



## What's Threatening Maui's Beaches?



### Where is the Lahaina Wastewater Reclamation Facility?

The Lahaina Wastewater Reclamation Facility is located in Maui County, Hawaii. It treats wastewater from homes and businesses to reclaimed water and is authorized by the EPA and the Hawaii Department of Health under the Safe Drinking Water act to inject this into wells in the island. Due to the geologic nature of Hawaii, it is estimated that more than 90% of this water eventually enters the surrounding ocean through seepage.

### What is the Issue with the Lahaina Wastewater Facility?

Reclaimed water, which can possess higher levels of bacteria and other microorganisms, that seeped into the ocean led to the spread of algal blooms near Maui's shores and could impact the health of coral reefs, aquatic and mammalian life, and humans that live near the shore, according to environmental groups.

The Clean Water Act does not cover groundwater, but as surface water the ocean is covered. During the planning and subsequent reviews of the facility, both the EPA and the state had determined that there was no need for the facility to apply for a NPDES permit, since it was not a point source under the Clean Water Act. A group of Maui-based environmental groups, led by the Hawaii Wildlife Fund, sued Maui County in 2012 alleging the discharge from the county's Lahaina Wastewater Reclamation Facility was in violation of the federal Clean Water Act.

At the United States District Court for the District of Hawaii, the court found for the plaintiffs, agreeing that the facility needed NPDES permits for the injection wells and for the facility itself. The county appealed to the Ninth Circuit, which denied to hear the case. The County filed its petition for writ of certiorari to the Supreme Court.

### What is the Status of the Lawsuit?

The Supreme Court approved the petition in February 2019, and the petition is scheduled to be heard in November 2019.



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