that this, the way they read this is that that number "A" on that memo is applicable to us.

The County Charter gives us the authority to go to our own counsel in times when we need a second opinion and if we don't feel represented. I haven't felt represented because I felt like our Corp. Counsel has been an advocate for one-side of this and not an advisor for both sides, there's obviously two sides of this. I don't agree that this particular document was a bombshell, because I agree with Mr. Sinenci that the document that was forwarded by the GET Committee was signed by Corp. Counsel for

form and legality and there was nothing, any step along the way where we were told we didn't have the authority to make the decision. Not one time, until it got to the end, until the vote was taken, and the vote is to settle.

The amount of money, you know, I read the Mayor's press release and, and I thought it was fairly ridiculous that the amount of money that he was proposing that this might cost us. But I, I find it extremely disappointing that he would be proposing to increase sewer rates by three times. And I find it very comforting that any increase in sewer rates have to be voted on by the Council. I don't think we would do that. I do think that this Council has the will and we've already shown the will to fund reuse of water, to fund our R1 bypass of the injection wells.

This Council has never said, well actually people in this Council have said this, but as a Council, we have agreed that the injection wells have a use as a backup plan. And I don't think anybody in here is saying we need to get rid of the injection wells tomorrow. The amendment that was made to the, the settlement that we resolved to accept in our Committee meeting also gives an option to the NPDES permit, an option of strengthening the UIC permit. An option that was accepted by our Department of Health Director, Bruce Anderson, when he met with us by phone. It was also accepted by the plaintiff. So we, we've got, we've got a solution in front of us.

And I also find it extremely interesting that the people who are saying that we need to go to the Supreme Court are saying that that will allow us to settle it on our own. That that somehow brings some sort of local power. But as Mr. Hokama said, this is, taking it to the Supreme Court makes one law throughout the land. All throughout my deliberations with NACo, the Western Region Board we're always talking about how we want home-rule. We want to be able to do things for ourselves in our own counties.

This is what this is to me, it's home-rule. It's us deciding we don't need the Supreme Court to settle this for us. It's deciding that we understand what the Clean Water Act is and we're going to adhere to it because it is the best solution for Maui County to clean up our groundwaters, to under, to accept the groundwater as a conduit to the ocean. Because we've seen the studies, we've swam in those waters, we've seen the dying reef. And we know it's not the only thing that's, that's affecting our oceans, but it is a major thing that groundwater.

So, you know, I've been saying this for years and especially when I first got on the Council, why are we not sitting down with the plaintiffs and trying to work out a solution? And I think we've got a good solution now, we've got a good solution that, you know, my meetings with the Department of Health and when, and even the meeting on the floor was approved by the Department of Health. And the Department of Health did

make statements in writing that it won't, it won't enforce NPDES permits against individual cesspools and septic tanks. So I have no idea why that keeps coming up?

I, I am very dismayed by the scare tactics in the Mayor's, the Mayor's press release, and especially with the fact that there's been no attempt to come here and explain where this information came from. You know, there's a lot of stuff that could happen, and there's a lot of stuff that could not happen. And there's a lot of solutions out there that are the things that should happen, if we focus on those and if we put our finding through that.

So I think we've shown in the previous budget that we are willing to put funding, large funding into solving the problem. We've already satisfied the \$2.5 million that was in that settlement with our, with our current budget. I want to thank Earthjustice for taking their, their lion's share of their lawsuit fees or their legal fees off the table. So they're saving the County over a million dollars right there. And all that's left is the 130,000 or so that was out-of-pocket expenses from individuals to help with this. So, you know, to me, it's pretty clear what we have to do, Council.

I was extremely touched by the testifiers who came here and said that for the first time they had hope after that vote was taken that their voices are being heard, that their future is being considered, and not just in the fiscal sense of what could happen, but in the sense of protecting our environment on what should happen and what needs to happen for the future.

So with that, I agree that pretty much most of the questions have been asked. I intend to take the vote today, and if for those who think that we don't have the authority, that can be worked out afterwards. But there is nothing that's stopping us from taking this vote today. We have a legal form, we have a resolution, we have a motion on the table with a second.

And so that's where I stand right now and if, if anybody needs a second chance to deliberate, I am willing to go back around. We'll start with Mr. Hokama, who put your hand up first and we'll go back around. Thank you, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, for explaining how you plan to proceed, Chair. I think that is very helpful so I appreciate that. For my second and final, as I said I'm going to support moving forward with the lawsuit. I, again, what I heard in replay of Director Anderson's comments, I will just say I was disappointed because I would have hoped for the State of Hawaii's Department of Health to have something more definitive, that if the 9th Circuit Court ruling stands, what then they have in place for us to proceed with to get compliance with the law, and be appropriate in how we are then moving forward with our operations? What I got from Mr. Anderson is he has no clue

what the State or the Health Department will do if they are tasked with implementing the 9th Circuit.

Second, you know, even if Mr. Anderson says that the State will not go after owners of cesspool or inadequate systems, if I would understand the courts, I can see EPA requiring full implementation, and compliance. So it doesn't matter what the State Health Department says, they going to have to follow EPA directions. So my thing is the ability of individual systems to still be potentially a factor, costly, as well as non-compliance, because almost every County has cesspools still yet that are totally illegal today. I don't know what kind of, how you can assure that what the Feds determine, the State can avoid?

So for that, you know, again, there's a lot of scenarios, but I grew up in an area, an era where fear was the thing used by employers to fight unionism, the right of the workers to organize and have a collective bargaining agreement. I can tell you it really set in my mind a solid foundation that I will not buckle to innuendos or fear tactics from either side on basing my decision. Okay, I refuse to have Hawaii's clock go backwards. So I will base and make my vote accordingly. Thank you, Chair.

CHAIR KING: Mr. Hokama.

Next we're going to go this way and go to Councilmember Paltin.

COUNCILMEMBER PALTIN: Thank you, Chair. You know because Department of Health seems like kind of an issue, and my last go around I mentioned I worked in the ocean for the last 20 years and so I also worked with the Department of Health, I mean I didn't work with them, but I interacted with them regularly. And so the Clean Water Branch, I knew a bunch of the guys, I think Watson Okubo, not, sorry retired and you know, having them enforce anything clean water related is so out of their box, you know, I mean.

Like every time it rained, when had Mahana Ridge going, the water would be all brown and so, you know, I would call them up and I'd be, hey, you know there's brown water even over here, maybe you want to post a brown water advisory? And I guess, you know, in the beginning he didn't know who I was and thought I was just some random person calling him.

And then I got his email and I started sending him pictures of the brown water and he like knew who I was and we kind of had a relationship. And then he started putting the pictures on the television news and on the, on the newspaper, and he was all excited. And you know, then when there was like a flash flood advisory they'd automatically post the brown water advisory without like me having to call by the time he retired. And

so, you know, his excitement was that like it was getting attention or something. But my frustration was like I was not calling him to like get attention to it, I was calling him to like hey, something gotta be done here, you know?

So their ability to do anything really is, is just all in their head. They don't, they don't actually fix problems. It's, it's the policies that we create that fix the problems. And, and I know they said that it was the money, but we also make policy. And to me, the policy would be that, to agree with what the 9th Circuit Court says. And, and that is the clarity that, that I would have liked as a Lahaina resident that works in the ocean, that you know, seen this, like this is just one small little tiny thing and I can't even believe how much time, effort and resources has been expended on this, because people cannot work together, you know?

Like I mean, even, even working together with the Clean Water Branch, just to take that tiniest of steps to acknowledge that there was a brown water event to document it, you know? Like when it's happening, how much rain has to fall at the top of Pu'u Kukui before you figure that . . . would start flowing or Honokahua or which side the most of the brown water is coming from. They got none of that, they don't have any control of nothing. So to say that they're going to come over here and start citing septic people when there already is the, the mandate in place for 2050 and there's other things being worked on. Like in my opinion, you ain't never worked with the, the Clean Water Branch, or the Department of Health.

So it's like, you know, there's a lot of problems and, and I just cannot believe how much, how much wasted effort in not working together and, and but, you know, I'm grateful. I'm grateful that there's people that care about the ocean. I'm grateful that, to be parts of organizations that stand up for what the people want, and that it delivered me to this position, even if I didn't run only on this issue because there's so much issues. So because of all of those years of seeing that and doing those things, and led me to being over here, then I'm going to take advantage of that to cast a vote because, you know, if, if folks want to do whatever, and I'm, I'm just going on past precedence and if, if a complaint gets filed then we'll deal with that when it happens.

But I didn't try to hide it. It's on my campaign website, it's in my financial disclosure. If guys had real issues they should check people's financial disclosures before and after they run for office and they can avoid any of this kind of stuff. Thank you.

CHAIR KING: Thank you, Member Paltin.

We're going to continue on this way. Member Sugimura, do you have another, you've got another five minutes.

COUNCILMEMBER SUGIMURA: Yeah, so I just, the comment about that the Committee resolution was signed by Corp. Counsel and what impact that has.

CHAIR KING: Is that a question?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: Okay, Corp. Counsel.

DEPUTY CORPORATION COUNSEL RICHELLE THOMPSON: Thank you for the question and the opportunity to clarify. So settlement proposals, all settlement proposals that are transmitted up to Council for their consideration are signed, the resolution is signed. It may or may not mean that we actually give an opinion, and usually will not give an opinion in the public forum on whether the attached proposal is acceptable or advisable or not? The settlement proposal that is under consideration today involves both the executive and the legislative powers.

And just if I had the opportunity just to clarify, that settlement proposal, one of the things that was brought up by Member Paltin is that they have offered to reduce their attorneys' fees. So if you want to make that a commitment, I would suggest doing that by amendment to your authority, being granted, if you go that route. The 9th Circuit took control over groundwater, I'm sorry, the 9th Circuit's decision takes control over groundwater and gives it to the Federal EPA. That is the result.

So if this body wants to live with the Federal government controlling groundwater through the Clean Water Act, that's what the 9th Circuit's decision says, you know, I just want everybody to be clear what this is that we're doing here. So there's a lot of confusion. There's numbers on both sides. You know, the plaintiffs are saying it's not going to cost you anything and they are going to work with us to permit everything and that is great.

This has been going on for almost nine years. This lawsuit has been. The numbers that you are hearing from the Department are real numbers. So, and those are executive functions. So yes, you can approve the money, but in terms of controlling the operations of the departments, those are executive functions going through the departments and implementing them. So these, these are some of the things being considered. So thank you for that opportunity, Chair.

CHAIR KING: Thank you, Ms. Thompson.

COUNCILMEMBER SUGIMURA: Thank you. Yes, and the Supreme Court question is whether the Clean Water Act requires a permit when pollutants originate from a point

source, but are conveyed to navigable matters by a non-point source such as groundwater. So that's the Supreme Court question that we want clarified and it's a permitting question.

I heard great testimony from, you know, from many about understanding this is a permitting problem, and I, I want to make sure that this gets resolved. And I believe that all of us want the same thing, which is home-rule. And by getting this clarified with the Supreme Court, it will then bring this back so that we can have control over our water. So I stand by that.

I would like to end with, I, I would like to know if we can ask for as Member Lee asked about talking, and talking to Corp. Counsel in executive session?

CHAIR KING: That's not up for consideration right now, Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Later?

CHAIR KING: Well, we'll, we'll have to get through everyone's deliberation and then we'll consider that. But--

COUNCILMEMBER SUGIMURA: Okay, then we can--

CHAIR KING: Councilmember, are you, are you done?

COUNCILMEMBER SUGIMURA: Yes.

CHAIR KING: Councilmember Kama.

COUNCILMEMBER KAMA: Okay so my assessment of listening to everything today is this, we got into the suit, it's still trying to put a square peg in a round hole. It's almost impossible. And that's how I feel today, so impossible. But I'm going to stick with my original vote, and happily declare that I'm at peace with it. I am really at peace with it. And I know that all my other colleagues on this, in this chamber are at peace with their decision, too. So let's take the vote, be at peace, and go on. Thank you. Chair.

CHAIR KING: Okay, thank you, Ms. Kama.

And Mr. Sinenci.

COUNCILMEMBER SINENCI: Thank you, Chair. I don't think I'll take all of my five minutes. I just wanted to say I was totally inspired by the people today that came out to speak their truth. It gives me courage to do what I must do today. People have come from

all walks of life, religious backgrounds, socioeconomic status, personal preferences, to unite under one accord to protect our environment, our kai, and our unique island ecosystem.

The children have been the most inspiring today, and I told them this morning that my position here is just temporary. I'm just holding the seat, keeping it warm for them for when they are ready to take this seat.

But my vote today comes with great responsibility and I'm happy to make it today. It felt good the first time. My vote today will end speculation that has clouded this issue for years, and would create a space that we move through to fix and develop new practices, that will save and restore our environment for future generations. So thank you, Chair.

CHAIR KING: Thank you, Mr. Sinenci.

Councilmember Molina.

COUNCILMEMBER MOLINA: Madam Chair, I think, did my Committee Vice-Chair speak already for the second time on the motion?

CHAIR KING: No, we're going in order. So you are the next in line.

COUNCILMEMBER MOLINA: Well, okay, I'm just going to let you know I was not given the seven-minute privilege my first go around.

CHAIR KING: Oh, then take your seven-minute privilege now.

COUNCILMEMBER MOLINA: Okay. And could I, while I know I have five minutes on this second, and could I ask for another full five? Because I think my first go around only took two minutes. So anyway, okay, if there is no objections.

WELL WHAT I WOULD LIKE TO PROPOSE, MADAM CHAIR, I WOULD LIKE TO MOVE TO AMEND THE RESOLUTION UNDER THE SECOND "BE IT RESOLVED" CLAUSE WHERE IT CURRENTLY STATES "THAT IT HEREBY AUTHORIZES THE MAYOR TO EXECUTE A RELEASE AND SETTLEMENT AGREEMENT ON BEHALF OF THE COUNTY IN THIS CASE." I WOULD LIKE TO AMEND BY REMOVING "MAYOR," AND INSERT "CORPORATION COUNSEL". IF THERE'S A SECOND?

CHAIR KING: Is there a second?

COUNCILMEMBER SINENCI:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Sinenci.

COUNCILMEMBER MOLINA: Madam Chair, speaking to the amendment. I would like to get an opinion from our own Council Services attorney, Mr. Raatz, and as well as Corporation Counsel to see if we're acting within our parameters to make an amendment on this resolution. So basically, what this is, it's giving Corporation Counsel, who served, also serves us, and we can authorize them to settle. If this clears up all this, you know, I know Corporation Counsel had disagreed with Mr. Raatz's opinion on whether this, we have the settlement authorization. So, I, if Mr. Raatz, can opine.

CHAIR KING: Mr. Raatz, can you also speak to the statement by Corp. Counsel that I think their concern was with the word "authorizes." That it, it allows him to make a choice. Because we don't want, if we change it to Corp. Counsel then are we allowing the Corp. Counsel to make the choice on whether they do it or not.

Mr. Raatz?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Madam Chair. First on that point about signing off on a settlement agreement that was addressed in Harris v. DeSoto case, that was one of the arguments from Mayor Fasi at the time was that only the Mayor had the authority to sign contracts, so that every settlement therefore had to go through the Mayor. And again, the, the court said if it's an exercise of legislative power, the Council has the authority to authorize settlement. And the Mayor becomes immaterial and the Corporation Counsel as the legal representative of the Council can then execute the settlement agreement.

So our view is that that language about the Mayor being authorized does allow the Mayor to sign the settlement agreement, if he so chooses, but that doesn't imply that the Corporation Counsel is not able to effectuate the Council's will. So we wouldn't think that the amendment is necessary.

COUNCILMEMBER MOLINA: Okay.

CHAIR KING: Mr. Molina.

COUNCILMEMBER MOLINA: I guess, if Mr. Kushi would like to opine. So basically, so in other words, in, in plain english, this is not necessary then to make this amendment because it's already, I guess, assumed that we can settle.

CHAIR KING: Mr. Raatz?

SUPERVISING LEGISLATIVE ATTORNEY: Thank you, Madam Chair. We think that's the clear inference to be drawn from adoption of this resolution, yes.

COUNCILMEMBER MOLINA: Okay. Thank you, and I only bring this up because I know Mr. Kushi had stated that it's based on an appeal, which is why they have a concern, will not, and did not agree with Mr. Raatz's original opinion to settle. But still, I guess if you look at it in a different light, appeals involve money anyway. And it normally \$7500 or more settlements, that's all on Corporation Counsel, no need for Council.

But now we've heard that Earthjustice is willing to drop a million dollars, but they did want some reimbursement for roughly about \$130,000, so which exceeds that \$7500 threshold. So I'm just thinking of different ways, Madam Chair to see how we can resolve this disagreement between Corporation Counsel and our own attorney.

But anyway let me just go ahead, so I guess I'll withdraw that proposed amendment at this point.

CHAIR KING: Shane, the second?

COUNCILMEMBER MOLINA: But if that is the appropriate thing--

COUNCILMEMBER SINENCI: I'll withdraw.

COUNCILMEMBER MOLINA: Alright, well let me first start off by saying, let the clock start anyway, I hope. I appreciate the work put in by both sides on this issue. And, you know, as, as we learned a lot more about the injection well matter, it reminded me of that world-famous oceanographer and we all remember him as kids, most of us, the Undersea World of Jacques Cousteau. And one of his famous quotes had to do with the two elements of life, air and water has now become the global garbage can. And he said this over 30 years ago. Look at where we are at now with our oceans and climate change and so forth. So which is why this has been such a serious issue.

And because of the connection the ocean has with our culture, and with everyone else in the world, it's so important for us as an island state to really be, take this matter so seriously. What we, I see the common thread between both sides is that we certainly

all agree on the need to expand the use of recycled water and reduce the use of injection wells and protect our reefs and oceans for our next generations.

And the U.S. Court of Appeals in the review of the 9th Circuit Court decision conducted an extensive review of the facts, which included tracer dye studies, point source water discharge and indirect water discharge. But you know, as it was said earlier, twice the County's lost in the courts. So I've had, I've said to myself, is it worth continue banging our heads on the proverbial wall and getting the same result, maybe getting shot down a third time? Because there's been a lot of speculation and conjecture. We don't know what the Supreme Court is going to do. So, you know, they could make a ruling for us or it could be against us? And unfortunately this whole issue has been polluted with national politics on top of that. What 12 or 13 years ago was just thought to be a simple local issue has morphed into something much bigger.

But what is unclear is that, exactly how the decision made by the 9th Circuit Court will be implemented administratively? No one will truly know the impacts of this decision until the EPA and the Department of Health figure out how the heck they will interpret and implement the decision made by the courts. I'm just hopeful right now that a lot of speculation, conjecture, and fear mongering about cesspools and septic systems needing NPDE permits can be put to rest.

At the September 6, GET meeting with Dr. Anderson from the Department of Health I interpreted that what he said, that there is an existing permit process already in place for cesspool and septic systems so no need for the complex and expensive NPDE permits as some have speculated. Furthermore, Earthjustice, the plaintiff in this case stated for the record in the GET meeting of September 6, that they can support a modified UIC permit.

So you know, for me, this has to be one of the most toughest and compelling, gut-wrenching issues I've had to deal with in my ten plus years on the Council. And my decision at the September 6 GET meeting came down to either, you know, taking this matter to the Supreme Court or choosing to settle this matter with the plaintiffs in order to avoid a Supreme Court decision that could stain Maui County's environmental reputation and open a pandora's box of loopholes that could allow for more water pollution in other states, which is why I chose to support settling the matter.

And you know I, I, like many of us, we read the Mayor's comments about the expenditures, which I can respect, but by the same token, we must weigh what's more important, money, or our ocean environment and our reefs? You know so there's no price you can put on that, Madam Chair. The health of the ocean is bad, the reefs and everything else.

It's ironic that this matter is centered around West Maui. My mother was part Hawaiian, and she was raised in Honokohau Valley and as a child I remember we would go down to the ocean and my mom would always tell us, plenty, no need go supermarket, you get everything you need in the ocean. I mean she would eat things like sea cucumber, loli, and wana, and all of those exotic Hawaiian foods which I never quite acquired a taste for. But it was beautiful to see snails in the taro patches, everything, you name it, it was all there.

So to me Madam Chair, instead of fighting lawsuits, we should be spending our resources and energy on expanding our use of recycled water. And this is what we, we need to do. We need to move forward. And yeah, it was talked about earlier about the expenses and what not. But the reality is we always got to raise rates, that, that's the nature of things, the cost of doing business, you know.

And like you said earlier, it's going to be the Council's decision in the future to raise rates. Yes, the Mayor, and the departments can suggest a rate increase. It's up to this Council to determine how much they support those increases. And historically Councils have not always agreed with the proposed increases from the Administration whether it be for sewage, or rubbish and so forth.

And I think we, this community has the ability to think of creative financing to share with the County. I heard one suggestion this morning, maybe have the hotels implement an additional \$5 per day, and put it in an environmental fund and you times it by the, you know, hundreds of millions of visitors we get that come to Hawaii, well maybe I'm exaggerating that number, we could get the, those monies needed to put in our infrastructure.

So for me, Madam Chair, I will maintain my commitment towards preserving our ocean environment for future generations by supporting the resolution to settle this case. Thank you.

CHAIR KING: Thank you, Mr. Molina.

Councilmember Lee.

COUNCILMEMBER LEE: Okay. Madam Chair, I just want to remind everybody that we've already made the commitment to recycling, reusing water in the, in the budget. And over \$20 million was appropriated for both West Maui and South Maui. So the commitment has already been done. It's not just words.

But I want to know, my main roadblock with this particular issue is whether or not the Council has the authority, okay? So I would like to ask Corporation Counsel what, if

this measure passes today, and it is later determined that the Council did not have the authority to withdraw the appeal, what would be the ramifications, if any?

CHAIR KING: Mr. Kushi?

FIRST DEPUTY CORPORATION COUNSEL: Would you repeat that, Member Lee?

COUNCILMEMBER LEE: If this measure passes today.

FIRST DEPUTY CORPORATION COUNSEL: Yes.

COUNCILMEMBER LEE: And the appeal is withdrawn, and it's later found out we didn't even have the authority to do that, what would be the ramifications?

FIRST DEPUTY CORPORATION COUNSEL: Well, Madam Chair, in that scenario, you're assuming somebody is going to withdraw the appeal.

COUNCILMEMBER LEE: Well, if you look at votes, yeah, probably.

FIRST DEPUTY CORPORATION COUNSEL: Yeah, but you know, you, you pass whatever you want today, a resolution, but it's, it's for the Mayor to withdraw the appeal. It's an executive function is what our opinion says. So assuming he does, then it would conform because both, both the executive and the legislative agreed. Now I look at a scenario as follows: you pass this resolution today, it goes up to the Mayor. It's up to him to do what he wants.

COUNCILMEMBER LEE: Okay.

FIRST DEPUTY CORPORATION COUNSEL: If he agrees with the resolution, he will tell my office, withdraw the appeal. If he doesn't, he doesn't. Then it's up to whoever to try and get an injunction on him to force him.

COUNCILMEMBER LEE: I see. Okay. I also wanted to take exception to what was said earlier. I can't imagine how this opinion, which you gave us, is considered a bombshell because I made it a point to have your office circulate this to every Councilmember ahead of time so that they wouldn't feel blindsided. So they would have sufficient time to review this, absorb it, ask questions and so forth. And that's, well that's the way I, I operate unlike another opinion, which was passed out today, and Councilmember Tasha Kama asked for some time to review that and I don't blame her it was a pretty thick document and there was no time allowed for that. So I'm sorry that had to take place today and you know in the future, hopefully when information is passed out on the day of decision-making that we have sufficient time to review it. Thank you.

CHAIR KING: Thank you, Ms. Lee.

And that brings us to Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. Sorry. Member Lee, I'm sorry, I didn't give you time to review the documents. I know I pushed for it. And I'm sorry, Member Kama, if you felt like I was, I don't know what you said, biting your head off, that wasn't my intention. I just, I saw special counsel going to the mic, and so that was the sense of urgency in my voice. Member Lee, made me feel bad. I'm sorry.

COUNCILMEMBER KAMA: Keani, I love you.

VICE-CHAIR RAWLINS-FERNANDEZ: I love you, too. I didn't really have too many more points to make. I don't know if you guys want to take a recess, I can take a recess, so you can review the documents.

COUNCILMEMBER KAMA: Call for the vote.

COUNCILMEMBER MOLINA: Madam Chair?

CHAIR KING: Councilmember Molina.

COUNCILMEMBER MOLINA: Before the vote is called can I ask one more time for a clarification question from Mr. Kushi.

CHAIR KING: Go head, I haven't given my, my five minutes, but go ahead with yours.

COUNCILMEMBER MOLINA: Okay, Mr. Kushi, again you stated, I just want to make what we heard from you is clear to everyone watching and in this gallery. So if the body passes this resolution to support settling this matter, the Council settling, then it becomes, it's up to the Mayor. So we put it in his hands, it's up to one man to decide whether to support the Council's efforts to settle, assuming it passes, or he can continue with the appeal to the Supreme Court? And he would be subject to challenge if that is the case, if he decides to continue with the appeal?

FIRST DEPUTY CORPORATION COUNSEL: Madam Chair, Member, what was your second part of the question?

COUNCILMEMBER MOLINA: Yeah, if he decides to not agree with the Council to settle the matter with the plaintiffs, he decides to, continuing going forward with the appeal. So we basically would leave it in his hands, if we, this resolution passes today to settle? Am I correct?

FIRST DEPUTY CORPORATION COUNSEL: Member Molina, what I said before pursuant to the Harris case, is that we feel that it's an executive function which solely rests in the power of the Mayor to withdraw the appeal. The legislative function solely rests with this body, it concerns money, fiscal. So in this case it involves two functions and pursuant to the Harris case, both sides must agree. So if you, you expressed your agreement in the resolution, the Mayor has yet to say yes.

COUNCILMEMBER MOLINA: So that's the unknown factor right now, yeah. So if he does not agree with our proposal to settle by resolution, then he has the right to proceed with the appeal?

FIRST DEPUTY CORPORATION COUNSEL: He has the right not to withdraw the appeal.

COUNCILMEMBER MOLINA: Right. Okay.

FIRST DEPUTY CORPORATION COUNSEL: And we don't feel that this body has the right to withdraw the appeal.

COUNCILMEMBER MOLINA: Okay. I just wanted to get clear on that.

CHAIR KING: Okay, I think we have, Mr. Molina, I think we have a difference of opinion between Corp. Counsel and our counsel. So you know, the, the, and, and correct me if I'm wrong, Mr. Raatz, but the opinion of our counsel is that if we pass this, then Corp. Counsel who works for the Council, the Maui County Council, we're their client, we have given them direction to settle this lawsuit and withdraw the court case.

They are saying that they're going to go to the Mayor and basically deny what the Council has ordered them to do. So this is my opinion that because we have this differing of opinion, which was anticipated by our electorate and that's why they put, they voted for the County Charter amendment that gave this Council the authority to use our counsel, and not rely solely on Corp. Counsel.

And my personal concern with this is that our Corp. Counsel has been obvious advocates for going to the Supreme Court. They have gone from, I was in the hallway when they were going from door-to-door to Councilmembers' offices advocating to continue on with this. I don't know if it's true. I know that there have been, you know

I've been told that Corp. Counsel actually wrote this press release for the Mayor. I don't know if that is true, but that's why I was hoping that maybe the Mayor would come down and answer to the, to the press release and tell us where he got these facts and figures?

So I have real concerns that I believe that our, our counsel has been objective. They haven't told me everything I wanted to hear, they haven't been advocates for my side, but they've been honest and open and they've been very objective. And so I put my faith in that objectivity with our counsel, our OCS counsel. And I do believe that if we take the vote today, it obligates Corp. Counsel to follow through with our desires. We are their client.

And why was one of the questions that was asked, I think I asked it when we did our approval of Corp. Counsel Moana Lutey was do you have the ability to serve the Mayor, the Mayor, and the Council, should we disagree? It's not feeling to me right now like they do. It's feeling to me like they took a side and they are going with it.

But I don't think that should affect our vote. You know, you know we, I think we need to take the vote and make the commitments that we want to make, and let the chips fall where they may. If the Mayor decides that no, he is going to defy the Council and he's going to order Corp. Counsel to not serve the County Council, then, you know, we'll, that may be an issue for legality, that may be an issue for ODC.

When I was at the, the installation of Corp. Counsel in the Mayor's lounge, I heard the Mayor say to the Corp. Counsel, you don't serve me and you don't serve the County Council, you serve the people of Maui. That's not really true, they do serve the Mayor and they do serve the County Council, it's in the County Charter. The electorate, public doesn't elect our Corp. Counsel so how are they going to be served by our Corp. Counsel? We're the ones that appoint and approve them. So Corp. Counsel is supposed to be serving the Mayor and Maui County Council.

And that's, and that's how I'm proceeding that if we pass this, this is a directive to Corp. Counsel that this is the direction they need to go in because we represent the County of Maui. So with that, I'm going to, Vice-Chair Rawlins-Fernandez.

VICE-CHAIR RAWLINS-FERNANDEZ: Sorry. Just really quick. In the Charter under Section 3-8.2, "Neither the council nor its members shall give orders to any county employees or county officers other than those appointed pursuant to Section 3-7 or Article 5." And 3-7 is Office of Council Services, and it includes Department of Corporation Counsel. And so my reading of that in the Charter gives the Council the authority to direct Corporation Counsel. I don't, under the Charter, I, I believe it would

be a violation for them to disobey directives from the Council when the Charter gives us that, that power. Mahalo Chair.

CHAIR KING: Mahalo. Do you have a question for, you want to--

VICE-CHAIR RAWLINS-FERNANDEZ: I don't.

CHAIR KING: Okay, sorry.

VICE-CHAIR RAWLINS-FERNANDEZ: Mahalo, Chair. I'm ready to vote if that's what you're going to call for. I'm sorry, I just wanted to make that point.

CHAIR KING: Okay, we'll go ahead and call for the question if there's no other, there's no other deliberation on the floor. Okay, all those, well let's go voice-vote, Ms. Clark, we need a voice-vote on this one.

COUNCILMEMBER SINENCI: Chair, can you explain the--

CHAIR KING: The vote on the floor. Okay the motion is to accept the committee report, the resolution and committee report. So we're voting on the resolution to settle and withdraw from the Supreme Court.

COUNCILMEMBER SINENCI: Thank you.

DEPUTY COUNTY CLERK: Councilmember Shane Sinenci.

COUNCILMEMBER SINENCI: AYE.

DEPUTY COUNTY CLERK: Councilmember Mike Molina.

COUNCILMEMBER MOLINA: AYE.

DEPUTY COUNTY CLERK: Councilmember Alice Lee.

COUNCILMEMBER LEE: NO.

DEPUTY COUNTY CLERK: Councilmember Riki Hokama.

COUNCILMEMBER HOKAMA: NO.

DEPUTY COUNTY CLERK: Councilmember Tamara Paltin.
COUNCILMEMBER PALTIN: AYE.
DEPUTY COUNTY CLERK: Councilmember Yuki Lei Sugimura.
COUNCILMEMBER SUGIMURA: NO.
DEPUTY COUNTY CLERK: Presiding Officer Pro Tempore Tasha Kama.
COUNCILMEMBER KAMA: NO.
DEPUTY COUNTY CLERK: Vice-Chair Keani Rawlins-Fernandez.
VICE-CHAIR RAWLINS-FERNANDEZ: AYE.
DEPUTY COUNTY CLERK: Chair Kelly T. King.
CHAIR KING: AYE.

AYES: COUNCILMEMBERS MOLINA, PALTIN, SINENCI,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

NOES: COUNCILMEMBERS HOKAMA, KAMA, LEE, AND
SUGIMURA.

DEPUTY COUNTY CLERK: That's five "ayes" and four "noes"; motion carries.

CHAIR KING: Okay, thank you, Council. Okay, thank you, Ms. Clark. Thank you, Council
for that deliberation and vote.

And proceeding with our agenda Ms. Clark.

DEPUTY COUNTY CLERK: Yes, Madam Chair, for the record, RESOLUTION 19-158.

Proceeding with committee reports.

COMMITTEE REPORT

NO. 19-113 - PLANNING AND SUSTAINABLE LAND USE COMMITTEE:

Recommending the following:

1. That Bill 49 (2019), entitled "A BILL FOR AN ORDINANCE AMENDING SECTION 19.530.030, MAUI COUNTY CODE, RELATING TO CIVIL FINES FOR UNPERMITTED TRANSIENT ACCOMMODATIONS AND SERVICE METHODS FOR GENERAL ADMINISTRATIVE ENFORCEMENT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 19-307, from the Planning Director, be FILED.

CHAIR KING: Councilmember Paltin

COUNCILMEMBER PALTIN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATION IN
COMMITTEE REPORT 19-113.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Member Paltin, seconded by Member Lee.

Ms. Paltin

COUNCILMEMBER PALTIN: In the 2018 Election, the electorate of the County of Maui voted to approve an amendment to our County Charter to allow a higher initial and daily civil fine for the operation of a transient accommodation without a necessary permit to \$20,000 and \$10,000 respectively. The bill before the Council now amends the Maui County Code to incorporate the higher civil fines authorized by the Charter amendment.

This bill will also allow the Planning Director, the Director of Public Works, and the Director of Environmental Management, and the Director of Water Supply to utilize additional methods of serving notices of violation, and orders, should service by mail or personally, personal delivery fail.

I respectfully ask the Members' support of my motion. Thank you.

CHAIR KING: Okay, any questions or deliberations on this? If not, I'll call for the question, all those in favor of the motion on the floor say "aye"?

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA,
VICE-CHAIR RAWLINS-FERNANDEZ, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

CHAIR KING: Measure passes, nine to zero, unanimous.

Ms. Clark.

DEPUTY COUNTY CLERK: For the record BILL 49 (2019).

CHAIR KING: Okay, proceeding with communications.

DEPUTY COUNTY CLERK: Proceeding, yes proceeding with County Communications.

COUNTY COMMUNICATIONS

NO. 19-377 - ROWENA DAGDAG-ANDAYA, DIRECTOR OF PUBLIC WORKS,
(dated August 28, 2019)

Transmitting a copy of the Request for Project Authorization, Agreement, and/or Modification approving the Federal funds to advertise for bids for the Kaupakalua Road Pavement Reconstruction, Phase 2, East Kuiaha Road to Hana Highway, Federal-Aid Project No. STP-0365(011).

CHAIR KING: Okay, Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER MOLINA: Madam Chair, I've been informed by Vice-Chair Rawlins-Fernandez staff to have me do Ms. Rawlins-Fernandez--

CHAIR KING: Okay, so you'll take over, since she has to leave?

VICE-CHAIR RAWLINS-FERNANDEZ: Yes, if you don't mind? Mahalo, Chair.

CHAIR KING: And thank you for your service.

VICE-CHAIR RAWLINS-FERNANDEZ: And real quick, there was a request to send 19-378 to committee instead of filing, my notes say to file.

CHAIR KING: To HFC Committee?

VICE-CHAIR RAWLINS-FERNANDEZ: To EDB.

CHAIR KING: EDB.

VICE-CHAIR RAWLINS-FERNANDEZ: Yeah, but mahalo nui, Member Molina for taking my notes for me.

CHAIR KING: Okay, so would you like to take up 377 and 379?

COUNCILMEMBER MOLINA: Yes, ma'am.

CHAIR KING: Okay, are there any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, Madam Clerk

NO. 19-379 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 5, 2019)

Transmitting 116 contracts/grants for August 2019.

CHAIR KING: Okay, Member Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. I know you're much more use to looking at the wonderful Ms. Rawlins-Fernandez so forgive my looks, it may shock you, my doing this.

SO ANYWAY, I MOVE TO FILE COUNTY COMMUNICATION
NOS. 19-377 AND 19-379.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Member Molina, seconded by Member Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. County Communication 19-377 is a notification from the Public Works Director on the approval of Federal funds to advertise Kaupakalua Road Pavement Reconstruction project bids and there is no legislative action required for that.

And County Communication No. 19-378 which is being referred to Committee is a, just as an FYI, as a notification for OED submitting an evaluation of one hundred, 114 Fiscal Year 2019 grants totaling more than \$11.9 million.

County Communication 19-379 is a notification from the Finance Director of 116 contracts and grants for August 2019. And there is no legislative action required, but, you know, Budget Chair is certainly open to any requests to refer particular contracts to a committee or to committee I should say. Thank you.

CHAIR KING: Okay, thank you, Mr. Molina. So the motion on the floor is to file--

COUNCILMEMBER MOLINA: To file, yes.

CHAIR KING: 19-377 and 19-379.

COUNCILMEMBER MOLINA: Correct.

CHAIR KING: Okay, all those in favor say "aye:?"

COUNCILMEMBER SUGIMURA: Chair, Chair, Chair.

CHAIR KING: Oh, I'm sorry?

Ms. Sugimura.

COUNCILMEMBER SUGIMURA: Chair, if before you file it all, for 19-379, could you send forward C6542-3, it involves paratransit, which is in, in, part of my Committee so.

CHAIR KING: Okay, so you want to pull that out?

COUNCILMEMBER SUGIMURA: Yeah.

CHAIR KING: What was the, what was the number again.

COUNCILMEMBER SUGIMURA: C as in Charlie, 6542-3.

CHAIR KING: Any objections?

MEMBERS VOICED NO OBJECTION.

COUNCILMEMBER SUGIMURA: And I have a question. Keani left, but on the economic development grants I was interested in the access deer as it relates to Kula.

CHAIR KING: The grants are, are not, are going to be referred.

COUNCILMEMBER SUGIMURA: It's going to be all to her Committee.

CHAIR KING: Right.

COUNCILMEMBER SUGIMURA: Okay, thank you.

CHAIR KING: So we're just voting, we're just voting on filing 377 and 379, but we're pulling out item C6542-3 of 379.

COUNCILMEMBER SUGIMURA: Thank you.

CHAIR KING: Okay, all those in favor say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes, eight "ayes", no "noes", and one "excused" Vice-Chair Rawlins-Fernandez.

Madam Clerk.

NO. 19-380 - SCOTT K. TERUYA, DIRECTOR OF FINANCE,
(dated September 4, 2019)

Informing of the acceptance of a Quitclaim Deed for Kihei Greenway Phase 2 Project,
Lot 1-B, TMK: (2) 2-2-002:089.

CHAIR KING: Okay, Member Lee.

COUNCILMEMBER LEE: Yeah, Madam Chair, could you have the Clerk take up all three,
19-381, 19-382 as well.

CHAIR KING: Okay, any objections?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Alright, Ms. Clark.

NO. 19-381 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated September 4, 2019)

Transmitting the State of Hawaii Commission on Water Resource Management water
use reports for July 2019 for all registered well reporters in the County of Maui.

NO. 19-382 - JEFFREY T. PEARSON, DIRECTOR OF WATER SUPPLY,
(dated September 9, 2019)

Transmitting the Department of Water Supply's Monthly Source Report and
Groundwater Use Report for the month ending August 2019.

COUNCILMEMBER LEE:

MADAM CHAIR, I MOVE TO FILE ALL THREE ITEMS: 380,
381, 382.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR KING: Okay, moved by Member Lee, seconded by Member Hokama. Any comments?

Ms. Lee?

COUNCILMEMBER LEE: Yeah, Madam Chair, these are all routine reports, no legislative action is required.

CHAIR KING: Okay. Alright, any other comments or questions? If not, all those in favor of the motion say "aye".

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes, eight "ayes", no "noes", and one "excused" Vice-Chair Rawlins-Fernandez.

Ms. Clark.

NO. 19-383 - KELLY T. KING, COUNCIL CHAIR,
(dated September 11, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENTS OF STEPHANIE MARIE CHEN AND JAMES BRAXTON FORREST AS LEGISLATIVE ATTORNEYS IN THE OFFICE OF COUNCIL SERVICES".

CHAIR KING: Okay, and I guess we'll go to Councilmember Molina for this one.

COUNCILMEMBER MOLINA: Yes, thank you very much, Madam Chair.

MOVE TO ADOPT THE RESOLUTION TRANSMITTED WITH
COUNTY COMMUNICATION 19-383

CHAIR KING: Is there a second?

COUNCILMEMBER SUGIMURA:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Sugimura.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

I MOVE TO SUBSTITUTE THE RESOLUTION TRANSMITTED
WITH COUNTY COMMUNICATION 19-383, WITH THE
REVISED RESOLUTION BEING DISTRIBUTED TODAY
ENTITLED "APPROVING THE APPOINTMENT OF JAMES
BRAXTON FORREST AS A LEGISLATIVE ATTORNEY IN THE
OFFICE OF COUNCIL SERVICES".

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair. Members, the purpose of the revised resolution is to remove Stephanie Marie Chen from the resolution. Ms. Chen has withdrawn her application for legislative attorney.

Mr. Forrest was admitted to the State Bar of Texas in 2003 and was admitted to the Hawaii Bar in 2015. He's worked as a Legislative Attorney, Assistant Attorney General, and Assistant General Counsel in Austin, Texas. And he has also worked as a Legislative Attorney for Senator Karl Rhoads in the Hawaii State Legislature and most

recently he was employed as a Deputy County Attorney for the County of Kauai. Mr. Forrest's legislative experience will be an asset to the Office of Council Services. So therefore I ask for the Members' full support in adopting the revised resolution. Thank you, Madam Chair.

CHAIR KING: Okay, thank you, Mr. Molina. Any questions or comments? If not, I'll call for the question. All those in favor of the motion to amend say "aye"?

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE, MOLINA, PALTIN, SINENCI, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Motion passes, eight "ayes", no "noes", one "excused", Vice-Chair Rawlins-Fernandez.

And we're back to the main motion now. Mr. Molina, anything else?

COUNCILMEMBER MOLINA: No further discussion.

CHAIR KING: Okay, and the main motion includes filing of the communication?

COUNCILMEMBER MOLINA: Correct.

CHAIR KING: Okay, all those in favor of the main motion as amended say "aye"?

AYES: COUNCILMEMBERS KAMA, LEE, MOLINA, PALTIN, SINENCI, SUGIMURA, AND CHAIR KING.

CHAIR KING: Any opposed?

NOES: COUNCILMEMBER HOKAMA.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Motion passes, seven "ayes", one "no", one "excused", Vice-Chair Rawlins-Fernandez.

Madam Clerk.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-159.

NO. 19-384 - KELLY T. KING, COUNCIL CHAIR,
(dated September 12, 2019)

Transmitting a proposed resolution entitled "APPROVING THE APPOINTMENT OF COUNCILMEMBER SHANE M. SINENCI AS A MEMBER OF THE CONSERVATION PLANNING COMMITTEE".

CHAIR KING: Okay, Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO WAIVE THE REQUIREMENT OF COMMITTEE
REFERRAL AND REPORT PURSUANT TO RULE 7(G) OF THE
RULES OF THE COUNCIL.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. Approval of this motion by a two-thirds vote of the membership of the Council today will enable the Council to consider the proposed resolution.

CHAIR KING: Okay, any questions or comments? This is actually a, the Conservation Planning Committee is a new committee that was created last year. Before this year they have been trying to get it fully filled so they can actually have a meeting. So we were, we were urged by Gladys Baisa to move this along.

So the first motion is to waive the committee requirement. All those in favor say "aye"?

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes, seven "ayes", I'm sorry, six, eight "ayes", one "excused",
Vice-Chair Rawlins-Fernandez.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair.

MOVE TO ADOPT THE PROPOSED RESOLUTION
ATTACHED TO COUNTY COMMUNICATION 19-384 AND TO
FILE COUNTY COMMUNICATION 384.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Lee.
Any, any last words Mr. Sinenci?

COUNCILMEMBER MOLINA: Hang on, Madam Chair.

CHAIR KING: Oh I'm sorry, Mr. Molina.

COUNCILMEMBER MOLINA: Sorry, I think you kind of said it all. And you know, I would ask
for the Members' full support for Mr. Sinenci for this committee. And I'm sure he has
more to add to it. Thank you.

CHAIR KING: Okay, do you have any comments, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Yeah, it would be an honor to represent
the Council at the Conservation Planning Committee. As the EACP Chair, I think it's
most relevant whether it be creating cultural overlays for protections, rezoning coastal

areas for sea-level rise mitigation, or protecting open space for conservation. So with the Council's support, I look forward to working collaboratively with the other departments. So mahalo for the appointment.

CHAIR KING: Thank you for being willing to serve. Okay, all those in favor of the motion say "aye"?

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes, eight "ayes", zero "noes", and one "excused", Vice-Chair Rawlins-Fernandez.

COUNCILMEMBER SINENCI: Thank you.

CHAIR KING: Okay, Ms. Clark.

DEPUTY COUNTY CLERK: For the record, RESOLUTION 19-160.

Madam Chair, proceeding with county communications for referral. The following county communications are recommended for referral to the following Committees as noted.

NO. 19-385 - MICHAEL P. VICTORINO, MAYOR,
(dated September 13, 2019)

Informing of the major initiatives the Office of the Mayor is undertaking in order to advance our climate action, community resilience, and overall sustainability goals.

The recommended action is that County Communication No. 19-385 be referred to the Environmental, Agricultural, and Cultural Preservation Committee.

NO. 19-378 - KAY S. FUKUMOTO, ECONOMIC DEVELOPMENT DIRECTOR,
(dated August 29, 2019)

Transmitting the Office of Economic Development evaluation of grants of Fiscal Year 2019.

The recommended action is that County Communication No. 19-378 be referred to the Economic Development and Budget Committee.

NO. 19-386 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated August 30, 2019)

Transmitting the following:

1. A proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF THE CORPORATION COUNSEL, COUNTY FACILITIES SECURITY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)"; and
2. "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2020".

The recommended action is that County Communication No. 19-386 be referred to the Economic Development and Budget Committee.

NO. 19-387 - MICHELE M. YOSHIMURA, BUDGET DIRECTOR,
(dated September 13, 2019)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SEWER FUND; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, SOLID WASTE MANAGEMENT FUND; DEPARTMENT OF FINANCE, COUNTYWIDE COSTS; DEPARTMENT OF LIQUOR CONTROL; DEPARTMENT OF PUBLIC WORKS, HIGHWAY FUND TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)".

The recommended action is that County Communication No. 19-387 be referred to the Economic Development and Budget Committee.

NO. 19-388 - MICHAEL P. VICTORINO, MAYOR,
(dated September 6, 2019)

Informing of a vacancy on the Board of Water Supply due to the resignation of Michael Nakashima on September 6, 2019.

CHAIR KING: Okay, any, Councilmember Molina.

COUNCILMEMBER MOLINA: Thank you very much, Madam Chair.

MOVE TO FILE COMMUNICATION NO. 19-388.

COUNCILMEMBER LEE:

SECOND.

CHAIR KING: Okay, moved by Councilmember Molina, seconded by Councilmember Lee.

Mr. Molina.

COUNCILMEMBER MOLINA: Thank you, Madam Chair. As stated by the Clerk, this matter deals with the resignation of Michael Nakashima from the Board of Water Supply effective September 6, 2019. I would like to thank him for his service to our community in this capacity. Thank you.

CHAIR KING: Okay, thank you. Any comments or questions? If not, all those in favor of the motion to file this communication say "aye"?

AYES: COUNCILMEMBERS HOKAMA, KAMA, LEE,
MOLINA, PALTIN, SINENCI, SUGIMURA, AND
CHAIR KING.

CHAIR KING: Any opposed?

NOES: NONE.

EXCUSED: VICE-CHAIR RAWLINS-FERNANDEZ.

CHAIR KING: Measure passes, eight "ayes", zero "noes", and one "excused", Vice-Chair Rawlins-Fernandez.

Okay, so Members, is there any, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR KING: Okay, they will be referred. And I believe that is, brings us to the end of our business today.

COUNCILMEMBER HOKAMA: Thank you, Chair.

CHAIR KING: Oh, Mr. Hokama.

COUNCILMEMBER HOKAMA: Thank you, Chair. I make a point of personal privilege. I was going to say I rise, but I'm too tired. I just want to make an announcement, next week, next weekend in Lanai, Lanai will be celebrating its version of Aloha Festivals, Chair. So all the Members, I invite you, welcome you to enjoy Lanai's hospitality and aloha. It's our own way of celebrating the Aloha Festivals, and we look forward to this annual event. Thank you, Chair.

CHAIR KING: Thank you, Mr. Hokama, which day, you said next week, but which day?

COUNCILMEMBER HOKAMA: Next, yeah, so it will be the, wait what is today, yeah, it's going to be the 28th, Saturday.

CHAIR KING: Saturday the 28th.

COUNCILMEMBER HOKAMA: Yes, is our Aloha Festival celebration.

CHAIR KING: Okay.

COUNCILMEMBER PALTIN: Party your house after.

COUNCILMEMBER HOKAMA: And Expeditions will do their very late-night extra time for Maui visitors.

CHAIR KING: So you can get back the same day, whether you get back home depends on if there's a fire or an accident.

COUNCILMEMBER HOKAMA: Correct.

CHAIR KING: The last time I went to Lanai for a festival, the Pineapple Festival, I got stuck on Lahaina side by the fire at Maalaea. So always take your chances, but we're working on that; right, Mr. Hokama, we are working on--

COUNCILMEMBER HOKAMA: Right, we're all working hard on that.

CHAIR KING: --safety and hazard mitigation.

COUNCILMEMBER KAMA: --can go sleep Riki's house.

COUNCILMEMBER HOKAMA: Can eat deer meat.

CHAIR KING: Can you, can you, can you send your address to everybody, Mr. Hokama?

COUNCILMEMBER HOKAMA: Yeah, yeah, cause there's no . . . it's just a flat 1,000 buck.

CHAIR KING: Okay, thank you very much, Council. Good work today and appreciate everybody's varying opinions and all of the questions. And everybody have a great weekend. Aloha, adjourning 3:35.

ADJOURNMENT

The regular meeting of September 20, 2019 was adjourned by the Chair at 3:35 p.m.



JOSIAH K. NISHITA, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Testimony Submittal on

CR 19-112 Recommending ADOPTION of resolution to authorize settlement of Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK, U.S. Supreme Court Case 18-260

September 20, 2019

Once again, I urge you to vote "NO" on settling this case. As a professional engineer and as your employee, it would be irresponsible of me to tell you otherwise. Since my last appearance I have talked with many of my colleagues and since then I have become more convinced that settling is not a good idea, and alarmed by its unintended consequences. My colleagues have been here, submitted testimony, and met with you in private. I urge you to listen to them. You all know the reasons: The uncertainty of the law, looming higher sewer rates, large capital expenses on pie-in-the-sky projects with marginal environmental benefits, the real possibility of NPDES requirements for private cesspools and septic systems, the failure of taking into account the environmental cost of going to alternative disposal methods and expanding to 100% reuse. You all know this. It has all been explained to you.

I urge you to listen to the engineers; we are the ones who will be responsible to figure all of this out, not the plaintiffs. Listen to the rate-payers; they are the ones who will have carry the financial burden of this decision, not the plaintiffs. The plaintiffs will collect their fees and gleefully leave us behind to deal with the costly aftermath. Their promises to "work with us" are hollow. They are not engineers; they are not a financial charity. They are useless in creating a solution to this. They will catch their unicorn and leave. You and I will have to deal with the rest.

I care about this island; it is my home too. I care about the working-class people whose sewer rates are going to double or triple. I care about people on fixed incomes not being able to afford a home, who will be displaced by wealthy outsiders who have no problem paying higher sewer rates.

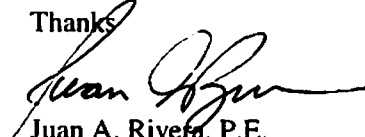
I care about spending public money where it can do the most good like repairing broken sewer lines and connecting unsewered coastal communities to our system. This will remove more pollutants than trying to squeeze the last milligram of nitrogen from the effluent, at a much lower cost. This is your money; I get to spend it. It is my duty to you and the rate-payers to make sure we get the most bang for the buck from it.

I care about the environment. I worry about tons of CO2 going into the atmosphere just to pump reuse water uphill. I care about having a holistic approach to Climate Change, not just latching on to simplistic solutions that may be worse than the problem. Real world solutions do not fit in bumper sticker.

Also, I do not care if the plaintiffs think this will lump us with oil and coal interests. I do not fear Trump's tweets. I do not care what he will say about us if he "wins". He lies. About everything. All the time. He is buffoon. I ignore him.

Finally, I invite you to visit the Lahaina WWRF, the most modern and efficient plant in the County. I will be more than happy to show you what we do. Do not settle. Please vote "NO".

Thanks

A handwritten signature in black ink, appearing to read "Juan Rivera", with a stylized flourish at the end.

Juan A. Rivera, P.E.

19 Luna Kia Place, Wailuku
jriviera64@yahoo.com

September 19, 2019

Council Chair Kelly King
Council of the County of Maui
200 South High Street, 8th Floor
Wailuku, Hawaii 96793

RE: CR 19-112: A resolution to authorize settlement of Hawaii Wildlife Fund, Et. Al. v. County of Maui, Civil 12-00198 SOM BMK, U.S. Supreme Court Docket 18-260

CR 19-113: A bill to increase maximum amount for the initial civil fine and the daily civil fine for the operation of a Bed and Breakfast Home, Short-Term Rental Home, Transient Vacation Rental, or other transient accommodation without a necessary permit for the operation, to \$20,000 and \$10,000, respectively...

Aloha Chair King, Vice-Chair Rawlins-Fernandez, and Members of the Council:

My name is Jason Economou, and I am submitting this testimony on behalf of the REALTORS Association of Maui and its more than 1,700 licensed, professional REALTORS regarding the above referenced agenda items. In the interest of clarity, I will address CR 19-112 first and move onto CR 19-113 separately.

CR 19-112:

Regarding CR 19-112 and the resolution to authorize settlement of Hawaii Wildlife Fund, Et. Al. v. County of Maui, Civil 12-00198 SOM BMK, U.S. Supreme Court Docket 18-260, I urge the Council to maintain the appeal pending before the Supreme Court. In the interest of the environment, in the interest of Hawaii's sovereignty over its groundwater, and in the interest of a functioning County Government, the Council should not vote on the resolution and the Supreme Court should be permitted to rule on this case.

The question being considered by the Court deals directly with Hawaii's authority over its drinking water. The specific issue the Court will address is: "Whether the Clean Water Act requires a permit when pollutants originate from a point source, but are conveyed to navigable waters by a nonpoint source, such as groundwater." This is a question of permitting authority over drinking water, and permitting requirements. It does relate to the environment, but settling the case and withdrawing the appeal will actually diminish Hawaii's ability to regulate its waters as the 9th Circuit's ruling gave ultimate regulatory authority to Trump's EPA under the CWA.

Regardless of assurances made by the Plaintiffs or the State Department of Health, the 9th Circuit's ruling expanded potential CWA liability to a lot of individuals and businesses

throughout the country, and created a permitting requirement that the system cannot presently accommodate. Trump's EPA has already stated that commonplace and ubiquitous activities by Maui residents may now require federal permits. Though Plaintiffs are telling people not to worry because the government won't enforce against them, such assurances are meaningless when it comes to our duty to follow the law. Similarly, such assurances won't pay the legal fees of property owners who have to deal with the current uncertainty under the law.

Leaving property owners aside, the decision to withdraw this appeal will compromise the growth of the recycled water program because CWA compliance will require significant investments into ocean outfalls for the County. Though the Plaintiffs' attorneys confidently stated that the County will not need to go the route of ocean outfalls to comply with the CWA, the Council should trust the County employees who actually deal with wastewater systems and permitting on a daily basis when they warn against settling this case. The mere fact that there is such a fervent argument over these facts is evidence that there is an issue of law that should and must be resolved by the Supreme Court before anyone can move forward with confidence and certainty.

The 9th Circuit's ruling caused a significant amount of uncertainty in the interpretation and application of federal law, and that alone is reason enough to maintain the present appeal to the Supreme Court. Nevertheless, there is also the question of whether it is appropriate for the Council to be exercising authority over this matter at all. The GET Committee Report stated that settlement "terms are related to the Council's fiscal power, bringing settlement within the Council's exclusive authority, consistent with the principles stated in Harris v. DeSoto and reflected in Section 3.16.020, MCC," but Harris v. DeSoto does not support the notion that the Council has exclusive authority over this matter because the settlement terms are not exclusively fiscal.

For context, read the following portion of the Hawaii Supreme Court's decision in Harris:

To the extent that a decision to compromise or settle a claim on behalf of the city is essentially fiscal, in that the decision solely concerns the commitment of city funds and a weighing of the economic cost considerations of settlement versus litigation, exclusive settlement authority is appropriately placed in the council. The fiscal powers of the council do not, however, entitle the council effectively to control functions and aspects of municipal government outside the authority prescribed it by the charter. In other words, *the council may not exceed its legislative function and impinge upon the powers vested in the executive branch under the guise of settlement authority. Therefore, notwithstanding the settlement of claims solely involving the commitment of city funds, the council's settlement authority vested in the council by Ordinance No. 93-78 is also limited to cases where settlement or compromise is offered in consideration*

for an exercise of municipal authority exclusively vested in the council by the charter.

It is axiomatic that, as a general principle, the scope of authority of a branch of municipal government to settle a claim on behalf of the city is limited by the authority vested in that branch to pledge, grant, or commit the consideration sought by the claimant or offered by the city in settlement. Thus, ***where the consideration for settlement involves the commitment of city funds or an exercise of municipal authority exclusively vested in the council by the charter, the council may alone pledge, grant, or commit the settlement consideration. Similarly, where the consideration for settlement involves an exercise of municipal authority exclusively vested in the executive, the executive may alone pledge, grant, or commit the settlement consideration. However, where the consideration for settlement of a claim requires (1) both an exercise of municipal authority vested exclusively by the charter in the council and an exercise of municipal authority vested exclusively by the charter in the executive, or (2) an exercise of municipal authority vested by the charter in both the council and the executive, the council and the executive must concur in order to accept or make an offer of settlement.***

Harris v. DeSoto, 80 Hawai'i 425, 911 P.2d 60, 73-74 (1996) (Emphasis added). All fiscal aspects of the current settlement are secondary to non-fiscal exercises of authority. In fact, the two paragraphs in the settlement that are primarily fiscal (paragraphs 2 and 3) really just enumerate financial obligations that the County is already committed to through previous agreements or orders of the court. Therefore, the Harris opinion really indicates that it is unlikely that the Council has exclusive authority in the matter, and that the authority is likely split between the Council and the Mayor.

What is currently happening is that powerful special interest groups have convinced the County's legislative branch to get into a conflict with the County's executive branch for the purposes of manipulating the work of the Federal judiciary. Though the Plaintiffs in the matter are claiming the moral high-ground on the issues, it doesn't change the fact that this sort of behavior undermines our government institutions and circumvents basic divisions of power. The County Council's fiscal authority should not be weaponized to benefit small wealthy groups with influence. Consider how this might look if instead of environmental groups being the Plaintiffs it was a group of foreign investors that was pushing for the Council to take power traditionally vested in the Mayor in order to block the Supreme Court of the United States from hearing an important case dealing with federal law. I hope the Council would recognize that as a problem.

Aside from legitimate questions as to the authority of Council to act on this matter, there are also legitimate ethical concerns over the GET Committee's vote of September 6th. Though I found Councilmember Paltin's recent response to accusations of ethical impropriety compelling, I still think the Board of Ethics complaint filed against her should be reviewed before she participates in another vote on this matter. At the very least, I would like the vote to be postponed until Councilmember Paltin has had an opportunity to obtain an independent opinion on the matter. We cannot have leaders who sacrifice ethical behavior because they believe that the ends justify the means, or because they have seen similar actions go unobstructed.

Between the question of Council's authority to execute a settlement raised by Harris and the ethics complaint filed against Councilmember Paltin, it is unwise for the Council to act on the issue of the Lahaina injection well case at this time. However, if the Council does decide to vote on the issue, I would suggest that Councilmember Paltin recuse herself to avoid any potential impropriety, and that the Council opposes the resolution. As someone who cares about the environment and Hawaii's sovereignty over its groundwater, and who wants to avoid an avalanche of unnecessary and costly litigation for our residents and my REALTORS, I strongly advise you not to withdraw the County's appeal before the Supreme Court. There is a legitimate question of federal law that needs to be resolved, and the 9th Circuit's ruling needs clarification at the very least. The worst option for Hawaii is to withdraw the appeal.

CR 19-113:

Regarding CR 19-113, I want to begin by commending the County for its proactive approach to enforcement and its increased efforts against illegal short term rental operations. Though RAM ultimately supports the County's enforcement efforts against anyone who tries to circumvent the law, I urge the Council to look into ways to protect property owners from bearing the consequences of the unlawful actions of tenants. Specifically, I want to see safeguards in place that would protect a landlord from fines incurred as a result of a tenant's repeated attempts at advertising or operating an illegal short term rental.

As an attorney I specialized in landlord/tenant law, and I frequently ran into instances where tenants were unlawfully advertising part or all of their home on AirBnB and other platforms without the landlord's knowledge and in violation of the lease agreement. This scenario would play out with me sending a 10 day notice to stop or vacate, and the tenant taking down the advertisements and claiming it would never happen again. Frequently, it would happen again and I would have to start the whole process over.

A similar scenario as the one I describe above has played out in front of the Maui County Board of Variances and Appeals before as well. In one instance, a residential landlord in Paia had a long-term lease with a tenant that explicitly stated that the tenant could not sublet the unit. In November 2017, the landlord received a Notice of Warning from the County because the tenant had advertised on AirBnB. The tenant assured the landlord that it was all a misunderstanding and that it was an ex-spouse who had posted the ad, but that the ad would be removed. The ad was taken down and the problem seemed resolved. When the lease term expired, the landlord had the tenant sign a new lease that also stated no subletting and added language explicitly saying "no advertising on AirBnB."

Everything was going fine between the landlord and tenant until June 2018. In June, the landlord received two Notices of Violation. The first notice was for “advertising a short-term rental home without a valid permit number listed with the advertisement,” and the second was for “operating a short-term rental without a valid permit.” For each violation, the notices ordered an initial fine of \$1,000, as well as a daily fine of \$1,000. The landlord filed a timely Appeal Application for both violations, submitted copies of his lease agreement, and also provided copies of correspondence warning the tenant to stop her activities. The case went before the Maui County Board of Variances and Appeals, and the landlord was ordered to pay the fines.

In spite of the fact that the landlord had no part in advertising or operating the property as a short term rental, the Board of Variances and Appeals ultimately held him liable for the fines associated with the aforementioned violations. His initial ignorance of the tenant’s illegal activities did not save him from liability, nor did his attempts to stop the activities. That is unjust and it will have a chilling effect on our rental housing market if it is allowed to continue. The Council should consider amendments to MCC 19.65.080 to protect landlords from paying for the illegal activities of some tenants.

Mahalo,

Jason A. Economou
Government Affairs Director

Aloha and Good Morning Chair and Members. My name is Eric Nakagawa and I am the Director of the Department of Environmental Management. I am here to testify on agenda item CR 19-112, regarding the resolution to authorize settlement of Hawaii Wildlife Fund, et al. v. County of Maui.

Being the boring engineer that I am, I always thought facts and numbers would drive this decision. Things like how the Department of Environmental Management has spent hundreds of millions of dollars over the past three decades to treat its wastewater to the highest quality of water in the State of Hawaii, just short of drinking water. And how we are already heavily regulated by federal and state agencies who have never issued a violation of our permits nor issued us a fine. Explaining that the NPDES permitting process is designed only for end of pipe discharges like outfalls, not injection wells. But I realized that catchy phrases like “polluting our reefs” and “gutting the Clean Water Act” quickly drowned out those facts along the way. But today I’m here to get back to the facts because I truly believe that’s what this decision should be based on.

I already explained how this ruling is an expansion of the Clean Water Act and if left alone, the Clean Water Act will continue as is and not “gut” it or reduce the requirements in any way.

Polluting our reefs - I heard how the temperature at the seeps are warmer than the ocean. Well guess what, it’s warmer than our effluent going out of our injection wells as well. And living on an island I don’t think we need scientists telling us that geothermal activity is a factor. I heard how the effluent causes algae blooms. Well, there has only been 2 recordings of algae blooms along Kahekili Beach in 90’s but yet the Lahaina facility has been in operations for over three decades. There have been studies cited that there is reef degradation due to the effluent. Well, the County of Maui also had a very comprehensive study done of the entire reef at Kahekili beach which concluded that the effluent has no significant impacts to the water quality or ecosystems but rather other factors like low groundwater salinity and storm water runoff or what we call brown water advisories. In 2015, a DLNR study showed how they made Kahekili Beach a reserve in 2009 and now that the fish are back, the coral is starting to thrive again, up to 37%. All this to say that there are many factors that affect an ecosystem but when you restore balance to that environment, it begins to thrive again.

But enough of the past, let’s see what happens going forward.

A couple of days ago, I met with the DoH and all of my peers from the other counties to discuss what happens day 1 if we decide to settle this case and the 9th Circuit Ruling becomes law:

1. If we choose to approve this settlement, for the first time in history, we will be in violation of the Clean Water Act (CWA) and subjected to the fines associated with it. This is not limited to Lahaina, but to all of the other facilities in the State, including Kihei, Kahului, and Kaunakakai.
2. Even though we already submitted NPDES permit applications for our facilities to the DoH, it does not shield us from the penalties and fines.
3. The DoH will comply with the law and issue us an NPDES permit and UIC permit. DoH said it will be end of pipe permits.
4. We have all heard from the professionals in our field that the Water Quality Standards (WQS) cannot be met with an end of pipe system like our injection wells forcing us to turn to deep ocean outfalls, which will cost hundreds of millions of dollars.
5. This will create a huge financial burden to our community and local businesses. The rate model forecasts that in five (5) years sewer rates will double and in ten (10) years it will almost triple.

This means residents who currently pay \$73/month will pay \$150/month in 5 years and \$209/month in 10 years. Same goes for local businesses. On average, businesses who pay roughly \$400/month, will pay \$800/month in 5 years and \$1200/month in 10 years. Hotels who pay roughly \$8,000/month will pay \$16,000/month in 5 years and \$24,000/month in 10 years.

6. This decision to withdraw from the Supreme Court means that not only the County will be impacted, but many of the 110,000 on site disposal systems - cesspools and septic systems - in the state. There are very few options for rural homeowners and the costs are very high.

I believe the lack of education over the past 7 years of this lawsuit has resulted in the lack of support to continue on in our appeal for this case. However, I feel Department's intentions and transparency has always remained the same which is to protect the people of Maui County from further lawsuits resulting from this case and the unnecessary financial burdens that could be used for more beneficial projects that protect our environment. We all want to protect our environment and our Department does it every day.

In conclusion, we have all heard from numerous other similarly situated parties like the County, including NACWA, NACO, National League of Cities, National Water Resources Association, Association of California Water Agencies, California Association of Sanitation Agencies, and the WaterReuse Association, to name a few, that the CWA should not be extended to groundwater and how this ruling could extend to private homeowners with cesspools/septic systems; we have heard from DOH that this paper exercise will not solve anything and that it will set a precedent; and now you have heard how huge of a financial burden this will be for our community.

For these reasons, the Department of Environmental Management does not recommend approving this settlement and strongly urges this council to continue the path in getting clarification from the U.S. Supreme Court. Mahalo.

Harry Kim
Mayor



Wil Okabe
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i
Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
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(808) 323-4444 • Fax (808) 323-4440

September 19, 2019

Honorable Michael P. Victorino, Mayor
County of Maui
Kalana O Maui Building, 9th Floor
200 S. High Street
Wailuku, Hawai'i 96793

Mayors.Office@co.maui.hi.us
(sent via email)

Dear Mayor Victorino:

**Re: County of Maui v. Hawai'i Wildlife Fund et al.
Letter in Support of Maui County Pursuing its Injection Well Appeal**

Hawai'i County and its Department of Environmental Management strongly supports, and urges Maui County to continue to pursue, the Lahaina injection well appeal currently before the United States Supreme Court. Dismissal of the appeal would leave many critical concerns regarding the Clean Water Act unsettled and unaddressed.

If the Ninth Circuit Court's ruling is not overturned by the U.S. Supreme Court, its interpretation and expansion of the Clean Water Act will have major implications not only for Maui County, but for all our island 'ohana. The counties must be able to dispose of our recycled water via environmentally responsible methods that are currently available and feasible. Expanding the reach of the Clean Water Act by requiring NPDES permitting for existing infrastructures will be extremely burdensome from both a time and economic perspective. Further, we do not believe the NPDES permitting requirement will achieve a significant improvement in our water quality; rather, it will merely exacerbate the current state of our already overburdened counties.

Mahalo for your dedicated leadership, and thank you for your consideration of Hawai'i County's input.

Sincerely,


Harry Kim
Mayor

c: Dept. of Environmental Mgmt.
Corporation Counsel

Testimony Notes – Deborah Aweau – WWRD Employee and MS in Chemical Oceanography from UH Manoa with thesis on point v. nonpoint pollution sources of pollution in coastal waters

Our democracy is currently in jeopardy because Trump and many other elected officials refuse to consider opinions that are contrary to their own. I beg you to please consider fully all implications of this decision.

I want to implore you to verify the information that you are receiving and its source because bad science or regulations can be worse than none at all.

Prior to the seep study, environmental activists convinced the EPA to force us to disinfect all effluent. Unfortunately, this decision and the resulting consent agreement forced us to damage the environment. The chlorine killed many of the denitrifiers in the aquifer and resulted in measurable increases in Nitrogen over time as the seep monitoring progressed. After we moved to 100% UV treatment, it resulted in significant greenhouse gas emissions.

Chlorine disinfection began about the same time as addition of the tracer dye at the WWRF. At the start of the seep monitoring, disinfected wastewater was not yet reaching the ocean (The conclusion that disinfected water was not yet reaching the seeps is based on subsurface travel times measured as part of the seep study), yet there was no fecal indicating bacteria detected in the seep water (See DOH seep study data).

Cost to taxpayers – Regardless of whether an NPDES results in the elimination of injection wells and reuse. The implementation of the permit is sure to increase sewer user fees. The burden of which will be felt most by our poorest citizens. This decision could result in financial hardships for many of our voters.

When I spoke at the previous meeting, other instances of NPDES permits for injection wells were mentioned. I was only to find two such permits (both are for Indian reservations) One was actually for a seepage basin and not an injection well. This is significant because it reinforces uncertainties as to whether reuse use will require an NPDES permit.

The two examples are not comparable to our situation. In fact, the limits of our current UIC permit are far more stringent than the limits dictated by these two examples. While these were issued within the last 5 years, our UIC permit was put in place 25 years ago and is currently due for renewal. 25 Years ago the nutrient limits in our permit were at the limits of what technology could achieve. By contrast one permit has no nutrient limits and the other has a limit for dissolved nitrate/nitrite of 10 mg/L (ours is 10mg/L for all forms of nitrogen, total nitrogen).

The difference is based on the fact that NPDES permit limits are based on the receiving water body and that particular states water quality limits. In both cases the receiving water is a

river/creek. Both affected receiving water bodies are currently meeting all of their water quality standards and they have no TMDLs (Total Maximum Daily Load).

Additionally, there are only standards for ammonia, phosphorus and E. Coli in both states. However, they are not being regulated on these limits because the receiving water bodies are meeting the standards. Hawaii may be the only state with comprehensive nutrient standards (Roy Abe, 2017 presentation to State of Hawaii Environmental Council)). (According to the EPA's Nutrient Control Design Manual, as of May 2007, only a handful of States and Territories had adopted nutrient criteria for nitrogen and phosphorus (USEPA, 2007a).

The waters at Kahekili beach are considered to be Class A Marine Waters. The clean ocean limits for nutrients in these waters are extremely low. Total Nitrogen of 0.15 -0.11 mg/L, and a Nitrate + Nitrite limit of .0035- .005 mg/L depending on the season. There is no wastewater treatment technology in existence that can bring wastewater effluent nutrient levels down this low. The lowest total nitrogen values I have seen are around 3 mg/L.

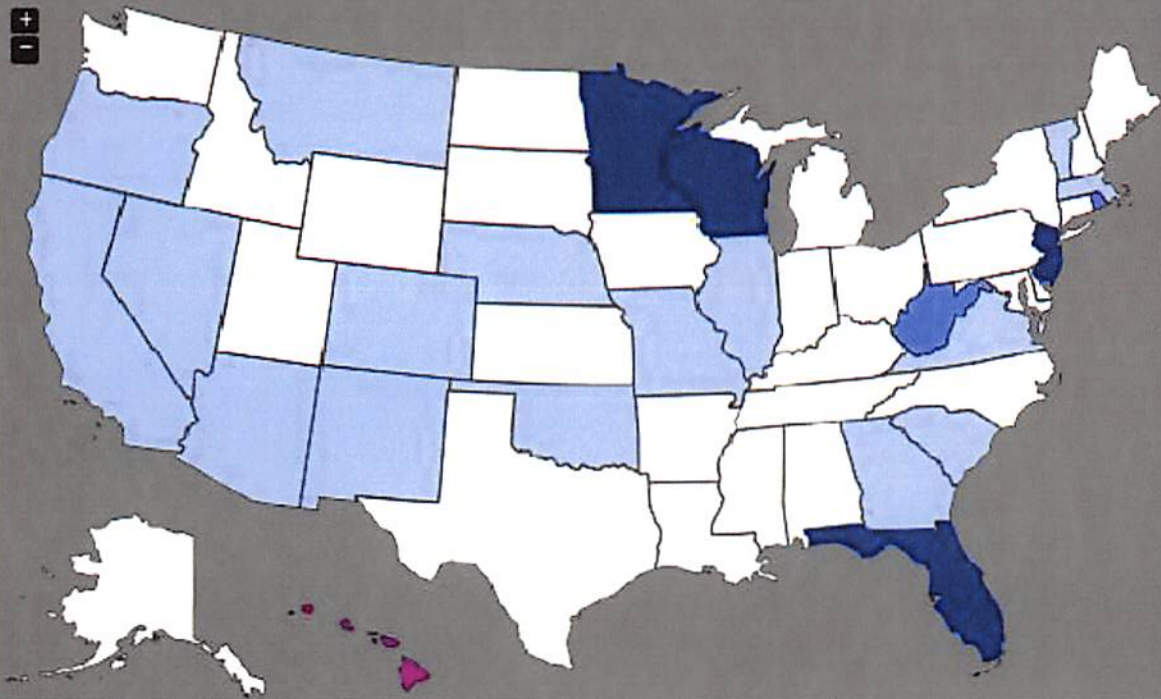
I therefore want to reiterate my assertion my assertion that we may not be able to meet an injection well NPDES permit because groundwater is not subject to a zone of mixing.

(We were forced to enter a consent agreement and chlorinate the water until our UV system could be upsized to disinfect all effluent. This occurred at the same time as the seep studies so we were not given the opportunity to prove that this was unnecessary. Based on the travel time (86 days to first trace (1 part per trillion) at the North Seep Group, 306 days till the peak (NSG), average time 487 days(NSG) lasted nearly 4 years.....– the seep measurements for the 1st few months would represent undisinfected.)

HAWAI'I IS THE ONLY STATE WITH NITROGEN AND PHOSPHORUS WATER QUALITY CRITERIA FOR ALL WATER TYPES

States with Total Nitrogen or Total Phosphorus Criteria

1998 2008 2013 2014 2015 Current 2016* 2017* 2018* 2019* 2020*



Level 5	Complete set of N and P criteria for all watertypes**
Level 4	2 or more watertypes with N and/or P criteria
Level 3	1 watertype with N and/or P criteria
Level 2	Some waters with N and/or P criteria
Level 1	No N and/or P criteria

	District of Columbia
	American Samoa
	Commonwealth of Northern Marianas
	Guam
	Puerto Rico
	US Virgin Islands

Is Hawai'i being penalized for having strict water quality standards? Yes!

Source: www.epa.gov/nutrient-policy-data/state-progress-toward-developing-numeric-nutrient-water-quality-criteria.



Testimony Regarding item 19-112 September 20, 2019

Adoption of Resolution to settle the Hawaii Wildlife Fund, et al. vs County of Maui

Submitted by Nicholas Drance, www.TheMauiMiracle.org

Summary of Mayor Victorino's Arguments against settling the Lahaina Injection well Appeal

The state Department of Health would need to enforce the 9th Circuit's ruling, *but currently the department has no regulatory framework to assess or permit drainage or wastewater effluent discharges into groundwater. THEN WHAT ARE WE TALKING ABOUT HERE? Not to mention manpower. What is the state going to do? Bankrupt itself on top of it's other financial disasters?*

Financial impacts for Maui County

1. Clean Water Act **maximum** fines \$1 million for our 18 wells **(\$8,000,000 per day)** **An impossible fantasy scenario**
2. Statewide, 7,000 wells **(\$371,000,000 per day)** **An impossible fantasy scenario.**
3. If injection wells need to be converted to ocean outfalls, cost is **\$800 million-plus** current annual budget for Maui Not being discussed, wild speculation. Impossible scenario.
4. The County's bond rating also could be negatively impacted. **Serious? Impossible Scenario**
5. Will building permits, Fiscal Year 2020 infrastructure projects, affordable projects and other capital improvement projects be delayed? What are the legal implications? Yes, this would be a problem statewide. **An impossible fantasy scenario**
6. If *any projects* have pollutant discharges that are "**fairly traceable**" to a body of water such as a river or ocean and are more than a minimal amount, **then they meet the 9th Circuit's test** and would be required to get a permit under the Clean Water Act. **An impossible fantasy scenario**



7. There will be delays to building permits, infrastructure improvements, affordable housing and various other projects. (incl. Fiscal year 2020 ones) It's uncertain whether new permitting requirements would be a major obstacle or stop projects entirely. An impossible fantasy scenario

8. The County's bond rating also could be negatively impacted. Serious? Impossible Scenario

9. If any projects have pollutant discharges that are "fairly traceable" to a body of water such as a river or ocean and are more than a minimal amount, they would be required to get a permit under the Clean Water Act. An impossible fantasy scenario

10. Projects could potentially be delayed for months or years while procedures are developed. Members of the public also could bring citizens' lawsuits based on the 9th Circuit ruling as a way to stop projects. An impossible fantasy scenario

11. The County would find itself in violation of the agreement because of the lack of or refusal of end users, including the Department of Parks and Recreation, to use recycled wastewater. An impossible fantasy scenario

12. Impose the oversight of the plaintiff groups into core County functions. Absurd, impossible, unprecedented.

Inaccurate or deceptive information

- 1. A projected doubling and nearly tripling of sewer rate fees in the next five to 10 years; Based on what?**
- 2. A projected cost of \$150 million to \$200 million per treatment plant for conversion to ocean sewage outfalls; Wrong, 10's of millions to reach acceptable levels**



3. So, according to a **rate model** used by the **Department of Environmental Management**, sewer rates would **double in five years, triple in 10**. **Rate model based in information provided, like this garbage?.**

Settlement

Other financial impacts: Peanuts

Payment of plaintiffs' attorneys' fees and costs in excess of \$1.1 million;

Payment of \$100,000 to the U.S. Treasury;

Implementation of a \$2.5 million water reuse project in West Maui. All this commotion for a lousy \$2.5mm?

This settlement would revise a 2015 agreement that

- Gave Maui County the right to appeal all the way to the U.S. Supreme Court.

- Increase the County's obligations and costs

- **Impose the oversight of the plaintiff groups into core County functions. Absurd, impossible, unprecedented.**

- "reduce reliance" on the injection wells. **Apart from being vague, (Not bad, depends on how it's worded) this subjects the County to private oversight of a matter that involves significant future capital expense.**



Testimony Regarding item 19-112 September 20, 2019

Adoption of Resolution to settle the Hawaii Wildlife Fund, et al. vs County of Maui

Submitted by Nicholas Drance, www.TheMauiMiracle.org

I'm asking you to vote for this resolution unanimously for the following reasons, in addition to the testimony provided today.

I see two possible scenarios, each with four likely components:

The Albatross around our Neck Outcome

That's from a poem about a sailor who shoots a friendly albatross and is forced to wear its carcass around his neck as punishment. That's a perfect analogy here.

1. If the Supreme Court rules in our favor, ever after, Maui will become known as the island paradise that fought for the right to pollute and destroy itself. That's not a difficult spin and there are a number of other possible ways to spin a win against us.
2. That bad press could lead to other things, which could snowball out of control.
3. People in places like Flint Michigan and all over the country, will feel betrayed, perhaps send...I shouldn't say hate mail, but it wouldn't look pretty. Some would accuse us of setting the environmental movement back decades.
4. If someone posts this on Trip Advisor, for example and other media picks up on it, that's a risk we cannot afford. Nowadays, Twitter and Instagram posts spread like wildfire, especially if the news has some controversy associated with it. This mess we got ourselves into is going to hit the press one way or the other. Let's minimize the damage.

Here's an alternative



The manna from Heaven Outcome

This likely requires a unanimous vote.

The phrase is a reference to the Biblical story of the food that God miraculously provided to the Israelites as they wandered in the wilderness. It's an unexpected benefit or assistance, especially when it comes at the time when it is needed most, (which is now). This too, is a perfect analogy.

1. Instead of kicking the can down the road, withdraw and settle and we'd be admired for taking the high road. Everyone loves hearing about someone taking the high road, especially these days. You can't put a price on respect.
2. The people of Maui and the entire County Council would be proud that we did the right thing. Frankly, I think at some point the Mayor will thank you for having his back.
3. We fix this and eliminate the possibility of the problem getting worse and more difficult to deal with.
4. Withdrawing this petition is also good for business. We fix the problem and capitalize on a huge amount of publicity that's better than any amount that money could buy. Let's tell the story on our terms. Be proud of the fact that we changed course because we got additional information we didn't have when this litigation began. I'd be happy to share my thoughts about this at another time.

Please vote for this resolution unanimously and in so doing, make a bright future for Maui. Let's avoid the albatross scenario while we have the chance.

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 2:55 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4: 04

OFFICE OF THE
COUNTY CLERK

From: Mike Moran
Sent: Wednesday, September 18, 2019 2:54:28 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Mike Moran and I live in Kihei.

Let us do what is best for Maui Island, our county, our state and the entire country. Times & conditions have changed.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Mike Moran
167 Ahaaina Way
Kihei, HI 96753

County Clerk

From: robin.s.knox@gmail.com
Sent: Friday, September 20, 2019 7:44 AM
To: County Clerk
Subject: Testimony Item CR-19-112
Attachments: nitrogen removal technology.pdf; Injection well comments 09 20 2019.docx; Knox R WQC NPDES CV 2018.pdf

Attached please find my testimony and supporting information

Robin S. Knox, QEP, President
Water Quality Consulting, Inc.
(808) 866-6659

09 29 2019

Testimony from Robin S. Knox on Item CR-19-112

Injection well themes from prior discussions that I wish to rebut:

1. WOTUS -Uncertainty, need for clarity – expanding or gutting the Clean Water Act

Some have said we need to go to the Supreme Court to gain “clarity” about the scope of the Clean Water Act. The issue is the definition of which waters are considered “Waters of the US (WOTUS)” and are, therefore, subject to CWA NPDES permitting authority. This court case is not needed to resolve this question, nor is it likely to resolve the question. In fact, the current lack of clarity was caused by prior Supreme Court cases. The path to clarity is through administrative rulemaking with participation by regulatory agencies, regulated community, and public stakeholders.

Source: <https://www.acwa-us.org/focus-areas/watersheds-tmdls-and-nonpoint-sources/waters-u-s-wotus-resources/>

The scope of waters that are the subject of federal jurisdiction under the Clean Water Act has been the subject of long-standing confusion and uncertainty in the aftermath of several key Supreme Court decisions. Clean Water Act was long interpreted to protect wetlands, headwaters, intermittent streams. In 2001 *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)* the Court decided that the use of waters by migratory birds (alone, e.g. lacking known hydrologic connection) is not a sufficient basis for federal jurisdiction under the Clean Water Act. In 2006 *Rapanos v. United States (Rapanos)* a splintered decision provided 1) ‘relative permanance’ with a connection to traditional navigable waters, and 2) ‘significant nexus’ to navigable waters as bases for determining whether a water is protected under the Clean Water Act. These two decisions have resulted in considerable confusion over what waters are jurisdictional, and therefore increased allocation of federal and state resources to determining this on a case-by-case basis.

In 2014, the Obama Administration issued a proposed rule, *Definition of Waters of the United States Under the Clean Water Act*. The Obama Rule was challenged by several states, industry, agriculture and other regulated entities in numerous courts. In 2015, the United States Court of Appeals for the Sixth Circuit stayed the rule’s enforcement while the Courts evaluated the cases. President Trump signed an executive order on February 28, 2017, to roll back the waters of the

United States (WOTUS) rule that the U.S. Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps) promulgated in 2016. The Order is entitled, *Presidential Executive Order on Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the Waters of the United States Rule*. It instructs EPA and the Corps to begin the process of a rulemaking to withdraw the WOTUS rule, and to take appropriate actions in the courts where the rule is in litigation. That process has since produced several proposed rules: a proposed rule repealing the Obama Rule, a final rule adding an “applicability date” to the Obama Rule pushing the rule’s implementation date back, and a proposed rule redefining Waters of the United States and narrowing jurisdiction of the Clean Water Act. The “repeal” rule and the “applicability date” rule have both been challenged in court. The “redefinition” rule has not yet been officially published in the Federal Register (EPA released a pre-publication version of the rule in December 2018, and this page will be updated once the Federal Register publishes an official version of the proposed rule).

Source: <https://www.epa.gov/wotus-rule/definition-waters-united-states-rule-status-and-litigation-update>

In September 2019, EPA and the Department of the Army finalized a rule to repeal the 2015 rule that impermissibly expanded the definition of “waters of the United States” (WOTUS) under the Clean Water Act. This action also recodifies the longstanding and familiar regulatory text that existed prior to the 2015 rule—providing regulatory consistency across states. The final rule will be effective 60 days after publication in the Federal Register. [Read the proposed rule.](#)

2. NPDES permit is costly and unattainable

Literally thousands of dischargers of industrial wastewater, municipal wastewater, and stormwater obtain and comply with NPDES permits. It is more challenging technically in the Lahaina situation due to sensitive water environment and stringent water quality criteria, but it clearly can be done.

The NPDES permit would require effluent and water quality monitoring that is not currently done and will require reduction in the amount of pollution discharged in order to support attainment of ocean water quality standards. Doing treatment and monitoring does cost more than not doing treatment and monitoring, but the treatment and monitoring is needed to protect water quality, with or without the permit. The fact that doing something costs more than not doing something should not be a reason for pursuing the case to the Supreme Court to avoid doing treatment and monitoring.

NPDES Permit Process

- 1) File Application (County has yet to file complete application)
- 2) Reasonable potential Analysis (to determine if effluent has potential to cause or contribute to water quality standards violations, specifically exceedance of ambient water quality criteria concentrations)
- 3) Draft permit

- a. Technology-based limits
 - b. Water Quality-based limits if reasonable potential for violating standards exists
 - c. Toxicity Testing
 - d. Monitoring Requirements
 - e. Compliance Schedule
- 4) Comment period (30 day)
 - 5) Final Permit (five-year term)

Not unusual to take 1-2 years minimum to develop a permit.

County needs to submit the required data needed by the permit writer.

Issue of exactly where water discharges into ocean is not a big deal, can just indicate the area known to be impacted by effluent

Monitoring for compliance with permit limits would be at a designated representative outfall monitoring location prior to injection, not the actual point of entry into the waterbody

An example pollution control strategy:

Immediately effective performance based interim effluent limits

50% reduction of TN pollutant load in 4 years through improved wastewater treatment

Final WQBEL effective 7 years from now (80% reduction) achieved through treatment, reuse, and water quality trading.

Reopener clause to allow adaptive management in development of final WQBELS

3. Will require abandoning injection wells or Going to Ocean Outfall

There is no requirement to abandon injection wells, only to minimize use and reduce the pollutant loads going to the ocean. The only benefit of an ocean outfall would be a greater dilution factor, allowing greater mass of pollution to be discharged. The costs far outweigh the benefits, and the County previously rejected an ocean outfall early in the history of developing our wastewater infrastructure. There are other ways such as water quality trading to allow compliance with mass based NPDES permit limits if they cannot be met by treatment technology.

4. There is no technology that can meet the ocean water quality criteria.

- a. There is technology that can reduce the pollutant load significantly from current levels (See Attachment to email)
- b. Ocean water quality criteria apply to the ocean, not the end-of-pipe
- c. CWA requires consideration of mixing/dilution and other factors in calculating final WQBEL
- d. CWA allows use of water quality trading (reducing pollution elsewhere) if technology can not reduce effluent pollutant load enough to support water quality

5. Will affect other county projects (affordable housing, infrastructure, water reuse); Effect on cesspools and septic tanks

EPA says that 9th circuit decision says Clean Water Act applies to septic systems as well as green infrastructure.

Issues regarding WOTUS will be resolved through rulemaking process. Allowing 9th Circuit opinion to prevail will not affect these decisions – look at the 9th Circuit decision – unless the source in question is the functional equivalent of a pipeline conveying pollutants to a water of the US, it will not be impacted by this decision

9th Circuit Decision

Source: Summary Order and Amended Opinion; US Court of Appeals for the Ninth Circuit, Hawaii Wildlife Fund v. County of Maui; No. 15-17447; D.C. No.1:12-cv-00198-SOM-BMK;

“The panel concluded that the County’s four discrete wells were “point sources” from which the County discharged “pollutants” in the form of treated effluent into groundwater, through which the pollutants then entered a “navigable water,” the Pacific Ocean. The wells therefore were subject to National Pollutant Discharge Elimination System regulation.”

“Agreeing with other circuits, the panel held that the Clean Water Act does not require that the point source itself convey the pollutants directly into the navigable water. The panel held that the County was liable under the Act because it discharged pollutants from a point source, the pollutants were fairly traceable from the point source to a navigable water such that the discharge was the functional equivalent of a discharge into the navigable water, and the pollutant levels reaching navigable water were more than *de minimis*.”

“The panel rejected the argument that the County’s effluent injections were disposals of pollutants into wells and therefore, exempt from the NPDES permitting requirements.”

“The panel also held that the Clean Water Act provided fair notice, as required by due process, of what conduct was prohibited.”

“We are not suggesting that the CWA regulates all groundwater. Rather, in fidelity to the statute, we are reinforcing that the Act regulates point source discharges to a navigable water, and that liability may attach when a point source discharge is conveyed to a navigable water through groundwater.”

“Our approach is firmly grounded in our case law, which distinguishes between point source and nonpoint source pollution based on whether pollutants can be “traced” or are “traceable” back to a point source. *See Alaska*, 749 F.2d at 558; *Ecological Rights*, 713 F.3d at 508; *supra*, at 12–15”

“That some of the treated effluent then reaches the Pacific Ocean is undisputed. The County expressly conceded below and its expert confirmed that wastewater injected into Wells 1 and 2 enters the Pacific Ocean. The Associations submitted various studies and expert declarations establishing a connection between Wells 3 and 4 and the ocean. Although the County quibbles with how much effluent enters the ocean and by what paths the pollutants travel to get there, it concedes that effluent from all four wells reaches the ocean.”

“The record establishes the County considered building an ocean outfall to dispose of effluent directly into the ocean but decided against it because it would be too harmful to the coastal waters”. It opted instead for injection wells it knew would affect these waters indirectly”

“The Study concluded “a hydrogeologic connection exists between . . . Wells 3 and 4 and the nearby coastal waters of West Maui.” Eighty-four days after injection, tracer dye introduced to Wells 3 and 4 began to emerge “from very nearshore seafloor along North Kaanapali Beach,” near Kahekili Beach Park, about a half-mile southwest of the LWRF. According to the Study, the effluent travels in this southwesterly path “due to geologic controls that include a hydraulic barrier created by valley fills to the northwest.” The Study found “64 percent of the treated wastewater injected into [Wells 3 and 4] currently discharges [into the ocean].” It further concluded “[t]he major discharge areas are confined to two clusters, only several meters wide, with very little discharge [occurring] in between and around them.””

County appealing three summary judgement rulings:

- 1) County liable for wells 3 and 4 discharging effluent through groundwater and into the ocean without an NPDES permit. Ruling based on three independent grounds:
 - a. the County “indirectly discharge[d] a pollutant into the ocean through a groundwater conduit,”
 - b. the groundwater is a “point source “under the CWA, and
 - c. the groundwater is a “navigable water” under the Act. *Id.* at 993, 999, 1005.
- 2) Liable for wells 1 and 2 for the same reasons and because County officials expressly conceded pollutants from the wells were making their way to the ocean.
- 3) Court found County could not claim due process violation because it had fair notice under the plain language of the CWA that it could not discharge effluent via groundwater to the ocean.



Water Quality Consulting, Inc.

Qualifications Summary

- More than 30 years' experience including project management, staff training and development, environmental science and engineering, and quality control.
- Experienced in development of Workplans, Quality Assurance Project Plans, Sampling and Analysis Plans, data validation, data management, report production, and deliverable QA/QC
- Experienced manager of coastal restoration projects
- Experienced manager of water quality projects in 8 EPA regions, 21 states and the Commonwealth of Puerto Rico.
- Five years as an NPDES permit writer, water quality planner, and water quality modeler for Louisiana DEQ.
- Experience conducting large-scale water body studies, including collection of hydrologic, chemical, bacteriological, radiological and sediment data using USGS and EPA methods.
- Experienced in environmental compliance, litigation support, and as an expert witness

ROBIN S. KNOX, QEP

Contact: (808) 866-6659 or Robin.S.Knox@gmail.com

Clean Water Specialties/Ecosystems/ Watersheds/

Clean Water Act/National Pollutant Discharge Elimination System (NPDES) Permits & Compliance; Expert Witness; Environmental Sampling and Analysis; Water Quality Monitoring; Coastal Biogeochemistry; Wastewater Treatment; Watershed Planning; Water Quality Modeling; Coastal Restoration; Project Management

Credentials

B.S., Agriculture Dairy Science -Environmental Health, Louisiana State University (1982)
Graduate studies including five courses on water/wastewater treatment unit operations, Louisiana State University Department of Civil Engineering (1982- 1986)
Advanced Biological Wastewater Treatment Short Course (University of Texas, Austin) 1988
NPDES Permit Writer's Course (EPA) 1986
NPDES Compliance Inspections Course (EPA) 1986
Qual2-E Modeling Course (EPA Center for Exposure Assessment Modeling) 1989
Receive II Modeling Course (Louisiana Department of Environmental Quality) 1989
OSHA 40-Hour Supervisory Training 1991
Symptox Modeling Course (Water Environment Federation) 1992
Project Manager Body of Knowledge Training 2003
Qualified Environmental Professional (QEP) certified by the Institute of Professional Environmental Practice, 2018

Employment History

- Water Quality Consulting, Inc.(1999 – present)
- University of Hawaii, Botany Department (2008-2010)
- WESTON Solutions, Inc.(2001-2004)
- ARCADIS Geraghty & Miller, Inc.(1993-1999)
- C-K Associates, Inc. (1989-1993)
- University of Southwestern Louisiana, Center for Louisiana Inland Waters (1989-1989)
- Louisiana Department of Environmental Quality, Office of Water Resources (1984-1989)
- Louisiana State University, Center for Wetland Resources (1983-1984)
- Louisiana State University, Center for Hazardous Waste Research (1982-1983)

PUBLICATIONS

Knox, Robin. 1989. "Extending Standards to Louisiana's Wetlands." *Water Quality Standards for the 21st Century*. EPA.

Knox, Robin. 1989. "Towns of Florien and Fisher, Revised Advanced Treatment Facility Water Quality Review." *LDEQ Report No. ATR 89.12*.

Delaune, R.D., R.P. Gambrell and R.S. Knox. 1989. Accumulation of Heavy Metals and PCB's in an Urban Lake. *Environ. Technology Letters*. 10:753-762

Delaune, R.D., L.M. Salinas, R.S. Knox, M.N. Sarafyan, and C.J. Smith 1989. Water Quality of the Calcasieu River: Ammonium Nitrogen Transformations. *Technical Report Louisiana Department of Environmental Quality, Office of Water Resources*.

Delaune, R.D. C.W. Lindau, R.S. Knox and C.J. Smith. 1990. Fate of Nitrogen and Phosphorus entering a Gulf Coast Freshwater Lake: A Case Study. *Water Res. Bull. Vol.26, 4:621-631*

Ford, Elizabeth and R.S. Knox. September 1997. "Constructing an Effective NPDES Permit Application", *Water Environment and Technology*.

Saar, Robert and R.S. Knox. October 1998. "Buyer Beware! A Guide to Purchasing Analytical Laboratory Services". *Industrial Wastewater*.

Dailer ML, Smith JE, Knox RS, Napier M, Smith CM., 2010 Using $\delta^{15}\text{N}$ values in algal tissue to map locations and potential sources of anthropogenic nutrient inputs on the island of Maui, Hawai'i. *Marine Pollution Bulletin* 60 (2010) 655–671.

CONFERENCE PROCEEDINGS & PRESENTATIONS

Instructor and Author, "Negotiating Your NPDES Permit", *Water Environment Federation Professional Development Short Course, 1995-1997*.

Workshop Instructor and Author – "Negotiating and Attaining Water Quality-based Metals Limitations" *Water Environment Federation Industrial Waste Specialty Conference, 1998*

"NPDES Permit as a Shield", *Louisiana Water Environment Association, 2002*

"East and West Grand Terre Island Restoration – A Case Study", *Louisiana Water Environment Association Annual Conference, 2003*

"Negotiating Higher NPDES Permit Limits – Strategies for Optimizing Technology and Water Quality-based Effluent Limitations for Petroleum Refining", *National Petrochemical and Refineries Association, 2004*

"Why the Clean Water Act Nutrient Criteria Have Failed to Protect Hawaii's Coral Reefs" *Proceedings of WEFTEC, Water Environment Federation, 2014*

PROFESSIONAL MEMBERSHIP

Water Environment Federation (member 1982 to present) –

- Surface Water Quality and Ecology Symposium - Program Committee
- Aquatic Resources Technical Committee
- Toxic Substances Committee Chair
- Total Maximum Daily Loads (TMDL) Program Committee
- Louisiana Water Environment Association (member 1982 to present);
 - Vice-president 2005; Annual Conference Co-chair
- Hawaii Water Environment Association (2006-present)

KEY PROJECTS

NPDES PERMITTING & COMPLIANCE

Water Quality-based NPDES Permitting for Marine Aquarium, Maui Ocean Center

Developed permitting strategy and water quality studies for a marine aquarium faced with meeting strict water quality standards-based effluent limits by 2020. The facility has final water quality-based effluent limits for nutrients that are based on applying water quality standards at end-of-pipe. The most restrictive limit (20 µg/L nitrite-nitrate daily maximum and 8 µg/L annual geomean) cannot be met with any known treatment technology. On-going studies include mixing study, review of standards and potential for site-specific criteria, development of performance-based effluent limits, loading studies on stormwater and ground water sources, and use of watershed-based permitting to meet water quality goals.

NPDES Permits for 300 Dairies in Louisiana, Louisiana Department of Environmental

Quality, Permit Writer. As a permit writer tasked in 1987 with regulating discharges from 300 dairies to a highly utilized recreational waterway, the Tangipahoa River, I developed a Louisiana Pollution Discharge Elimination System General Permit for Dairies many years prior to EPA promulgating the Concentrated Animal Feeding Operations NPDES permits. The “no discharge” permit required retention of milking parlor discharge on-site with recovery of water and biosolids as inputs to pastureland. I coordinated efforts with the Soil and Water Conservation Service (now NRCS) to obtain engineering and construction grant support for regulated producers through Department of Agriculture programs.

CAFO Permitting, Enforcement Assistance, and Retention System Design, Ruidoso Downs NM, Ruidoso Downs Racetrack and Casino, Project Manager.

Provided permitting, enforcement, and design services to facility subject to Concentrated Animal Feeding Operation (CAFO) regulations. The regulations require segregation of regulated areas, prevention of run-on and retention of storm runoff from the 25-year, 24-hour storm event. The 200-acre facility is situated on the Rio Ruidoso in an area of complex topography with the river bisecting the racetrack and other CAFO-regulated areas. The site is highly developed and steeply sloping, leaving little room for retention structures. Scope of work included regulatory analysis, geotechnical investigation, site hydrologic analysis that identified 14 sub-basins, modeling to determine storm-water runoff volumes, and preliminary engineering design of retention basins. Provided enforcement assistance. Negotiated more than

Water Quality Consulting, Inc.

(808) 866-6659

Robin S. Knox

Robin.S.Knox@gmail.com

50% reduction in proposed penalty for facility. Developed SEP to tie-in unsewered areas discharging to the Rio Ruidoso. Developed NPDES permit application

NPDES Permit Negotiation and Compliance, Geismar, LA, BASF Corporation, Project Manager. *Served as facility's water quality consultant for 12 years. The facility houses 17 chemical manufacturing plants and five wastewater treatment systems with three final outfalls and numerous internal outfalls for compliance monitoring.* Permitted \$80 million new source aniline manufacturing facility being constructed at existing chemical complex. within 2-year construction schedule, including Environmental Assessment, Finding of No Significant Impact (FONSI), appeal of State Water Quality Certification and development of settlement agreement and NPDES permit. Utilized water quality models (CORMIX for mixing and FGETS for bioaccumulation (FGETS) to provide environmental assessment of water quality impacts of the discharges. Assisted BASF engineers in development of the world's first treatment system for aniline wastewater using ozone and activated sludge process; the existing industry practice worldwide was to dispose of the highly toxic wastewater via injection well.

NPDES Permitting and Compliance – BP Oil, Belle Chasse Louisiana Served as facility NPDES consultant for 12 years including permitting and enforcement assistance. Achieved 100% CWA compliance for the first time in refinery history.

NPDES Permit Negotiation and Compliance, Garyville, LA, Marathon Ashland Petroleum, Project Manager. The petroleum refining facility permit had technology-based effluent limits developed on the basis of best professional judgment that were twice as stringent as the effluent guidelines. The facility limits for discharge were half of those for competing refineries discharging to the same receiving water. Negotiated a two-fold increase in effluent limitations by investigating 20 years of permitting history to determine the basis of the existing effluent limitations, determine the nature of the facility changes during the 20-year period, identifying an exception to the "anti-backsliding" provisions of the Clean Water Act, and negotiating revocation and re-issuance of the state (LWDPS) and federal (NPDES) discharge permits. The new effluent limitations allow the facility to operate both competitively and in compliance without having to spend an estimated \$10 million to upgrade the wastewater treatment system to meet overly conservative limitations.

NPDES Permitting – Development of BPJ Permit Limits, Baton Rouge, LA, and Houston, TX, Rhodia Inc., Project Manager

Developed technology-based effluent limits for a discharge that commingled wastestreams subject to different regulatory requirements. Best Professional Judgment (BPJ) was used to apply effluent guidelines for the Commercial Hazardous Waste Combustor (CHWC) and Inorganic Chemical Manufacturing categories to the individual wastestreams; using statistical analysis of site data and a flow-weighted approach, final outfall limits were developed for the commingled discharge outfall. This approach allowed the application of more stringent CHWC values to the incinerator scrubber wastestream and application of Best Available Treatment economically achievable (BAT) technology to the remaining wastestreams. regulated under the Inorganic Chemicals Manufacturing subcategory. The permitting rationale was reviewed and approved by the Louisiana Department of Environmental Quality, EPA Region 6, and EPA Headquarters. The same rationale was approved by the Texas Commission on Environmental Quality and successfully used to permit Rhodia's Houston, Texas facility.

WATER QUALITY STUDIES

Water Quality Experts Working Group, Hawaii Department of Health, Consultant Facilitated workgroup of 45 State of Hawaii water quality experts to review the state's Integrated Water Quality Reporting Criteria for Use Attainment Decisions for Hawaii State Surface Waters (pursuant to Clean Water Act §303(d) and §305(b)). Produced a technical document outlining the consensus among these experts for recommended changes to the assessment procedures.

Water Quality Studies, Multiple sites, Maui HI. UH Manoa Botany Department, Research Assistant Conducted studies of land-based pollutant sources and impacts on marine waters in South and West Maui. Compared the quality of ocean water and submarine groundwater seeps in areas with and without sewage injection wells. Published results in Marine Pollution Bulletin that showed evidence of pollutants from County of Maui sewage injection wells reaching the ocean and causing or contributing to the failure to attain state water quality standards. The paper included my expert opinion that these discharges were illegal under the Clean Water Act because the County has no authorization to discharge under the National Pollutant Discharge Elimination System (NPDES). <http://www.sciencedirect.com/science/article/pii/S00253226X09005232>. EPA cited the paper as evidence of illegal discharge and ordered the County of Maui to apply for a NPDES Permit which will require that pollutant discharge be limited to protect water quality and to support aquatic life and recreation. The County was subsequently sued by Earth Justice for violating the Clean Water Act; the federal district Court has upheld my professional opinion that the discharges are illegal. <http://earthjustice.org/news/press/2015/federal-court-again-finds-maui-county-in-violation-of-clean-water-act> . The decision is currently under appeal.

Watershed Planning, Southwest Maui Watershed, Maui HI. Central Maui Soil and Water Conservation District, Watershed Coordinator Provided watershed planning and water quality modeling services. Facilitated watershed advisory group in developing a watershed-based plan for the Hapapa, Wailea and Mooloa watersheds in Kihei, Wailea, and Makena (50,000 acres). Developed watershed plan and supporting documentation for reducing land-based pollution and meeting water quality goals. Project scope included more than 40 meetings over two years of stakeholder facilitation, data gathering, preliminary modeling and pollutant load estimation, and creation of a watershed characterization report and implementation plan. The state and EPA have approved the plan and initially designated the south Maui watershed planning area as a priority watershed. <http://www.mauiwatershed.org/>

Engaging West Maui Businesses in Watershed Planning, Water Resource Use Survey **Coral Reef Alliance, Consultant** Conducted a survey of 11 hotels and condominiums, reviewed their water usage and water bills, sewer user fees and their compliance with Hawaii Green Business Standards. Developed a metric called the effective water resource rate which can be used to compare the economics of different water supply strategies (e.g., public vs. private, potable vs. recycled water for irrigation) Identified need for a policy that provides incentive for private water companies to conserve water or use R-1 recycled wastewater for irrigation. While those on the County water supply are billed for wastewater fees on a water use (potable water flow) basis, therefore have an incentive to conserve and reuse water, 6 of the 11 hotels surveyed were on private water supply and thus have no financial incentive for conservation and reuse.

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Mixing Zone Validation Study, Puerto Rico, Puerto Rico Aqueduct and Sewer Authority, Project Manager. Conducted \$1.8 million ocean mixing zone validation study for five publicly owned treatment works. Prepared project Quality Assurance Project Plan (QAPP) and Sampling and Analysis Plan (SAP) for sampling 8 to 12 mixing zone locations at each facility twice per day at three depths. Clean metals sampling and analytical techniques were utilized to achieve low detections limits necessary to demonstrate compliance with water quality standards at the edge of the mixing zone. Employed global positioning systems to meet sampling location accuracy and precision requirements of CWA 301(h). Established field laboratory for clean metals sample preservation and inoculation and incubation of bacteriological samples due to holding time and logistical constraints of remote locations. Developed an alternate study approach that was more cost effective and logistically feasible than the initial study requirements developed by EPA and the Puerto Rico Environmental Quality Board.

Watershed-wide Pollutant Fate Studies, Multiple Sites, LA- LSU Center for Wetland Resources (Wetland Biogeochemistry Institute), Research Associate. Conducted coastal watershed nutrient and pollutant cycling studies; microcosm studies, and tracer studies to examine the fate of nutrients and pollutants in plant, water and sediment interactions in four Gulf Coast Water Quality Management Basins (Calcasieu, Barataria, Terrebonne and Lake Pontchartrain). Collected flow measurements, water column and sediment quality data for development of loading estimates, utilized N ¹⁵ stable isotope tracer methodology to estimate nitrification and denitrification rates. Used Cs ¹³⁷ dating to estimate sedimentation rates. Collected samples, conducted wet lab and instrumental analyses (GC, mass spec), conducted microcosm studies, prepared papers for publication.

NPDES Permitting & Receiving Water Quality Study, Coventry, RI, Hoechst Celanese Corporation, Task Leader. Developed workplan and implemented receiving water study for facility in Rhode Island to address releases of chlorobenzene and 1,2-dichlorobenzene from contaminated groundwater sources. Receiving water study included sediment and water column chemistry, benthic community assessment, sediment and water column toxicity testing, and river flow measurements. In conjunction with the receiving water study a NPDES permit application was developed for the 22 outfalls discharging to the stream. A mass balance approach was used to estimate worst case loading due to groundwater releases.

Dixon Creek Water Quality Study, Borger, TX, Conoco-Phillips Refinery, Technical Lead. Developed work plan to document water quality modeling approach, sampling and analysis plan, field data collection protocols and quality assurance project plan for water quality modeling project. Project scope included sampling and analysis for total and dissolved selenium at concentrations below 5 micrograms/liter using "Clean Metals" techniques, measurement of stream geometry and velocity, and dye studies for time of travel determinations.

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LITIGATION SUPPORT AND EXPERT WITNESS SERVICES

Litigation Support and Expert Witness Services, Maui Tomorrow Foundation and Ma'alaea Community Association

Provided expert testimony to attorney Isaac Hall, representing plaintiffs challenging the Environmental Impact Statement (EIS) for the "fast-tracked" Ohana Kai affordable housing project. The County of Maui Department of Housing and Human Concerns, as the accepting agency for the environmental review, were named as defendants. The Second Circuit Court found that the EIS was deficient in a number of ways, including the failure to address the water quality impacts of the wastewater treatment plant and injections wells, and the salination of drinking water resources.

Litigation Support and Expert Witness Services, Confidential Client, Expert Witness
Provided expert witness services to governmental client. Services included appeal of water quality certificate, negotiation of compliance agreement, and negotiation of NPDES permit limits. Developed QAPP and SAP for trace metals analysis at 31 seawater sites using EPA "clean metals" sampling and analysis techniques. Used qualitative and statistical comparisons of data to determine water quality trends and to compare reference sites to permitted discharge site.

Litigation Support and Expert Witness Services, Confidential Client, Project Manager
Provided litigation support and represented manufacturing client on Task Force comprised of potentially responsible parties proposing voluntary cleanup of an estuary. Conducted research and prepared information for use by expert witness toxicologist. Conducted an inventory of permitted discharges and mass balance of pollutants historically discharged to the estuary using data mined from permit applications and discharge monitoring reports. Mass balance served as basis for a proposed allocation strategy for natural resource damage assessment.

Expert Witness Services, Roanoke Rapids, NC, City of Roanoke Rapids, Expert Witness.
Provided expert witness services for permit appeal. Successfully negotiated resolution of contested biomonitoring conditions by the use of mixing zone studies and consideration of the accuracy and precision of toxicity testing. Resolved issues during mediation prior to evidentiary hearing.

Litigation Support and Expert Witness Services, Austell, GA, Norfolk Southern Railroad, Expert Witness. Provided expert witness services for proposed intermodal facility. Negotiated settlement agreement for contested NPDES permit. The proposed facility would discharge stormwater upstream of a municipal water intake. Through reasonable potential analysis developed water quality-based effluent limitations that were protective of the water quality and achievable by the permittee. Developed a permit incorporating best management practices, mass-based hydrograph release limitations, and water quality monitoring, which met the client's objectives, and was accepted by the downstream municipality, the Georgia Department of Environmental Protection, and EPA Region IV.

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ENGINEERING MANAGEMENT

Coastal Restoration, East and West Grand Terre Islands, LA, La. Department of Natural Resources, Project Manager Project Manager for \$2 million dollar Preliminary Engineering Report for coastal restoration. Managed project financials, subcontractors (purchase orders, invoice approval, deliverable approval) , data coordination, scheduling, and technical document production for project that included geotechnical investigation, surveying, hydrodynamic modeling, and preliminary engineering design for beach nourishment projects on East and West Grand Terre Islands, and construction of a wetland platform and marsh on East Grand Terre Island.

Fort Livingston Wave Protection, West Grand Terre Island, La. Department of Natural Resources, Project Manager Managed project financials, subcontractors (purchase orders, invoice approval, deliverable approval) , data coordination, scheduling, and technical document production for coastal restoration project that included geotechnical investigation, surveying, hydrodynamic modeling, and preliminary engineering design for wave protection measures for historic Fort Livingston.

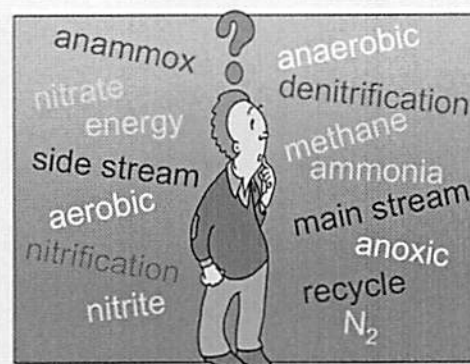
What is the Best Biological Process for Nitrogen Removal: When and Why?

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Supporting Information

ABSTRACT: Many different aerobic and anaerobic biological processes and treatment schemes are available for transforming organics and/or removing nitrogen from domestic wastewaters. Significant reductions in oxygen requirements and absence of a need for organics for nitrogen reduction are often indicated as advantageous for using the newer anammox organism approach for nitrogen removal rather than the traditional nitrification/denitrification method, the most common one in use today. However, treatment schemes differ, and there are some in which such suggested advantages may not hold. When nitrification/denitrification is used, an anoxic tank is now commonly used first and the nitrate formed by nitrification later is recycled back to that tank for oxidation of wastewater organics. This greatly reduces oxygen requirements and the need for adding organics. So when are such claims correct and when not? What factors in wastewater composition, regulatory requirements, and treatment flow sheet alter which treatment process is best to use? As an aid in making such judgments under different circumstances, the stoichiometry of the different biological processes involved and the different treatment approaches used were determined and compared. Advantages of each as well as imitations and potential opportunities for research to prevent them are presented.



INTRODUCTION

The earliest and still most prevalent biological process for removing nitrogen species from wastewaters has been nitrification/denitrification, that is nitrification of ammonia to nitrate, followed by organic reduction of the nitrate to diatomic nitrogen.¹ Out of concerns for sustainability, particularly with the energy needed to supply oxygen and the amount of organic matter needed, which might otherwise be used for producing methane fuel, other potential nitrogen removal processes have emerged. Among these is the SHARON process² in which ammonia is oxidized only to nitrite followed by denitrification. This might reduce both the oxygen and organic material requirements for denitrification. Also, in the middle 1990s, a unique group of bacteria called anammox was discovered that anaerobically converts ammonia to dinitrogen gas while using nitrite as an electron acceptor.^{3,4} In this process, only about half of the ammonia is first oxidized to nitrite by the usual ammonia oxidizing bacteria. The anammox bacteria then under anoxic conditions use this nitrite as the electron acceptor for oxidation of the other half of the ammonia, converting both to dinitrogen gas. This has been called the completely autotrophic nitrogen removal over nitrite process or CANON.⁵

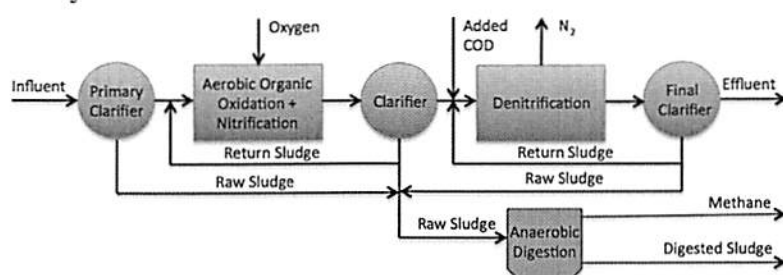
While the anammox CANON process provides similar end results to the nitrification/denitrification and SHARON processes, it could offer a significant advantage. Third et al.⁵ indicated the CANON “process consumes 63% less oxygen and 100% less reducing agent than traditional nitrogen removal

systems.” This suggested advantage has been promoted actively ever since.^{6–9} However, Daigger et al.¹⁰ indicated that if the oxidized nitrogen species are used for organic oxidation, then these claimed advantages disappear. What then are the real advantages and limitations of the different approaches, under what circumstances do they apply, and how might the disadvantages be reduced by other approaches or through further research? These issues need better clarification as we move forward in the design of wastewater treatment systems for the future and determine the most optimum processes for nitrogen removal under different situations. In order to understand differences better, a typical base-case municipal wastewater composition was assumed, and mass-balance stoichiometric analyses for a variety of conventional and nonconventional nitrogen removal processes and systems were conducted for comparison. Advantages and limitations of each are then addressed, including how the limitations might be circumvented through alternative approaches or research.

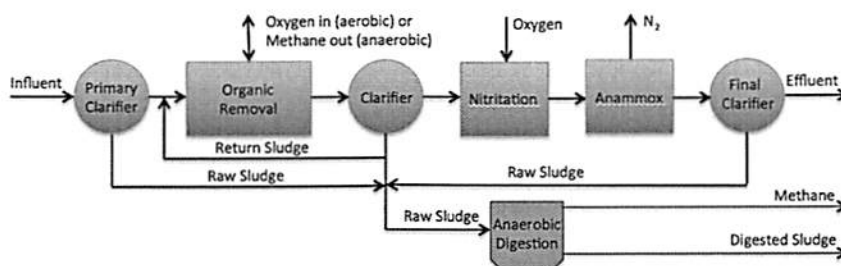
Biological Nitrogen Removal Treatment Systems Considered. Mass-balance results were examined for the four nitrogen-removal treatment systems illustrated in Figure 1. Also, seven different biological processes were used in one or more of these systems, including aerobic and anaerobic (methanogenesis) for organic removal, nitrification to either nitrite or nitrate and denitrification of the resulting waters, and

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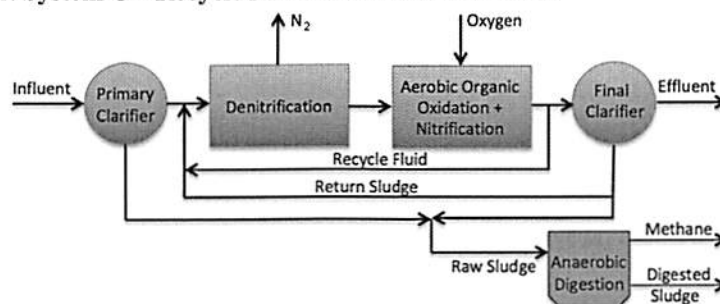
Treatment System A – Direct Line Nitrification/Denitrification



Treatment System B – Mainstream Anammox



Treatment System C – Recycle Nitrification/Denitrification



Treatment System D – Recycle Nitrification/Denitrification Plus Side-Stream Anammox

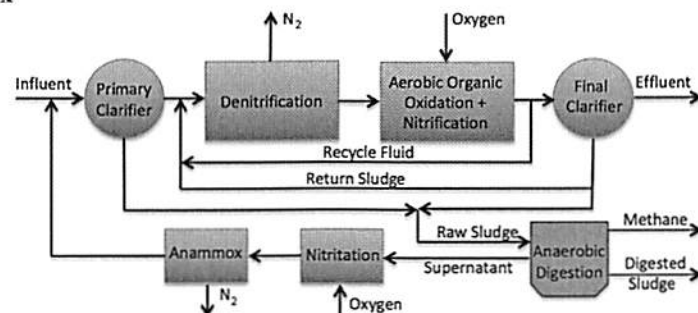


Figure 1. Schematic figures of nitrogen-removal treatment systems evaluated.

anammox, either in the side stream,¹¹ which is often used today, or in the main stream. Treatment System A represents the historical approach using a series of direct-line nitrification/denitrification processes in which aerobic organic oxidation and nitrification are accomplished first, followed by anoxic denitrification. Here, additional organic matter, commonly methanol, is added to supply the electron donor requirement for denitrification.

Treatment System B represents the new approach being explored for mainstream anammox treatment. Examined with mainstream treatment are both aerobic and anaerobic organic removal (methanogenesis) followed by anammox treatment for nitrogen removal. While neither mainstream methanogenesis nor anammox treatment may have yet reached a practical full-

scale stage, the significant potential advantages of doing so needs to be explored. Treatment Systems C and D represent the common mainstream biological nitrogen removal processes with anoxic denitrification as the first stage followed by aerobic organic and nitrogen oxidation, and then recycle of oxidized nitrogen species back to the anoxic reactor for denitrification to N_2 . System D processes also include side-stream anammox treatment.

Mass balances for the biological processes involved were obtained using oxidation–reduction half reactions and biological reaction stoichiometry as outlined elsewhere.¹ Details of equation construction are outlined in the Supporting Information (S1). The assumed characteristics of the typical municipal wastewater used in the base-case analyses are

Table 1. Base-Case Assumptions for Wastewater Characteristics, Biological Reactions, Organism Growth Rate Parameters, and Biological Treatment Efficiencies

base case wastewater characteristics					
characteristic	concentration				
BOD _L	400 mg/L				
VSS	200 mg/L				
VSS Org-N	20 mg/L				
NH ₃ -N	30 mg/L				
COD/VSS ratio	1.42 gCOD/g VSS				
Base Case Biological Assumptions ^a					
A. the empirical formula for biomass is C ₅ H ₇ O ₂ N					
B. primary settling removes 65% of volatile suspended solids (VSS) and 35% of BOD _L					
C. the assumed biodegradable portion of VSS is $0.35(400)/(0.65(1.42)(200)) = 75.8\%$					
D. operational criteria for different biological reactions are as given below					
reaction	f_i	b d ⁻¹	SRT d	f_i net	treat. eff. %
Aerobic Organic Oxidation					
B1 System	0.555	0.05	6	0.449	95
A, C, and D systems	0.555	0.05	12	0.385	95
organic methanogenesis	0.080	0.03	70	0.037	95
ammonia oxidation to nitrite	0.090	0.05	12	0.063	90
nitrite oxidation to nitrate	0.070	0.05	12	0.049	90
ammonia oxidation to nitrate	0.080	0.05	12	0.056	90
Denitrification of Nitrite or Nitrate to N ₂					
A systems	0.500	0.05	6	0.408	95
C and D systems	0.500	0.05	12	0.350	95
anammox	0.080	0.05	20	0.0480	95

^a f_i represents the maximum fraction of donor substrate converted to cells and f_i net represents an actual decreased value of that fraction depending upon SRT, the solids retention time, and b , the assumed organism decay rate.

contained in Table 1. Rather than using process kinetics, efficiencies of treatment were assumed for conversions by each biological process, and of suspended solids and BOD removals by the primary and secondary clarifiers. For the base case, a wastewater flow rate of 4,000 m³/d was taken along with an influent ultimate biochemical oxygen demand (BOD_L) of 400 mg/L. This rather than the traditional 5-day BOD (BOD₅) was used in order to make mass balances directly. This BOD_L corresponds to a BOD₅ of 273 mg/L assuming a typical first order conversion rate 0.23 d⁻¹. An influent total nitrogen concentration of 50 mg/L was used, yielding an influent BOD_L/N ratio of 8.0.

Base-Case System Comparisons. Of particular interest for each system examined are the total nitrogen removal efficiency, the effluent nitrogen concentrations, the oxygen requirements for nitrogen and organic transformations, the waste digested biosolids production, the methane gas production, and the organic mass (COD) added if needed for denitrification. Also included is the ratio of the energy resulting from methane combustion to that required for supplying oxygen (CH₄/O₂ energy ratio). Values used were 9.92 kWh/m³ (STP) for methane combustion¹² and 1.00 kWh/kg for oxygen usage.¹³

Results for the base cases with both 65 and 100% volatile suspended solids (VSS) removal through primary sedimentation are contained in Table 2. Jetten et al.¹⁴ in 1997 suggested use of 100% chemically enhanced primary removal for aerobic mainstream biological treatment in order to achieve maximum methane production along with efficient nitrogen removal. There are other approaches used or proposed to enhance mainstream organic capture for anaerobic digestion, for

example the use of a first or A-stage high-rate activated sludge treatment, which is then applied with a second or B-stage conventional activated sludge^{15,16} or with contact stabilization.¹⁷ Either system might also be combined with anammox treatment. These other processes reduce the need for chemicals for enhanced settling, but come with perhaps more uncertainty in treatment efficiency. Based upon reported results there appear to be relatively little difference between them in organics captured, and so 100% primary treatment was selected here to represent this group because of greater ease in calculation.

Cases A through D represent the four different systems depicted in Figure 1. For cases A, C, and D, results for nitrification to nitrate (nitrification) and nitrite (nitritification) are shown in Table 2, while for Case B, results for aerobic and anaerobic mainstream organic oxidation together with anammox treatment are listed. Not listed are calculated BOD removals, which were over 98% for all. A Cases with direct line nitrification/denitrification are the least environmentally sound, require large quantities of added COD, have the greatest oxygen demand, and produce the most digested biosolids for handling and disposal. A sole advantage is that System A1 has the highest percentage of total nitrogen removal among the systems. While perhaps easier to operate reliably, the high capital, operating, and environmental costs make A systems the most undesirable choices.

A Systems A1/B1 comparison illustrates the advantage often claimed for anammox treatment. The need for COD addition is removed, total oxygen requirement is reduced 25–40% and digested biosolids production by 8–19%, benefits that are offset somewhat by the 6–13% lower methane production and the lower total nitrogen removal.

Table 2. Base Case Results for 65 and 100% Primary Suspended Solids Removal

sys.	treatment	N rem.	add. COD	O ₂ used	dig. bio- solids	CH ₄ m ³ /d	CH ₄ /O ₂	effluent N – mg/L			
		%	kg/d	kg/d	kg/d	STP	ER	Org	NH ₃	NO ₂ [–]	NO ₃ [–]
A. 65% Primary Suspended Solids Removal											
Direct Line Nitrification/Denitrification											
A1	nitratification	98	724	1272	468	297	2.3	0.9	0.0	0.0	0.0
A2	nitritification	94	420	1112	424	280	2.5	0.7	0.6	1.8	0.0
Mainstream Anammox											
B1	aer. org. oxid.	93		832	388	258	3.1	0.6	0.4	1.0	1.4
B2	methanogenesis	93		320	252	526	16.3	0.2	0.5	1.1	1.5
Recycle Nitrification/Denitrification											
C1	nitratification	85		960	372	252	2.6	0.1	0.7	0.0	6.8
C2	nitritification	85		928	372	252	2.7	0.1	0.7	6.8	0.0
Recycle Nitrification/Denitrification Plus Side-Stream Anammox											
D1	nitratification	90		936	372	252	2.7	0.1	0.5	0.0	4.6
D2	nitritification	90		916	372	252	2.7	0.1	0.5	4.5	0.0
B. 100% Primary Suspended Solids Removal											
Direct Line Nitrification/Denitrification											
A1	nitratification	99	744	1120	452	375	3.3	0.0	0.0	0.0	0.0
A2	nitritification	94	432	936	408	358	3.8	0.3	0.6	1.9	0.0
Mainstream Anammox											
B1	aer. org. oxid.	93		672	364	336	5.0	0.4	0.6	1.0	1.4
B2	methanogenesis	93		308	268	526	16.9	0.1	0.7	1.1	1.5
Recycle Nitrification/Denitrification											
C1	nitratification	85		784	352	330	4.2	0.1	0.8	0.0	6.9
C2	nitritification	85		752	352	330	4.4	0.1	0.8	6.9	0.0
Recycle Nitrification/Denitrification Plus Side-Stream Anammox											
D1	nitratification	91		752	352	330	4.4	0.1	0.4	0.0	4.1
D2	nitritification	91		732	352	330	4.5	0.1	0.4	4.0	0.0

The most environmentally friendly is System B2 with mainstream anaerobic organics removal followed by anammox treatment. Here, oxygen requirement is only 38–46% of that for System B1 and digested biosolids production is only 65–74%, while methane for energy production is more than twice that of any other B through D system. On the negative side, efficient full-scale mainstream anaerobic treatment of domestic wastewater in temperate climates has not yet been demonstrated, and neither has anammox treatment. But there appear to be no insurmountable hurdles for accomplishing this.

While full-scale anaerobic domestic wastewater treatment is being used in tropical regions, the organics removal is typically only 60–80%,¹⁸ requiring further effluent treatment. But efficient mainstream anaerobic treatment of dilute wastewaters has now been demonstrated at pilot scale using membrane bioreactors, even at temperatures down in the 10 °C range.¹⁹ Similar comments can be made for the anammox process. Lower oxygen and biosolids production with increased methane production should lower operational costs. Construction costs are likely to be reduced as well because of the reduced size needed for anaerobic digestion of biosolids, and the absence of need with a membrane bioreactor for final

clarifiers and filtration. For both systems, further research directed toward system optimization, improvement in reliability, and cost reduction is necessary.

Additional concerns with mainstream anaerobic treatment are the need for lower energy membrane fouling control, increased membrane flux, and management of effluent dissolved methane.¹⁵ With low influent COD concentrations in the 250 mg/L range, dissolved methane may represent 40–60% of the total methane production. The higher the influent COD and temperature, the less dissolved methane that results. Methane is a greenhouse gas with warming potential 25 times that of CO₂. Economical and energy-efficient dissolved methane removal and use must be found for this system to be environmentally sound. Methane is a poorly soluble gas and there are several potential methods for its removal²⁰ – the best approach environmentally is yet to be determined.

Systems C and D represent the traditional nitrification/denitrification approach in wide use today. Systems C1 and D1 provide the usual approach of nitrification to nitrate, whereas C2 and D2, that to nitrite. The nitrogen removal efficiency in these systems is a function of the recycle rate, the higher the recycle the higher the removal efficiency. However, recycle

Table 3. Systems C and D Minimum BOD_L/N Ratios with 65 and 100% Primary VSS Removal Efficiencies, 50 mg/L of Influent total N Concentration, And Recycle Ratio of 5:1

system	treatment	65% primary settling			100% primary settling		
		N rem. %	minimum BOD _L mg/L	influent BOD _L /N ratio	N rem. %	minimum BOD _L mg/L	influent BOD _L /N ratio
Recycle Nitrification/Denitrification							
C1	nitrification	84	258	5.2	84	326	6.5
C2	nitrification	83	164	3.3	83	208	4.2
Recycle Nitrification/Denitrification Plus Side-Stream Anammox							
D1	nitrification	86	222	4.4	87	260	5.2
D2	nitrification	85	148	3.0	86	179	3.6

requires energy, brings back dissolved oxygen from the aeration reactors, decreasing the COD that can be used for denitrification, and other factors. Ekama and Wentzel²¹ discussed such limitations, suggesting a typical optimal recycle rate of 5, the one used in this analysis. But an approach has been suggested by Kartal et al.²² to reduce the energy requirements associated with recycle—that is the use of an aerobic/anoxic sequencing batch reactor with readily settling granular sludge, with results recently reported for a full-scale system.²³

The Table 2 comparison between mainstream aerobic organic oxidation with anammox System B1 and all of the C and D systems indicates much less benefit of mainstream anammox treatment than commonly indicated in the literature. While System B1 offers an oxygen reduction benefit of 12–17%, it offer no significant advantage in either digested biosolids production, methane production, or absence of need for added COD. System B1 does benefit from a higher total nitrogen removal capability (93 versus 85–90%). But it has many disadvantages such as slow growth rate of organisms, sensitivity to high nitrite and other environmental conditions, and difficulty in maintaining just the right amount of oxygen. With too little oxygen, ammonia removal becomes limiting, with too much oxygen, nitrate production results in low removal as well. With high daily variations in influent nitrogen, adjusting oxygen delivery to just the right nitrogen concentration becomes difficult. However, this is not a significant problem with the traditional nitrification/denitrification process with recycle.

Comparisons between normal and enhanced primary VSS removal results for Systems C and D (Table 2) illustrates the potential advantages of enhanced primary removal and also of side stream anammox treatment. Sending 100% of influent suspended solids to the digester reduces oxygen consumption by 18 to 20%, digested biosolids production by 6–7%, and increases methane production by 28–30%. But while side-stream anammox treatment increases the amount of total nitrogen removal by 5 or 6%, changes for comparable nitrification systems in digested biosolids, methane, and oxygen are not significant.

Table 2 data for effluent nitrogen concentrations illustrate the expected formation of effluent nitrate in systems with nitrification and nitrite in systems with nitrification. Nitrite is an unstable and inhibitory nitrogen species, and also its presence can lead to the production of nitrous oxide, a significant greenhouse gas. While perhaps offering some advantages, the potential greenhouse gas formation from use of nitrification for the mainstream needs to be examined. Also of note is that when anammox treatment is used, both effluent nitrite and nitrate result. Nitrite is the electron acceptor used in the process, while nitrate is formed as anammox organisms

oxidize some nitrite to nitrate while reducing carbon dioxide to organic carbon during synthesis.⁵

Table 2 also contains CH₄/O₂ Energy Ratios for all processes. Efficiency of methane combustion to form electricity is 25–35%. For example, a ratio of 3.3 would result if the efficiency were 30%. Such an energy ratio would thus be needed to produce enough electricity to satisfy the need for oxygen production. That would be met in all cases with 100% primary settling, but not quite with 65% settling, except with anaerobic System B2. However, total energy costs for treatment may be twice that, in which case only System B2 would meet the total need as its energy ratio is above 16. However, this assumes that an energy efficient method for recovery of dissolved methane is developed. Also assumed is an influent with no sulfate, otherwise its presence and reduction would reduce the amount of organics available for methanogenesis, another complexity that requires evaluation when making choices.

Best Processes for Use With Low Influent BOD_L to Nitrogen Ratios. The above comparisons apply only for the base case BOD_L/N ratio of 8.0 in which there is sufficient organics to satisfy the need for traditional nitrification/denitrification. But the major advantage of anammox treatment comes when the influent BOD_L/N ratio is too low to satisfy that need. What is too low is the significant question to be answered, but seldom is adequately addressed. Daigger¹⁰ illustrated that the theoretical required BOD_L/N ratio would be 3.4–4.0 with nitrification, 2.0–2.5 with nitrification and 0.5 with anammox. These are useful values for guidance, but both wastewater compositions and biological treatment systems are complex. What ratios then apply? How might side-stream anammox treatment affect these values? Also, wastewater contains other forms of nitrogen than ammonia, especially organic nitrogen, which is only partially available for biotransformation, adding to the complexity. Influent organics do not affect nitrogen removals in Systems A and B, only affected are Systems C and D. In order to examine the limiting BOD_L/N ratio for these Systems, the total nitrogen concentration was maintained at 50 mg/L, while the influent BOD_L was lowered until it became limiting. Also assumed is that the influent ratio of VSS/BOD_L was maintained at 0.5 and the ratio of organic nitrogen to VSS ratio was maintained at 0.1 as in the base case. This resulted in an increase in ammonia nitrogen as the BOD_L/N ratio was lowered.

The results are summarized in Table 3. With nitrification, the minimum BOD_L/N ratio varied from 4.4 to 6.5, while with nitrification a lower ratio of 3.0–4.2 was obtained. These values are all about 50% higher than the theoretical values by Daigger¹⁰ as would be expected since much organics are removed through primary treatment. The more efficient the primary treatment, the higher will be the minimum BOD_L/N

ratio. Use of side stream anammox reduced the BOD_5/N ratio by 10–14% with 65% primary settling and 14–20% with 100% settling. Oxygen requirements are not shown in Table 3, nor are digested biosolids or methane productions, all of which would proportionately decrease with decreasing BOD_5/N ratio.

■ DISCUSSION

The question of what is the best biological processes to use for nitrogen removal for municipal wastewater treatment is important for future development as there are various emerging processes that may impact significantly on sustainability, particularly with respect to resource use and climate change impacts. By far the best process examined in this context is System B2, mainstream anaerobic treatment followed by mainstream anammox treatment. It far excels all the others in net energy production while greatly reducing biosolids handling needs. Nitrogen removal is also not affected in this process by a low influent BOD_5/N ratio. However, only recently has the anaerobic side of this system been demonstrated successfully at pilot scale with anaerobic membrane bioreactors. Before full-scale application, further research is needed to develop an energy-efficient method for dissolved methane recovery, to evaluate the best membranes for use, to reduce membrane fouling, and to address other concerns such as effluent sulfides. Also to consider are the less effective but already available and commonly mentioned alternative approaches of chemically enhanced primary treatment or high rate activated sludge. Mainstream anammox treatment could be attractive for nitrogen removal in these cases as well.

But efficient and reliable mainstream anammox treatment is yet to be demonstrated. Complexities here include slow organism growth, temperature effects, and the difficulties in balancing oxygen supply with the significant nitrogen diurnal variations that occur in the mainstream. Too little oxygen results in low ammonia removal efficiency, too much oxygen results in excess nitrate production. But because of the significant potential environmental benefits of this combination of newer processes, research to better speed full-scale development would appear to be an urgent need.

Use of mainstream anammox treatment together with aerobic organic oxidation is also often promoted with the claim that this reduces oxygen needs significantly as well as the need for organics for nitrogen reduction so that more would be available for methane production. That may be true if one were only considering the highly inefficient System A1 direct-line nitrification/denitrification process, but not nearly as true when one has a wastewater with a sufficiently high influent BOD_5/N ratio and uses one of the more sustainable nitrification/denitrification Systems C and D that are in common use today. What is a sufficiently high BOD_5/N ratio? The base case municipal wastewater considered here had a ratio of 8.0, which was sufficient even when coupled with enhanced primary settling of 100%. Here, even lower ratios, perhaps as low as 6.0 might be used if side-stream anammox treatment were used along with mainstream nitrification to nitrate. If ratios were even lower than that, then mainstream anammox treatment with aerobic organic oxidation would become attractive.

Another important feature of Systems C and D is that through modification they are being used successfully today for phosphate removal as well, something not yet demonstrated with mainstream anammox treatment. Chemically enhanced primary treatment also provides phosphorus removal as well, as can chemical treatment of some sort if added to any of the

treatment systems examined. Adding a denitrification and an aerobic stage after initial nitrification as in the four-stage Bardephe process²⁴ can also be used to increase nitrogen removal efficiency over that demonstrated here as well as to reduce the recycle ratio.

Finally, whatever the system used, biological nitrogen removal is an energy-intensive process. Much better when the opportunity exists is to use the treated wastewater for agriculture and to leave the nitrogen in the ammonia form as is being practiced in Monterey, California for safe and reliable irrigation of raw vegetables. About 7% of the world's natural gas production in 1990 was used to convert atmospheric nitrogen to fertilizer.²⁵ Our use at wastewater treatment plants of energy through aeration to send the nitrogen back to the atmosphere appears wasteful if it can be avoided. More research on other approaches for using rather than losing this valuable resource is also needed.

■ ASSOCIATED CONTENT

Supporting Information

The Supporting Information is available free of charge on the ACS Publications website at DOI: 10.1021/acs.est.7b05832.

Development of stoichiometric equations for each biological process used (PDF)

■ AUTHOR INFORMATION

Corresponding Author

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Perry L. McCarty: 0000-0002-7031-0106

Notes

The author declares no competing financial interest.

■ REFERENCES

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From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 2:14 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Paul Ackrill
Sent: Friday, September 20, 2019 2:14:00 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Paul Ackrill and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Paul Ackrill
6154 Kalaniana'ole Hwy
Honolulu, HI 96821

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 8:51 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 11:26
OFFICE OF THE
COUNTY CLERK

From: Jan Adam
Sent: Thursday, September 19, 2019 8:50:51 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Jan Adam and I live in Honolulu.

Our water is our life. Return the water rights to the people not the corporations.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Jan Adam
2365 Palolo Ave
Honolulu, HI 96816

County Clerk

From: Melinda Ahn <Melinda.Ahn.8044509@p2a.co>
Sent: Wednesday, September 18, 2019 9:12 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Melinda Ahn and I live in Kaneohe.

Please help protect my family from all the cancer causing chemicals that are used on our food supply!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Melinda Ahn
47 Okana Pl
Kaneohe, HI 96744

RECEIVED
2019 SEP 18 AM 11:21
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kat Aina <Kat.Aina.103757511@p2a.co>
Sent: Wednesday, September 18, 2019 9:04 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Kat Aina and I live in Hilo.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Kat Aina
1299 Kekuanaoa St
Hilo, HI 96778

RECEIVED
2019 SEP 18 AM 11:21
OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 11:17 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: TERRY AKANA
Sent: Friday, September 20, 2019 11:16:50 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is TERRY AKANA and I live in Kapolei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
TERRY AKANA

Kapolei, HI 96707

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:41 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Natalie Alexander
Sent: Wednesday, September 18, 2019 10:40:30 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Natalie Alexander and I live in Kaneohe.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Natalie Alexander
46-70 Konane Pl
Kaneohe, HI 96744

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Laura Alskog <Laura.Alskog.16457584@p2a.co>
Sent: Wednesday, September 18, 2019 8:40 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Laura Alskog and I live in Kailua.

Do the right thing!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Laura Alskog
827A Oneawa St
Kailua, HI 96734

RECEIVED
2019 SEP 18 AM 11:17
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:55 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: marluy@everyactioncustom.com <marluy@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 11:36 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Marluy Andrade
618 Hana Hwy Paia, HI 96779-9733
marluy@thebeastandspoon.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:10 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: doomasphotos@everyactioncustom.com <doomasphotos@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 10:12 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Damian Antioco
200 Hui Rd F Lahaina, HI 96761-9195
doomasphotos@hotmail.com

County Clerk

From: Diane Appler <dianeappler@gmail.com>
Sent: Thursday, September 19, 2019 2:22 PM
To: County Clerk
Subject: Injection wells

I support the action to settle the Lahaina Injection Wells lawsuit and abide by the clean water act. Use the money spent on lawyers to do the right thing for Hawaiians and our creatures, and ultimately the world.

With Aloha

Diane Appler
3418 Kuaua Place
Kihei, Maui, Hawaii

+1 408-314-1627

RECEIVED
2019 SEP 19 PM 2:49
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:54 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 AM 8:12
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: annieaustin@everyactioncustom.com <annieaustin@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:06 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Anna Austin
910 Riverside Dr Salisbury, MD 21801-6158 annieaustin@outlook.com

RECEIVED

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 5:23 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

2019 SEP 19 AM 8:10

OFFICE OF THE
COUNTY CLERK

From: Thomas Baldwin
Sent: Wednesday, September 18, 2019 5:22:58 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Thomas Baldwin and I live in Makawao.

Just drop it. Please protect our water here on the island and nationally.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Thomas Baldwin

Makawao, HI 96768

From: Kelly King
Sent: Friday, September 20, 2019 2:34 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: annamaui2008@everyactioncustom.com <annamaui2008@everyactioncustom.com>
Sent: Friday, September 20, 2019 2:28 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

****(non generic message below)***

BIG MAHALO for committing to acknowledging serious environmental concerns which indeed does affect ALL OF US & our world (trickle down effect). So obvious when local government representatives wuss out & kow tow to corporate greed, outside development, fear & \$\$ rather than constituents & common sense. Mahalo for validating our trust.

Sincerely,
Anna Barbeau
PO Box 965 Lahaina, HI 96767-0965
annamaui2008@yahoo.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:41 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Lahela Barcenilla
Sent: Wednesday, September 18, 2019 6:40:46 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Lahela Barcenilla and I live in Kailua.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Lahela Barcenilla
73-1079 Ahulani St
Kailua, HI 96740

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:34 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Bruce Baum (shebaum@jps.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 6:21 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mr. Bruce Baum
12 Puailima Pl. #1
Lahaina, HI 96761
shebaum@jps.net

(808) 283-1756

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:13 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1:56
OFFICE OF THE
COUNTY CLERK

From: Katy bayly
Sent: Wednesday, September 18, 2019 1:12:38 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Katy bayly and I live in Paauilo.

Make Maui water clean again. Do not take this issue to the Supreme Court. Settle NOW!!!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Katy bayly
43-1355 Mamalahoa Hwy
Paauilo, HI 96776

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:59 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:13
OFFICE OF THE
COUNTY CLERK

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

From: baylyk001@everyactioncustom.com <baylyk001@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 1:29 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms. katy bayly
36 -2812 HAWAII BELT Rd Laupahoehoe, HI 96776 baylyk001@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 8:26 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:16

OFFICE OF THE
COUNTY CLERK

From: Alex Beers
Sent: Wednesday, September 18, 2019 8:26:20 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Alex Beers and I live in Wailuku.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Alex Beers

Wailuku, HI 96793

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:16 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Ruthie Bernaert
Sent: Wednesday, September 18, 2019 12:15:48 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ruthie Bernaert and I live in Honokaa.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ruthie Bernaert
46-4091 Old Mamalahoa Hwy
Honokaa, HI 96727

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:47 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1: 57
OFFICE OF THE
COUNTY CLERK

From: Bobbie Best
Sent: Wednesday, September 18, 2019 1:46:52 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Bobbie Best and I live in Wailuku.

Be pono

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Bobbie Best
280 Hauoli St
Wailuku, HI 96793

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:32 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:16

OFFICE OF THE
COUNTY CLERK

From: Robyn Blaisdell
Sent: Wednesday, September 18, 2019 11:32:12 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Robyn Blaisdell and I live in Makawao.

I believe this is a no-brainer, folks. EVERYBODY needs clean water. There is NOT ONE of us that is for polluting the ocean in any manner. The marine life can't live in polluted waters without becoming poisoned; people that fish in the ocean and then eat them have health problems and get sick. Our coral reefs are being bleached and look horrible. I don't want to swim in wastewater, do you?

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Robyn Blaisdell
735 Kekona Place
Makawao, HI 96768

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:40 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Lorraine Borden
Sent: Wednesday, September 18, 2019 10:39:41 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Lorraine Borden and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Lorraine Borden
434 Kuamoo St
Honolulu, HI 96707

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:26 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Blair Boucher <Blair.Boucher.80490685@p2a.co>
Sent: Wednesday, September 18, 2019 8:37 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Council Chair Kelly T. King,

Hi, my name is Blair Boucher and I live in Keaau.

We in Hawaii must stand as an example as stewards of the Aina and the Ocean. The environment. This is what is important. Do the right thing for the people of Hawaii, the Nation, the Planet. Mahalo.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Blair Boucher
HC 3 Box 14034
Keaau, HI 96749

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:55 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Jonathan Boyne
Sent: Wednesday, September 18, 2019 10:55:11 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Jonathan Boyne and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Jonathan Boyne
2013 Kakela Dr
Honolulu, HI 96822

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Alan Bradbury <Alan.Bradbury.60994912@p2a.co>
Sent: Wednesday, September 18, 2019 8:42 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Alan Bradbury and I live in [@advCity].

Friends, All decisions should be made with a sustainable future in mind. It is a shame this issue was not handled properly years ago.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Alan Bradbury
10600 Hana Hwy
, HI 96708

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Bo Breda <Bo.Breda.15730130@p2a.co>
Sent: Wednesday, September 18, 2019 9:10 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Bo Breda and I live in Pahoia on the big island.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Bo Breda
13-927 Kahukai St
Pāhoia, HI 96778

RECEIVED
2019 SEP 18 AM 11:21
OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 5:34 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:10
OFFICE OF THE
COUNTY CLERK

From: Laura Brewington
Sent: Wednesday, September 18, 2019 5:33:53 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Laura Brewington and I live in Kailua.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Laura Brewington

Kailua, HI 96734

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:31 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: jeffreyudv@everyactioncustom.com <jeffreyudv@everyactioncustom.com>
Sent: Thursday, September 19, 2019 7:11 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Jeffrey Bronfman
630 E Kuiaha Rd Haiku, HI 96708-5438
jeffreyudv@aol.com

From: Kelly King
Sent: Friday, September 20, 2019 9:09 AM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: leilanibc@everyactioncustom.com <leilanibc@everyactioncustom.com>
Sent: Friday, September 20, 2019 6:09 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms. Leilani Bronson Crelly
HC 3 Box 13574 Keaau, HI 96749-9228
leilanibc@hotmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 4:22 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 PM 4:25
OFFICE OF THE
COUNTY CLERK

From: Aimee Brown
Sent: Thursday, September 19, 2019 4:21:31 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Aimee Brown and I live in Kilauea.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Aimee Brown

Kilauea, HI 96754

County Clerk

From: Ron Brown <Ron.Brown.81993541@p2a.co>
Sent: Wednesday, September 18, 2019 8:42 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ron Brown and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ron Brown
2749 Hipawai Pl
Honolulu, HI 96822

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:33 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: pamela burrell
Sent: Wednesday, September 18, 2019 12:32:44 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is pamela burrell and I live in Kilauea.

You wouldn't want sewage spewing out in you house would you? It sounds awful doesn't it? You would fix that wouldn't you?

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
pamela burrell

Kilauea, HI 96754

County Clerk

From: Tom Calhoun <Tom.Calhoun.149368108@p2a.co>
Sent: Wednesday, September 18, 2019 9:19 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Tom Calhoun and I live in Makawao.

Please do NOT postpone the inevitable, settle!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Tom Calhoun
3145 Baldwin Ave
Makawao, HI 96768

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:18 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 PM 4: 24
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: mauisam006@everyactioncustom.com <mauisam006@everyactioncustom.com>
Sent: Thursday, September 19, 2019 3:35 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Thank you for using our county finances to clean up the water rather than on costly lawyers.

Sincerely,
Samantha Campbell
590 Stable Rd Apt C Paia, HI 96779-8123
mauisam006@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:49 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Stephen Canham
Sent: Wednesday, September 18, 2019 11:48:43 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Stephen Canham and I live in Kaneohe.

Clean water is under attack by the Trump administration. Please don't unwittingly abet their agendas.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Stephen Canham
46-156 Nahiku Pl
Kaneohe, HI 96744



MAUI CHAPTER
HAWAII SOCIETY OF
PROFESSIONAL ENGINEERS

RECEIVED
HSPE Maui Chapter
P.O. Box 4119
Kahului, HI 96733
2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

DATE: August 30, 2019
TO: The Honorable County Council of the County of Maui
SUBJECT: Hawaii Wildlife Fund et al. v. County of Maui, GET-26

Honorable Council,

The Maui Chapter of the Hawaii Society of Professional Engineers is writing you today to urge you NOT to withdraw from the injection well lawsuit(s) against the County. Settling the case will not benefit the County or its constituents.

Communities and government agencies from ACROSS the United States are eagerly awaiting a final ruling from the Supreme Court in order to better understand HOW to uphold the Clean Water Act and the Safe Drinking Water Act, and which systems require an NPDES permit.

Maui residents, whether engineers or of other professions, are not aiming to pollute our water (groundwater or ocean). The engineering community is working to help the County find reasonable solutions to address the issues raised by the injection wells. Of the available options, ocean outfalls are not preferred due to their impact to the environment during both construction and use. Another disposal alternative would be land treatment system. However, without clarity from the higher courts, it is hard to estimate which specific disposal system would be legal and which may suffer from future litigation. The existing court definitions do not clearly identify which disposal systems require an NPDES. Without an answer from the higher courts, the County may invest in new wastewater disposal systems which may later be found controversial and again be subject to litigation.

NPDES permits may also be required for individual cesspool systems. While off the record DOH may have stated that they would not enforce the rules on individual home owners, the EPA is ultimately the deciding agency. If the legal case is settled before reaching the Supreme Court, the EPA has indicated that they would have to uphold the current court decision in all cases, including residential cesspools. The state of Hawaii has approximately 88,000 cesspools in operation and the impact of upgrading all cesspools to homewoners throughout the islands would add up to billions of dollars.

As part of the engineering licensing exam, we have vowed to do our best to protect the health and safety of the public. The public will not benefit from settling in these cases. Without a clear path forward, a lot of money and time will be wasted on solutions that may later be interpreted as inadequate. Taxpayers may see their taxes spent on an insufficient transition away from the



TM MAUI CHAPTER
HAWAII SOCIETY OF
PROFESSIONAL ENGINEERS

HSPE Maui Chapter
P.O. Box 4119
Kahului, HI 96733

injection wells currently used at all five of the County's wastewater treatment reclamation facilities.

Regardless of how the Courts rule, please continue to support the appeal of the lawsuit in order to provide the Nation with the clarity needed to move forward in order to better protect our waters.
By water all things find life.

Sincerely,

A handwritten signature in black ink that reads "Troy Ching". The signature is written in a cursive, flowing style.

Troy Ching, P.E., Maui Chapter President
Hawaii Society of Professional Engineers

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:15 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Camille Chong
Sent: Wednesday, September 18, 2019 6:15:05 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Camille Chong and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Camille Chong
1617 Young St
Honolulu, HI 96826

County Clerk

From: Mel Choy <Mel.Choy.11549631@p2a.co>
Sent: Wednesday, September 18, 2019 9:45 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Mel Choy and I live in Kaneohe.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Mel Choy
45-396 Kamehameha Hwy
Kaneohe, HI 96744

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:19 PM
To: County Clerk
Subject: FW: Withdraw the Petition of Appeal

RECEIVED
2019 SEP 19 PM 4:24
OFFICE OF THE
COUNTY CLERK

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Chuck S <Chuckster78@outlook.com>
Sent: Thursday, September 19, 2019 2:35 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Withdraw the Petition of Appeal

County Clerk

From: Eve-lynn Civerolo <Evelynn.Civerolo.107082200@p2a.co>
Sent: Wednesday, September 18, 2019 8:40 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Eve-lynn Civerolo & I live in Makawao Hawaii!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Eve-lynn Civerolo
2667 Iolani St
Makawao, HI 96788

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

From: Irina C <irinac42@gmail.com>
Sent: Wednesday, September 18, 2019 1:21 PM
To: County Clerk
Subject: Testimony for County Council's meeting on Friday 9/20

RECEIVED

2019 SEP 18 PM 1: 57

OFFICE OF THE
COUNTY CLERK

Below is my testimony regarding the Injection Wells Case(s) which will be discussed (again) on Friday.
Mahalo for your consideration.

Honorable Council,

My name is Irina Constantinescu and I am an environmental engineer. I am writing you today to again urge you NOT to withdraw from the lawsuit against the County regarding the injection wells. I became an environmental engineer because I want to leave the world a little better than I found it. Throughout the years, I have worked on various projects which improved our water quality, reduced the chance of wastewater spills, and protected native species throughout the islands. However, dropping these lawsuits is not the answer. Whether or not the County wins, the environmental and the engineering communities need clarification from the higher courts. Please allow me to explain as best I can.

None of us want to pollute our water (groundwater or ocean) and the engineering community is trying to find reasonable solutions to address the issues raised by the injection wells. Other disposal options would be ocean outfalls or some version of land treatment, all of which would highly minimize the impact our waste has on the environment. Ocean outfalls would need to be built under the reef and extend thousands of feet into the ocean to reach an area where the currents could provide enough dilution to meet current permit requirements. Land treatment would provide additional treatment before the treated water would very slowly percolate through the ground. However, without clarity from the higher courts, it is hard to estimate which specific disposal system would be legal and which may suffer from future litigation. Without an answer from the higher courts, the County may invest in new disposal systems which may later be found controversial and be again subject to litigation.

NPDES permits may also be required for individual cesspool systems. While off the record DOH may have indicated that they would not enforce this on individual home owners, the EPA is ultimately the deciding agency. If the legal case is settled before reaching the Supreme Court, the EPA has indicated that they would have to uphold the current court decision in all cases, including residential cesspools. The state of Hawaii has approximately 88,000 cesspools in operation and the impact of upgrading all cesspools to homewoners throughout the islands would add up to billions of dollars.

I write to you this week as a concerned citizen and a diligent engineer. As part of the engineering licensing exam, I have vowed to do my best to protect the health and safety of the public. Whether or not the County wins the lawsuit, the County's constituents, including myself, would be winners by simply knowing the right course of action. Taxpayers will see their taxes spent on the correct transition away from the injection wells currently used at all 5 of the County's wastewater treatment reclamation facilities. Without a clear path forward, a lot of money and time will be wasted on solutions that may later be interpreted as inadequate.

As a member of the National Society of Professional Engineers, I have heard communities from across the US express concern over the need for an answer from the Supreme Court. I am certain you have received additional support to continue to the lawsuit from agencies (both private and government) from across the US. I hope you realize that the County is not going against the Clean Water Act and the community at large is not seeing the County of Maui as a rule-breaking institution. Communities and government agencies from ACROSS the United States are eagerly awaiting a final ruling from the Supreme Court in order to better understand HOW to uphold the Clean Water Act and the Safe Drinking

Water Act, and which systems required an NPDES permit. Regardless of how the Courts rule, please continue to support the appeal of the lawsuit in order to provide the nation with the clarity needed to move forward in order to better protect our waters. *By water all things find life.*

Sincerely,

Irina Constantinescu, PE

irina.constantinescu@gmail.com

(808)419-0142

49 Kokea St Unit 1103

Wailuku, HI 96793

COOKSYNERGY

Maui County Council
County.clerk@mauicounty.us

Thomas Cook
CookSynergy

Dear Sir or Madam Clerk:

RECEIVED
2019 SEP 19 AM 11:26
OFFICE OF THE
COUNTY CLERK
September 19, 2019

Aloha all County of Maui Council members,

I have testified before you and previous County Councils in support of building homes for ownership and rentals that our home grown and transplant working families can afford many times.

For our residence security and quality of life.

I am dedicated to work with the County Government and Nonprofit industry groups, Maui Contractors Association in the past and Construction Industry of Maui in the present. To get our Building Permit and Land use laws improved for the benefit of applicants and County employees who review the applications to make it easier for the average person to build a home.

I am writing to strongly urge the Council SUPPORT to MAINTTAIN the court case in the United States Supreme Court regarding the Lahaina Injection wells.

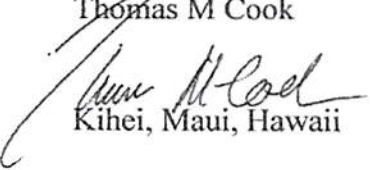
Dave Taylor's testimony on September 3rd outlined very well the fact the State of Hawaii DOH and Maui County DSA do not have the procedures in place to address a NPDES permits for septic systems or other permits.

As A general Contractor on Maui since 1989 I tell you from Esperance, I firmly believe our ability to build critically needed homes for our local families will have another government-imposed barrier to permitting if NPDES permits become part of the review process. It already is for surface run off etc. and I support the current rules and am not advocating weakening them. Just not adding to the existing permit review for homes and small business.

The desire and need to protect our ocean and reefs are important. Work with the Administration to fund the necessary CIP projects to use the recollimated water now going into injection wells. It will be expensive but worth it.

PLEASE DO NOT SETTLE THIS CASE. Follow the CASA request of August 28, 2019

Sincerely,
Thomas M Cook


Kihei, Maui, Hawaii

County Clerk

From: Josie Cristobal <Josie.Cristobal.15619701@p2a.co>
Sent: Wednesday, September 18, 2019 9:34 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Josie Cristobal and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Josie Cristobal
2555 Dole St
Honolulu, HI 96822

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 8:26 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:15

OFFICE OF THE
COUNTY CLERK

From: Bob Crone
Sent: Wednesday, September 18, 2019 8:26:14 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Bob Crone and I live in Kailua.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Bob Crone
218 Kuupua St
Kailua, HI 96734

County Clerk

From: lois crozer <lois.crozer.39880840@p2a.co>
Sent: Wednesday, September 18, 2019 8:59 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is lois crozer and I live in Kailua.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
lois crozer
1081 KOOHOO PL
Kailua, HI 96734

RECEIVED
2019 SEP 18 AM 11:19
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:36 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: christine cruikshank (chriscruikshank@yahoo.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, September 18, 2019 1:51 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

FIVE MILLION gallons of sewage? I count on you to protect our fragile Maui. The County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Ms. christine cruikshank
2934 E LELEHUNA PL
Haiku, HI 96708
chriscruikshank@yahoo.com
(808) 575-5399

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 12:02 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Bill Cunningham
Sent: Thursday, September 19, 2019 12:02:21 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Bill Cunningham and I live in Kaneohe.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Bill Cunningham
45-457 Hiipoi St
Kaneohe, HI 96744

RECEIVED
2019 SEP 19 PM 12:56
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:16 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1: 57

OFFICE OF THE
COUNTY CLERK

From: Eva Daniells
Sent: Wednesday, September 18, 2019 1:16:15 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Eva Daniells Daniells and I live in Haiku, Maui, Hawaii.

I actually spoke to Council member Yuki Lei Sugimura a few days ago. She said that the water from the Lahaina plant is clean enough to go into the ocean. However I continue to be very concerned about the "treated" water pouring into the ocean from the Lahaina plant. I continue to feel that the pollution from the Lahaina plant violates the Clean Water Act. Also; agricultural chemicals, golf course chemicals etc. are going into our coastal waters. I have seen extensive coral reef damage and deterioration at Kahekili Beach Park in the 44 years I have lived on Maui; particularly in the past few decades. I strongly urge all the members of the Maui County Council to support the Clean Water Act and vote that the pollution from the Lahaina Wastewater Plant must stop pouring into the ocean offshore from Kahekili Park.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Eva Daniells
P. O. Box 691
Makawao, HI 96768

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:02 PM
To: County Clerk
Subject: FW: ALOHA- Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: jennadebu@everyactioncustom.com <jennadebu@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 10:54 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: ALOHA- Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

Thank you for being forward thinking, and seeing the bigger picture! I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Jenna de Buretel
475 Laulea Pl Paia, HI 96779-8153
jennadebu@gmail.com

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:55 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED

2019 SEP 19 AM 8:12

OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: brenda.deg@everyactioncustom.com <brenda.deg@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:04 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Brenda deGerald
4859 Bella Pacific Row San Diego, CA 92109-8519 brenda.deg@gmail.com

County Clerk

From: Alexa Deike <Alexa.Deike.81833476@p2a.co>
Sent: Wednesday, September 18, 2019 8:43 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Alexa Deike and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Alexa Deike
2563 Peter St
Honolulu, HI 96816

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

From: Kelly King
Sent: Wednesday, September 18, 2019 5:54 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED

2019 SEP 19 AM 8:12

OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: cdellob@everyactioncustom.com <cdellob@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:22 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

My recent stay in Maui convinced me that Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr Carmen Dello Buono
5770 Winfield Blvd Spc 166 San Jose, CA 95123-2424 cdellob@att.net

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:35 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Carmen Dello Buono (cdellob@att.net) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, September 18, 2019 2:19 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mr. Carmen Dello Buono
5500 Lower Honoapiilani Highway
Lahaina, HI 96761
cdellob@att.net

(408) 375-2320

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:38 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: l_delplace@everyactioncustom.com <l_delplace@everyactioncustom.com>
Sent: Thursday, September 19, 2019 5:26 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms. Laura Delplace
110 Oak Trl Belmont, NC 28012-2706
l_delplace@hotmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:09 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Von Dent
Sent: Wednesday, September 18, 2019 11:08:39 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Von Dent and I live in Ewa Beach.

Do what is right with compassion. The people of Maui and Hawaii are waiting.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Von Dent

Ewa Beach, HI 96706

RECEIVED
2019 SEP 18 AM 11:25
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:26 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

With Aloha,



Office of Council Chair Kelly T. King

South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Angela DeVargas <Angela.DeVargas.232798685@p2a.co>
Sent: Wednesday, September 18, 2019 8:36 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Council Chair Kelly T. King,

Hi, my name is Angela DeVargas and I live in Haleiwa.

Please keep the environment clean.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,

Angela DeVargas
59-456 Pupukea Rd
Haleiwa, HI 96748

County Clerk

From: Cliff Devries <Cliff.Devries.83189119@p2a.co>
Sent: Wednesday, September 18, 2019 9:03 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Cliff Devries and I live in Honolulu.

It's time that world and community leaders take responsibility for the future of our planet. Dumping sewage into our oceans shows irresponsible behavior towards Mother Earth.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Cliff Devries
2543 Makaulii Pl
Honolulu, HI 96816

RECEIVED
2019 SEP 18 AM 11:20
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:55 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED

2019 SEP 19 AM 8:12

OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: mdicerchio@everyactioncustom.com <mdicerchio@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:04 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mark DiCerchio
2736 Puu Hoolai St Kihei, HI 96753-8576 mdicerchio@gmail.com

County Clerk

From: Sylvia Dolena <Sylvia.Dolena.51787020@p2a.co>
Sent: Wednesday, September 18, 2019 8:39 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Sylvia Dolena and I live in Pāhoa.

I used to live on Maui and now I live on the Big Island. I still have property AND Family on Maui. Clean water is a Public Trust resource. Please protect it. I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Sylvia Dolena
15-2859 Pahoia Village Rd
Pāhoa, HI 96778

RECEIVED
2019 SEP 18 AM 11:17
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Susan Douglas <sd3@hawaii.rr.com>
Sent: Thursday, September 19, 2019 3:17 PM
To: County Clerk
Cc: Mike J. Molina
Subject: Please SUPPORT CC-19-178

RECEIVED
2019 SEP 19 PM 3:28
OFFICE OF THE
COUNTY CLERK

Warmest Mahalo and Aloha,

Susan Douglas
84A Iliwai Loop
(that's spelled I L I W A I)
Kihei, Maui, HI 96753
808 879 1112 (You can call 24/7, if you get my machine leave a long message. NO texts
please.)
sd3@hawaii.rr.com

County Clerk

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 6:18 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: normand dufresne
Sent: Friday, September 20, 2019 6:18:19 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is normand dufresne and I live in Pāhoa.

Near Hilo, the wastewater is dumped into Puhi bay and has caused a tremendous amount of anguish for the local community, coral and fish. I implore you NOT to do the same and be pono!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
normand dufresne
15-2859 Pāhoa Village Rd
Pāhoa, HI 96778

County Clerk

From: Malin Ek <Malin.Ek.234665653@p2a.co>
Sent: Wednesday, September 18, 2019 9:59 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Malin Ek and I live in Honolulu.

by Kapiolani Park

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Malin Ek

Honolulu, HI 96815

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:05 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Pamela Elders
Sent: Wednesday, September 18, 2019 11:04:25 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Pamela Elders and I live in Laupahoehoe.

We need solutions! We must focus on the future, not on the economic and political needs of the present!!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Pamela Elders
36-2281 Mamalahoa Hwy
Laupahoehoe, HI 96764

RECEIVED
2019 SEP 18 AM 11:25
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:46 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Bruce Ellinwood
Sent: Wednesday, September 18, 2019 12:46:03 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Bruce Ellinwood and I live in Kaneohe.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Bruce Ellinwood
46-74 Puulena St
Kaneohe, HI 96744

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:02 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Mark Enomoto
Sent: Wednesday, September 18, 2019 12:02:06 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Mark Enomoto and I live in Honolulu.

We cannot continue the abuse of our ocean. There is scientific evidence of the harm the discharge of sewage via injection wells are doing to Maui's reefs. Here in Honolulu we are still not meeting the EPA's mandate to treat sewage to a cleaner standard. The ocean is no bottomless or endless. It is not out of sight out of mind. Our reefs not only provide protection and shelter from storms but are one of the main attractions for our tourists. Look at how Hanauma is being "loved to death" for the thousands wanting to see marine life. But at a moral level, we know better now that discharging sewage into the environment is destroying the habitat for marine flora and fauna who have no say in this matter. We can do better. Yes We Can leave these islands in a better way for our children and generations to come. Do the Pono thing.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Mark Enomoto
1717 Uhi Pl
Honolulu, HI 96821

County Clerk

From: Donald Erway <Donald.Erway.16449961@p2a.co>
Sent: Wednesday, September 18, 2019 9:03 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Donald Erway and I live in Kailua-kona.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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.

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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,
Donald Erway
77-6455 Princess Keelikolani Dr.
Kailua-kona, HI 96740

RECEIVED
2019 SEP 18 AM 11:20
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:54 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Stephen Faes
Sent: Wednesday, September 18, 2019 10:53:48 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Stephen Faes and I live in Kalaheo.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Stephen Faes
3800 Papalina Rd
Kalaheo, HI 96741

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 3:40 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4:05

OFFICE OF THE
COUNTY CLERK

From: Nadine Ferraro
Sent: Wednesday, September 18, 2019 3:39:59 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Nadine Ferraro and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Nadine Ferraro
2703 Terrace Dr
Honolulu, HI 96822

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 5:53 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:12

OFFICE OF THE
COUNTY CLERK

From: Faye Field
Sent: Wednesday, September 18, 2019 5:53:15 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Faye Field and I live in Kihei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Faye Field

Kihei, HI 96753

County Clerk

From: fryrchriss@aol.com
Sent: Friday, September 20, 2019 3:19 AM
To: County Clerk
Subject: re: Testimony Council Hearing 9 a.m. Friday 9/20/2019

PROCEED WITH SETTLEMENT OF INJECTION WELL CASE

County Council Members, The Mayor's Office issued a Press Release yesterday in a last ditch effort to scare the residents of our County and so pressure the Council Members into voting to prolong this *unnecessary and unwarranted litigation*.

Allegedly, this Press Release was authored, not by the Mayor, but by the Dept. of the Corporation Counsel and signed by the Mayor. It makes false and unsubstantiated claims intended to create fear.

There are no penalties and fines associated with this settlement. The idea that CIP's could be delayed is almost humorous considering that the 3 lot deferral agreements under audit should, right now, be preventing CIP's from occurring in various towns County wide. I don't see Corp Counsel being concerned about the financial liability they have incurred by millions of dollars in uncollected and assessed fees and multiple unlawful overlapping subdivisions with deferrals granted more than one time as allowed by County Ordinance which they facilitated and recorded..

There is no substantiated evidence that CIP's will be delayed by settling this case, and if that was the case, they would have been delayed already. A return to the status quo will have obtained for us a good partner in helping to clean up our water systems on Maui.

As for the claim that our bond rating could be harmed. That is funny, since the same Corp Counsel just put our bond rating in real peril by losing a case they litigated before Judge Cahill in which the Judge said they weaponized the Dept. of Taxation, again, because of retaliation against a condo association in *unnecessary litigation*.

They are concerned about legal fees when *they litigate everything* into millions and millions of dollars of fees and settlements because of defending unlawful Administration decisions i.e. Montana Beach, Palama Drive, Olowalu, Condo Assoc. Tax case etc etc.

The administration's *attempts to litigate* ONLY HAVE COST THE COUNTY TAXPAYERS MILLIONS AND MILLIONS OF DOLLARS.

Please proceed to settlement so that you may once and for all prove this reckless scare tactic, used by this Administration and its attorneys to be wrong, and we can begin to lead this County out of the darkness of litigation and into the light of resolution, and, use our money to take care of our kuliana and lead our Keiki to a bright future!

From: Kelly King
Sent: Friday, September 20, 2019 9:15 AM
To: County Clerk
Subject: FW: Testimony Council Hearing 9 a.m. Friday 9/20/2019

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: fryrchriss@aol.com <fryrchriss@aol.com>
Sent: Friday, September 20, 2019 3:35 AM
To: Mike J. Molina <Mike.Molina@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; ricki.hokama@mauicounty.us; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>
Cc: leeimada@mauinews.com; tommy@mauitime.com; wendy@mauinow.com; news@civilbeat.org
Subject: Fwd: Testimony Council Hearing 9 a.m. Friday 9/20/2019

This testimony for Council Hearing 9/20/2019 at 9 a.m. was emailed to the County Clerk

PROCEED WITH SETTLEMENT OF INJECTION WELL CASE

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[Christopher P. Fishkin
testifying as a County Resident
808-213-4140]

From: Kelly King
Sent: Friday, September 20, 2019 9:15 AM
To: County Clerk
Subject: FW: Clarification/Correction to Testimony

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: fryrchriss@aol.com <fryrchriss@aol.com>
Sent: Friday, September 20, 2019 3:41 AM
To: Mike J. Molina <Mike.Molina@mauicounty.us>; Kelly King <Kelly.King@mauicounty.us>; ricki.hokama@mauicounty.us; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Alice L. Lee <Alice.Lee@mauicounty.us>; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>
Cc: leeimada@mauinews.com; tommy@mauitime.com; wendy@mauinow.com; news@civilbeat.org
Subject: re: Clarification/Correction to Testimony

CORRECTION: "...by millions of dollars in uncollected and assessed fees..." should read "...by millions of dollars in uncollected and **unassessed** fees..."

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

From: fryrchriss <fryrchriss@aol.com>
To: mike.molina <mike.molina@mauicounty.us>; kelly.king <kelly.king@mauicounty.us>; ricki.hokama <ricki.hokama@mauicounty.us>; tamara.paltin <tamara.paltin@mauicounty.us>; keani.rawlins <keani.rawlins@mauicounty.us>; alice.lee <alice.lee@mauicounty.us>; tasha.kama <tasha.kama@mauicounty.us>; shane.sinenci <shane.sinenci@mauicounty.us>; yukilei.sugimura <yukilei.sugimura@mauicounty.us>
Cc: leeimada <leeimada@mauinews.com>; tommy <tommy@mauitime.com>; wendy <wendy@mauinow.com>; news <news@civilbeat.org>
Sent: Fri, Sep 20, 2019 3:35 am
Subject: Fwd: Testimony Council Hearing 9 a.m. Friday 9/20/2019

This testimony for Council Hearing 9/20/2019 at 9 a.m. was emailed to the County Clerk

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[Christopher P. Fishkin
testifying as a County Resident
808-213-4140]

County Clerk

From: fryrchriss@aol.com
Sent: Friday, September 20, 2019 3:21 AM
To: County Clerk
Subject: Fwd: Testimony Council Hearing 9 a.m. Friday 9/20/2019

Dear County Clerk,

I forgot to include my name and info below.

Christopher P. Fishkin
testifying on behalf of myself as a County Resident
Kihei, Hawaii
96753
808-213-4140

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

From: fryrchriss <fryrchriss@aol.com>
To: county.clerk <county.clerk@mauicounty.us>
Sent: Fri, Sep 20, 2019 3:19 am
Subject: re: Testimony Council Hearing 9 a.m. Friday 9/20/2019

PROCEED WITH SETTLEMENT OF INJECTION WELL CASE

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From: victoria@truelifecoach.net
Sent: Thursday, September 19, 2019 3:32 PM
To: County Clerk
Subject: injection wells case

RECEIVED

2019 SEP 19 PM 3:39

OFFICE OF THE
COUNTY CLERK

Dear Maui County Council,

I am asking Maui County to withdraw their case and upgrade the Lahaina Wastewater Reclamation Facility instead of continuing to fight the courts, ultimately jeopardizing the health of not only West Maui's waters, but the entire nation's waters.

Please settle now and stop the damage to our ocean.

Mahalo,

Victoria FittsMilgrim

28 Mahalo Nui Place

Kihei, HI 96753

Victoria FittsMilgrim, PCC
TRUE LIFE COACHING & RETREATS

Visit www.truelifecoach.net to download the free video series

"The Heroine's Journey – Your Guide to Navigating Change from a Feminine Perspective in the 21st Century"

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:35 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Kendell Flavin (kendelllokelani@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, September 18, 2019 2:01 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mrs. Kendell Flavin
3676 lower Honoapiilani
Lahaina, HI 96761
kendelllokelani@gmail.com

(808) 359-1083

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:20 PM
To: County Clerk
Subject: FW: Withdraw the Petition of Appeal

RECEIVED
2019 SEP 19 PM 4:25

OFFICE OF THE
COUNTY CLERK

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: David & Sheri Fletcher <fletcherstofmaui@gmail.com>
Sent: Thursday, September 19, 2019 9:06 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Withdraw the Petition of Appeal

Please withdraw the petition of appeal. Our waters need to be protected for future generations!

Thank You,
Sheri Fletcher

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:41 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: flingp@everyactioncustom.com <flingp@everyactioncustom.com>
Sent: Thursday, September 19, 2019 2:00 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms Pat Fling
1201 86th Ave N St Petersburg, FL 33702-2913 flingp@att.net

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:42 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Anne Fojtasek
Sent: Wednesday, September 18, 2019 10:42:15 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Anne Fojtasek and I live in Kapaau.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Anne Fojtasek
54-396 Union Mill Rd
Kapaau, HI 96755

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Liz Foote <footesea@gmail.com>
Sent: Thursday, September 19, 2019 7:37 PM
To: County Clerk
Cc: Mike J. Molina
Subject: support of CC-19-178 settlement of Lahaina injection wells lawsuit
Attachments: R2RR19 Event and Fishing Tournament Fliers.pdf

Aloha,

I submitted written testimony and provided oral testimony at the last GET meeting on this topic but am unable to attend the meeting this Friday. I wanted to share the attached flier and attach them to my previous testimony if possible, and reiterate the invitation from the West Maui Ridge to Reef Rendezvous coordination team to join us on Saturday October 26th for the event, which in part is focused on the Kahekili Herbivore Fisheries Management Area. The flier I am attaching is an updated version of the one I submitted previously - we now also have a series of lectures on Wednesday evenings leading up to the event; I wanted to draw your attention to the one on October 16th in particular, which is focused on the Kahekili Herbivore Fisheries Management Area. Attending this talk on the latest science after 10 years of this FMA being in effect would be a great opportunity to ask some of the questions that came up during the last GET meeting.

Thank you,
Liz Foote
Wailuku

RIDGE -to- REEF Rendezvous



& KEIKI FISHING TOURNAMENT

Saturday

OCTOBER 26TH 2019

9am* - 12pm

*Keiki Fishing Tournament: 8am start time • General event begins at 9am

KAHEKILI BEACH PARK (OLD AIRPORT BEACH), KĀ'ANAPALI

***KEIKI FISHING TOURNAMENT • SCAVENGER HUNT
TOUR THE HAUNTED REEF • PRIZES! • GIVEAWAYS!
INFO BOOTHS • FOOD PROVIDED BY WESTIN NANEA & CJS**

WestMauiKumuwai@gmail.com



WestMauiKumuwai



THE WESTIN
NANEA OCEAN VILLAS
KĀ'ANAPALI, MAUI



KOHOLA
BREWERY
LAHAINA • MAUI • HAWAII



RIDGE -to- REEF Rendezvous

Schedule of Free Events

Wednesday Evening Lecture Series at the Hawaiian Islands Humpback Whale National Marine Sanctuary (726 South Kihei Rd, Kihei)

OCTOBER 2ND: Eklou Lindsey, "A Voyage to Papahānaumokuākea: Seals, Turtles, Wonder, and Heartbreak" 6:00 - 7:00pm

OCTOBER 9TH: Darla White, "Eyes of the Reef: Preparing for Bleachapalooza" 6:00 - 8:00pm

OCTOBER 16TH: Dr. Ivor Williams, "The Kahekili Herbivore Fisheries Management Area: Insights from 10 Years of Science and Management" 6:00 - 7:00pm

Ridge to Reef Cleanup and special "Reef Geeks Hazy IPA" Beer Release Party with Koholā Brewery and Maui Diving - Scuba & Snorkel Center

OCTOBER 20TH: (Cleanup at Mala Wharf, 9am - 12pm; party at Koholā Brewery, 12:30 - 4:00pm) • Must register in advance via havefun@mauidiving.com or call (808) 667-0633

Science Night at Koholā Brewery (910 Honoapiilani Hwy, Lahaina)

OCTOBER 23RD: Donna Brown, "Turf Algae: The Lager of Limu in a Sea of IPAs" 6:30 - 8:30pm

K-12 Student Art Contest and Social Media Challenge

Deadline to submit artwork: October 15th • Visit WestMauiKumuwai.org > News & Events for details

Ridge to Reef Rendezvous & Keiki Catch & Release Fishing Tournament
SATURDAY, OCTOBER 26TH

8:00AM	Keiki Fishing Tournament Mandatory Check-in, Rules, & Overview
9:00AM	General Event Check-in & Giveaways
9:30AM	Bleachapalooza Introduction
10:00AM	Guided Snorkeling Tour of the Haunted Reef
11:00AM	Prizes Awarded for Fishing Tourney, Art Contest, & Scavenger Hunt
11:45AM	Lunch Provided by Westin Nanea and CJ's Deli & Diner

WestMauiKumuwai@gmail.com

 [WestMauiKumuwai](https://www.facebook.com/WestMauiKumuwai)

RIDGE -to- REEF *Rendezvous*



CATCH & RELEASE KEIKI FISHING TOURNAMENT

NO ENTRY FEE AND GREAT PRIZES!

SATURDAY, OCTOBER 26TH, 2019

KAHEKILI HERBIVORE FISHERIES MANAGEMENT AREA
KAHEKILI BEACH PARK (OLD AIRPORT BEACH), KĀ'ANAPALI

8:00AM* - 11:00AM

*MANDATORY CHECK-IN, RULES AND OVERVIEW AT 8:00 AM

PRIZES AND AWARDS TO FOLLOW 11:15AM

FREE LUNCH 11:45AM

County Clerk

From: Karen Frangos <Karen.Frangos.234670927@p2a.co>
Sent: Wednesday, September 18, 2019 10:08 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Dr. Karen Frangos and I live in Kihei.

Dear Maui County Council Members:

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Karen Frangos

Kihei, HI 96753

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 2:38 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4:04

OFFICE OF THE
COUNTY CLERK

From: Neil Frazer
Sent: Wednesday, September 18, 2019 2:38:05 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Neil Frazer and I live in Kailua.

Our children and grandchildren are counting on you for clean water, and you will not regret securing it for them.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Neil Frazer
112 Haokea Dr
Kailua, HI 96734

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:16 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Anne Freeman
Sent: Wednesday, September 18, 2019 6:16:22 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Anne Freeman and I live in Koloa.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Anne Freeman
2721 Poipu Rd
Koloa, HI 96756

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:29 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1:56
OFFICE OF THE
COUNTY CLERK

From: George Fry
Sent: Wednesday, September 18, 2019 12:29:04 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is George Fry and I live in Waimea.

Please here is an opportunity to take a stand for our waters, withdraw the appeal.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
George Fry
69-1917 Puako Beach Dr
Waimea, HI 96743

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 1:53 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Julia Fujioka
Sent: Friday, September 20, 2019 1:52:53 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Julia Fujioka and I live in Aiea.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Julia Fujioka
99-826 Halawa Dr
Aiea, HI 96701

County Clerk

From: RICHARD FURST <RICHARD.FURST.39836254@p2a.co>
Sent: Wednesday, September 18, 2019 8:50 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is RICHARD FURST and I live in Honolulu.

This issue stretches way beyond Maui County, and has potential impacts on the entire nation's water bodies. It is of utmost importance to the health of our communities and people, both here at home in Hawaii and beyond, that you take the pono path and drop this appeal.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
RICHARD FURST
766 Hao St
Honolulu, HI 96821

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:58 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Robin Gaffney
Sent: Wednesday, September 18, 2019 11:57:41 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Robin Gaffney and I live in Hana.

If we continue to trash our oceans, we will lose everything. Do the right thing....

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Robin Gaffney

Hana, HI 96713

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:20 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Lani Galetto
Sent: Wednesday, September 18, 2019 11:19:54 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Lani Galetto and I live in Haiku

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Lani Galetto

, HI 96708

RECEIVED
2019 SEP 18 AM 11:25
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:25 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:55

OFFICE OF THE
COUNTY CLERK

From: Sheryl Gardner
Sent: Wednesday, September 18, 2019 11:25:04 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Sheryl Gardner and I live in Mililani.

There is plenty of evidence that this discharge has harmed the marine life.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Sheryl Gardner
95-356 Nape Pl
Mililani, HI 96789

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:29 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: jgelert@everyactioncustom.com <jgelert@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 6:43 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

I signed up to be the 30th testifier at the Maui County Council meeting on 9/3/19, but other people were given priority and they were only up to number 12 by lunch break at 12:30. I had to work in Kihei at 1:00. Here is a summary of what I was going to say:

I have now lived on Maui for 10 years as of September 15th. I have seen deterioration of many coral reefs through bleaching and getting covered with seaweed. I have seen fewer fish and many turtles with tumors. I never go snorkeling on the west side, because it is barren. I was dissatisfied with my two recent scuba dives this summer at Maliko Gulch and Five Graves offshore of the boat, because they were barren too. I volunteered at Ahihi-Kina'u Natural Area Reserve for 3 years until 2017, because it is still the best place to see the best coral and the most fish. That is where environmentalists measure water quality as a base reference to other areas on Maui. This proves that the reefs can be beautiful if we clean up the cesspools and sewage treatment plants to release clean water.

I am in favor of replacing the current sewage treatment plants with newer technology that produces drinkable water that can be used for irrigation for landscaping and food crops or dumped in the current injection wells. I am also in favor of mandatory hookups to the new sewage treatment plants for all waterfront properties that currently have cesspools or septic tanks.

A friend said that Oahu treats their wastewater better than Maui. Maui residents and visitors have a right to clean oceans and beaches. If tourists know that we neglect these things and allow them to get staph infections, then they will go somewhere else more pristine.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr. John Gelert
140 Uwapo Rd Apt 39-202 Kihei, HI 96753-7442 jgelert@yahoo.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:19 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 PM 4: 24
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: kitgillette@everyactioncustom.com <kitgillette@everyactioncustom.com>
Sent: Thursday, September 19, 2019 11:55 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms. Kristin Gillette
200 Hina Ave Apt M6 Kahului, HI 96732-1820 kitgillette@gmail.com

County Clerk

From: Karen Gold <Karen.Gold.96879993@p2a.co>
Sent: Wednesday, September 18, 2019 9:12 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Karen Gold and I live in Kailua-kona.

I live on the Big Island so I am not directly impacted by your dumping untreated wastewater in Maui. I am concerned, however, about the overall health of our oceans. Please do the right thing and comply with clean water regulations. Mahalo.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Karen Gold
73-1190 Aka Ula St
Kailua-kona, HI 96740

RECEIVED
2019 SEP 18 AM 11:21
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Tom Gourley <Tom.Gourley.15844521@p2a.co>
Sent: Wednesday, September 18, 2019 10:04 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Tom Gourley and I live in Lahaina.

I have friends who have time shares on Kahekili Beach. They don't want to come visit due to the pollution the Lahaina injection well is causing. Please settle the suit and find other ways to use the treated water. There are many possibilities which would be useful for agriculture.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Tom Gourley
16 Kumu Niu Pl
Lahaina, HI 96761

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:27 PM
To: County Clerk
Subject: FW: Injection Wells

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: William Greenleaf <bgreenleaf.maui@yahoo.com>
Sent: Wednesday, September 18, 2019 8:34 AM
To: William Greenleaf <bgreenleaf.maui@yahoo.com>
Subject: Injection Wells

Thank you for your vote in committee to settle the injection well case.

The more I learn, the more I realize just how important this case is for Maui. Had it been settled in the years gone by the reef would not have experienced continued assaults and subsequent demise of 50%.

It would be a sad day indeed if votes change at the Council hearing on Friday.

Settling this case is the right thing to do for Maui County and for the clean water act nationally.

Mahalo
Bill Greenleaf

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:33 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: marta greenleaf (greenleaf.maui@yahoo.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 11:13 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Ms. marta greenleaf
Po Box 880794
Pukalani, HI 96788
greenleaf.maui@yahoo.com

(808) 283-6350

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Michael Grinnell <Michael.Grinnell.234638068@p2a.co>
Sent: Wednesday, September 18, 2019 8:41 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Michael Grinnell and I live in Kaunakakai.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Michael Grinnell

Kaunakakai, HI 96748

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 4:40 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Lily Haggerty
Sent: Thursday, September 19, 2019 4:40:24 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Lily Johnson and I live in Captain Cook.

THERE IS ABSOLUTELY NO EXCUSE NOT TO MAKE CLEAN WATER A PRIORITY BOTH FOR THE HUMANS AND THE OCEAN LIFE. IF YOU CANT FIGURE IT OUT YOU NEED TO BE REPLACED.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Lily Haggerty
1022 Wahi Heiau HC3 Box 11036
Keaau, HI 96749

County Clerk

From: Diane Hanzel <Diane.Hanzel.224671071@p2a.co>
Sent: Wednesday, September 18, 2019 10:21 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Diane Hanzel and I live in Haleiwa.

Be pono and Stop the reef damage

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Diane Hanzel
62-620 Kamehameha Hwy
Haleiwa, HI 96712

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:59 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Cory Harden
Sent: Wednesday, September 18, 2019 10:59:01 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Cory Harden and I live in Hilo

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Cory Harden

Hilo, HI 96720

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:49 PM
To: County Clerk
Subject: FW: Lahaina water plant

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:11
OFFICE OF THE
COUNTY CLERK

From: Craig Hart <craighart@gmail.com>
Sent: Wednesday, September 18, 2019 3:17 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Lahaina water plant

Aloha

As a concerned local I urge the County to drop the law suit and use our taxes to improve and upgrade the Lahaina water plant. By dropping the Lahaina Injection Wells lawsuit, in support of clean water, we can work on solutions together and make this very special island an even better place that we gratefully call our home.

Sincerely,

Craig Hart

Haiku

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:58 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: lisahatem@everyactioncustom.com <lisahatem@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 11:16 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Lisa Hatem
100 Laenani St Haiku, HI 96708-5063
lisahatem@mac.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:34 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Joan Heartfield (joan@talkinghearts.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 6:40 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Dr. Joan Heartfield
PO Box 1044
Haiku, HI 96708
joan@talkinghearts.com

(808) 572-1250

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:53 PM
To: County Clerk
Subject: FW: Thank you your concerns to protect our waters

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:12
OFFICE OF THE
COUNTY CLERK

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

From: curtisbhelms@everyactioncustom.com <curtisbhelms@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:37 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you your concerns to protect our waters

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Your listening to your constituents sets precedent nation wide to protect the gift of clean waters. Thank you!

Sincerely,
Curtis Helms
5218 Avenue P # 4 Galveston, TX 77551
curtisbhelms@yahoo.com

County Clerk

From: Ralph Hendrickson <Ralph.Hendrickson.74670646@p2a.co>
Sent: Wednesday, September 18, 2019 8:52 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ralph Hendrickson and I live in Kihei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ralph Hendrickson
1254 S Kihei Rd
Kihei, HI 96753

RECEIVED
2019 SEP 18 AM 11:19
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:14 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Claudia Herfurt <Claudia.Herfurt.231221441@p2a.co>
Sent: Wednesday, September 18, 2019 9:39 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Council Chair Kelly T. King,

Hi, my name is Claudia Herfurt and I live in Hanalei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,

Claudia Herfurt
5-5226 Kuhio Hwy
Hanalei, HI 96714

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 3:26 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Leslie Hilles
Sent: Thursday, September 19, 2019 3:25:52 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Leslie Hilles and I live in Pāhoa.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Leslie Hilles
13-3445 Oneloa St
Pāhoa, HI 96778

RECEIVED
2019 SEP 19 PM 3:28
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:30 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Kathleen Hilliard <Kathleen.Hilliard.40330055@p2a.co>
Sent: Thursday, September 19, 2019 7:27 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Council Chair Kelly T. King,

Hi, my name is Kathleen Hilliard and I live in Kailua-kona.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,

Kathleen Hilliard
75-5776 Kuakini Hwy
Kailua-kona, HI 96740

County Clerk

From: theresa hruska <theresa.hruska.40969624@p2a.co>
Sent: Wednesday, September 18, 2019 9:46 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is theresa hruska and I live in Haiku-pauwela.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
theresa hruska
po box 81461
Haiku-pauwela, HI 96708

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 12:30 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Ronnie Huddy
Sent: Thursday, September 19, 2019 12:29:50 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ronnie Huddy and I live in Hauula.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ronnie Huddy

Hauula, HI 96717

RECEIVED
2019 SEP 19 PM 12:56
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 2:29 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
maucounty.us

RECEIVED
2019 SEP 19 PM 2:50
OFFICE OF THE
COUNTY CLERK

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

From: harryhudsonjr@everyactioncustom.com <harryhudsonjr@everyactioncustom.com>
Sent: Thursday, September 19, 2019 12:25 PM
To: Kelly King <Kelly.King@maucounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr. Harry Hudson
303 E Sweetbriar Rd Wildwood Crest, NJ 08260-4129 harryhudsonjr@hotmail.com

County Clerk

From: Lisa Husch <Lisa.Husch.224765833@p2a.co>
Sent: Wednesday, September 18, 2019 9:46 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Lisa Husch and I live in Kihei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Lisa Husch
480 Kenolio Rd
Kihei, HI 96753

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

RECEIVED

2019 SEP 19 PM 2: 50



Administrative Testimony

OFFICE OF THE
COUNTY CLERK

Testimony of Sylvia Hussey, Ed.D.
Ka Pouhana Kūikawa, Interim Chief Executive Officer
County of Maui
County Council

CR 119-112: Recommending ADOPTION of a Resolution to Authorize Settlement of
Hawai'i Wildlife Fund, et al. v. County of Maui, Civil No. 12-00198 SOM BMK, U.S.
Supreme Court Docket 18-260

September 20, 2019

9:00 a.m.

Council Chamber

The Administration of the Office of Hawaiian Affairs (OHA) offers the following **COMMENTS** on the proposed resolution to settle *Hawai'i Wildlife Fund, et al. v. County of Maui (Hawai'i Wildlife Fund)*. OHA would like to mahalo the Governance, Ethics and Transparency Committee for its recommendation to settle and resolve *Hawai'i Wildlife Fund, et al. v. County of Maui (Hawai'i Wildlife Fund)*. OHA understands that the Governance, Ethics and Transparency Committee's recommendation was based on a diverse breadth of both expert and community testimony and, if followed, may substantially benefit the welfare and well-being of Hawai'i's waters and people, while avoiding the far-reaching consequences of a potential U.S. Supreme Court decision in the case.

Like many others, OHA is deeply concerned that a successful appeal of the Ninth Circuit decision in *Hawai'i Wildlife Fund* would undermine years of case law and agency interpretation relating to the protections of the Clean Water Act (CWA), and may carry unintended and severe consequences for the health of culturally significant nearshore resources in West Maui, throughout the islands, and beyond. While the Ninth Circuit decision specifically applies to the industrial-scale injection well disposal of wastewater by the Lahaina Wastewater Reclamation Facility (LWRF) specifically, where studies evidence a clear and irrefutable connection of injection well inputs to discrete coastal discharges, a Supreme Court decision upholding the county's arguments on appeal may categorically allow any injection of wastewater into the water table – even when such disposal is tantamount to a direct discharge – to escape the protections of the National Point Discharge Elimination System (NPDES) permitting process. Notably, wide-ranging concerns over the widespread impacts of such a Supreme Court interpretation is evidenced not only by highly credible expert testimony presented to the Governance, Ethics and Transparency Committee members, but also by petitions brought forth to Council Chairwoman Kelly T. King, consisting of 15,692 signatures, asking the County to

withdraw the county's appeal to the Supreme Court.¹ Accordingly, OHA believes that the interests of Maui and Hawai'i residents, including Native Hawaiians in particular, would be best served by withdrawing the county's appeal and complying with the provisions of the CWA and proposed settlement, rather than pursuing a United States Supreme Court review of the Ninth Circuit's sound decision.

1. The interests of Native Hawaiians on Maui and throughout Hawai'i would be best served by complying with the provisions of the CWA, rather than pursuing a United States Supreme Court appeal of Hawai'i Wildlife Fund.

It is OHA's statutory kuleana to assess policies and practices impacting Native Hawaiians and to advocate on behalf of its Native Hawaiian beneficiaries. **Accordingly, OHA has a substantial interest in addressing the unregulated discharge of wastewater into our coastal areas, which may have particular direct and indirect impacts on OHA's beneficiaries.**

For example, Native Hawaiians depend upon the availability of abundant natural resources to maintain their traditional and customary and subsistence practices; wastewater pollution may, directly and indirectly, result in the decimation of nearshore resources to the extent that forecloses the continuation of such practices. Fostering healthy and abundant coastal ecosystems is also an essential component of a climate change resilience strategy, and failing to address pollution-associated degradation of our islands' reefs only leaves our islands' residents, including Native Hawaiians, more vulnerable to the physical impacts of climate change. Healthy ecosystems and clean nearshore waters are also the foundation of the tourism economy upon which many Native Hawaiian and other families depend. Insofar as the unregulated discharge of pollutants in Maui's coastal waters by the LWRF have already been connected to elevated nutrient levels, harmful algae blooms, and significant reef degradation, the continued failure to regulate is no longer an option.² **Allowing the well-founded Ninth Circuit decision in *Hawai'i Wildlife Fund* to stand, and implementing the proposed settlement agreement before the Council today, would therefore represent a meaningful and much-needed commitment to promoting the cultural, physical, and economic interests of Native Hawaiians and all others who call Maui home.** Conversely, a successful appeal of the Ninth Circuit decision as argued by county counsel may open the door to the unregulated disposal of injection well wastewater not just by the LWRF, but by facilities throughout Hawai'i and the United States – threatening the interests of Hawai'i citizens and communities throughout the continent.

¹ Melissa Tanji, *Mayor Proposes Revised Settlement in Wastewater Case*, MAUI NEWS, Aug. 30, 2019, <https://www.mauinews.com/news/local-news/2019/08/mayor-proposes-revised-settlement-in-wastewater-case/>.

² Earthjustice, *Maui Council Committee Votes in Favor of Settling Lahaina Injection Wells Case* (Sept. 9, 2019), <https://earthjustice.org/news/press/2019/maui-council-committee-votes-in-favor-of-settling-lahaina-injection-wells-case>.

2. The Ninth Circuit decision reaffirms clear case law and agency interpretation applying the protections of the Clean Water Act.

While OHA understands that advocates for the county's appeal have cited the need for "clarity" in the law, a review of the decision in *Hawai'i Wildlife Fund* demonstrates that the law as applied in this case has been not only clearly established for decades, but is also consistent with the intent and clear purpose of the Clean Water Act. Notably, the court's decision is based on strong precedent from the Ninth Circuit,³ case law from two other courts of appeals,⁴ and Justice Scalia's opinion in *United States v. Rapanos*, 547 U.S. 715, 743 (2006), recognizing that the injection well disposal of wastewater indirectly but irrefutably into navigable waters is tantamount to a direct discharge requiring compliance with the CWA's NPDES protections.

3. Individual NPDES permits will not be required for individual cesspools and septic tanks under *Hawai'i Wildlife Fund*.

OHA also recognizes concerns raised that the Ninth Circuit decision in *Hawai'i Wildlife Fund* would somehow now require individual NPDES permits for cesspools, septic tanks, and other on-site wastewater disposal systems that service residential properties throughout Maui and across the state. **However, such concerns do not appear to be reflected in past agency practices, under existing laws, and in express statements made on this matter by the state Department of Health, which OHA understands has unequivocally stated that existing cesspools and septic tanks will not be required to obtain NPDES permits.⁵**

For example, Department of Health Director Bruce Anderson has explicitly and repeatedly dispelled the claims that the state would forcibly require NPDES permits for individual cesspool or septic tank owners. Most recently, On a September 6, 2019 phone call with County Council members, Dr. Anderson reaffirmed that individual systems were not in danger of being unfairly regulated.⁶ Further, Dr. Anderson said it was unclear to him why the EPA would tell Maui County attorneys that individual systems would somehow be

³ *Greater Yellowstone Coalition v. Lewis*, 628 F.3d 1143, 1152-53 (9th Cir. 2010) (concluding that a point source does not need to convey pollutants directly into navigable waters in order to fall under the CWA).

⁴ *Concerned Area Residents for the Env't v. Southview Farm*, 34 F.3d 114, 119 (2d Cir. 1994); *Sierra Club v. Abston Constr. Co.*, 620 F.2d 41, 45 (5th Cir. 1980).

⁵ Nathan Eagle, *Maui is Taking This Clean Water Legal Fight All the Way – Some Say Too Far*, HONOLULU CIVIL BEAT (Aug. 6, 2019), <https://www.civilbeat.org/2019/08/maui-is-taking-this-clean-water-legal-fight-all-the-way-some-say-too-far/> ("The Hawaii Department of Health sent a letter in June to Councilwoman Tasha Kama to allay those concerns, which has been shared with other council members. The letter from the state's deputy director for environmental health, Keith Kawaoka, says the department has no plans to enforce the NPDES permit requirements against existing septic systems and cesspools.").

⁶ Testimony of Dr. Anderson, Department of Health, <https://mauicounty.legistar.com/View.ashx?M=F&ID=7688267&GUID=03698A59-62B7-47A3-B095-C0FE2ACE8AFF>

targeted for an NPDES permit under a program delegated to and administered by the state, and contrary to decades of agency practice and interpretation.⁷

Even if there is an unprecedented determination that NPDES requirements should now be applied to all or some of the cesspools or septic tanks in Maui or elsewhere, OHA notes that there are much less burdensome and much more practical alternatives to requiring individual permits for each of the thousands of such small-scale, on-site wastewater disposal systems that currently and may in the future exist. For example, the EPA could issue a general permit or permits to cover these wastewater systems categorically, without requiring individualized permits.⁸ Such a general permit or permits would significantly reduce the administrative burden and individualized costs associated with NPDES requirements, such as by authorizing discharges from a category of point sources within a specified geographic area, subject to reasonable conditions developed with practical considerations and limitations in mind.⁹ A septic tank or cesspool owner concerned about the highly unlikely possibility of their wastewater system being definitively and individually traced to a discharge in navigable waters could simply submit a notice of intent to be bound by such a general permit developed by the EPA and the state, avoiding the burdens associated with individualized NPDES permit applications.¹⁰ In some cases, once a general permit is issued, covered entities do not need to take any further action to achieve compliance with the CWA, besides adhering to general permit conditions.¹¹ **Accordingly, while OHA appreciates the nature of the concerns regarding individual NPDES permit requirements for residential wastewater systems, the negligible risks of such concerns being realized do not appear sufficient to justify the substantial risks posed by a U.S. Supreme Court appeal to the long-term health and resilience of our nearshore environment.**

4. NPDES permitting for LWRF's injection wells is neither impractical nor an unreasonable burden.

Finally, OHA also notes the concerns raised by some testifiers regarding the perceived practical challenges of applying the NPDES process to the LWRF injection wells at issue in *Hawai'i Wildlife Fund*. However, as 32-year EPA veteran Dr. Wendy Wiltse reasoned in her testimony before the Governance, Ethics and Transparency Committee, **"The notion that [an NPDES] permit is difficult and not formulaic is not a reason to avoid NPDES. . . . EPA has offered multiple times to provide technical assistance to help [the state Department of Health] prepare an NPDES permit for [the Lahaina Wastewater Reclamation Facility]."** Dr. Wiltse's testimony also highlighted the extensive existing

⁷ Melissa Tanji, *Council Committee Recommends Settling Injection Well Case*, Maui News (Sept. 7, 2019), <https://www.mauinews.com/news/local-news/2019/09/council-committee-recommends-settling-injection-well-case/>.

⁸ *Id.* ("The agency's summary of the Clean Water Act says individual homes that use a municipal system, septic system or otherwise don't have a surface discharge don't need an NPDES permit.").

⁹ See *South Fla. Water Management Dist. v. Miccosukee Tribe*, 541 U.S. 95, 108 (2004).

¹⁰ Amici Brief of State of Maryland et al.

¹¹ *Id.*

studies, data, and other prior work that can assist the County and the state Department of Health in developing an NPDES permit tailored specifically for LWRF's injection wells.¹² Accordingly, compliance with the CWA and its NPDES permit requirements are not insurmountable nor unreasonable, and would only further serve the interests of Maui County and its Native Hawaiian residents, in finally addressing the known and growing impacts of the County's injection wells on the nearshore environment.

Now is the time for Maui County to address the impacts of using injection wells for industrial-scale wastewater disposal. The Ninth Circuit decision and proposed settlement before the Council today provide a critical opportunity to promote the health of culturally significant and economically vital nearshore resources, and protect Maui's nearshore ecosystems from the stressors of unregulated wastewater discharges. Given the immeasurable economic, cultural, subsistence, recreational, aesthetic, and scientific value of Maui's nearshore environment to its residents, any wastewater management measure undertaken to comply with the Ninth Circuit ruling and increase the resilience of Maui's coastal waters would represent a much-needed, long-term investment in the overall health, well-being, and self-sufficiency of Maui's current and future generations.

Mahalo for the opportunity to comment on this matter.

¹² As indicated in Dr. Wiltse's testimony, the NPDES process would also provide a critical opportunity to address the specific environmental impacts of particular concern to Native Hawaiians, as the provisions of the Safe Drinking Water Act would also "not address protection of surface waters or the aquatic life that lives in waters the injected chemicals may reach." See Testimony from Wendy Wiltse 05-16-2019, <https://mauiCounty.legistar.com/View.ashx?M=F&ID=7669496&GUID=9201B98F-E2F7-48F5-8A10-9C502BF83A29>.

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:38 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Leslie Hutchinson (leslie.labrava@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Saturday, September 14, 2019 5:23 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mrs. Leslie Hutchinson
35 Waonahele
Haiku, HI 96708
leslie.labrava@gmail.com

(808) 298-6968

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:36 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: sally irwiin (sirwin@hawaii.edu) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, September 18, 2019 1:50 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Dr. sally irwiin
100 Uakoko Pl
Haiku, HI 96708
sirwin@hawaii.edu

(808) 984-3566

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:05 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: druw.hagi10@everyactioncustom.com <druw.hagi10@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 10:34 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
ANDREW ISODA
PO Box 13029 Lahaina, HI 96761-8029
druw.hagi10@gmail.com

County Clerk

From: Nalei Kahakalau <Nalei.Kahakalau.15577230@p2a.co>
Sent: Wednesday, September 18, 2019 8:43 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Nalei Kahakalau and I live in Waimea.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Nalei Kahakalau
97627 Hawaii Belt Rd
Waimea, HI 96727

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 8:47 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:16
OFFICE OF THE
COUNTY CLERK

From: Christina Kalili
Sent: Wednesday, September 18, 2019 8:46:27 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Christina Kalili and I live in Waianae.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Christina Kalili

Waianae, HI 96792

RECEIVED
2019 SEP 19 AM 8:10
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 4:57 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Annette Kaohelaui
Sent: Wednesday, September 18, 2019 4:57:22 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Annette Kaohelaui and I live in Kailua.

Leave Bears Ears National Monument from being destroyed by our President and his cronies.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Annette Kaohelaui
355 Aoloa St
Kailua, HI 96734

From: Kelly King
Sent: Friday, September 20, 2019 9:16 AM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Zachary Kaufher (zacharykaufher@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 9:49 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mr. Zachary Kaufher

271 Makaena Pl.
Makawao, HI 96768
zacharykaufher@gmail.com
(808) 280-4794

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Susanne Kiriathy <Susanne.Kiriathy.119086258@p2a.co>
Sent: Wednesday, September 18, 2019 9:00 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Susanne Kiriathy and I live in Paia.

We all need clean water!

BLESSINGS for all of us *TOGETHER*, thank you!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Susanne Kiriathy
120 Baldwin Ave
Paia, HI 96779

RECEIVED
2019 SEP 18 AM 11:19
OFFICE OF THE
COUNTY CLERK

From: Kelly King
Sent: Thursday, September 19, 2019 4:20 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 PM 4: 24
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: coloneledamvc@everyactioncustom.com <coloneledamvc@everyactioncustom.com>
Sent: Thursday, September 19, 2019 9:11 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr Richard Kite
101 Park Ave New York, NY 10178-0002
coloneledamvc@aol.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:04 PM
To: County Clerk
Subject: FW: Mahalo for acting to protect our reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: jonoknight@everyactioncustom.com <jonoknight@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 10:38 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Mahalo for acting to protect our reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce any damage to all our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Mahalo for your work to keep our ocean clean and please continue to do what is pono. Mahalo nui loa!

Sincerely,
Mr. Jono Knight
420 One St Kahului, HI 96732-1340
jonoknight@yahoo.com

County Clerk

From: Christine Kornet <Christine.Kornet.75365554@p2a.co>
Sent: Wednesday, September 18, 2019 8:37 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Christine Kornet and I live in Papaaloa.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Christine Kornet
PO Box 40
Papaaloa, HI 96780

RECEIVED
2019 SEP 18 AM 11:11
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:28 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: arnoldkotler@everyactioncustom.com <arnoldkotler@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 8:02 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr. Arnie Kotler
PO Box 822 Kihei, HI 96753-0822
arnoldkotler@aol.com

County Clerk

From: colin kurata <colin.kurata.115304259@p2a.co>
Sent: Wednesday, September 18, 2019 9:38 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is colin kurata and I live in Honolulu.

our aina and surrounding sea is our womb,
to destroy any of it is to destroy ourselves and hope for a better world for our children.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
colin kurata
1001 bishop street #2685
Honolulu, HI 96813

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:17 PM
To: County Clerk
Subject: FW: Withdraw the petition of appeal

RECEIVED
2019 SEP 19 PM 4: 24
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Louise Lambert <louiselambert1@gmail.com>
Sent: Thursday, September 19, 2019 4:11 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Withdraw the petition of appeal

Aloha Kelly,

Please withdraw the petition to the Supreme Court.

You have my vote because you stand up for the interests of the 'aina, the waters, reefs and the people of Maui. We also could be forerunners in Ecotourism. Why support a 'right' to pollute when we will just have to fix it later and it could jeopardize the health and well being of our home and the tourism business we value.

Mahalo nui loa

Louise Lambert

louiselambert1@gmail.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:30 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: johnnielaney@everyactioncustom.com <johnnielaney@everyactioncustom.com>
Sent: Thursday, September 19, 2019 7:11 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

We, of all states, should not be weakening the Clean Water Act. Keep up the good work!

Sincerely,
John Laney
283 Aukahi St Kihei, HI 96753-8521
johnnielaney@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 2:49 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4:04

OFFICE OF THE
COUNTY CLERK

From: Maureen Langberg
Sent: Wednesday, September 18, 2019 2:48:44 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Maureen Langberg and I live in Hawi.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Maureen Langberg
BX 198900 pmb 109
Hawi, HI 96719

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:15 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1: 56

OFFICE OF THE
COUNTY CLERK

From: Gordon Lange
Sent: Wednesday, September 18, 2019 1:15:04 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Gordon Lange and I live in Kihei.

The ocean is our primary resource and requires ultimate protection.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Gordon Lange

Kihei, HI 96753

County Clerk

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 5:30 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Rei L'Asche
Sent: Friday, September 20, 2019 5:29:56 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Rei L'Asche and I live in Kailua.

Please protect Maui, Hawaii, and the world. Please.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Rei L'Asche
234 Aiokoa St
Kailua, HI 96734

September 18, 2019

Members of the Maui County Council

Subject: Authorizing Settlement in Hawaii Wildlife Fund et. al. v. County of Maui, Civil 12-00198 SOM
BMK, US Supreme Court Case 18-260

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

Honorable Committee Members,

I am an environmental engineer who resides and works in Wailuku. For the past eleven years it has been my pleasure to assist the County of Maui with its wastewater issues through my employment at Brown and Caldwell, an environmental engineering firm. In my role as project manager I have led the efforts to evaluate potential options to eliminate injection well use at the County's four wastewater reclamation facilities (WWRFs). This work has included investigation of land treatment, satellite treatment plants, and other options including direct potable reuse. I have also served as an expert witness in support of the County of Maui during the penalty phase of the subject legal case. Today I write as a private citizen and ratepayer to urge your Council to continue to support the appeal before the United States Supreme Court.

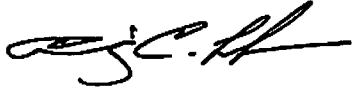
For approximately 40 years the EPA's interpretation of the Clean Water Act (CWA) provided the regulated community (including the County of Maui) with a clear "bright line" boundary between two regulatory programs, the CWA and the Safe Drinking Water Act. The regulated community has been able to make large capital investments in the infrastructure needed to protect human health and the environment with confidence because the clear boundaries between the two regulatory programs provided assurances that the technologies that were implemented would provide the necessary level of treatment to meet the regulatory goals. The State of Hawaii's regulatory programs are based on "bright line" boundaries between discharges to the land, discharges into groundwater via injection wells, and discharges to surface waters via outfalls.

The District Court ruling on the subject lawsuit, and subsequent 9th Circuit Court of Appeals ruling, eliminates the clear "bright line" between the regulatory programs and complicates the County's efforts to eliminate injection well use at the WWRFs. In my professional opinion, transition to land treatment systems represents the most practical (and economical) means to eliminate injection well use without constructing ocean outfalls. Transition to land treatment offers a way to significantly reduce the County's environmental impact compared to the status quo injection wells. As an example, our estimates show that implementing land treatment at the Lahaina WWRF can reduce the mass of nutrients entering groundwater by greater than 90 percent and allow closure of the injection wells at the facility. Similar environmental benefits can be realized at the other WWRFs. However, land treatment systems include a percolation to groundwater component, and therefore pollutants from the WWRFs would enter groundwater and eventually enter the ocean, albeit a much smaller amount than the current injection well system. Prior to this legal case the small amount of nutrients entering the groundwater would not have been a cause for concern so long as the Safe Drinking Water Act requirements were met. Unfortunately, the rulings on the subject lawsuit create regulatory uncertainty as to whether land treatment will meet the regulatory requirements, due to the elimination of the regulatory "bright line" described above. The County of Maui could face additional lawsuits in the future, despite having invested \$150 million to \$200 million to transition to land treatment and significantly reducing the environmental impacts of the community. My Big Island client has been threatened with just such a lawsuit over a proposed land treatment system in Kona. Settling this case will not end the legal challenges, because the underlying technical and regulatory issues will remain unresolved.

The United States Supreme Court has agreed to hear the case because of conflicting Circuit Appellate Court rulings on the issue. As the ultimate authority to interpret the meaning of the CWA, the United States Supreme Court is the only body that can provide clarity to this controversy of local, state and national importance. No matter how it rules, the Supreme Court decision will provide us with the regulatory clarity that is needed to successfully

transition away from injection wells. I urge your Council to continue to support the appeal before the United States Supreme Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Lekven', with a stylized flourish at the end.

Craig Lekven, P.E.
421 Kalua Road
Wailuku, HI 96793

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:13 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:15

OFFICE OF THE
COUNTY CLERK

From: Ilana Leshem
Sent: Wednesday, September 18, 2019 6:12:53 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ilana Leshem and I live in Haiku-pauwela.

Clean Water is a basic right for all human beings!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ilana Leshem
1061 Kokomo Rd
Haiku-pauwela, HI 96708

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 3:57 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4:05

OFFICE OF THE
COUNTY CLERK

From: Elizabeth Levings
Sent: Wednesday, September 18, 2019 3:56:55 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Elizabeth Levings and I live in Makawao.

please do the right thing and vote to clean up our injections wells! It is tragic and so unsafe and so sad for all sea life that this has gone on so long...please do the right thing and vote for the OCEAN & for the future...

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Elizabeth Levings
1009 Alaea St
Makawao, HI 96768

From: Kelly King
Sent: Thursday, September 19, 2019 4:43 PM
To: County Clerk
Subject: FW: Withdraw the petition of Appeal

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Judy Levy <judy.lotusheart@gmail.com>
Sent: Wednesday, September 18, 2019 9:31 PM
To: Kelly King <Kelly.King@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>
Subject: Withdraw the petition of Appeal

Mahalo Councilwoman King, and Council members

We are trusting that this issue of the injection wells will be handled FiNALLY in a PONO manner HERE on Maui.

We DO NOT want our issue to go to the Supreme Court!

Kindly share my FERVENT request/demand with the rest of the council.
I am teaching Friday or I would come down to testify.

MAHALO for tending to our precious island and restoring our oceans back to health!

Judy Levy
Haiku resident

Substitute teacher and small business owner

--

Judy Levy

Judy's Gems and Journeys ~ On the Road

Books, Crystals, Metaphysical Gifts & Gallery

www.AwakeninginParadiseMaui.com

(808)-891-1114 store

(808)- 269-7762 cell

Celebrating Life.... Creating Precious Moments

County Clerk

From: James Long <James.Long.52147263@p2a.co>
Sent: Wednesday, September 18, 2019 8:38 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Aloha, my name is James Long and I live in Naalehu.

Stop ruining and effectively destroying our public and national lands for private interests and profit.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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. Mahalo

Regards,
James Long
95-5663 Mamalahoa Hwy
Naalehu, HI 96772

RECEIVED
2019 SEP 18 AM 11:17
OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 2:03 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Clare Loprinzi
Sent: Friday, September 20, 2019 2:03:08 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Clare Loprinzi and I live in Holualoa.

water is life

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Clare Loprinzi
PO Box 400
Holualoa, HI 96725

County Clerk

From: Cynthia Lowe <Cynthia.Lowe.75168472@p2a.co>
Sent: Wednesday, September 18, 2019 9:45 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Cynthia Lowe and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Cynthia Lowe
2222 Citron St
Honolulu, HI 96826

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:19 PM
To: County Clerk
Subject: FW: Final vote: Earthjustice v Maui County

RECEIVED

2019 SEP 19 PM 4: 24

OFFICE OF THE
COUNTY CLERK

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Mike Luque <soassf@gmail.com>
Sent: Thursday, September 19, 2019 11:44 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Final vote: Earthjustice v Maui County

Aloha Council member King,

I thank you for your vote in committee to settle the Lahaina injection wells case.

Big day tomorrow. The official vote. I urge you to stand strong and once again vote to settle the case. It will be a great day for Maui when we can move past litigation and into solutions on the ground.

Please vote to settle.

Mahalo,
Mike Luque
Haiku

--

A process cannot be understood by stopping it. Understanding must move with the flow of the process, must join it and flow with it. - Frank Herbert in "Dune"

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 9:30 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:16
OFFICE OF THE
COUNTY CLERK

From: Linda Lyerly
Sent: Wednesday, September 18, 2019 9:29:33 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Linda Lyerly and I live in Lahaina.

Mahalo for your pono vote. We are so proud of you 5!! Maybe more will
Climb aboard your fast track to healthy reefs, prosperous people and grateful fish. Aloha aina!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Linda Lyerly

Lahaina, HI 96761

County Clerk

From: Robert Majewski <Robert.Majewski.106400810@p2a.co>
Sent: Wednesday, September 18, 2019 9:02 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Robert Majewski and I live in Honolulu.

Next week we will be taking a staycation and visiting our neighbor island Maui. One of the best things about our islands is the waters around them. I no longer swim by my home near the Ala Wai canal on Oahu because our officials continue to pollute. Do the right thing for your Ohana and protect the waters of Maui.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Robert Majewski
PO Box 88434
Honolulu, HI 96815

RECEIVED
2019 SEP 18 AM 11:20
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:07 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: akolyamaksik@everyactioncustom.com <akolyamaksik@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 10:23 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Alexander Maksik
PO Box 1467 Makawao, HI 96768-1467
akolyamaksik@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 7:45 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Linda Maloney-Tarvers
Sent: Friday, September 20, 2019 7:45:06 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Linda Maloney-Tarvers and I live in Kapolei.

Please do the right thing and let Hawaii be a shining example to the rest of the world that we value clean water and respect the Clean Water Act and for what it stands.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Linda Maloney-Tarvers
92-6035 Puapake St
Kapolei, HI 96707

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:34 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: James Marcus (788jma@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 6:33 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mr. James Marcus
177 Kalipo Pl
Haiku, HI 96708
788jma@gmail.com

(808) 572-9081

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Frank Marsh <Frank.Marsh.99995243@p2a.co>
Sent: Wednesday, September 18, 2019 9:21 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Frank Marsh and I live in Kapaʻa.

Please be Pono and make our ocean cleaner!

As a resident of Hawaiʻi, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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, Hawaiʻi, and the entire nation.

Regards,
Frank Marsh
6915 Leimomi St
Kapaʻa, HI 96746

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

RECEIVED

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:46 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

2019 SEP 18 PM 1:57

OFFICE OF THE
COUNTY CLERK

From: Martha Martin
Sent: Wednesday, September 18, 2019 1:46:22 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Martha Martin. I live at 40 Kunihi Lane #226, in Kahului.

As a resident of Kahului, HI, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

Maui should reduce the damage to our priceless ocean and reef resources. The county should instead 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.

I don't want Maui County to let the Trump administration weaken the regulations for our nation's worst polluters. I want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Martha Martin
40 Kunihi Ln
Kahului, HI 96732

From: Kelly King
Sent: Friday, September 20, 2019 2:36 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: smasters123@everyactioncustom.com <smasters123@everyactioncustom.com>
Sent: Friday, September 20, 2019 1:21 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
MsSandra Sandra Masters
1155 Limahana Cir # A404 Lahaina, HI 96761-2435 smasters123@aol.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:20 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 PM 4:24
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: ritaleimedina@everyactioncustom.com <ritaleimedina@everyactioncustom.com>
Sent: Thursday, September 19, 2019 11:14 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

I personally mahalo you all for your loving focus on our future through the decisions you make today! It is so important to the necessary balance and self sustainability of our aina.

Sincerely,
Rita Lei Medina
646 Luakini St Apt D Lahaina, HI 96761-1234 ritaleimedina@live.com

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:54 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 AM 8:12
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: tmellin@everyactioncustom.com <tmellin@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:07 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Thomas Mellin
40 Halili Ln Kihei, HI 96753-6070
tmellin@yahoo.com

County Clerk

From: Linda Mende <Linda.Mende.105853161@p2a.co>
Sent: Wednesday, September 18, 2019 8:41 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Linda Mende and I live in Mililani.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Linda Mende
95-147 Waimakua Dr
Mililani, HI 96789

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 8:07 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Eva Mesina
Sent: Wednesday, September 18, 2019 8:06:38 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Eva Mesina and I live in Wailuku.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Eva Mesina
1837 Kaohu St
Wailuku, HI 96793

County Clerk

From: Raymond Moline <raymondmoline@gmail.com>
Sent: Thursday, September 19, 2019 2:19 PM
To: County Clerk
Subject: Injection wells.

RECEIVED
2019 SEP 19 PM 2:49

OFFICE OF THE
COUNTY CLERK

Aloha County Council Members,

I strongly urge you to drop the case regarding the injection wells.
It is foolish to continue with this lawsuit when it will only destroy what is vital asset for our Island.
Mahalo,

Raymond Moliné
Coach - Consultant -Artist
raymondmoline@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:57 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1:56
OFFICE OF THE
COUNTY CLERK

From: Nina Monasevitch
Sent: Wednesday, September 18, 2019 12:56:54 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Nina Monasevitch and I live in Lihue.

Mahalo for being pono.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Nina Monasevitch

Lihue, HI 96766

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:43 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1: 56

OFFICE OF THE
COUNTY CLERK

From: Jeannine Moore
Sent: Wednesday, September 18, 2019 11:43:26 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Jeannine Moore and I live in Captain Cook.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Jeannine Moore
88-508 Papa Bay Dr. Captain Cook, HI 96704
Captain Cook, HI 96704

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 2:57 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 4:04
OFFICE OF THE
COUNTY CLERK

From: John Mora
Sent: Wednesday, September 18, 2019 2:56:40 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is John Mora and I live in Kapa'a.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
John Mora
4-1101 Kuhio Hwy
Kapa'a, HI 96746

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 8:16 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Malia Morales
Sent: Thursday, September 19, 2019 8:15:27 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:18
OFFICE OF THE
COUNTY CLERK

Dear Maui County Office of Council Services,

Hi, my name is Malia Morales and I live in Honolulu.

Support the courts' ruling for clean water and show responsible leadership by voting in favor of maintaining a healthy environment for our children and communities!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Malia Morales
1720 Poki St
Honolulu, HI 96707



RECEIVED

2019 SEP 19 PM 3:30

OFFICE OF THE
COUNTY CLERK

September 19, 2019

CONFIDENTIAL SETTLEMENT COMMUNICATION – FRE 408¹

Via Electronic Mail

Maui County Council

Kelly T. King, Chair

Keani N.W. Rawlins-Fernandez, Vice-Chair

Riki Hokama, Member

Tasha Kama, Member

Alice L. Lee, Member

Michael J. Molina, Member

Tamara Paltin, Member

Shane M. Sinenci, Member

Yuki Lei K. Sugimura, Member

Re: *Hawai'i Wildlife Fund, et al. v. County of Maui*, No. 18-260 (U.S. S. Ct.)

Dear Chair King, Vice-Chair Rawlins-Fernandez, and Councilmembers:

On behalf of its Maui community group clients, Earthjustice acknowledges and appreciates the majority of the Governance, Ethics, and Transparency Committee of the Maui County Council taking a step forward toward the future and recommending that the Council settle this case and withdraw the county's appeal. During the committee meeting, questions were raised about the reimbursement of the community groups' costs of litigation. Under the prior settlement agreements in this case, the parties provided that the county would reimburse the community groups' costs of litigation, including attorneys' fees, in a total amount of \$1,070,451.79, plus post-judgment interest.

As we explained in our written settlement offer and during the committee meeting, the community groups and Earthjustice "have never expressed or shown any interest in having the county spend money on litigation"; rather, we "have consistently sought to encourage the county to invest its taxpayer dollars to find solutions" to the pollution problems of the Lahaina

¹ Please note that, in the spirit of public transparency, our preference and request is to have this communication made public and *not* be sealed for purposes of Council deliberations. We cite Federal Rule of Evidence 408 here solely for the purpose of ensuring that this communication will not be used against us in any court proceedings.

Wastewater Reclamation Facility. To this end, and in the spirit of moving forward and working together on solutions as expressed by GET Committee Chair Molina and the majority of the Councilmembers, Earthjustice pledges and commits that if Maui County settles this case and withdraws its appeal, Earthjustice will forbear the reimbursement of its attorneys' fees and limit the reimbursement of litigation costs to the amount of the community groups' out-of-pocket costs only, which total \$132,306.69, plus post-judgment interest.

We acknowledge that the Council is committed to investing in wastewater reuse and pollution mitigation solutions for its wastewater treatment facilities, and we would much rather see the county direct its attention, energy, and taxpayer dollars to these solutions, rather than the costs of endless litigation. Now, as always, we reiterate our commitment to working together with the county in good faith toward this goal. Mahalo nui for your commitment to the people, environment, and future of Maui.

With Aloha,

A handwritten signature in black ink, appearing to read 'Isaac H. Moriwake', with a stylized, flowing script.

Isaac H. Moriwake
Managing Attorney
Earthjustice

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:59 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:13
OFFICE OF THE
COUNTY CLERK

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

From: morrellally@everyactioncustom.com <morrellally@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 1:26 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Allison Morrell
2302 E 2nd St Long Beach, CA 90803-5171 morrellally@yahoo.com

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:48 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:11
OFFICE OF THE
COUNTY CLERK

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

From: morris.bn@everyactioncustom.com <morris.bn@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 3:35 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

I am a boat captain for one of the charter companies here on Maui, Sail Maui, and we make sure our guests use the reef safe sunscreen we supply and are informed about how to enjoy the reef without touching and damaging the ecosystem we are there to view. We do our part however I feel as though without Acts like the Clean Water Act our efforts are too little too late.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating the use of the injection wells other than for storm runoff and emergencies.

Mahalo for making the right choice and keeping our waters clean! Maui no ka oi!

Sincerely,
Bailey Morris
355 Kamano Pl Lahaina, HI 96761-1121
morris.bn@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:57 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Charlotte Mukai
Sent: Wednesday, September 18, 2019 10:56:46 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Charlotte Mukai and I live in Honolulu.

Please protect the water and turn off the appeal.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Charlotte Mukai
3512 Akaka Pl
Honolulu, HI 96822

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: John Naylor <jdancer@kula.us>
Sent: Thursday, September 19, 2019 5:54 PM
To: County Clerk
Cc: Mike J. Molina
Subject: Will u kick the can? RE: SUPPORT CC-19-178, Withdraw the Petition of Appeal

Aloha Maui County Council Members,

My question to you is will you continue kick the injection well issue down the road or choose the right thing and settle before it goes to the Supreme Court? We know that a ruling from the Highest Court in the land will effect other environmental issues all over the United States at a time when we must deal with World wide climate issues and environmental regulation is being reduced by the current occupant of the White House and his cronies.

We also know and Mayor Victorino has confirmed that the injection well issue must be corrected. However, it will take time and lots of money.

What else is new? Every year this issue gets delayed, the costs go up and the land the infrastructure will need gets divided up requiring more \$ and red tape.

Please negotiate the time frame for the infrastructure and tax money to be in place and settle this out of court.

Let's not give Maui & our tourist industry a black eye at this time of world wide environmental awareness!!!

Mahalo,

John Naylor

Makawao

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 6:02 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 AM 8:14
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: amandaniles18@everyactioncustom.com <amandaniles18@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 12:26 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Miss Amanda Niles
PO Box 7995 Kalispell, MT 59904-0995
amandaniles18@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:46 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Ramiro Noguerol
Sent: Wednesday, September 18, 2019 6:46:06 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ramiro Noguerol and I live in Haiku-pauwela.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ramiro Noguerol
1073 Haiku Rd
Haiku-pauwela, HI 96708

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:35 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Thomas Nooney (tomnooney@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, September 18, 2019 5:16 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mr. Thomas Nooney
1163A Freitas Pl.
Makawao, HI 96768
tomnooney@gmail.com

(808) 264-0908

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:22 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1: 57

OFFICE OF THE
COUNTY CLERK

From: Diane Nushida-Tokuno
Sent: Wednesday, September 18, 2019 1:21:49 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Diane Nushida-Tokuno and I live in Kaneohe.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Diane Nushida-Tokuno
45-667 Luluku Rd
Kaneohe, HI 96744

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:22 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Avi Okin
Sent: Wednesday, September 18, 2019 6:22:08 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Avi Okin and I live in Waimea.

clean water on all our islands is a must. Please do it on Maui.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Avi Okin
64-5267 Puanuanu Pl
Waimea, HI 96743

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 8:08 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:15

OFFICE OF THE
COUNTY CLERK

From: Polli Oliver
Sent: Wednesday, September 18, 2019 8:07:57 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Polli Oliver and I live in Koloa, Kauai. I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Polli Oliver
5174 HOONA RD
Koloa, HI 96756

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:36 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: kolson@everyactioncustom.com <kolson@everyactioncustom.com>
Sent: Thursday, September 19, 2019 6:13 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms. Karen Olson
2265 Ward Ave Simi Valley, CA 93065-1864 kolson@aveox.com

County Clerk

From: Lory Ono <Lory.Ono.33451473@p2a.co>
Sent: Wednesday, September 18, 2019 10:09 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Lory Ono and I live in Kaneohe.

It should not be legal to remove protections of any national monument. Please do not allow any destructive activities to take place in Bears Ears National Monument.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Lory Ono
44 Nohokai Pl
Kaneohe, HI 96744

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Sharon Ortiz <Sharon.Ortiz.49217601@p2a.co>
Sent: Wednesday, September 18, 2019 9:05 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Sharon Ortiz and I live in Kailua.

Please make it right for the future of all people in Hawaii!!!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Sharon Ortiz
PO Box 64
Kailua, HI 96734

RECEIVED
2019 SEP 18 AM 11:21
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 6:22 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:16

OFFICE OF THE
COUNTY CLERK

From: Patricia Osborne
Sent: Thursday, September 19, 2019 6:22:22 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Patricia Osborne and I live in Kihei.

When we kill the oceans, we kill the planet. Please show some respect for the earth.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Patricia Osborne

Kihei, HI 96753

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:47 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: lisaoverly@everyactioncustom.com <lisaoverly@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 7:53 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Lisa Overly
2485 S Kihei Rd Kihei, HI 96753-8625
lisaoverly@yahoo.com

County Clerk

From: Pam Palencia <Pam.Palencia.234638563@p2a.co>
Sent: Wednesday, September 18, 2019 8:43 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Pam Palencia and I live in Kihei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Pam Palencia

Kihei, HI 96753

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:55 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1:56
OFFICE OF THE
COUNTY CLERK

From: janice palma-glennie
Sent: Wednesday, September 18, 2019 11:55:13 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is janice palma-glennie and I live in Kailua-kona.

aloha and Mahalo for doing what you were elected to do: stand up for and protect the rights of all Maui residents to a safe, healthy future.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
janice palma-glennie

Kailua-kona, HI 96740

County Clerk

From: Naomi Pang <Naomi.Pang.115762783@p2a.co>
Sent: Wednesday, September 18, 2019 9:03 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Naomi Pang and I live in Mililani, Oahu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Naomi Pang
94-571 Holaniku St
Mililani, HI 96789

RECEIVED
2019 SEP 18 AM 11:20
OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:52 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1:57
OFFICE OF THE
COUNTY CLERK

From: Ed Pasqualin
Sent: Wednesday, September 18, 2019 1:52:07 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ed Pasqualin and I live in Kihei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ed Pasqualin
2441 S Kihei Rd
Kihei, HI 96753

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 9:35 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:16
OFFICE OF THE
COUNTY CLERK

From: Tia pearson
Sent: Wednesday, September 18, 2019 9:34:58 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Tia pearson and I live in Wahiawa.

Wastewater Carrie's disease besides scaring off tourists. Maui is known for its pristine beaches. Let's keep it that way.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Tia pearson
115 Lehua St
Wahiawa, HI 96786

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 2:49 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Karen Pell
Sent: Thursday, September 19, 2019 2:48:37 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Karen Pell and I live in Lahaina.

Do the right thing

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Karen Pell
1310 Kahoma St
Lahaina, HI 96761

RECEIVED
2019 SEP 19 PM 2:51
OFFICE OF THE
COUNTY CLERK

From: Kelly King
Sent: Friday, September 20, 2019 9:06 AM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: sshakira7@everyactioncustom.com <sshakira7@everyactioncustom.com>
Sent: Friday, September 20, 2019 7:32 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Shakira Perelman
PO Box 791168 Paia, HI 96779-1168
sshakira7@gmail.com

. . .

From: Kelly King
Sent: Friday, September 20, 2019 10:35 AM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Shakira Perelman (sshakira7@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, September 20, 2019 7:37 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Miss Shakira Perelman

P.O. box 791168
Paia, HI 96779
sshakira7@gmail.com
(808) 806-4722

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

From: Kelly King
Sent: Friday, September 20, 2019 10:35 AM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Sue Perley (sperley1111@mac.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Friday, September 20, 2019 9:49 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources. Mahalo!

Sincerely,

Ms. Sue Perley

PO Box 791676
Paia, HI 96779
sperley1111@mac.com
(808) 868-3383

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 6:27 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

From: Chris Peterson
Sent: Wednesday, September 18, 2019 6:26:30 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Chris Peterson and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Chris Peterson
2359 Saint Louis Dr
Honolulu, HI 96816

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 11:00 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Marisa Plemer
Sent: Friday, September 20, 2019 10:59:30 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Marisa Plemer and I live in Haleiwa.

My daughter and family live in Maui, please do the right things in your power to protect their lives and health, thank you!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Marisa Plemer
59-008 Huelo St
Haleiwa, HI 96712

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 6:03 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED

2019 SEP 19 AM 8:14

OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: lponmaui@everyactioncustom.com <lponmaui@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 12:21 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Lisa Poulsen
454 Front St Lahaina, HI 96761-1115
lponmaui@gmail.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 2:44 PM
To: County Clerk
Subject: FW: Thank you for taking responsible action to protect our waters and the clean waster act

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 PM 2:50
OFFICE OF THE
COUNTY CLERK

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

From: alohapowers@everyactioncustom.com <alohapowers@everyactioncustom.com>
Sent: Thursday, September 19, 2019 10:22 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for taking responsible action to protect our waters and the clean waster act

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Thank you for protecting the Clean Water Act nationwide. This is SO SO SO important.

WE have options for treating the water water that are better!! For example.

There are proven techniques for treating waste water with algae.

Benefits:

1. Non-toxic, environmentally friendly waste water treatment.
2. Value added end products: cattle feed protein enhancer, farm fertilizer.
3. The raceway ponds can serve as a beautiful water park that does not stink, and can be used for walking and exercise with paths around the ponds. (ponds are fenced)
4. Carbon Capture: When exhaust gasses from combustion engines are pumped into the ponds (i.e. diesel power generating plants and other manufacturing), the algal growth is enhanced and the carbon is sequestered. By Increasing algal growth the waste water treatment capacity is also increased.

Maui County should seriously consider using algae for waste water treatment.

Sincerely,
ms Megan Powers
20 Hale Lio Pl Haiku, HI 96708-5655
alohapowers@gmail.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:33 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Megan Loomis Powers (alohapowers@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 9:59 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Ms. Megan Loomis Powers
20 Hale Lio Pl
Haiku, HI 96708
alohapowers@gmail.com

(808) 280-4253

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Manon Pretre <Manon.Pretre.16477122@p2a.co>
Sent: Wednesday, September 18, 2019 9:18 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Manon Pretre and I live in Paia.

please protect the waters around our islands & keep the reefs alive & thriving for future generations. keep maui sacred!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Manon Pretre
120 Baldwin Ave
Paia, HI 96779

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Greg Puppione <Greg.Puppione.17364874@p2a.co>
Sent: Wednesday, September 18, 2019 8:44 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Greg Puppione and I live in Honolulu.

Do what's right. Don't be used by a larger agenda.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Greg Puppione
563 Kamoku St
Honolulu, HI 96826

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:00 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1:56
OFFICE OF THE
COUNTY CLERK

From: Namphuong Quach
Sent: Wednesday, September 18, 2019 11:59:50 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Namphuong Quach and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Namphuong Quach
1403 Makiki St
Honolulu, HI 96814

County Clerk

From: Alana Rask <Alana.Rask.234640975@p2a.co>
Sent: Wednesday, September 18, 2019 8:53 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Alana Rask and I live in Honolulu.

Please vote to settle this case. Not doing so will be a waste of time, resources, and a step backwards.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Alana Rask

Honolulu, HI 96816

RECEIVED
2019 SEP 18 AM 11:19
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 6:02 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:14
OFFICE OF THE
COUNTY CLERK

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

From: keoki.maui@everyactioncustom.com <keoki.maui@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 12:32 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
keoki raymond
106 Johnson Rd Kula, HI 96790-8472
keoki.maui@gmail.com

From: Maggie's Gems <maggiesgemsglassart@gmail.com>
Sent: Friday, September 20, 2019 1:52 PM
To: County Clerk
Subject: Clean Water Act

Dear County Member:

Every single thing we put down the drain goes to the food chain! Please take the steps to keep the Clean Water Act alive and treat our injection wells.

I'm appalled that the millions of tourists who visit our state from places on the planet that treat the sewage find out that we do not. It's obvious when they see a sea turtle with one of more tumors on their necks that we are not doing our part.

Yes, Maui gets voted as one of the best islands in the world, and down the road we may be voted as a place to avoid.

As leaders, the attitude of thinking ahead to what our great grandchildren and their great grandchildren would want. They will either be proud of the right decisions that were made to preserve the aina, the water ways and oceans OR the wrong decisions of allowing toxins from the mega big pharma drugs to 24/7 kill our reefs and eco-systems.

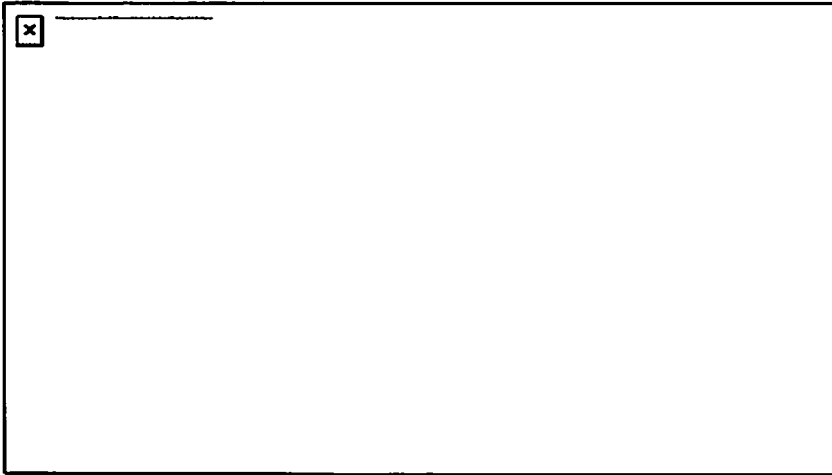
I've used 100% bio-degradable laundry and cleaning products since 1981 by Shaklee. They were the first company on the planet to achieve Climate Neutral Certification back in the year 2000 and they keep that certification active. They were the first company to plant one million trees. If I were a billionaire, I'd offer their cleaning products for free to every Maui resident. One Get Clean Kit is \$110...and replaces over \$3K of store bought cleaners. We have no nitrates, borates, phosphates, bleach, ammonia etc...everything breaks down in 7-21 days.

If ONLY biodegradable laundry products were allowed, that would be a giant step in the right direction.

I take no meds, and it saddens me at how many people are on meds when natural alternatives are available that do not pollute. Big Pharma keeps on getting bigger, so we need to do our part of the Clean Water Act.

Thank you for reading this,

Maggie Rayne
808-280-9242



MaggiesGems Glass Art Follow Us on Facebook <https://www.facebook.com/maggiesgems.glassart>

Hand Crafted Glass Art Pendants and Earrings

Tel: 808-280-9242

Fax: 866-280-2335

P.O. Box 1757

Kihei, HI USA 96753

~MAHALO FOR YOUR LOYALTY~

County Clerk

From: Nancy Redfeather <Nancy.Redfeather.234676723@p2a.co>
Sent: Wednesday, September 18, 2019 10:17 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Nancy Redfeather and I live in Kealahkekua.

Clean Water is a human right, necessary for effective tourism and future development.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Nancy Redfeather

Kealahkekua, HI 96750

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Eva <evaart@earthlink.net>
Sent: Thursday, September 19, 2019 11:49 PM
To: County Clerk
Subject: Injection Wells

Aloha,

We are asking Maui County to withdraw their case and upgrade the Lahaina Wastewater Reclamation Facility instead of continuing to fight the courts, ultimately jeopardizing the health of not only West Maui's waters, but the entire nation's waters.

Please do the right thing here, and stop feeding improperly treated sewage to the living ocean environment. The reefs are dying, the honu are crying. Please be pono.

Mahalo,
Eva Roberts
1260 Naalae Road
Kula, HI 96790

County Clerk

From: Mitchel Rosenfeld <Mitchel.Rosenfeld.129669340@p2a.co>
Sent: Wednesday, September 18, 2019 9:06 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Mitchel Rosenfeld and I live in Honolulu.

It is time to make the choices that are best for the aina and people of Hawaii, not the businesses. This is my backyard, too.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Mitchel Rosenfeld
629 Kumukahi Pl
Honolulu, HI 96825

RECEIVED
2019 SEP 18 AM 11:21
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Randyl Rupa <Randyl.Rupa.224541949@p2a.co>
Sent: Wednesday, September 18, 2019 10:27 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Randyl Rupa and I live in Honaunau.

Malama I Ka 'Aina

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

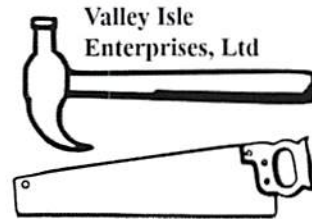
Please, create a lasting, positive legacy by focusing on the solutions for this pollution problem and upholding—not destroying—the legal protections of clean water for Maui, Hawai'i, and the entire nation.

Regards,
Randyl Rupa
PO Box 939
Honaunau, HI 96740

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

RECEIVED
2019 SEP 19 PM 2: 50

OFFICE OF THE
COUNTY CLERK



September 18, 2019

Maui County Council
County.clerk@mauicounty.us

Valley Isle Enterprises, Ltd.
Dr. Jennifer Salisbury
jennifer@westcoastend.com

Dear Sir or Madam Clerk:

Please include my words in SUPPORT to MAINTAIN the court case in the United States Supreme Court regarding the Lahaina Injection Wells.

As a real estate developer, a Hawaii licensed general contractor, a professional landlord, and project assistant on multi-family new construction, I can tell you FIRST-HAND the National Pollutant Discharge Elimination System (NPDES) permits are just opening Maui County (and its residents) to further LIABILITY.

It is ironic how the injection wells in Lahaina have now potentially opened up an avenue to not only require anyone on a cesspool OR a septic system to have a NPDES, this would also open up the County AS WELL to further liability. Has anyone at the County ever applied for and gotten a NPDES? I have, and I can tell you it is long, laborious and about as much fun as a colonoscopy.

County Council MUST be made aware that NOT moving forward with this lawsuit may subject thousands of individual owners in Maui County to become a part of a FEDERAL environmental concern. This will not only result in millions of dollars in fees, but additional red-tape and delays in any further development of ANY type of housing in Maui County – “affordable” or not.

This lawsuit MUST continue. If Council chooses to withdraw from the lawsuit, expect housing in Maui County to slow EVEN MORE and the housing crisis to get even worse.

Kindest Regards,

A handwritten signature in black ink, which appears to read "Jennifer Salisbury". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Salisbury".

Dr. Jennifer Salisbury
Valley Isle Enterprises, Ltd.

County Clerk

From: Frances Salvato <Frances.Salvato.234652387@p2a.co>
Sent: Wednesday, September 18, 2019 9:31 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Frances Salvato and I live in Makawao.

Please vote to withdraw the appeal. Protect the nation!! Thank you

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Frances Salvato

Makawao, HI 96768

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Georgia Sartoris <Georgia.Sartoris.71315265@p2a.co>
Sent: Wednesday, September 18, 2019 10:16 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Georgia Sartoris and I live in Paauilo.

Coral reefs are the primary resource for the foundation of a tourism economy. You are throw them away with this water pollution. Georgia Sartoris, Hawaii Island

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Georgia Sartoris
43-1355 Mamalahoa Hwy
Paauilo, HI 96776

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:33 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Annette Schmidt (annettejschmidt@gmail.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Thursday, September 19, 2019 1:34 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Mrs. Annette Schmidt
74 Laukahi Street
Kihei, HI 96753
annettejschmidt@gmail.com

(808) 868-3779

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:42 PM
To: County Clerk
Subject: FW: Withdraw the Petition of Appeal.

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Jason Schwartz Maui <jasonschwartzmaui@gmail.com>
Sent: Thursday, September 19, 2019 12:39 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Withdraw the Petition of Appeal.

YOU KNOW what to do

Love,
Jason Schwartz

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 4:46 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

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2019 SEP 19 AM 8:10
OFFICE OF THE
COUNTY CLERK

From: Juli Schwartzsmith
Sent: Wednesday, September 18, 2019 4:46:05 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Juli Schwartzsmith and I live in Kailua.

Hawai'i is a very special place to those of us who live here and those who visit. Please keep our waters clean and pure and don't allow commercial to waste to be dumped in our streams and ocean.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Juli Schwartzsmith
231 Awakea Rd
Kailua, HI 96734

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:28 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: carolbollschwarz@everyactioncustom.com <carolbollschwarz@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 8:02 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Carol Schwarz
1135 Makawao Ave Makawao, HI 96768-7403 carolbollschwarz@yahoo.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:49 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: scott0547@everyactioncustom.com <scott0547@everyactioncustom.com>
Sent: Monday, September 9, 2019 11:18 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr. J. David Scott
24 S 12th St Cottage Grove, OR 97424-2214 scott0547@rogers.com

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:59 PM
To: County Clerk
Subject: FW: MAHALO!

RECEIVED

2019 SEP 19 AM 8:13

OFFICE OF THE
COUNTY CLERK

With Aloha,



Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

From: Marina Scott <marina1scott@gmail.com>
Sent: Wednesday, September 18, 2019 1:20 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: MAHALO!

Aloha Mrs King,

Mahalo from my ohana to yours for supporting the dropping of the Lahaina Injection Wells lawsuit. We are actually your neighbors on Kalola St and are proud to say so as your consistent commitment to protect the environment is commendable. Thank you for your strong leadership, for insisting on the protection of our oceans, shorelines, economy and the future of our islands. Please stay the course and continue to vote YES TO SETTLE the lawsuit at the next round of delegation.

Maui is lucky to have you.

Sincerely,

--

Marina Scott
808.359.1180

County Clerk

From: Maui_County Council_mailbox
Sent: Friday, September 20, 2019 7:31 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Julie Shafer
Sent: Friday, September 20, 2019 7:30:54 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Julie Shafer and I live in [advCity].

Keeping our water and oceans clean is a sane sign of health and care for People, animals, and environment! Do what is right Maui County! Protect the water! We are counting on you. Thank you.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Julie Shafer

, HI 96708

County Clerk

From: HSPE State Society <hawaiihspe@gmail.com>
Sent: Thursday, September 19, 2019 11:17 AM
To: County Clerk
Subject: AUTHORIZING SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL 12-00198 SOM BMK, U.S. SUPREME COURT CASE 18-260

Hawaii Society of Professional Engineers
www.nspe-hi.org

September 19, 2019

Honorable Kelly T. King, Chair
Maui County Council
200 South High Street, 8th Floor
Wailuku, Maui, Hawaii 96793

Dear Chair King:

Subject: HAWAII WILDLIFE FUND, ET AL. v. COUNTY OF MAUI

The Hawaii Society of Professional Engineers is opposed to accepting the settlement offered by the plaintiffs. We recommend the County of Maui continue to the United States Supreme Court hearing for the following reasons.

1. Injection wells could still have use: Reuse of effluent for irrigation is an alternate to injection well disposal. The effluent in Lahaina is already treated to R-1 quality recycled water and reused in Kaanapali. However, during wet weather when irrigation water would not be used, injection wells could be needed and used for disposal. The reduced flow quantity into the injection well when used sparingly would be a significant change from current operations.
2. No other full disposal method in place: Where will the effluent go? It is premature to accept the removal of injection wells as a disposal method when there is no clear favored replacement. This issue is compounded when considering the other County-operated injection wells and wastewater reclamation facilities. A favorable ruling could limit or prevent future lawsuits at the locations other than Lahaina.
3. Single-family homes at risk: Being that Maui County is an island community, the majority of homes are in close proximity to the ocean. Thousands of homes and condominiums utilize cesspools and septic systems to dispose of effluent and sewage into the ground. This could be interpreted as a violation of the Clean Water Act.
4. Clarity of Clean Water Act: The U.S. Supreme Court has agreed to hear the case because there are different interpretations of the Clean Water Act by enforcement agencies and lower courts. Let the Supreme Court rule on this case to provide clarity and consistency.

We are encouraged with the Plaintiffs desire to work productively together to find a solution. We need to work together towards a healthy ecosystem regardless of the outcome of the court case. However, we are concerned with the implications of the current Clean Water Act, last updated in 1987, applying to subsurface water disposal. We recommend that the settlement be rejected.

Thank you for your consideration.

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2019 SEP 19 AM 11:26
OFFICE OF THE
COUNTY CLERK

Michael E. Silva, PE, LS, LEED AP
Hawaii Delegate to the National Society of Professional Engineers
Hawaii Society of Professional Engineers

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:58 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:13
OFFICE OF THE
COUNTY CLERK

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

From: jesingl@everyactioncustom.com <jesingl@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 1:31 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Ms. Joan Singleton
21702 Branta Cir Huntington Beach, CA 92646-8205 jesingl@yahoo.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:21 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Rene Siracusa
Sent: Wednesday, September 18, 2019 11:21:03 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Rene Siracusa and I live in Pāhoa.

Clean water - we all live downstream. Maui is polluting the waters of the State in which I live. This affects the other islands, too.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Rene Siracusa
PO Box 1520
Pāhoa, HI 96778

RECEIVED
2019 SEP 18 AM 11:26
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:17 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Jacqui Skill
Sent: Wednesday, September 18, 2019 11:16:43 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Jacqui Skill and I live in Lahaina.

Save our island by focusing on solutions for waste water pollution

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Jacqui Skill
3875 Lower Honoapiilani Rd
Lahaina, HI 96761

RECEIVED
2019 SEP 18 AM 11:25
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Thursday, September 19, 2019 6:07 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:16

OFFICE OF THE
COUNTY CLERK

From: Makana Smith
Sent: Thursday, September 19, 2019 6:06:54 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Makana Smith and I live in Honolulu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Makana Smith
1947 Wilhelmina Rise
Honolulu, HI 96816

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 6:04 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 AM 8:15
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: sheila.sone@everyactioncustom.com <sheila.sone@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 12:07 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Sheila Sone
117 Hoolaau St Wailuku, HI 96793-4165
sheila.sone@gmail.com

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 3:01 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4:05

OFFICE OF THE
COUNTY CLERK

From: Amy Sophiella
Sent: Wednesday, September 18, 2019 3:01:01 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Amy Sophiella and I live in Haiku.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Amy Sophiella

Paia, HI 96779

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 9:04 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:16
OFFICE OF THE
COUNTY CLERK

From: Jane Spaeth
Sent: Wednesday, September 18, 2019 9:03:45 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Jane Spaeth and I live in Kekaha.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Jane Spaeth
8230 Kekaha Rd
Kekaha, HI 96752

County Clerk

From: Fred Spanjaard <fred@globalmediaproductions.com>
Sent: Thursday, September 19, 2019 12:16 PM
To: County Clerk
Subject: PLEASE Withdraw the Petition of Appeal!

RECEIVED
2019 SEP 19 PM 12: 56
OFFICE OF THE
COUNTY CLERK

Folks, this is a "no brainer" isn't it?

Mahalo & aloha,
Fred

Fred Spanjaard
Global Media Productions
808-875-8820 office
808-283-5365 cell
www.globalmediaproductions.com

County Clerk

From: Bill Staley <Bill.Staley.40987651@p2a.co>
Sent: Wednesday, September 18, 2019 8:38 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Bill Staley and I live in Lahaina.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Bill Staley
3626 Lower Honoapiilani Rd
Lahaina, HI 96761

RECEIVED
2019 SEP 18 AM 11:17
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Michael Stauber <Michael.Stauber.97635550@p2a.co>
Sent: Wednesday, September 18, 2019 8:55 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Michael Stauber and I live in Koloa.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Michael Stauber
5485 Koloa Rd
Koloa, HI 96756

RECEIVED
2019 SEP 18 AM 11:19
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Charles Stoner <Charles.Stoner.234650703@p2a.co>
Sent: Wednesday, September 18, 2019 9:28 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Charles Stoner and I live in Waimea, HI (Big Island).

Aloha,

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Charles Stoner

Kailua-kona, HI 96740

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 10:46 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

From: Ann Strong
Sent: Wednesday, September 18, 2019 10:45:58 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ann Strong and I live in Keaau.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ann Strong
HC2 Box 9529
Keaau, HI 96749

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:37 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Robin Swanson
Sent: Wednesday, September 18, 2019 11:37:06 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Robin Swanson and I live in Honolulu.

As a resident of Hawai'i, I urge you to WITHDRAW the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We MUST STOP the damage to our priceless ocean and reef resources!! Instead, 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Robin Swanson
748 Isenberg St
Honolulu, HI 96826

From: Kelly King
Sent: Friday, September 20, 2019 9:20 AM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: bhaktirocks@everyactioncustom.com <bhaktirocks@everyactioncustom.com>
Sent: Thursday, September 19, 2019 7:56 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
ane takaha
511 Kupulau Dr Kihei, HI 96753-9315
bhaktirocks@sbcglobal.net

County Clerk

From: Phoenix Taredi <Phoenix.Taredi.82871770@p2a.co>
Sent: Wednesday, September 18, 2019 8:53 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Phoenix Taredi and I live in Paia.

We deserve to know!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Phoenix Taredi
79 Anohou St
Paia, HI 96779

RECEIVED
2019 SEP 18 AM 11:19
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:55 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED
2019 SEP 19 AM 8:12
OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: jilltarkington@everyactioncustom.com <jilltarkington@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:03 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Jill Tarkington
25 Alta Loma Benicia, CA 94510-2646
jilltarkington@gmail.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 4:40 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: 4gary4thaler4@everyactioncustom.com <4gary4thaler4@everyactioncustom.com>
Sent: Thursday, September 19, 2019 2:48 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr. Gary Thaler
84 Bradstreet Ave Revere, MA 02151-4112 4gary4thaler4@gmail.com

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:40 PM
To: County Clerk
Subject: FW: Lahaina Injection Wells Recap Vote 5 to 3 - US Supreme Court Case to Settle Out

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Arts of Hawaii <leo.josephjohn@gmail.com>
Sent: Friday, September 13, 2019 11:10 AM
To: Kelly King <Kelly.King@mauicounty.us>; Tamara A. Paltin <Tamara.Paltin@mauicounty.us>; Keani N. Rawlins <Keani.Rawlins@mauicounty.us>; Shane M. Sinenci <Shane.Sinenci@mauicounty.us>; Mike J. Molina <Mike.Molina@mauicounty.us>
Cc: sierra.mail@sierraclub.org; bbuley@thegardenisland.com; governor@iq.hawaii.gov; Josh Green <joshuaboorthgreen@yahoo.com>; mayors.office@mauicounty.gov; Tasha A. Kama <Tasha.Kama@mauicounty.us>; Yukilei Sugimura <Yukilei.Sugimura@mauicounty.us>; Angus L.K. McKelvey <rep.mckelvey@capitol.hawaii.gov>; rozbaker@gmail.com; Mike Gabbard <sengabbard@capitol.hawaii.gov>; editor@mauitime.com; Alberta De Jetley <lanaitoday@yahoo.com>; dfrancis@staradvertiser.com; citydesk@mauinews.com; opinions@mauinews.com; opinion@sfchronicle.com; letters@staradvertiser.com; letters@thenation.com; admin@acoel.org; Hawaii State Ethics Commission <ethics@hawaiiethics.org>; elections@hawaii.gov; dbock@hawaii.tribune-herald.com; Lahnews@maui.net; news@hawaii.publicradio.org; news@civilbeat.org; office@mauichamber.com; Office, Hawaii (Hirono) <Hawaii_Office@hirono.senate.gov>; Office of U.S. Senator Brian Schatz (iMailAgent) <casework@schatz.senate.gov>; Tulsoffice@mail.house.gov; headquarters@earthjustice.org; wild@aloha.net; info@savewestmaui.com; pr@hawaiianpaddlesports.com
Subject: Lahaina Injection Wells Recap Vote 5 to 3 - US Supreme Court Case to Settle Out

Good morning -

Reading the County of Maui recap in MAUI TIME MAGAZINE DATED 12. 2019 - Seems that the non supporters to move on into the US Supreme Court in the Lahaina Injection Wells lawsuit brought against County of Maui Hawaii by Hawaii Wildlife Fund - Sierra Club Maui - Surf-riders Foundation, and West Maui Preservation Association for many reason does not really surprise us. The yes, county council votes - most already have their rebel history. In the attitude they project with their own political agenda. Along with their ethics unconsciousness from right, and wrong. Taking the public trust from them. By not seeing the lawsuit threw with the highest court of the land. As if they where the high power. Now, what should be interesting to watch, who, and what happens in the future with election campaign funding for who said yes to no Federal US Supreme Court. With Evan Rep.Angus McKelvey who has already made his visit to Hawaii Government class much shorter. Just in his own ethnic history of understanding of Hawaii Cultural. For those locals listed that brought the lawsuit on - THANKS FOR THE COMMUNITY IN MAUI COUNTY HAWAII GOVERNMENT - NOT!

LEO THINER - BRICKEY - CEO
ART OF HAWAII
Honokowai - Maui

<<https://docs.google.com/uc?export=download&id=1LGQKvaE-YQgyrcV8KpkYi7qoKOI1v-lK&revid=0B1n-M9m6PAXWZms4Yk5aVDVtM2ZTQWFDL1huaGc4amtzbXJvPQ>>

Leo Thiner - Brickey CEO
Arts of Hawaii - Honokowai - Maui

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 7:40 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 19 AM 8:15

OFFICE OF THE
COUNTY CLERK

From: Beverly Toyama
Sent: Wednesday, September 18, 2019 7:39:53 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Beverly Toyama and I live in Pearl City.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Beverly Toyama
2363 Apoepoe St
Pearl City, HI 96782

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 4:46 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 19 AM 8:10
OFFICE OF THE
COUNTY CLERK

From: Terry Travis
Sent: Wednesday, September 18, 2019 4:46:21 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Terry Travis and I live in Ewa Beach.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Terry Travis
91-999 Laaulu St.
Ewa Beach, HI 96706

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 5:36 PM
To: County Clerk
Subject: FW: Please Settle the Lahaina Injection Wells Lawsuit

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: Gayln Trevia (hulamakaimaui@msn.com) Sent You a Personal Message <automail@knowwho.com>
Sent: Wednesday, September 18, 2019 11:39 AM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Please Settle the Lahaina Injection Wells Lawsuit

Dear Ms. Kelly T. King,

For over a decade, Maui County has fought to allow the Lahaina Wastewater Reclamation Facility to keep polluting the Kahekili reef. The Surfrider Foundation Maui Chapter and our coalition partners have tried to work with the former Mayor to find practical alternatives. We believe the Wastewater Facility can redirect its effluent to provide needed water for golf courses, commercial landscaping, and agriculture. Instead of working with us, the County has spent over \$4 million in taxpayer money on mainland law firms to appeal each decision lost. As the current leaders of Maui County, you have the opportunity to turn this around. Please do the responsible thing for Maui County and protect our reputation and our reefs. We should use our time, energy and taxpayer dollars to fix the problem, not fight the solution.

If we start planning now, Maui County can develop a long-term solution for our water system that will give us something to be proud of, instead of embarrassing stories of Maui in the news and social media around the country. If the County continues to push this case all the way to the Supreme Court in Washington, D.C., the case will damage Maui's reputation and undermine the Clean Water Act as it's being supported by large corporate polluters like the American Petroleum Institute and the National Mining Association.

These companies want to use this case to sabotage the Clean Water Act and possibly reduce liability for environmental disasters like cyanide drainage from mines and leaking oil pipelines. We don't want to people to associate Maui County with these polluters; nor do we want to help their efforts to undermine the Clean Water Act on a national level. We strongly encourage the Mayor, Maui County Council and the leadership of Maui's state legislators to work together with community organizations so we can resolve this issue together and protect our island's treasured beaches, coastal waters and living resources.

Sincerely,

Ms. Gayln Trevia
462 Laulea Place
Paia, HI 96779
hulamakaimaui@msn.com

(808) 280-0088

This message was sent by KnowWho, as a service provider only, on behalf of the individual noted in the sender information.



MAUI

CHAMBER OF COMMERCE

VOICE OF BUSINESS

**Testimony on CR 19-112
Resolution to Authorize Settlement of
Hawaii Wildlife Fund, et al. v. County of Maui
Friday, September 20, 2019**

Dear Chair King, Vice-Chair Rawlins-Fernandez and
Members of the Maui County Council,

We understand this is a very complex and difficult issue, but we strongly feel it is imperative to allow the process to continue and not withdraw the Supreme Court appeal.

We have many top priorities as a County, like affordable housing and rental units, that will be hampered if this case is withdrawn from the Supreme Court. This includes potential liability issues for the many homeowners and businesses using cesspools and septic systems that could arise. There have been so many vague answers and conflicting responses from various departments and agencies on what could happen if the 9th Circuit Court decision stands. The repercussions are incredibly unclear and high levels of uncertainty on this will only further delay the housing projects our community so desperately needs.

Further, with the new information that has come forth, including the response from Corporation Counsel on the Council's authority and the ethics complaint against Councilmember Paltin, we feel more time should be taken to review and consider the new information and allow Councilmember Paltin to address the issue before this incredibly important decision is made that could have significant impacts to our County and State.

Aside from the implications on permitting and liability, the financial consequences to the County are devastating with the 9th Circuit Court ruling and the billions of dollars in fines alone that would have to be paid would cause many of our top priority projects with affordable housing and rentals to be stalled, not to mention the work the County is currently doing to eliminate injection wells. Would taxpayers have to cover this cost, further raising our high cost of living? This alone should be enough to not withdraw the appeal from the Supreme Court in the hopes we get a different answer.



MAUI

CHAMBER OF COMMERCE
VOICE OF BUSINESS

Testimony on CR 19-112
Resolution to Authorize Settlement of
Hawaii Wildlife Fund, et al. v. County of Maui
Friday, September 20, 2019
Page 2.

The bottom line is the impacts are subjective to interpretation of the laws, which is why it is important to have this reviewed and interpreted by the highest court to get the clarity that is essential to move forward. We need clear processes that the public can count on. If we don't get the best interpretation, make a mistake and rush the judgement on this by withdrawing the appeal and hurt residents and businesses in the process, who will be accountable for this? We ask that you do not withdraw the Supreme Court appeal so we can get clarity on this important legal matter.

We appreciate the opportunity to provide testimony.

Sincerely,

Pamela Tumpap
President

To advance and promote a healthy economic environment for business, advocating for a responsive government and quality education, while preserving Maui's unique community characteristics.

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:54 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

RECEIVED

2019 SEP 19 AM 8:12

OFFICE OF THE
COUNTY CLERK

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

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

From: sweetnectar3@everyactioncustom.com <sweetnectar3@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:06 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
J Van Niel
55 N 5th St # E304 Brooklyn, NY 11249-3298 sweetnectar3@gmail.com

County Clerk

From: Maria Walker <Maria.Walker.101984539@p2a.co>
Sent: Wednesday, September 18, 2019 10:26 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Maria Walker and I live in Kapa'a.

Aloha Councilmembers, although I am a Kaua'i resident, all the islands are faced with the need to recreate our water infrastructure to benefit the aina and our people, and stop supporting rulings that perpetuate polluting and exploitive practices. Please be a role model and help keep our waters clean and protected from entities who wish to evade or flout our environmental laws. Mahalo nui loa.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Maria Walker
4-1101 Kuhio Hwy
Kapa'a, HI 96746

RECEIVED
2019 SEP 18 AM 11:23
OFFICE OF THE
COUNTY CLERK

County Clerk

From: JJ Wassell <JJ.Wassell.125003757@p2a.co>
Sent: Wednesday, September 18, 2019 8:47 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is JJ Wassell and I live in Keaau.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
JJ Wassell
15-1688 5th Ave
Keaau, HI 96749

RECEIVED
2019 SEP 18 AM 11:18
OFFICE OF THE
COUNTY CLERK

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 1:31 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 1: 57
OFFICE OF THE
COUNTY CLERK

From: Jennifer Watabayashi
Sent: Wednesday, September 18, 2019 1:30:59 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Jennifer Watabayashi and I live in Waipahu.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Jennifer Watabayashi
94-387 Kahuapaa Pl
Waipahu, HI 96797

From: Robert Watkins <Robert.Watkins.111724130@p2a.co>
Sent: Wednesday, September 18, 2019 9:56 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Robert Watkins and I live in Hawi.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Robert Watkins
PO Box 63
Hawi, HI 96719

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 12:15 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:56

OFFICE OF THE
COUNTY CLERK

From: Valerie Weiss
Sent: Wednesday, September 18, 2019 12:15:07 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Valerie Weiss and I live in Kapa'a.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Valerie Weiss
6616 Alahele St
Kapa'a, HI 96746

From: Ben Welborn <Ben.Welborn.107816962@p2a.co>
Sent: Wednesday, September 18, 2019 9:57 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ben Welborn and I live in Hanalei.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ben Welborn
PO Box 915
Hanalei, HI 96714

RECEIVED
2019 SEP 18 AM 11:22
OFFICE OF THE
COUNTY CLERK

County Clerk

From: Madolin Wells <wellsmadolin@gmail.com>
Sent: Thursday, September 19, 2019 5:02 PM
To: County Clerk
Subject: county clerk

To Council Members of Maui County,

As a resident of Maui, a citizen of the US, and a member of the global community on this planet, I beseech you not to further pollute and desecrate the land that is our home. We have no right to degrade or destroy the habitat of countless species - including our own, to poison the plant and animal kingdoms, to drive numerous species into extinction at an unprecedented rate. We not only have no right, we have the responsibility of stewardship, to watch over and protect the land and sea and sky and all the creatures on it.

I fell in love with Maui the first time I visited in 1995. It took me this long (October 2018) to finally make my home here. The changes I see are utterly heartbreaking. Every day the stench I smell coming from the ocean in many spots, and the sewage smells from low-lying areas, is very hard to stomach. This is a health hazard, not merely unpleasant or unaesthetic.

Fighting for the right to continue polluting in the face of all reasonable denials at local and circuit levels is short-sighted folly. It is far more expensive to retro-fit than do it right the first time (or the 2nd or 3rd or 4th time). You cannot put a price on health, and there is no price high enough to justify causing health hazards and ultimately, extinctions.

Please withdraw the appeal to the Supreme Court, an appeal that defies the will of the people.

Thank you for your time.

Madolin Wells

Testimony Submitted to the Maui County Council
Hearing: Friday, September 20, 2019 9:00 am
Council Chamber

CR 19-112 Recommending ADOPTION of resolution to authorize settlement of Hawaii Wildlife Fund, et.al. v County of Maui, Civil 12-00198 SOM BMK, U.S. Supreme Court Case 18-260

Chair King, Vice Chair Rawlins-Fernandez, and Members of the Committee,

Aloha. The Conservation Council for Hawai'i ("CCH") expresses its appreciation for the leadership of Committee Chair Molina and the members of the council Governance, Ethics, and Transparency Committee on this important issue, and urges the full Council to adopt the committee recommendation for the timely settlement and withdrawal of the County appeal in Hawai'i Wildlife Fund v. County of Maui. CCH reiterates its concern that a U.S. Supreme Court ruling in favor of the County's appeal may carry potentially devastating consequences for Hawai'i's beaches, nearshore ecosystems, and native species, as well as to the health of rivers, lakes, and oceans throughout the United States. Accordingly, rather than pursuing an appeal, CCH believes that the County's resources would be much more wisely invested in mitigating the water pollution issues underlying Hawai'i Wildlife Fund, and promoting the restoration and resilience of Maui's native species and nearshore ecosystems.

CCH is a local, nearly 70-year-old conservation organization dedicated to protecting native Hawaiian plants, animals, and ecosystems for future generations. Our 5,000 members reside on all main Hawaiian Islands, on the continent, and in countries throughout the world. Since 1971, CCH has also the Hawai'i state affiliate of the National Wildlife Federation (NWF). With more than 6 million members and supporters, NWF is one of the largest and most trusted conservation organization in the United States, which works with 51 other state and territory affiliates across the political spectrum, to ensure that the country's wildlife thrive.

CCH is greatly concerned that the Maui County appeal of Hawai'i Wildlife Fund may result in a Supreme Court ruling that severely restricts the protections of the Clean Water Act ("CWA"), with devastating and potentially irreparable consequences for our native species and ecosystems. In Hawai'i Wildlife Fund, the Ninth Circuit Court of Appeals affirmed that the CWA requires the Lahaina Wastewater Reclamation Facility ("LWRF") to obtain a National Pollutant Discharge Elimination System ("NPDES") permit for its injection well system's discharge of up to **5 million gallons of nutrient-heavy wastewater every day** into the reefs and nearshore waters of Kahekili. A Supreme Court ruling in favor of the County would establish a nationwide precedent that wastewater injected into the ground – even if it irrefutably and almost immediately discharges into the ocean or other navigable surface waters, as with LWRF – would no longer be subject to the protections of the NPDES process. Such a ruling would open the door for the unregulated disposal of wastewater via large-scale injection wells throughout Hawai'i, which in turn may impair our reef ecosystems with algal blooms and other ecological

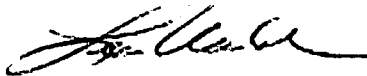
impacts associated with elevated nutrient and chemical levels. Moreover, such a ruling may allow industrial producers of wastewater throughout the United States to do the same – with long-term and widespread economic, environmental, and even climate-associated impacts that may also carry serious ramifications for our islands' environment, economy, culture, and people.

The injection well discharges of the LWRF have been of concern for decades. In the current era of climate change, the need to address such concerns, particularly as they relate to the health of our coral reef and nearshore ecosystems, is greater now than ever before – for our native species as well as for all who call these islands home.

Accordingly, CCH urges the County to reconsider and withdraw its appeal of Hawai'i Wildlife Fund, resolve the concerns underlying the case through settlement discussions or other appropriate means, and refocus its efforts towards realizing a critically needed, 21st century approach to wastewater management and climate change resilience.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Les Welsh', written in a cursive style.

Les Welsh, Interim Executive Director

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 3:21 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 4:05

OFFICE OF THE
COUNTY CLERK

From: Laurel Whillock
Sent: Wednesday, September 18, 2019 3:20:39 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Laurel Whillock and I live in Kailua-kona.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Laurel Whillock
71-1437 Puu Kamanu Ln
Kailua-kona, HI 96740

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 3:46 PM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED
2019 SEP 18 PM 4:05
OFFICE OF THE
COUNTY CLERK

From: Tehani White
Sent: Wednesday, September 18, 2019 3:46:13 PM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Tehani White and I live in Mililani.

Not sure why polluting an area that is a tourist destination (aka the cash cow of Hawaii) is even being supported, but please stop. These short-term solutions need to STOP. PERIOD. It never translates into long-term benefits. NEVER. I really don't know how you all as public servants don't see that??? Am I missing something here? Or are you guys just that greedy that you can't see past your nose????

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Tehani White
94-345 Hōkūahiahi St
Mililani, HI 96789

County Clerk

From: Kelly King
Sent: Thursday, September 19, 2019 2:21 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 PM 2:49
OFFICE OF THE
COUNTY CLERK

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

From: rorylaw@everyactioncustom.com <rorylaw@everyactioncustom.com>
Sent: Thursday, September 19, 2019 1:43 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,
Mr. Rory Wicks
443 7th St Apt B Imperial Beach, CA 91932-1484 rorylaw@cox.net

County Clerk

From: Ashley Wilcox <Ashley.Wilcox.43810266@p2a.co>
Sent: Wednesday, September 18, 2019 10:27 AM
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Ashley Wilcox and I live in Lahaina.

Please protect our water and reefs for our children.

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Ashley Wilcox
45 Pualu Loop
Lahaina, HI 96761

RECEIVED
2019 SEP 18 AM 11:24
OFFICE OF THE
COUNTY CLERK

Supreme Court appeal a mistake

As a long-time visitor with family on Maui, I have happily lived “on the economy” for 25 years as a one month per year resident. I have been impressed at the high level the areas of Kihei & Wailea regard environmental issues.

Therefore, I was distressed to see the issue of waste water management brought to the Maui County Council meeting, in which the subject was raised about the use of ejection wells to pump waste water thru the ground into Maui’s nearshore ocean waters.

I am concerned that by presenting this case in the U.S. Supreme Court, with its present composition, the Clean Water Act will be destroyed. That would lead to the pollution of waters in all areas of the United States.

Many careful, respectful tourists, the kind Maui wants, will choose other locations to visit. Locations that have not spearheaded attacks on the environment.

The county council will vote on this soon.

I encourage citizens and visitors alike to join in a concerted effort to persuade Maui County Council members to drop their U.S. Supreme Court appeal and allow the current policy to remain in effect.

Sincerely,

Liz Wildberger

Fairfield, California

From: CPT Mike Wildberger <mike@sailmauinui.com>
Sent: Wednesday, September 18, 2019 8:38 AM
To: County Clerk
Subject: Comment on 19-112
Attachments: lte mary w.docx

RECEIVED
2019 SEP 18 AM 11:17
OFFICE OF THE
COUNTY CLERK

Mahalo
Mike Wildberger
Shadowfax
Maui Ocean Charters, Maalaea Harbor
808 874-1110 (voice)
8088701741 (text)
Sailmauinui.com / Sail-Maui.com

"My object in living is to unite
My avocation and my vocation
As my two eyes make one in sight.
Only where love and need are one,
And the work is play for mortal stakes,
Is the deed ever really done
For heaven and the future's sakes."
Robert Frost

County Clerk

From: Kelly King
Sent: Wednesday, September 18, 2019 5:51 PM
To: County Clerk
Subject: FW: Thank you for acting to protect our West Maui reefs

With Aloha,

Office of Council Chair Kelly T. King
South Maui Residency
Office: 808.270.7108
200 South High Street, 7th Fl
Wailuku HI 96793
mauicounty.us

RECEIVED
2019 SEP 19 AM 8:11
OFFICE OF THE
COUNTY CLERK

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

From: ann.m.williams@everyactioncustom.com <ann.m.williams@everyactioncustom.com>
Sent: Wednesday, September 18, 2019 2:53 PM
To: Kelly King <Kelly.King@mauicounty.us>
Subject: Thank you for acting to protect our West Maui reefs

Dear Council Chair Kelly King,

I would like to thank you for your support at the GET committee meeting of 9/6/2019 for ending the long-running litigation around the treated wastewater released by the Lahaina injection wells into the ocean off of West Maui.

Maui has no need for a weakened Clean Water Act, but it does have a need for focused efforts to reduce the damage to our coral reefs and marine life. You can count on the community to support you in any steps in that direction, with the goal of eliminating use of the injection wells other than for storm runoff and emergencies.

Sincerely,

Mrs. Ann Williams

224 Mount Vernon Blvd Royal Oak, MI 48073-5102 ann.m.williams@comcast.net

County Clerk

From: Maui_County Council_mailbox
Sent: Wednesday, September 18, 2019 11:29 AM
To: County Clerk
Subject: FW: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

RECEIVED

2019 SEP 18 PM 1:55

OFFICE OF THE
COUNTY CLERK

From: Julie Williams
Sent: Wednesday, September 18, 2019 11:29:23 AM (UTC-10:00) Hawaii
To: Maui_County Council_mailbox
Subject: RE: 9/20/19 Maui County Council meeting; CR 19-112: vote to withdraw Supreme Court appeal.

Dear Maui County Office of Council Services,

Hi, my name is Julie Williams and I live in Honolulu.

Wake up and take care of our planet!!!

As a resident of Hawai'i, I urge you to withdraw the appeal to the Supreme Court this Friday, September 20, and focus on solutions for wastewater pollution. Maui County made an important first step with the vote on September 6 – it's time to finish that work!

We have to stop the damage to our priceless ocean and reef resources. The county should instead 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 don't want Maui County to do the dirty work with the Trump administration for our nation's worst polluters. We want Maui County to lead the way to protect our public trust waters for present and future generations.

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,
Julie Williams
3797 Sierra Dr
Honolulu, HI 96734