BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In The Matter Of The Application Of The DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU

DOCKET NO. SP09-403 ORDER DENYING APPLICANT'S MOTION FOR RECONSIDERATION

For A New Special Use Permit To Supersede Existing Special Use Permit To Allow A 92.5-Acre Expansion And Time Extension For Waimānalo Gulch Sanitary Landfill, Waimānalo Gulch, O'ahu, Hawai‘i, Tax Map Key: 9-2-03: 72 And 73

ORDER DENYING APPLICANT'S MOTION FOR RECONSIDERATION

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawaii.

December 1, 2009 by

Executive Officer
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HONOLULU ) RECONSIDERATION

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Time Extension For Waimānalo Gulch )
Sanitary Landfill, Waimānalo Gulch, )
O‘ahu, Hawai‘i, Tax Map Key: 9-2-03: 72 )
And 73 )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying Applicant’s Motion for
Reconsideration was served upon the following by either hand delivery or
depositing the same in the U. S. Postal Service by regular or certified mail as
noted:

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Dated: December 1, 2009, Honolulu, Hawaii.

Orlando Davidson, Executive Officer
ORDER DENYING APPLICANT'S MOTION FOR RECONSIDERATION

On October 29, 2009, the Department of Environmental Services, City and County of Honolulu ("Applicant"), filed a Motion For Reconsideration and a Memorandum In Support Of Motion For Reconsideration (collectively "Motion"), pursuant to sections 15-15-70 and 15-15-84, Hawai‘i Administrative Rules ("HAR").

The Applicant requested that the State Land Use Commission ("Commission") reconsider its Order Adopting The City And County Of Honolulu Planning Commission’s Findings Of Fact, Conclusions Of Law, And
Decision And Order With Modifications ("Decision and Order") issued in this
docket on October 22, 2009, by modifying Condition Number 14 and deleting
Condition Numbers 15 and 16 of the Decision and Order.

On November 12, 2009, Colleen Hanabusa, Esq., filed a
Memorandum In Opposition To Department of Environmental Services, City
And County Of Honolulu’s Motion For Reconsideration ("Memorandum in
Opposition") on behalf of herself, the Ko Olina Community Association, and
Maile Shimabukuro (collectively "Intervenors").

The Commission considered the Applicant’s Motion at its meeting
on November 13, 2009, in Honolulu, Hawai‘i. Gary Y. Takeuchi, Esq., and Jesse
K. Souki, Esq., appeared on behalf of the Applicant. Colleen Hanabusa, Maile
Shimabukuro, and Ken Williams appeared on behalf of the Intervenors. Bryan C.
Yee, Esq., was also present on behalf of the State Office of Planning ("OP").

At the meeting, the Commission received written testimony, which
has been made part of the docket file, and heard the oral testimony of Lee
Munson, Hanni Hartmann, Beverly Munson, Honolulu City Council Chair Todd
Apo, Cynthia K. L. Rezentes, Kristi West, Kris Gourlay, Carl Tanaka, and Bryan
C. Yee.

Following the receipt of public testimony, the Applicant moved to
strike the Intervenors’ Memorandum in Opposition. Upon consideration of the
arguments of the Applicant and Intervenors on this matter, the Commission accepted the Intervenors’ Memorandum in Opposition into the record.

Thereafter, the Applicant and Intervenors provided oral argument in support of their respective positions on the Applicant’s Motion. Following discussion, a motion was made and seconded to deny the Applicant’s Motion on the basis that there is no applicable statute or rule that provides for the reconsideration of special use permits by this Commission. There being a vote of 7 ayes and 2 absent, the motion carried.

ORDER

This Commission, having duly considered the Applicant’s Motion, the written and oral arguments presented by the parties, and a motion having been made at a hearing held on November 13, 2009, in Honolulu, Hawai‘i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the Applicant’s Motion For Reconsideration be and is hereby DENIED on the basis that there is no applicable statute or rule that provides for the reconsideration of special use permits by this Commission.
Done at Honolulu, Hawai‘i, this 30th day of November, 2009, per motion on November 13, 2009.

APPROVED AS TO FORM:

[Signature]
Deputy Attorney General

Filed and effective on 12/1/09

Certified by:

[Signature]
Executive Officer

LAND USE COMMISSION
STATE OF HAWAI‘I

By [Signature]
RANSOM PILTZ
Chair

Docket No. SP09-403 Department of Environmental Services, City and County of Honolulu Order Denying Applicant’s Motion for Reconsideration