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PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

In the Matter of the) FILE NO. 2008/SUP-2
Application of)
)
)
DEPARTMENT OF THE 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.")
_____)

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 1:32 p.m., on
February 20, 2013, pursuant to Notice.

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Appearances:

Planning Commission:

- CORD D. ANDERSON, Interim Chairman
- GAYLE PRINGREE, 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

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

DANA VIOLA, ESQ.
Deputy Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813

1 Appearances (continued):

2

3 For Ko Olina Community Association and Senator Maile

4 Shimabukuro:

5 CALVERT GRAHAM CHIPHASE, IV, ESQ.

6 Cades Schutte

7 1000 Bishop Street, Suite 1200

8 Honolulu, Hawaii 96813

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10 For Schnitzer Steel Hawaii Corp.:

11 IAN L. SANDISON, ESQ.

12 Carlsmith Ball LLP

13 ASB Tower, Suite 2200

14 1001 Bishop Street

15 Honolulu, Hawaii 96813

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17 For Intervenor Colleen Hanabusa:

18 RICHARD N. WURDEMAN, ESQ.

19 333 Queen Street, Suite 604

20 Honolulu, Hawaii 96813

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P R O C E E D I N G S

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3 INTERIM CHAIRMAN ANDERSON: I'd like to call the
4 meeting to order. First agenda item today is approval of
5 minutes, October 31st, 2012; November 14th, 2012, and
6 December 19th, 2012. Can I get a motion to approve the
7 minutes as presented.

8 PACOPAC: Motion approve.

9 YOUNG: Second.

10 INTERIM CHAIRMAN ANDERSON: Thank you. Next on
11 the agenda today. All in favor, say aye.

12 ALL COMMISSIONERS: Aye.

13 INTERIM CHAIRMAN ANDERSON: Objections? No
14 response] Hearing none, motion carried.

15 Next item on the agenda today is the contested
16 case hearing, Ewa State Special Use Permit Amendment
17 Application - 2008/SUP-2 Waimanalo Gulch Sanitary Landfill
18 with regards to the Consideration of Order Remanding County
19 Special Use Permit File No. 2008/SUP-2 to the City and
20 County Planning Commission. First item relating to the
21 order is Item 1A, Intervenors Ko Olina Community Association
22 and Maile Shimabukuro's Motion to effect the consolidation
23 of the separate proceedings in 2008/SUP-2 as ordered by the
24 State LUC on October 8th, 2012. I'd like counsels to
25 identify themselves, please, for the record.

1 MS. VIOLA: Good afternoon, Chair and members of
2 the Committee. This is Dana Viola on behalf of the
3 Department of Environmental Services, City and County of
4 Honolulu.

5 MR. SANDISON: Good afternoon. Ian Sandison on
6 behalf of Intervenor Schnitzer Steel Hawaii Corp.

7 MR. CHIPCHASE: Good afternoon, Cal Chipchase for
8 the Ko Olina Community Association and Senator Maile
9 Shimabukuro.

10 MR. WURDEMAN: Good afternoon, Richard N. Wurdeman
11 for Intervenor Colleen Hanabusa.

12 INTERIM CHAIRMAN ANDERSON: Thank you. Who would
13 like to speak considering today's motion?

14 MR. CHIPCHASE: I believe I drew the short straw.
15 Chair, rather than address the items on the agenda, what I
16 wanted to discuss is what you have before you and that's a
17 stipulation signed by all the parties to continue both items
18 on the agenda. And the reason we submit the stipulation for
19 continuance of both agenda items is that Ko Olina and the
20 City are currently in discussions, the goal of which to
21 produce joint findings, conclusions, recommendations and
22 Order--Decision and Order for the Commission's
23 consideration. And we need additional time to complete
24 those discussions which hopefully will bear fruit of a joint
25 Findings and Conclusions for the Commissions's

1 consideration. And so we presented the Stipulation to all
2 parties. All parties have signed off with their concurrence
3 and with the fact that the hearing in this matter has never
4 been closed. The Commission has additional time to give us
5 and we ask it for it today.

6 INTERIM CHAIRMAN ANDERSON: Ms. Viola anything?

7 MS. VIOLA: Nothing to add just a word of info. I
8 do have something to add in terms of support of Cal's motion
9 or the parties motion, Stipulation rather.

10 I just wanna represent that the Administration is currently
11 involved on ongoing discussions, and we look forward to
12 continued discussions so the representation for the City is
13 that we want to continue this matter so that we can
14 hopefully put forth a joint resolution.

15 MR. SANDISON: Schnitzer also supports the
16 continuation, and I believe it's in the best interest of all
17 parties for this matter.

18 MR. WURDEMAN: Thank you. I've also signed a
19 Stipulation, and I'm open to hearing what the Administration
20 might have to say and that's why we're in agreement with the
21 continuance.

22 INTERIM CHAIRMAN ANDERSON: Thank you,
23 Mr. Wurdeman. Commissioners, any objections to the
24 continuance?

25

1 PACOPAC: I do. What kinda timing are you guys
2 looking at? How much time do you guys need?

3 MR. CHICHASE: We ask that the hearing be continued
4 until the first meeting in April which, if everything went
5 according to schedule, it would be April 10th or soon
6 thereafter as we can appear.

7 INTERIM CHAIRMAN ANDERSON: Do the Commissioners
8 have any objections taking up Item 1B in conjunction with
9 item 1A? In order to consider together with the motion to
10 continue the motion--excuse me, one more time. Do the
11 Commissioners have any objections taking up Item 1B
12 deliberation on the order and consider together with the
13 motion to continue the motion to affect consolidation?

14 ALL COMMISSIONERS: No.

15 INTERIM CHAIRMAN ANDERSON: Okay. Hearing none,
16 I'd like to enter into deliberation and closed session. If
17 you guys would give us 10, 15 minutes just to discuss
18 amongst ourselves.

19 [At 1:40 p.m., everyone not participating in
20 closed executive session exits the hearings room; and at
21 1:50 p.m. everyone returns to the hearings room and meeting
22 is resumed]

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1 INTERIM CHAIRMAN ANDERSON: Okay, back in session.
2 [bangs gavel] Thank you for letting us talk, discuss some
3 things. One of the things, I guess, I'd brought up to
4 Winston and some of the Commissioners was this April 10th
5 date. Is this something you guys are comfortable with
6 looking over some of the Findings of Fact, Conclusions are
7 pretty lengthy on each of your behalf and the responses to
8 each others. Is something like April 10th a realistic date?

9 MR. CHIPCHASE: Speaking only for Ko Olina, I
10 couldn't say with certainty that by April 10th we will have
11 Findings and Conclusions jointly submitted to the Commission
12 for its consideration, but I can say with confidence that by
13 then, we'll know whether there's any point continuing the
14 hearing further. You know, we'll have an opportunity to
15 discuss things and see if we can come to a resolution. We'll
16 know one way or the other. And if we can and all we need is
17 additional time for drafting or finalizing some things, then
18 I would submit that we would come back or submit on paper
19 for additional time. On the other hand, if we haven't been
20 able to, we just can't cross that bridge and you need to
21 make a decision, then I think we'd be prepared to go
22 forward.

23 MS. VIOLA: I agree.

24 INTERIM CHAIRMAN ANDERSON: Anyone else?

25 MR. SANDISON: We agree.

1 MR. WURDEMAN: Nothing further as far as
2 scheduling.

3 INTERIM CHAIRMAN ANDERSON: Is the availability of
4 April 10th for this room, is that an issue?

5 HEARINGS REPORTER: I have April 17th.

6 INTERIM CHAIRMAN ANDERSON: April 17th. Is there
7 anything on April 10th?

8 PACOPAC: Make it on the 17th.

9 INTERIM CHAIRMAN ANDERSON: Could it be on the
10 17th then?

11 MR. CHIPCHASE: That's completely acceptable to
12 us.

13 INTERIM CHAIRMAN ANDERSON: Are we all good on the
14 17th?

15 PACOPAC: Yes.

16 INTERIM CHAIRMAN ANDERSON: Gayle.

17 MS. PINGREE: I have to make it good, right? I'll
18 try.

19 MS. VIOLA: Can I just clarify, is it 1:30 well?

20 INTERIM CHAIRMAN ANDERSON: I believe so, yes.

21 PACOPAC: You know that you need to get five of us
22 here 'cause we're the only five.

23 MS. VIOLA: Right.
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1 PACOPAC: So, we're gonna schedule the 17th but
2 it's upon our availability because, you know, we also have
3 schedules. So, be patient and hopefully we can do it.

4 MS. VIOLA: We'll be patient with you 'cause you've
5 been patient with us.

6 PACOPAC: 'Cuase if not--you know, you gotta be
7 patient with us.

8 MS. VIOLA: That's fine.

9 INTERIM CHAIRMAN ANDERSON: We'll take up the
10 Stipulation and Order to continue the February 20th, 2013,
11 hearing that was submitted earlier today. Make a motion?

12 PACOPAC: I move to agree on the Stipulation and
13 Order to continue the February 20th, 2013, hearing to April
14 17th, 2013.

15 YOUNG: Second.

16 INTERIM CHAIRMAN ANDERSON: All in favor?

17 ALL COMMISSIONERS: Aye.

18 INTERIM CHAIRMAN ANDERSON: Hearing no objections,
19 motion passes. Anything else? [no response] Okay. Move to
20 adjourn?

21 PACOPAC: So moved.

22 YOUNG: Second.

23 PACOPAC: I should move to adjourn.

24 INTERIM CHAIRMAN ANDERSON: Oh, sorry.

25 PACOPAC: Move to adjourn.

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YOUNG: Second.

INTERIM CHAIRMAN ANDERSON: All in favor?

ALL COMMISSIONERS: Aye.

INTERIM CHAIRMAN ANDERSON: Okay, meeting
adjourned. [bangs gavel]

(Whereupon, on February 20, 2013, at 1:50 p.m.,
the hearing was adjourned.)

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Respectfully submitted by:

