



Joint Statement of Plaintiff Community Groups

County Needs to Stop Denying the Problem and Fix it

Wailuku —

We had the difficult task of suing Maui County over the Honokōwai injection wells – winning before the U.S. District Court, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court. We have advocated all along for the County to fix the problem of injection wells in a way that benefits land-based activities, uses this resource responsibly, and protects our shoreline environments from further decimation.

While the U.S. Supreme Court, the highest court in the land, has undoubtedly ruled against the County, the County is now hoping to *reopen* the original case in District Court to somehow convince it, the Ninth Circuit, and the U.S. Supreme Court were wrong in deciding that the injection wells at Honokōwai are the “functional equivalent” of a direct discharge into the ocean. To do so, the County will expend a substantial and unnecessary amount of taxpayer money.

The time has come for the County to accept that its legal position has been rejected. It cannot continue to pretend that engaging in this costly and endless litigation will somehow yield a different result.

After the U.S. Supreme Court’s decision, many polluters across the country are ending their fights with community groups and regulators to find a way to move forward. We need to do the same. Yet, it seems like the defiant Maui County attorneys want to pretend that they haven’t already lost in three different courts over the last eight years.

As members of this community, we care deeply about our ‘āina and its resources. We did not get in this fight to win lawsuits; we got in it to save reefs, to protect this precious resource, and to advocate for wastewater reuse solutions that will ultimately save taxpayers money in the long run. The County now has a choice: waste taxpayer money to delay the inevitable, or invest in fixing the problem, as we have been collectively urging since day one.

Fortunately, **there are solutions readily available to the County.** The Lahaina plant was designed and intended to re-use the treated R-1 water to irrigate sugar cane; that’s why it’s called the Lahaina Wastewater *Reclamation* Facility. The sugar might be gone, but other agricultural needs have risen to take its place. The golf courses, hotel grounds, and diversified agriculture of West Maui are perfect candidates for irrigation with R-1 water. The Department of Hawaiian Home Lands, which owns 800 acres of land formerly used for sugar, including several former plantation reservoirs just mauka of the injection wells, needs water for agricultural development. The State Water Commission, which has the kuleana of managing our fresh water resources,



supports using R-1 water for agriculture, and conserving precious West Maui stream water in the process.

The re-use of this water is the win-win scenario we must all get behind. The more R-1 we can use for irrigation, the less R-1 ends up in the ocean, polluting the water, and destroying the reef. This solution not only ends this years-long battle, but ensures that we continue this kuleana to mālama ‘āina and its precious resources.

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U‘ilani Tanigawa Lum is a licensed attorney and President of the West Maui Preservation Association that together with the Hawai‘i Wildlife Fund, Sierra Club, and the Surfrider Foundation undertook the kuleana to sue the county over the Honokōwai injection wells.