

CLEAN WATER ACT

Maui doesn't want to nix its Supreme Court case

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A lawyer for Maui County this week apologized for local lawmakers' attempt to drop a contentious Clean Water Act case from the Supreme Court's calendar.

In a [letter](#) dated Wednesday, Maui corporation counsel Moana Lutey reinforced her position as the county's chief legal representative in a closely watched dispute over whether pollutants that travel through groundwater on their way to federally regulated water bodies are subject to Clean Water Act permitting.

"I am able to represent to this Court that the County of Maui is *not* requesting a delay or dismissal in this matter," Lutey wrote in a letter submitted to the Supreme Court yesterday by Hunton Andrews Kurth LLP attorney Elbert Lin.

"Any alleged conflict involving the County Charter is a matter that may be addressed independently."

Lutey's letter follows correspondence by Maui County Council Chair Kelly King in which the lawmaker asked the Supreme Court to dismiss or delay Nov. 6 arguments in *County of Maui v. Hawai'i Wildlife Fund* ([Greenwire](#), Oct. 10).

"I was unaware that this letter was going to be sent to you," Lutey wrote to the court, referring to King's letter.

The council voted 5-4 last month to approve a resolution settling a dispute over county disposal wells that send wastewater through the ground and then into the Pacific Ocean. But the council has received pushback on its authority to settle the matter.

King told the Supreme Court this week that the council may seek special counsel to represent its interests.

If the court drops *Maui* from its calendar, the justices could choose another case in which to probe the groundwater question.

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