



WHEREAS, the County of Maui's Lahaina Wastewater Reclamation Facility has for decades used injection wells to dispose of its treated wastewater, sending millions of gallons a day of polluted water into the ocean just offshore of Kahekili Beach; and

WHEREAS, peer-reviewed government and university scientific studies, as well as decades of direct kama'āina experience, have confirmed that water pollution from the Lahaina facility has degraded the ocean and reef environment at Kahekili Beach, creating dead zones where the pollution enters the ocean; and

WHEREAS, in a legal case brought under the federal Clean Water Act, Hawai'i Wildlife Fund et al. v. County of Maui, both the U.S. District Court, District of Hawai'i and the U.S. Court of Appeals for the Ninth Circuit have ruled that the Clean Water Act prohibits the pollution discharges from the Lahaina facility without a permit; and

WHEREAS, the Clean Water Act is the bedrock legal protection of clean water for the entire nation, which was passed by overwhelming majorities in the U.S. House of Representatives and U.S. Senate and signed into law by President Nixon in 1972; and

WHEREAS, under previous leadership, the County has resisted any regulation of the pollution from the Lahaina facility under the Clean Water Act, arguing that any pollution of the ocean from the injection wells is exempt from the law; and

WHEREAS, the County has so far spent over \$4 million paying mainland lawyers to fight its legal battle against the Clean Water Act, rather than using the money to pay for solutions such as investing in water reuse to meet community water needs for agriculture and landscaping; and

WHEREAS, the U.S. Supreme Court, which includes two new conservative justices appointed by the Trump Administration, has granted the County's request to hear its appeal; and

WHEREAS, the supporters of the County's appeal to the Supreme Court include polluting industries, Republican-dominated states and counties, right-wing property rights organizations, and other opponents of environmental protections; and

WHEREAS, the Trump Administration urged the Supreme Court to take up the County's appeal and has taken the position that the Clean Water Act excludes any and all pollution that reaches our nation's surface waters through groundwater, contradicting decades of practice by prior Democratic and Republican administrations.

WHEREAS, if the County's appeal proceeds to briefing, a hearing, and a ruling, the Supreme Court could issue an opinion that restricts and undermines the Clean Water Act's protections across the nation, which would be a stain on the County's reputation and an undesirable outcome overall; and

WHEREAS, with the election of a new mayor and council, the County has a golden opportunity to turn a new page, stop its attack on the Clean Water Act, focus on proactive solutions instead of counterproductive litigation, and lead the way on protecting, rather than polluting, the waters of Maui and the nation.

NOW, THEREFORE, BE IT RESOLVED by the Democratic Party of Maui that the County of Maui is urged to withdraw its appeal before the U.S. Supreme Court and instead focus on proactive, collaborative, and constructive solutions to reduce and control pollution from the Lahaina Wastewater Reclamation Facility and promote beneficial and necessary water reuse.