

HAWAI'I CLEAN WATER ACT

CASE TIMELINE

June 29, 2011 | **Community groups issue notice of intent to sue Maui County to stop illegal sewage discharges from the Lahaina Wastewater Reclamation Facility.** This notice follows years of efforts by community groups to resolve this issue without litigation, after years of public hearings and meetings with Maui County officials went nowhere.

April 16, 2012 | **Hawai'i Wildlife Fund, Surfrider Foundation, West Maui Preservation Association, and Sierra Club Maui Group file suit.** Under the Clean Water Act, this litigation aims to stop Maui County from discharging wastewater into the ocean from its Lahaina treatment plant without a permit to ensure the ocean environment will not suffer further harm.

July 25, 2013 | **Study proves Maui County wastewater discharges endanger beach water quality.** The study proves conclusively that injected wastewater reaches coastal waters via submarine springs, discharging pollutants that impact coastal water quality and result in elevated nutrient concentrations.

June 2, 2014 | **Federal court rules that Maui County is violating the Clean Water Act.** The federal district court concluded that 90% of the wastewater discharged each day from two of the injection wells (wells 3 & 4) at the County's Lahaina Wastewater Reclamation Facility flows through groundwater and emerges offshore of Kahekili Beach Park, where the wastewater-laden groundwater affects the physical, chemical, and biological integrity of the ocean water.

January 26, 2015 | **Federal court again finds Maui County in violation of Clean Water Act.** The federal district court rules that discharges into the remaining two injection wells at the County's Lahaina Wastewater Reclamation Facility (wells 1 & 2) likewise discharge pollutants into the ocean via groundwater, violating the Clean Water Act.

September 25, 2015 | **Community groups offer settlement in federal court requiring the County to come up with safer ways to dispose of wastewater at its facility.** Maui County commits to invest at least \$2.5 million for projects to divert and reuse wastewater from Lahaina injection wells if a final decision is entered that the County has violated the Clean Water Act.

June 7, 2016 | **The U.S. Environmental Protection Agency files an amicus brief in federal wastewater case.** After the County appeals the district court's decisions, the EPA weighs in on the side of four Maui community groups, explaining that "exempting discharges through groundwater," as the County urges, "could lead to absurd results."

February 1, 2018 | **Federal Appeals Court upholds Maui Clean Water Act Decision.** Upholding the 2014 and 2015 decisions by the U.S. District Court for the District of Hawai'i, the 9th U.S. Circuit Court of Appeals rules that Maui County has been violating the Clean Water Act since the facility was first put into operation in the early 1980s.

March 30, 2018 | **Federal Appeals Court rejects Maui County's petition for the full Court of Appeals to rehear the February decision.** Industry groups and 18 conservative state attorneys general argued for the rehearing, making this decision an important affirmation of Clean Water Act protections across the nation.

February 19, 2019 | **U.S. Supreme Court agrees to hear Hawai'i Clean Water Act case.** The final outcome of this case could determine whether the public will continue to be protected from harmful polluting activities.

April 16, 2019 | **Trump Administration reverses decades of consistent interpretations of the Clean Water Act that discharges of pollution via groundwater require permits.** The Trump EPA issues guidance that pollution discharges into waters of the United States via groundwater are categorically excluded from Clean Water Act regulation—reversing the position the EPA has taken under every other administration, Republican or Democratic, since the Clean Water Act was adopted.