October 18, 2019

Aloha kakou,

To seek clarity on the application of the Clean Water Act in Maui County, I have decided not to exercise the authority to settle Hawaii Wildlife Fund et al. v. County of Maui.

This decision has not been taken lightly. I have reviewed information, both for and against maintaining Maui’s case before the U.S. Supreme Court. I’ve met with experts, regulators and representatives from the state and other counties. On Thursday, I visited the Lahaina Wastewater Reclamation Facility itself. I met with front-line treatment plant operators and technicians who work hard daily to manage our wastewater and produce clean, safe recycled water.

There are strong opinions on both sides of this important issue. But leadership is not about making easy, popular decisions. I believe the best interests of our residents, our visitors and the environment will be best served by having this case settled by the Supreme Court.

Maui County has been an environmental steward since the 1970s when visionary leaders abandoned direct sewage outfalls and reclaimed a valuable resource, irrigation water, from wastewater. We want to recycle 100 percent of our wastewater, but that takes time and money as well as private property owners willing to take our water as paying customers.

We should not risk the staggering costs of retrofitting treatment plants, jeopardizing our recycled water program or exposing our taxpayers or residents to costly legal battles over a new interpretation of regulations for wastewater disposal.

This issue must be clarified once and for all, not re-litigated endlessly at county taxpayers’ expense. Plaintiffs chose federal courts to file suit against Maui County in 2012. If their case has merit, they should welcome having it heard by the Supreme Court.

With the high court’s clarity on this issue, the county can manage our operations and resources with certainty under the law, for the benefit of all of Maui county’s residents and our treasured environment.

Aloha and mahalo nui loa,

Michael P. Victorino
Mayor, County of Maui