



NEWS RELEASE
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Judge denies City and County of Honolulu's request to delay controlling sewage spills

Honolulu, Hawai'i -- Federal court judge David Ezra refused the City and County of Honolulu's (CCH) request to dismiss two counts of a pending citizen lawsuit filed against CCH.

CCH alleged, in filing for the motion to dismiss, that the U.S. Environmental Protection Agency (EPA) is prosecuting CCH for its Clean Water Act (CWA) violations and that the EPA should be granted a "preeminent role" in the case. But Judge Ezra ruled that the EPA had not acted in the case for the last 10 years and he allowed the citizen lawsuit brought by the Sierra Club, Hawaii Thousand Friends and Our Children's Earth Foundation to continue.

"The Clean Water Act allows citizens to bring suits when federal and state governments, for whatever reason, choose not to enforce the law," said Jeff Mikulina, director of the Sierra Club, Hawai'i Chapter. "That's exactly what's happened here and hopefully the citizen's voice will prevail in the end."

The ruling stems from the citizen's lawsuit filed in July, 2004 alleging that CCH has continually violated the federal Clean Water Act for continued spills from the City's sewage systems that pollute O'ahu's streams and coastal waters. These spills result in beach closures, human health risks, and substantial economic losses to ocean recreation and tourist-based businesses.

"These violations have been ongoing for years and we really need relief," said Donna Wong, Executive Director of Hawai'i's Thousand Friends.

"The court keeps ruling in the citizen's favor because CCH needs to clean up its act," said Our Children's Earth Foundation's attorney, Mike Costa.

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Founded in 1892, the Sierra Club is the nation's oldest and largest grassroots environmental organization, with over 700,000 members across the country. The Sierra Club actively promotes conservation by influencing public policy through grassroots activism, public education, lobbying and litigation. www.sierraclub.org

Since 1980, Hawai'i's Thousand Friends has advocated for protection of the environment, cultural resources, and human health and responsible land use planning in Hawai'i, bringing several prior lawsuits against the City and County of Honolulu for violations of the Clean Water Act at the Sand Island, Honouliuli, and Kailua Wastewater Treatment Plants. www.hawaii1000friends.org

Founded in 1998, Our Children's Earth Foundation is a nonprofit organization dedicated to protecting the public, especially children, from the health impacts of pollution. Through a combined strategy of litigation, education and advocacy, OCE empowers individuals, families and local communities to participate in decisions that impact environmental quality. www.ocefoundation.org