

For immediate release:

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*Photos available upon request.***Citizens Deliver Petitions Urging Maui County to Settle Lahaina Injection Well Case**

Wailuku, Maui, HI — Today, Sierra Club and the Surfrider Foundation, with support from Hawai'i Wildlife Fund and West Maui Preservation Association, delivered two petitions to Maui County Council Chair Kelly King. The petitions, signed by over 15,000 Sierra Club and Surfrider Foundation members nationwide, urges the Maui County government to settle the legal case involving its Lahaina wastewater treatment plant and withdraw its appeal to the U.S. Supreme Court.

The four community groups, represented by Earthjustice, filed a complaint with the Hawai'i Federal District Court in 2012, alleging that Maui County was in violation of the Clean Water Act for its injection well discharges of municipal wastewater into the Pacific Ocean just offshore of Kahekili Beach Park in West Maui. The District Court agreed, and its decision was unanimously upheld by the Ninth Circuit Court of Appeals. Now, the case is before the Supreme Court, with oral arguments scheduled for November 6, 2019. The County has allied with the Trump Administration in claiming that the pollution of the ocean via groundwater is exempt from the Clean Water Act.

"This case is being closely and eagerly watched by some of the worst polluters in the country," says Earthjustice attorney Mahesh Cleveland. "The loophole the County seeks would allow industrial and municipal polluters to evade regulation under the Clean Water Act simply by moving their discharges just short of the shores of navigable waters, or disposing of pollutants via groundwater. A Supreme Court ruling in the County's favor would have serious negative impacts on water quality nationwide."

The citizen group plaintiffs, who urged the County to address the pollution at Kahekili Beach for four years before finally filing the 2012 citizen's suit to enforce the law, still hope the County will address the problem locally at home, without pushing to create dangerous national precedent at the Supreme Court.

"We're asking the County to fix this problem and give our reefs a chance to recover," said Hannah Bernard, Executive Director of Hawai'i Wildlife Fund. "The County's refusal to protect an ecosystem in our backyard could jeopardize public health and clean water across the country. But it's not too late for the County to do the right thing."

The Sierra Club petition, signed by over 13,000 members across the United States, calls on Maui County to settle the case instead of pursuing the Supreme Court appeal, warning that "one wastewater treatment plant in Hawai'i is not worth gutting the Clean Water Act." The Surfrider petition, signed by another 2,547 citizens, asks the County government to "settle the

Lahaina Injection Well Lawsuit and work with the community to find alternative long-term solutions that will protect Maui's reefs and beaches, and ensure continued protections under the Clean Water Act for all Americans."

The petitions, delivered this morning to County Council Chair King at her office in Wailuku, come in advance of a Council committee hearing scheduled for next Tuesday, September 3, when it is expected that the committee will hear testimony and vote on a resolution to settle the case and withdraw the appeal.

"The County's claim that it can lawfully use groundwater as a sewer to carry millions of gallons of polluted wastewater from the Lahaina injection wells to the ocean each day is absurd," said David Henkin, the lead Earthjustice attorney representing the community groups. "As both the Hawai'i district court and the Ninth Circuit have already concluded, the Clean Water Act flatly prohibits such threats to our nation's waters. If need be, we will present this compelling case to the Supreme Court in November, but it shouldn't have to come to that. The County still has time to change course and focus on solutions, rather than more litigation."

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Earthjustice is a non-profit, public-interest, environmental law firm. The Hawai'i regional office opened in Honolulu in 1988 as the Sierra Club Legal Defense Fund, and has represented dozens of environmental, Native Hawaiian, and community organizations. Earthjustice is the only non-profit environmental law firm in Hawai'i and the Mid-Pacific, and does not charge clients for its services.