

same conclusion even if it did not consider any factor beyond the seven identified by the Supreme Court.

**V. CONCLUSION.**

Based on the undisputed evidence that the County discharged tens of thousands of gallons of wastewater from the LWRF into the Pacific Ocean on a daily basis at a few monitored seep vents, and balancing the factors set forth by the Supreme Court, as well as the additional volume factor that this court added, this court concludes that the LWRF must have an NPDES permit. The discharge from the County's injection wells into the groundwater and ultimately into the ocean is the functional equivalent of a direct discharge such that it triggers the NPDES permit requirement. The court would reach this same conclusion even if it did not consider any factor beyond the seven identified by the Supreme Court. Summary judgment is therefore granted in favor of Plaintiffs and against the County.

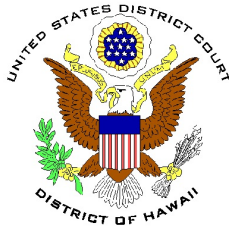
The parties earlier entered into a Settlement Agreement and Order re: Remedies. See ECF No. 256. Paragraph 5 of that agreement provides:

In the event of a remand, the Parties agree that the remedies provided for in this Agreement control and are binding, that no additional remedies shall be assessed and that this Agreement and the remedies provided herein resolve all remaining issues regarding the remedy phase of the above-captioned lawsuit.

*Id.*, PageID # 7277. Given that language, the Clerk of Court is directed to enter judgment in favor of Plaintiffs and against the County pursuant to this amended order and the Settlement Agreement filed as ECF No. 256. No further issues need to be determined by this court. Accordingly, after judgment is entered, the Clerk of Court is directed to close this case.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, July 26, 2021.



/s/ Susan Oki Mollway  
Susan Oki Mollway  
United States District Judge

Hawaii Wildlife Fund, et al. v. County of Maui; Civil No. 12-00198 SOM/KJM; AMENDED ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT; AMENDED ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT