



## Issue sewage-spill data, court tells city

Keeping reports secret because of a suit has a judge "troubled"

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POSTED: 01:30 a.m. HST, Nov 18, 2008

U.S. District Judge David Ezra informally ordered the city to release documents yesterday on hundreds of past sewage spills, chastising the city for its handling of the aging sewage system.

Ezra rejected an injunction sought by several environmental groups to force the release of documents in a lawsuit that has dragged on for four years. While he dismissed the motion because of technicalities, he said the files are public record.

He said there are no grounds for withholding the reports from the public, either deliberately or through neglect.

"The thing that troubled me the most was the suggestion that because you were in litigation ... somehow you're exonerated," he said. "It's ridiculous. It's an embarrassment."

Ezra went on to criticize the city for its approach in dealing with the aging infrastructure, describing it as "cavalier."

The city had argued that the records could not be made public, after the environmental groups had used the Freedom of Information Act, because of an ongoing lawsuit.

"The city was confused and alarmed, however, by the comments from the court regarding issues that were not central to the motion," city Environmental Services Director Eric Takamura said in a statement. "Most disturbing was the court's suggestion that the city was not dedicating sufficient resources to its waste-water system and jeopardizing public health. The city is devoting unprecedented resources to upgrading its collection service."

Bill Tam, an attorney representing environmental groups in the lawsuit -- the Hawaii chapter of the Sierra Club, Hawaii's Thousand Friends and Our Children's Earth Foundation -- said the documents are vital to Oahu's public health. "If you don't get these reports on a timely basis, you don't know the systematic problems," Tam said.

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