

SUPREME COURT

Settlement talks hit snag in major Clean Water Act case

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Maui County, Hawaii, wastewater treatment facilities at issue in Supreme Court litigation. Warren Gretz/NREL

Efforts to settle a major environmental case pending at the Supreme Court reached an impasse last night, as local officials in Maui County deadlocked on the issue.

The county council's Governance, Ethics and Transparency Committee split 4-4 in a vote on whether to advance a resolution that favors withdrawing the pending appeal.

At issue is Maui County's Lahaina wastewater disposal site. Local environmental groups sued years ago after confirming that treated waste injected into the site's wells mixes with groundwater and ends up in the Pacific Ocean.

Lower courts sided with environmentalists, and an appeal is set for Supreme Court consideration this fall to decide whether such discharges trigger the permitting requirements of the Clean Water Act.

Some local leaders have pushed Maui to withdraw the appeal, concerned that the case could constrict the Clean Water Act and damage the county's reputation.

But that sentiment failed to receive majority support this week. The governance committee instead opted to defer the issue but indicated it expects to take it up again in the future.

Earthjustice attorney David Henkin, who is representing the local environmental groups in the case, said they are still "open to talking."

The case, *County of Maui v. Hawai'i Wildlife Fund*, is one of the biggest environmental cases on the Supreme Court's docket in years.

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