

Environment & Energy Report

Supreme Court Water Case on Track as Last-Ditch Legal Move Fails

By Ellen M. Gilmer

March 11, 2020, 10:20 AM

A Hawaii state court has dismissed a lawsuit that sought to force a settlement in a high-stakes water pollution case pending at the U.S. Supreme Court.

Hawaii's Circuit Court of the Second Circuit on Tuesday dismissed the challenge from state Rep. Angus L.K. McKelvey and Maui County activists who accused Mayor Michael Victorino of violating local law by refusing to implement a *County of Maui v. Hawai'i Wildlife Fund* settlement county lawmakers approved last year.

1. The Supreme Court heard oral arguments in the Maui case in November, focused on whether the federal Clean Water Act requires permits for pollution that takes an indirect route to major waterways. The justices haven't issued a ruling yet.
2. Settlement would have taken the case off the Supreme Court's docket—an outcome favored by many environmentalists and others concerned that the justices will adopt a narrow interpretation of the Clean Water Act.
3. The local lawsuit said the mayor's refusal to settle the case out of court violated the Maui County Code and the county charter. The Hawaii court dismissed the case after a Tuesday hearing.
4. The case is *McKelvey v. Victorino*, Haw. Cir. Ct., No. 2CCV-19-0001012, 3/10/20.

To contact the reporter on this story: Ellen M. Gilmer in Washington at egilmer@bloombergenvironment.com

To contact the editors responsible for this story: Gregory Henderson at ghenderson@bloombergenvironment.com; Renee Schoof at rschoof@bloombergenvironment.com

© 2020 The Bureau of National Affairs, Inc. All Rights Reserved



[Environment & Energy Report](#)

SUPPORT

[My Account](#)
[Contact Us](#)
[Help](#)

24/7 BLAW® Help Desk

888.560.2529

help@bloomberglaw.com

[Terms of Service](#)

[Privacy Policy](#)

[Copyright](#)

[Accessibility](#)

© 2020 The Bureau of National Affairs, Inc. All Rights Reserved