

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

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In the Matter of the) FILE NO. 2008/SUP-2
Application of)
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DEPARTMENT OF ENVIRONMENTAL)
SERVICES, CITY AND COUNTY)
OF HONOLULU)
)
)
To delete Condition No. 14)
of Special Use Permit No.)
2008/SUP-2 (also referred)
to as Land Use Commission)
Docket No. SP09-403) which)
states as follows:)
)
)
"14. Municipal solid waste)
shall be allowed at the)
WGSL up to July 31, 2012,)
provided that only ash and)
residue from H-POWER shall)
be allowed at the WGSL)
after July 31, 2012.")
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CONTESTED CASE HEARING

Ewa-State Special Use Permit Amendment Application -
2008\SUP-2 (RY) Waimanalo Gulch Sanitary Landfill

Taken at Mission Memorial Conference Room,
Mission Memorial Building, 550 South King Street,
Honolulu, Hawaii 96813, commencing at 1:34 p.m., on
December 19, 2012, pursuant to Notice.

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BEFORE: SUE M. FLINT, RPR, CSR 274
Notary Public, State of Hawaii

APPEARANCES:

Planning Commission:

- GAYLE PINGREE, Chairwoman
- CORD D. ANDERSEN, Member
- DANIEL S.M. YOUNG, Member
- JAMES C. PACOPAC, Member
- DEAN I. HAZAMA, Member

For the Planning Commission:

WINSTON K.Q. WONG, ESQ.
 Deputy Corporation Counsel
 Department of the Corporation Counsel
 530 South King Street, Room 110
 Honolulu, Hawaii 96813

1 Appearances (continued):

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3 For the City and County of Honolulu, Department of
4 Environmental Services:

5 DANA VIOLA, ESQ.

6 Deputy Corporation Counsel

7 City and County of Honolulu

8 530 South King Street, Room 110

9 Honolulu, Hawaii 96813

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11 For Ko Olina Community Association and Senator Maile
12 Shimabukuro:

13 CALVERT GRAHAM CHIPCHASE, IV, ESQ.

14 Cades Schutte

15 1000 Bishop Street, Suite 1200

16 Honolulu, Hawaii 96813

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18 For Schnitzer Steel Hawaii Corp.:

19 ARSIMA MULLER, ESQ.

20 Carlsmith Ball LLP

21 ASB Tower, Suite 2200

22 1001 Bishop Street

23 Honolulu, Hawaii 96813

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1 (Reporter's note: A separate transcript of this
2 Planning Commission meeting was prepared for the
3 portion of the meeting regarding Waipahu
4 Neighborhood TOD.)

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6 INTERIM CHAIRMAN ANDERSEN: The next item
7 on the agenda is the contested case hearing,
8 Ewa-State Special Use Permit Amendment
9 Application-2008/SUP-2, Waimanalo Gulch Sanitary
10 Landfill.

11 Good afternoon, Mr. Chipchase. Would you
12 please identify yourself for the record?

13 MR. CHIPCHASE: I'll ask petitioner's
14 counsel to go first.

15 MS. VIOLA: Good afternoon, Chair and
16 Commission Members. Dana Viola on behalf of the
17 Department of Environmental Services, City and
18 County of Honolulu.

19 MS. MULLER: Arsima Muller on behalf of
20 intervenor Schnitzer Steel Hawaii.

21 MR. CHIPCHASE: Cal Chipchase for
22 intervenors Ko Olina Community Association and
23 Senator Maili Shimabukuro. Also with me today in
24 the room is Ken Williams, general manager for the
25 association.

1 MR. WURDEMAN: Richard N. Wurdeman for
2 intervenor Colleen Hanabusa, who was an intervenor
3 only in the original proceedings of 2008/SUP-2,
4 not in the subsequent proceeding.

5 INTERIM CHAIRMAN ANDERSEN: Go ahead, Mr.
6 Chipchase.

7 MR. CHIPCHASE: Again, I'll defer to the
8 City's counsel. We've had some discussions that
9 might impact the proceedings today and I'd like her
10 to address those and then we can poll the
11 commission's feelings

12 MS. VIOLA: The parties would like to
13 jointly request a continuance until the next
14 meeting, in January. There's been some discussion
15 amongst the parties possibly for a joint
16 recommendation, so we would like to continue
17 discussions and so we'd like to request a
18 continuance.

19 MR. CHIPCHASE: Chair and Commissioners,
20 the sense is really that with the change of
21 administration, it's difficult for the City to have
22 concrete guidance at this point, so we're hoping
23 that if we can continue until a commission meeting
24 in January, that that will give the City additional
25 time to develop its position through the change of

1 administration.

2 MS. VIOLA: That's correct.

3 MR. WURDEMAN: Intervenor Hanabusa has no
4 objection at all to the request.

5 INTERIM CHAIRMAN ANDERSEN: Any
6 discussion?

7 MEMBER PACOPAC: You guys no like roll the
8 dice today?

9 MR. CHIPCHASE: We talked about that, too.
10 We thought this might be better.

11 MS. VIOLA: But if the commission does not
12 want to continue and would like to go ahead to make
13 a decision, there's no objection by the parties
14 either.

15 MR. CHIPCHASE: No. We're prepared to
16 address that, too, if the commission --

17 (Discussion off the record.)

18 INTERIM CHAIRMAN ANDERSEN: The Planning
19 Commission wants to deliberate on your request in
20 closed session for five minutes, if that's okay.

21 (Discussion off the record.)

22 INTERIM CHAIRMAN ANDERSEN: Thank you, Mr.
23 Chipchase and Ms. Viola, for your time. Based on
24 your request for a motion to continue this, I'd like
25 to call for a vote by the commissioners at this

1 time.

2 All in favor?

3 (Unanimous Aye.)

4 INTERIM CHAIRMAN ANDERSEN: Any opposed?

5 Hearing no opposed, motion carries.

6 Do we know when the next commission

7 hearing is going to be in January?

8 MS. TAKARA: The 9th and 23rd.

9 INTERIM CHAIRMAN ANDERSEN: We'll let you
10 guys know, 9th or 23rd.

11 MR. CHIPCHASE: To the extent that it's
12 relevant, I'd make a request for the 23rd, just to
13 make sure we don't have to go through the exercise
14 of a continuance again, assuming that Ms. Viola and
15 Mr. Wurdeman are available.

16 MR. WURDEMAN: 23rd is fine for me. Just
17 one request -- I didn't get any notice of today's
18 proceedings. If I could be added on to the service
19 list, that would be appreciated.

20 INTERIM CHAIRMAN ANDERSEN: Sure thing.

21 MR. WURDEMAN: Thank you.

22 MS. VIOLA: The 23rd would work better for
23 the City, as well.

24 MS. MULLER: Schnitzer has no objection.

25 MR. CHIPCHASE: I'm sorry. I forgot

1 Arsima. Arsima, as well.

2 INTERIM CHAIRMAN ANDERSON: Thank you.

3 Motion to adjourn?

4 MEMBER PACOPAC: So moved.

5 MEMBER YOUNG: Second.

6 (Meeting adjourned at 3:00 p.m.)

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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, SUE M. FLINT, Notary Public, State of Hawaii, do hereby certify:

That on December 19, 2012, at 1:34 p.m., the foregoing proceeding was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision;

That the foregoing represents to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

This 9-page transcript of the Meeting of the Planning Commission dated December 19, 2012 was subscribed and sworn to before me this 3rd day of January, 2013, in Honolulu, Hawaii.

Sue M. Flint

SUE M. FLINT, RPR, CSR 274
Notary Public, State of Hawaii
My Commission Exp: July 23, 2015

