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PUBLIC HEARING
2008/SUP-2 (RY)
Ewa-State Special Use Permit for the
Waimanalo Gulch Sanitary Landfill

Taken at 550 South King Street, Mission Memorial Auditorium, Honolulu, Hawaii, commencing at 1:36 p.m., on Wednesday, October 5, 2011, pursuant to Notice.

BEFORE: ADRIANNE IGE KURASAKI, CSR 388
 Registered Professional Reporter
 Hawaii CSR #388; California CSR #11470

1 APPEARANCES:

2

3

Planning Commission:

4

Gayle Pingree, Chairwoman
Kai'ulani K. Sodaro, Vice-Chairwoman
5 Beadie K. Dawson, Member
James C. Pacopac, Member
6 Arthur B. Tolentino, Member

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For the Planning Commission:

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

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SPEAKERS

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2 THE CHAIRWOMAN: Good afternoon. Today is
3 October 5th and we call the Planning Commission meeting
4 to order.

5 First matter on the agenda is the Public Hearing
6 for the Amendment of the Special Use Permit for the
7 Waimanalo Gulch Sanitary Landfill.

8 Before proceeding, we'd like to read the Planning
9 Rule 2-60A Regarding Public Testimony if this matter
10 becomes a contested case hearing.

11 2-60A reads, "Public testimony: Any witness who
12 is not a witness aligned under any party, and who would
13 not be called by any party as a witness in the contested
14 case hearings, shall present evidence only during the
15 initial public hearing portion of the proceedings. All
16 witnesses shall present evidence only during contested
17 case portion of the hearing except that the Commission may
18 allow a witness to testify in both proceedings if a
19 witness is to provide substantially different testimony."

20 So generally speaking, what this rule means is
21 that unless you are sure that you're going to be called as
22 a witness in any contested case hearing, you should
23 testify during public hearing. The only exception would
24 be if your testimony at the public hearing is
25 substantially different from that at any contested case

1 hearing. Thank you.

2 DPP?

3 MR. YOUNG: Thank you very much, Madam Chair. My
4 name is Raymond Young. I'm the staff planner with the
5 City Department of Planning and Permitting representing
6 the Department's position on this request.

7 Before I proceed with the report, I'd like to
8 point out a couple things that needs to be corrected. In
9 our transmittal letter dated September 9, 2011, we made
10 mention of the Mayor's Selection Committee that the
11 anticipated selection of an alternative site was projected
12 to occur sometime in October 2011. But that has been
13 extended --

14 MS. DAWSON: By whom?

15 MR. YOUNG: -- due to additional site selection
16 areas that are being considered by the Committee. So the
17 October 2011 is probably going to get extended to sometime
18 to the end of 2011.

19 The other thing I wanted to point out was a typo.
20 It mentions July 1st as the deadline, but it's actually
21 July 31st on the transmittal letter.

22 Okay. There's no questions.

23 I'd like to point out where this project is
24 located. We have an area photo here, and the scale is
25 one inch, includes about 250 feet. This area shows,

1 basically, the Waianae area. Where this red line here is
2 Farrington Highway. North is straight up on the map. The
3 various State Land Use districts are determined by the
4 purple line here. So the area is located within the state
5 agricultural district; therefore, the need for Special Use
6 Permit.

7 Surrounding towards the east is the urban district
8 known as the area proposed for the Makaiwa Hills
9 residential community. Towards the west would be the
10 urban district of where the HECO power plant is. And down
11 towards the south and across Farrington Highway is the
12 Ko'Olina Resort and resort residential area proposed here.

13 Now, the property is kind of highlighted by this
14 off-white gray area here. So that represents the entire
15 property of the landfill, which is about 200 acres. But
16 the actual landfill area is pretty much just inside here.

17 Now, the landfill was originally established in
18 1989 under a Special Use Permit. And since then, there's
19 been a number of decisions that allowed it to remain and
20 also expand. So originally started out at about 16 and a
21 half acres, and then it eventually expanded out to the
22 total site.

23 The application was sent out to various state,
24 city, and federal agencies for review, and also the
25 community. And we have not received any opposition or

1 negative comments from the various state or city or
2 federal agencies; however, we did receive from the
3 neighborhood board a position that they oppose it. And
4 that would be the Makakilo-Kapolei Neighborhood Board.
5 And we did receive about 15 letters and e-mails opposing
6 the proposed deletion of the July 31st deadline to
7 continue accepting municipal solid waste.

8 Now, the Department supports the Applicant's
9 request to delete this condition. Essentially, the
10 Director concluded that without the municipal landfill,
11 there is no other place to store the municipal solid waste
12 that would be generated, even with the various recycling
13 and diversion programs that the Applicant already has in
14 place.

15 There are certain types of special waste that need
16 to go here; things like sewage sludge, animal carcasses,
17 contaminated soil, that sort of stuff. And also very
18 importantly, H-Power ash has to be deposited here.
19 There's no other site for that to be disposed of. In
20 fact, there's a permit by the Department of Health that
21 requires Waimanalo Gulch Landfill to be in operation to
22 accept the H-Power ash.

23 And over the years, the Applicant had made great
24 strides in reducing the amount of waste being deposited at
25 Waimanalo Gulch. And you can see that in the report.

1 It's continually being decreased, the amount of tonnage
2 that actually gets deposited here in terms of municipal
3 solid waste.

4 So, essentially, our conclusion is that if this
5 deadline was not removed, it would create a great problem
6 with public health and safety. It would impact the
7 economy of the city and the state. And there's about
8 seven years of lag time for the Department of
9 Environmental Services to find, acquire, and develop a new
10 landfill site. And that would extend far beyond the
11 July 31st, 2012 deadline.

12 So, again, the Department supports the applicant's
13 request. That concludes my presentation.

14 THE CHAIRWOMAN: Thank you, Mr. Young.

15 MR. YOUNG: Thank you.

16 THE CHAIRWOMAN: Commissioners, questions?

17 MS. DAWSON: Ray, the site selection as originally
18 viewed on October the 11th. Who of the Department made
19 a decision to extend that?

20 MR. YOUNG: It's not a Department question. It
21 has to deal with -- the Site Selection Committee itself
22 decided that it would need to look at alternative sites
23 beyond --

24 MS. DAWSON: This committee?

25 MR. YOUNG: No, no. The Site Selection Committee

1 that was appointed by the Mayor.

2 I think the Applicant's representatives can go
3 into details on that, so I'd like to defer that question
4 to them.

5 MS. DAWSON: We don't have anyone here to respond
6 to that?

7 MR. YOUNG: I believe the Applicant's counsel is
8 here today.

9 MS. VIOLA: Good afternoon, Chair and Members of
10 the Commission.

11 Is this on? Dana Viola, Deputy Corporation
12 Counsel on behalf of ENV, Department of Environmental
13 Services.

14 I'm sorry, what was your question?

15 MS. DAWSON: Who made the decision -- who made the
16 decision to extend the site selection deadline from
17 October the 11th to, I guess, the end of the year?

18 MS. SODERO: It was members of the Selection
19 Commission.

20 MS. DAWSON: Your committee?

21 MS. SODERO: It's the Mayor's appointed committee.
22 This is not a -- this is not dictated by anybody within
23 the administration from ENV. This was the decision from
24 the committee itself.

25 MS. DAWSON: Okay. Raymond, this is an important

1 question. Some of the people here may know, starting in
2 1985, I guess, but mostly in 1989, the decision to find an
3 alternative site has been made again and again and again,
4 each time with deadlines, and each time with a variety of
5 reasons why it couldn't be done.

6 So this is why we want to know why it is the site
7 selection group has made a decision to delay even further
8 a decision that all of us here on the Commission knew was
9 to be made. And at our previous decision, when this
10 matter came before us, we also made a decision that the
11 fill would end in 2008. And that was accepted by the LUC,
12 accepted by this committee -- by this Commission.

13 So it's a little disturbing, not just to the
14 people who are testifying, but to the Commissioners when
15 staff or somebody else keeps extending and extending.
16 It -- without any real reasons why that needs to be done
17 other than the fact that the City seems to not want to
18 move. And I don't know their reasons for it, 'cause they
19 don't -- that's not really been disclosed.

20 But it would -- because of the many excuses that
21 have come up, it does seem like DPP agrees with that, that
22 we should just keep extending and extending. And your
23 recommendation for today's hearing reflects that attitude.

24 Can you speak to all of those extensions, Raymond?

25 MR. YOUNG: Let me clarify a bit about the latest

1 so-called deadline. There is no deadline for the Site
2 Selection Committee to make a choice. There was only a
3 deadline set by the LUC to begin with the site selection
4 process, which they have met.

5 So the Mayor created this latest committee, and
6 they're in the process. They have held meetings since the
7 beginning of this year.

8 Now, with respect to the 2008 site selection
9 process, that was completed. And in fact, City counsel --
10 after the site selection committee made their
11 recommendations, city counsel issued their resolution
12 calling for the Waimanalo Gulch to be the new site.

13 So in response to that, the Applicant then came in
14 for a subsequent Special Use Permit which expanded that
15 current site to the entire property and also projected out
16 through their permitting process and as indicated on the
17 EIS that there is at least 15 years of capacity remaining.
18 And as part of that decision, the LUC required that they
19 continue looking at alternative technologies --

20 MS. DAWSON: But with the 2008 date in mind for
21 the cessation of landfill -- of items coming into the
22 landfill.

23 MR. YOUNG: Yes, however, that deadline, as you
24 say, was extended to 2009. And then at that time, the
25 Applicant came in for another SUP to consider the entire

1 property, which the Planning Commission granted without a
2 deadline. However, the Land Use commission then imposed a
3 July 31st, 2012 deadline to prohibit the further use of
4 the site for MSW, municipal solid waste. But the
5 continuation of disposing of H-Power ash and residue was
6 permitted to continue.

7 But along with that, there's this process to
8 identify, select, and develop another site. So in
9 respect, the Applicant has been complying with the
10 requirements but also following through with looking for
11 new sites and their diversion program. So I think the
12 Applicant has been in compliance with all those
13 requirements, even though it may look as if it's a
14 continued extension and extension.

15 We have considered that in their application. And
16 at this moment, the best site and the -- based on the
17 circumstances of the need for the landfill, this is the
18 best site. And the only way we can recommend approval of
19 this is because there's no alternative to receiving
20 municipal solid waste.

21 MS. DAWSON: Yeah. Well, I'm sure you know that
22 this is somewhat of a reflection upon DPP and the mayors,
23 the various mayors who have consistently informed the
24 community that there was going to be an end date in sight
25 and has been set various times. And developments have

1 taken place in that area -- Aulani is one of them,
2 certainly, but there's the whole Ko'Olina area -- with the
3 understanding that they were -- that this was not going to
4 go on forever.

5 So this Commission kind of gets a bad rap, let's
6 say, because supposedly we're looking at all of these
7 things and we're just going along with that, it seems, to
8 some people and we're not calling a halt to it. And we
9 feel like, certainly in the last hearing that we had, we
10 felt we were up against the wall. I mean, we can't have a
11 Honolulu that doesn't have a disposal area.

12 MR. YOUNG: Yes, I'm sure a lot of the people that
13 are impacted by this feel the same. But what is the
14 reasonable alternative? No one has a viable solution by
15 the deadline, the July 31st deadline.

16 MS. DAWSON: Okay.

17 THE CHAIRWOMAN: Thank you, Commissioner.

18 Thank you, Mr. Young.

19 MR. YOUNG: Thank you.

20 Would the Applicant, Department of Environmental
21 Services, like to testify at this time?

22 MS. VIOLA: Again, Dana Viola, Deputy Corporation
23 Counsel. With me is Brian Black, Deputy Corporation
24 Counsel on behalf of Department of Environmental Services.

25 THE CHAIRWOMAN: I'm so sorry, can you speak up,

1 ma'am. I didn't get your name.

2 MS. VIOLA: Dana Viola.

3 THE CHAIRWOMAN: Thank you, Dana.

4 MS. VIOLA: And with me is Brian Black.

5 THE CHAIRWOMAN: Thank you.

6 MR. PACOPAC: Excuse me, what was Mr. Black's
7 first name?

8 MS. VIOLA: Robert Brian Black.

9 THE CHAIRWOMAN: Thank you.

10 MS. VIOLA: In light of the other agenda item
11 which is the motion for intervention. The Department of
12 Environmental Services is going to refrain from presenting
13 their case at the point. We don't want to jeopardize our
14 case by presenting testimony at this proceeding which
15 would then preclude testimony in the contested case
16 proceeding that I anticipate will probably take place.
17 So, with that understanding, we'll defer any statements at
18 this time.

19 THE CHAIRWOMAN: Thank you. Thank you very much.

20 We'll begin the public testimony at this time. We
21 have a list of those who have signed up.

22 If anyone is interested, there is another list
23 that is available and kindly sign up to testify.

24 The testimony will last for three minutes. You'll
25 hear a bell go off. And at that time, we'll ask you to

1 kindly summarize your position. And we want as many
2 people to testify as possible, and that is why we place
3 the time limit on it. Thank you.

4 The first person is Council Member Tom Berg.

5 Thank you.

6 MR. BERG: Mahalo.

7 I appreciate all your efforts here. And my harsh
8 words are not directed at you but at the system. So,
9 please take that into account and accord that it's not the
10 job that you're trying to do here today.

11 As the city councilman whose jurisdiction houses
12 this landfill, our neighborhood boards including Nanakuli
13 and Waianae have taken a formal stand to unite against the
14 proposal to extend the landfill by another 15 years.

15 I urge you to stop enabling this reckless behavior
16 that condones the broken treaties and is an affront to the
17 economic engine of businesses thriving in West Oahu with
18 the stipulation this landfill was to go away.

19 Families and economic development ventures have
20 invested their hard-earned dollars into the vicinity of
21 the landfill with the promise the landfill will have found
22 its terminus years ago. For example, when the Dakota
23 Sioux were given bad meat and at times no food at all in
24 violation of treaties made, the government responded to
25 the starving people, and I quote, Let them go and eat

1 grass, unquote.

2 Right here, probably in this room another treaty
3 will be broken and not honored. Please do what is just
4 and right and stop turning our coastline on the Leeward
5 Coast into an ashtray for the rest of the island.

6 And if you look at the back of my comments, I
7 found something from the Hawaii Reporter written by Malia
8 Zimmerman from 2004, and it talks about all the things
9 that happened in the past that you had mentioned,
10 Ms. Dawson. It's a caption. So it's a summary of what
11 you had just stated that puts it in a text for everyone on
12 the record that you all see here, this continuation of
13 this breach that I call of this treaty.

14 So when all the folks in Ko'Olina have asked me to
15 fight for them, I'm here on the behalf of all those
16 businesses and entrepreneurs who have taken a risk with
17 their monies to make a viable job growth. And I want to
18 also add that the foliage, the barriers, are not present.
19 So if you're at Disney or Ko'Olina, you see the landfill.
20 There are no tree lines. There is nothing planted to
21 mitigate both noise and visual blight and air quality.

22 And second of all, the folks in Ko'Olina are
23 really fed up with hearing all the trucks coming to a
24 screeching halt to make that right turn coming -- if
25 you're coming from townbound side. There really needs to

1 be another lane. So if there's 15 more years of all these
2 residents having to hear the screeching trucks coming to a
3 stop to make a turn into the landfill itself, there needs
4 to be a widening of the road and more of a lane capacity
5 extended where the trucks come to a more -- not an abrupt
6 stop so that the screeching brakes and the noise and
7 disruption doesn't take place for 15 more years.

8 With that said, I just hope you don't extend this
9 personally. But hopefully, you all have my testimony and
10 know how to get a hold of me. Mahalo for your time.

11 THE CHAIRWOMAN: Thank you very much.

12 MS. DAWSON: I have question for the councilman.

13 When this matter has come before the council a
14 number of times, what has been the position of the council
15 in terms of the failure of the Department or the Committee
16 to consistently keep failing to find an alternate site.
17 This is not new. This has come up many, many times. And
18 I'm wondering what the Council's position is on this.

19 MR. BERG: Well, if you look at the back of my
20 testimony with the Hawaii Reporter, you'll see the vote of
21 who voted how, and back in '04. And to answer your
22 question, I've been a new member of the council since
23 January of this year.

24 I can tell you this, though, that I advanced
25 numerous solutions. I had about six resolutions so that

1 this time of terminus of July 2012, that your jobs would
2 be that much easier. Unfortunately, what I see at the
3 council, not to undermine or talk stink eye about anything
4 in such a way, I couldn't get any one of these resolutions
5 heard.

6 As the councilman for District 1 with this
7 landfill in my district and coming forward with solutions,
8 I can't get the Chair of the Public Works Committee to
9 hear one of my resolutions, which tells me that there must
10 be something going on in that building.

11 And I'm frustrated with the fact that every single
12 one of my solutions, I could -- I had to get -- I wrote
13 one of them three different times to get Councilwoman
14 Kobayashi to hear it -- budget committee because of the
15 inability of the chair of public works to address our
16 solution at the council.

17 So one person's at the helm in this council, in my
18 opinion, is part of the problem, between your actions, the
19 Mayor's actions, and what the council can and cannot do.
20 So when we have somebody appointed the chair of a
21 committee who refuses to even digest solutions to make
22 this landfill actually go away, I don't know what other
23 than to tell you that my words here pain me to say this to
24 you, this is not something that I wanted to come up.

25 I want to be as nice and as professional to you

1 folks as I can but I'm giving you the honest truth.
2 Something is awry.

3 MS. DAWSON: Thank you.

4 THE CHAIRWOMAN: Thank you very much.

5 Lee Mansfield.

6 MR. MANSFIELD: Thank you, Madam Chair and
7 Commissioners.

8 I'm Lee Mansfield. I'm manager of Hawaii American
9 Water. I've come before the Commission to testify in
10 favor of the Department of Environmental Services' request
11 to remove Condition 14.

12 Hawaii American Water owns and operates the
13 wastewater treatment plant that serves the community of
14 Hawaii Kai. We serve 35,000 customers in Hawaii Kai. We
15 also provide service to the City and County of Honolulu by
16 treating wastewater generated in Kuliouou Valley and
17 Paiko.

18 In this doing, our plant generates seven tons of
19 treated and stabilized wastewater sludge that must be
20 disposed of. Presently, the only safe, viable method to
21 dispose of this material is the Waimanalo Gulch Landfill.
22 Therefore, we're asking the Commission to allow this
23 landfill to continue to accept municipal solid waste and
24 stabilize wastewater sludge. Thank you.

25 THE CHAIRWOMAN: Thank you very much.

1 Matt McKinney. Matt McKinney?

2 UNIDENTIFIED SPEAKER: Stepped out.

3 THE CHAIRWOMAN: He just -- thank you. Thank you
4 very much.

5 Edwin Arellano.

6 MR. ARELLANO: Edwin Arellano on behalf of Hawaii
7 Bio-Waste, who provides service to various clinics and
8 hospitals here in state of Hawaii. And I'm very concerned
9 about the closures because we, at Hawaii Bio-Waste,
10 process about two or four tons of regulated medical waste
11 on a daily basis. And without it, what will we do with
12 those waste? Because H-Power does not want to receive
13 those type of waste.

14 So I am very concerned of the safety part where,
15 if we stop picking up those waste, the hospital is only
16 limited in storing those type of waste. That is why I'm
17 here.

18 THE CHAIRWOMAN: Thank you. Thank you very much.
19 Excuse me. I'm sorry, Edwin, we have a question.

20 MR. PACOPAC: Just hypothetically, so if we close
21 down the dump, what would you do?

22 MR. ARELLANO: Well, we will have to stop also,
23 because we can process them but we can't dispose it.

24 MR. PACOPAC: No, but what would you -- what would
25 you hospitals and everybody do? I mean, you don't have

1 the dump now, where do you go? You ship it out?

2 MR. ARELLANO: Well, that was also done or tried
3 shipping it out and didn't work. Imagine, how can we ship
4 this waste to the mainland, whether treated or untreated.

5 MR. PACOPAC: No, what I'm saying is that if we
6 don't have a municipal dump, now you got to get rid of
7 your garbage; right?

8 MR. ARELLANO: Correct.

9 MR. PACOPAC: So how would you get rid of it
10 without this?

11 MR. ARELLANO: We can't. We need a landfill. I
12 can't. Then we're going to have to stop.

13 MR. PACOPAC: So you just stop work?

14 MR. ARELLANO: Correct. I mean, that's the
15 reality. That is why I'm here and I'm very concerned.

16 MR. PACOPAC: The only reason I'm asking is that
17 everyone depends on this site 'cause that's the only site
18 we got, yeah.

19 MR. ARELLANO: Correct.

20 MR. PACOPAC: But no one is even looking at
21 alternatives in case we don't have the dump.

22 You guys have not even looked at alternatives?
23 Just say, well, we cannot run business, we don't have the
24 dump?

25 MR. ARELLANO: Yeah, and --

1 MR. PACOPAC: Pretty much? Pretty much?

2 MR. ARELLANO: We been trying to work with, you
3 know, H-Power for one and any other alternative. But at
4 this point --

5 MR. PACOPAC: That's all we got?

6 MR. ARELLANO: Yeah, that's what we got.

7 And for our facility, we do have a paralysis that
8 process and turns it into ash. But that is for
9 pathologicals and trace chemos. And we're very limited in
10 processing them. So, those sharps and solid waste is the
11 majority --

12 MR. PACOPAC: Well, in businesses, it's kind of
13 hard to say, well, we don't have the dump, we got to shut
14 down, then. I'm sure there's got to be something else.
15 But anyway, just to put that in your minds that, you know,
16 maybe there is something else but we're just not looking
17 for it. Thank you.

18 MR. ARELLANO: True. Thanks.

19 THE CHAIRWOMAN: Thank you, Edwin.

20 Patty Teruya.

21 MS. TERUYA: Aloha, Planning Commissioners.
22 Welcome to the new commissioners onboard. Didi is an
23 old-timer.

24 But we're back again on this subject; correct?
25 Actually, I should kind of -- that speaker who spoke

1 before, I kind of should've pa'i him because that all was
2 his medical waste that the landfill went into our oceans
3 when we had that overflow. So when I heard that, I think
4 that's kind of ridiculous to say, without this landfill,
5 we can't dispose our medical waste.

6 But I'm here as a neighborhood board chair for
7 Nanakuli and Maili. And this is the west side. This is
8 the West Oahu. And I'm speaking as a messenger from our
9 neighborhood board as the chair, and I need to allow this
10 to the Commissioners that this is a whole new hat that the
11 community has. Some went through years of testimony,
12 years of extensions and years of where we going to put the
13 landfill or if they close, they're going to put it in PVT.
14 So this is very passionate to the community.

15 And to DPP, Ray, we have the minutes. You said
16 that the boards didn't take positions. The Nanakuli board
17 and the Waianae board took positions of this SUP. And I'm
18 very appalled to know that the selection committee made
19 this recommendation because of a deadline, and to assume
20 that they support this 15 year is ridiculous. The site
21 selection committee should be looking at new landfills out
22 of the West Oahu, not suggesting back to the West Oahu
23 area. The site selection committee that is formed this
24 year should be finding sites not in the same area. That
25 is ridiculous.

1 So on behalf of the Nanakuli-Mailii neighborhood
2 board, in the August meeting we went through this. We had
3 the deputy director from environment came to ask us or
4 request us another 15 years. And you could see the
5 emotions of the community and the board.

6 The board unanimously voted this down. And with
7 the emotion and concerns that the city needs to find
8 another location for this sanitary landfill, and also
9 because of the last emergency storm that we had, the
10 disposal that impacted our community. I mean, we need to
11 open our eyes, you know.

12 And so we voted not to support this extension. I
13 am here as a messenger as the neighborhood board chair to
14 send to the Planning Commission that this was a unanimous
15 vote that enough was enough. I have a lot of statements
16 from the board members, communities that we brought this
17 to the board. And we stand on this motion that we do not
18 support the city, the department environmental, coming
19 back to -- back to you folks again when there's almost
20 closure time another -- you have to make this decision.
21 It's ridiculous to expand this in our community again.
22 Nobody wants it. Then don't have a landfill.

23 We should look at other technologiest. I mean, you
24 just cannot continue to say we have the capacity in the
25 mountain, that they have to keep going higher and higher

1 and higher. I think it's enough for us and for the West
2 Oahu.

3 So this is my statement. Thank you very much for
4 your time.

5 THE CHAIRWOMAN: Thank you, Patty.

6 Any questions for Patty?

7 MS. DAWSON: No.

8 THE CHAIRWOMAN: Thank you so much.

9 MS. TERUYA: Thanks.

10 THE CHAIRWOMAN: We had earlier called a Matt
11 McKinney. We understood he left the room.

12 Hi, Matt.

13 MR. MCKINNEY: Hi.

14 Thank you for your time today. So, my name is
15 Matt McKinney and I'm the operations manager with
16 1-800-GotJunk. We're just a full-service junk removal
17 company and we been in business here about five years on
18 the island.

19 THE CHAIRWOMAN: Slow down. Slow down.

20 MR. MCKINNEY: Okay. For us, we use the landfill,
21 you know, four to five times a week. I mean, we're in and
22 out of that place, you know, just about every day. For us
23 not to have that access would just put a huge detriment on
24 our small business. We are a small business. You know, I
25 have seven to eight full-time employees now, and that's

1 just about it.

2 We do go to H-Power when we can, but the reality
3 of it is H-Power only takes certain things. They have a
4 much smaller range of items they can take. For example,
5 for me, a big problem is mattresses and box springs. Like
6 I do have donation centers that will take them, but
7 however they won't take all of them. There's just too
8 many mattresses on the island, you know, to take.

9 So, for example, when the dump closed last
10 January, you know, we had to basically stop taking those
11 items. And so with the dumps not being open, we basically
12 had to, not close our doors, but we really had to
13 reevaluate everything that we took from homeowners.

14 That put a detrimental effect on our business. I
15 mean, those months, we lost out big time. I mean, we lost
16 out on just thousands and thousands of dollars simply
17 because the dump was closed.

18 So as a small business and as a -- in running a
19 small business, that's hard enough as it is already. So
20 if you guys take this away from us, it's just going to
21 have another impact for us long term.

22 I think from the employees' standpoint, I don't
23 know if you even know if we'd be able to -- you know, even
24 keep our doors open. So, from a small business
25 perspective, we really need a landfill and there's no

1 other really place that we can take -- we already do 60 to
2 70 percent of the stuff we pick up, anyway, we already
3 recycle. We already pull all the metal out. We already
4 recycle and donate everything we possibly can. So the
5 stuff that goes to Waimanalo Landfill, that stuff has
6 already been sorted through and just deemed rubbish. We
7 can't donate it anymore. We can't recycle it any more.

8 So if it were to go away and H-Power can't take
9 these other items, you know, unfortunately, we just don't
10 have anywhere else to go. That's it.

11 THE CHAIRWOMAN: Thank you. Thank you very much.
12 Cal Chipchase.

13 Just as a reminder, if you could kindly share your
14 name please before your testimony.

15 MR. CHIPCHASE: Sure.

16 My name is Cal Chipchase. I am the very recently
17 retained counsel for Ko'Olina and the Ko'Olina Community
18 Association and for Senator Shimabukuro.

19 You have before us our petition to intervene in
20 these proceedings. In light of corp counsel's earlier
21 remarks about the likelihood of this becoming a contested
22 case, and with your leave, I would reserve my comments
23 until a later time.

24 The next gentleman on your public testimony agenda
25 is Ken Williams. He is the representative of the

1 Association and he would likewise reserve his comments.

2 THE CHAIRWOMAN: Is Ken available?

3 MR. CHIPCHASE: He's right here, yes.

4 THE CHAIRWOMAN: Okay. Thank you very much.

5 MR. CHIPCHASE: Thank you.

6 THE CHAIRWOMAN: Thank you.

7 Kris Gourlay.

8 MR. GOURLAY: Good afternoon, Planning Commission.

9 My name is Kris Gourlay. I'm the vice president of
10 RollOffs Hawaii. We're a refuse hauling and recycling
11 service provider for the island of Oahu. I'm here to
12 support the Department of Environmental Services
13 application to delete No. 14. That's allowing for the
14 continued use of the landfill.

15 Until there is a sensible option for another
16 disposal site, at this point, we have to continue using
17 Waimanalo Gulch. It's a very sensitive issue, I know, for
18 the entire community. But the process to get an
19 alternative has got to be in place before we can look at
20 disposing anywhere else. Thank you.

21 THE CHAIRWOMAN: Thank you.

22 Any questions?

23 Thank you very much.

24 I have run out of names as far as testimony. I
25 want to make sure that there's -- if anyone else is

1 interested, that they please sign up.

2 Would anyone like to come forward?

3 Celeste Lacuesta.

4 MS. LACUESTA: Aloha, everyone. My name is
5 Celeste Lacuesta. I just want to tell you that I oppose
6 the extension of the Waimanalo Gulch. And the reason for
7 that -- first of all, I understand, even to put a bus
8 shelter in a residential area, you would need to send a
9 letter within the radius of 300 feet to everyone within
10 that particular residence, within that area to let them
11 know if they want a bus shelter in that area.

12 In this particular situation, for the extension,
13 did you guys send any letters out to the residents within
14 this vicinity and how many miles out? Because that
15 particular -- all the -- how shall I say -- all those dust
16 in the area and everything, it travels for miles.

17 So did you guys ever send letters out to the
18 residents at Ko'Olina if they want the extension? Or
19 people in the Maili or Honokai Hale, did you guys ever
20 send that? Because I really don't think you guys did
21 because my family has not received anything.

22 So if a bus stop is needed -- a letter is needed
23 to send within the radius of 300 feet, I am pretty sure
24 that these people that live nearby this particular
25 landfill should receive a letter from the City to see if

1 they want the landfill there or if they want an extension
2 of the landfill.

3 This is the people's choice. This is not a
4 politics choice. No political, no nothing. This is a
5 people's choice. And just to let you know, there is a lot
6 of people that is being affected by this particular
7 landfill. So I sure hope you guys think about sending
8 letters out to the people in that area. Thank you.

9 THE CHAIRWOMAN: Thank you very much.

10 Evelyn Souza.

11 MS. SOUZA: Good afternoon. Thank you for hearing
12 me. I am Evelyn Souza. I live in Makakilo. I've been
13 there about 40 years and I've seen this birth of the
14 landfill. And the landfill is an unnecessary evil.

15 But what I find very discouraging and very
16 egregious is that the landfill has been actually pushed
17 upon this community against their will for extended period
18 of time. If we intended to ever move it, one would have
19 to ask how come we don't have an alternate site already in
20 place. What we've done is just keep pushing it back and
21 pushing it back. And some of our elected officials have
22 actually been called liars because they said they were
23 going to stop it.

24 It's a disproportionate amount of opala,
25 wastewater, the CD -- C&D and now the MSW has been imposed

1 upon this community, I'm talking from Makakilo to Waianae.
2 And I find it very, very disturbing.

3 If in earnest we were wanting to share the
4 responsibility of the collection of MSW, we surely would
5 have found a place already because it's blue-ribbon panels
6 that cost the citizens \$500,000. What for? They'll look
7 towards the west side. Very, very disturbing.

8 And I wish you would reconsider that once a
9 deadline is given, a sunset date is given, it is given.
10 And if we need to move it elsewhere, at least have it
11 already in the works that we know where it will be in the
12 next two or three, four years, rather than digging into an
13 existing mountain to make room for more rubbish.

14 And I thank you for listening.

15 THE CHAIRWOMAN: Thank you very much. Thank you.

16 John Tsukada.

17 MR. TSUKADA: Good afternoon. My name is John
18 Tsukada. I'm the division general manager for Island
19 Commodities. We process all the grease trap waste that's
20 picked up from the restaurants on Oahu. We typically
21 dispose of 14 tons per week to the landfill.

22 Without the landfill open, we have no alternative
23 but to shut our operations down; and thus, it would become
24 a public health issue, because the grease will then clog
25 the drains and back the system up on this island.

1 And, yes, we looked at alternatives. We tried
2 H-Power. The sludge waste that we have is a little too
3 wet for them to accept. And I tried to talk to the
4 Menehune corporation that does the composting, and they
5 said they're not allowed to take our waste as well.

6 THE CHAIRWOMAN: Questions?

7 Thank you very much. Thank you.

8 Would anyone else like to testify this afternoon,
9 without having to sign up?

10 It appears to be the end of public testimony as no
11 one else would like to come forward.

12 What we will be doing is taking a ten-minute break
13 and we'll resume in ten minutes and continue on with the
14 agenda. Thank you.

15 (A recess was taken from 2:20 p.m. to 2:28 p.m.)

16 THE CHAIRWOMAN: We're back on the record.

17 Can you hear me okay? Okay. We're back on the
18 record. Thank you.

19 Next on the agenda is to take up the Petition for
20 Intervention by Schnitzer Steel Hawaii Corporation.

21 MR. SANDISON: Good afternoon, Members of the
22 Commission. I'm Ian Sandison with Carlsmith Ball
23 representing the petitioners, Schnitzer Steel Hawaii
24 Corporation. With me here today is Larry Snodgrass,
25 general manager of Schnitzer Steel's Hawaii operations.

1 You have before you, I believe, a copy of our
2 petition and the memorandum in support. I'd like to
3 briefly summarize our arguments for the petition, if
4 that's okay with you.

5 Since Schnitzer meets the tests that are necessary
6 to be granted intervenor status, it is immediately
7 affected by the Planning Commission's decision on the
8 issue before it today. And it is distinguishable from the
9 general public. Moreover, it will not unduly burden the
10 Planning Commission's deliberations.

11 Schnitzer's interest are that -- it is a -- it's
12 the largest scrap metal recycler in the state of Hawaii.
13 It processes approximately 120,000 tons of waste scrap
14 metal every year. And in so doing, produces approximately
15 20,000 tons of recycling waste that can only be disposed
16 of in Waimanalo Gulch Landfill.

17 Schnitzer relies on the continued viability of the
18 disposal at the Waimanalo Gulch Landfill to remain in
19 business; that it would severely jeopardize Schnitzer's
20 business operations if it did not have a place to dispose
21 of its waste. And Schnitzer's permit to operate, which is
22 granted by the State Department of Health, the solid waste
23 management permit, requires it to dispose of its waste
24 effectively in the Waimanalo Gulch Landfill. So it is
25 both necessary for its business operation and it's

1 required by law to dispose its waste in the Waimanalo
2 Gulch.

3 Schnitzer will not unduly complicate these
4 proceedings. It will limit its testimony and briefing to
5 its waste and the impacts that it has on Waimanalo Gulch
6 and the necessity for operation and it will -- and
7 testimony and participation in this process will aid the
8 Commission in its deliberations and that it will provide
9 additional background information on the issues regarding
10 the Waimanalo Gulch. And we are -- we have timely met the
11 application -- the petition process and believe it is
12 appropriate for this Commission to grant intervenor
13 status. Thank you.

14 THE CHAIRWOMAN: Thank you.

15 Questions? Thank you very much.

16 Department of Environmental Services?

17 MS. VIOLA: Dana Viola, Deputy Corporation
18 Counsel, on behalf of Department of Environmental
19 Services. And the position of this Department is to
20 support this motion to intervene.

21 THE CHAIRWOMAN: Thank you.

22 Did I cut you off, Dana? I'm sorry.

23 MS. VIOLA: No, you didn't.

24 THE CHAIRWOMAN: Are you done?

25 MS. VIOLA: Yes.

1 THE CHAIRWOMAN: Thank you. Thank you very much.
2 Any discussion? Discussion?

3 MR. PACOPAC: No.

4 THE CHAIRWOMAN: No discussion. Okay.
5 May I have a motion?

6 MS. SODERO: Motion to approve the Petition for
7 Intervention by Schnitzer Steel Hawaii Corporation.

8 MR. PACOPAC: Second.

9 THE CHAIRWOMAN: We have a second.
10 All in favor, say aye.

11 MS. DAWSON: Would you repeat the motion.

12 THE CHAIRWOMAN: Please repeat the motion. Repeat
13 it, please.

14 MS. SODERO: Sure. The motion at hand,
15 Commissioner Dawson, is to grant Schnitzer Steel Hawaii
16 Corporation as an intervenor.

17 THE CHAIRWOMAN: The motion has been seconded?

18 MR. PACOPAC: Yes.

19 THE CHAIRWOMAN: Thank you, Commissioners.

20 All in favor, say aye Hawaii.

21 IN UNISON: Aye.

22 THE CHAIRWOMAN: Any oppose?

23 Thank you. So granted. Thank you very much.

24 We'll move on to the next item on the agenda, and
25 that's the motion to recognize Ko'Olina Community

1 Association and Maile Shimabukuro as parties.

2 MR. CHIPCHASE: Thank you again. I'm Cal
3 Chipchase of Ko'Oolina Community Association and for the
4 Senator. As I mentioned, I'm a very recently retained
5 counsel. I was retained yesterday. I've done my best to
6 read a lot of material in very short order.

7 If the Commission were inclined to deny the
8 petition to intervene, I would ask, as a matter of due
9 process and fundamental fairness, to continue the hearing
10 so that I might be more fully prepared. But I do have
11 some comments that I'm prepared to share with you and I
12 think the record, if you look at it like I do, is more
13 than clear enough to grant the petitions based on the
14 filings.

15 I'd like to make one observation. It seems a bit
16 incongruous to me for corporation counsel to support
17 Schnitzer Hawaii's application to intervene when Schnitzer
18 has the same viewpoint, but to oppose Ko'Oolina and the
19 Senator's petition to intervene because their viewpoints
20 are different.

21 The fact is this Commission granted intervention
22 to the same parties on the prior petition, on a prior
23 application to amend, which is really the application
24 that's before you. It's to amend a condition in that
25 special use permit. The application is the same. The

1 interests are the same. Indeed, if anything, the
2 interests are more pronounced after the unfortunate spill
3 of medical waste this Ko'Oolina Community Association and
4 its members suffered in January of this year; medical
5 waste washing in on their properties, washing into their
6 lagoon. They're directly across the street from the
7 landfill. No other individual landowner suffer -- or have
8 as direct an interest in the landfill as these individuals
9 do.

10 The Senator's interests are also pronounced.
11 They're pronounced because she has been elected to
12 represent her community, to represent this community, and
13 to speak for them when they cannot. They're also
14 individualized as she presents in her petition. She
15 drives by it every day. She's familiar with it. It
16 affects her. She also lives very near to Pokai Bay and if
17 you'll recall from that same medical spill, medical waste
18 was found in Pokai Bay. So this is affecting her in her
19 own neighborhood.

20 The standard for granting petition or for leave to
21 intervene is very broad. It should be freely granted
22 unless special circumstances -- two special circumstances,
23 really, suggest an intervention would be a waste of time
24 or would be unnecessary. Plainly neither of those
25 circumstances are present here.

1 There is no other party seeking to intervene, so
2 far as I'm aware, that would express this viewpoint; that
3 would help shed light on the issues before the Commission
4 and help the Commission make its decision. And so for
5 those reasons, I would ask that the Commission grant their
6 applications.

7 THE CHAIRWOMAN: Thank you.

8 MR. CHIPCHASE: Thank you.

9 THE CHAIRWOMAN: Any questions?

10 MS. SODERO: Could I just request clarification --

11 MR. CHIPCHASE: Sure.

12 MS. SODERO: -- to counsel?

13 Is it a joint intervention or are they separate
14 intervention?

15 MR. CHIPCHASE: We would ask that we jointly
16 intervene and I am counsel for both of them.

17 MS. SODERO: Right. All right.

18 THE CHAIRWOMAN: Any other questions?

19 MS. DAWSON: No.

20 THE CHAIRWOMAN: Discussion?

21 Thank you very much.

22 Department?

23 MS. VIOLA: Dana Viola on behalf of Environmental
24 Services. The Department will rest on their motion, on
25 their written motions that we've already submitted to the

1 Commission.

2 We would like to point out that the nature of the
3 motion by KoCA and (inaudible) was to recognize them as
4 ongoing parties to this present action. But Department's
5 position is that this is a new application and the
6 previous action has already been completed. And there was
7 a final order of this action that has been subject to
8 appeal, which is now before the Supreme Court and pending
9 deliberation and consideration.

10 So this would be a new application. I think it
11 would be more accurate if you characterize it as a motion
12 to intervene by the parties. It is my understanding that,
13 based on Mr. Chipchase's presentation, that this is a
14 joint motion so that the parties -- if the Commission is
15 inclined to grant the motion to intervene, that the
16 parties would be represented by Mr. Chipchase alone and
17 wouldn't be separate parties to this petition.

18 Thank you.

19 THE CHAIRWOMAN: Thank you.

20 Question? Beadie?

21 MS. DAWSON: Why don't you call for a motion to --
22 perhaps an intervenor status.

23 THE CHAIRWOMAN: I think we need -- excuse me. I
24 think we need some clarification.

25 MS. SODERO: Yes.

1 THE CHAIRWOMAN: As far as Ko'Olina, you're coming
2 in, of course, as an intervenor. Is that in combination
3 with Maile Shimabukuro, Senator?

4 MR. CHIPCHASE: Yes, it is.

5 THE CHAIRWOMAN: Would you be testifying as
6 separate parties or as one?

7 MR. CHIPCHASE: Well, they would -- the
8 Association and Ms. Shimabukuro have their own interests,
9 and they are in some ways distinct. And so I would not
10 suggest that neither will testify or one would testify and
11 one would not. However, I am counsel for both of them.

12 THE CHAIRWOMAN: Okay. Thank you.

13 So, we have to be very careful -- off the record.

14 (Discussion held off the record.)

15 THE CHAIRWOMAN: Beadie, any questions?

16 Discussion?

17 MS. DAWSON: No.

18 MR. PACOPAC: Discussion: Since corp counsel
19 brought this up, are they applying for a new intervenor or
20 are the status from the old? I don't know who I ask,
21 corp. counsel or Winston? Do we apply their application
22 as a new --

23 MR. WONG: Commissioner Pacopac, there's the
24 motion in the alternative. So there's a motion to
25 recognize them as a -- continue to recognize them as

1 intervenors from the previous case; or in the alternative,
2 to intervene in this case.

3 MR. PACOPAC: So we can do either?

4 MR. WONG: Excuse me?

5 MR. PACOPAC: We can do either or we vote on two?

6 MR. WONG: You need to vote on two.

7 MR. PACOPAC: On each?

8 MR. WONG: On each. I'm sorry, on each.

9 MR. PACOPAC: So you can vote on the first one and
10 then on the second one?

11 MR. WONG: Yes.

12 MR. PACOPAC: That's what I want clarification on.

13 MR. WONG: Yes. You need to vote on each.

14 MR. PACOPAC: Okay. Great. Thank you.

15 THE CHAIRWOMAN: Thank you very much for that
16 clarification.

17 Do I need a motion? Are we ready for a motion?

18 May I have a motion, please, on the first issue to
19 recognize --

20 MS. DAWSON: Go ahead.

21 MR. PACOPAC: I'll move to approve the motion
22 filed by Ko'Oolina Association and Maile Shimabukuro for
23 continued recognition as the party intervenors, the first
24 one.

25 We can't do both.

1 THE CHAIRWOMAN: No, that's why we have to
2 separate it.

3 MR. PACOPAC: It has to be separated? I thought
4 you said we got to vote on two.

5 MR. WONG: They're not consistent. That's why
6 it's in the alternative.

7 MR. PACOPAC: Okay. Let me read you the motion.

8 THE CHAIRWOMAN: Please do.

9 MR. PACOPAC: I'd like to deny the motion filed by
10 Ko'Oolina Community Association and Maile Shimabukuro for
11 continued recognition as party intervenors.

12 MS. SODERO: Second.

13 MS. DAWSON: And choose to deny them?

14 MS. SODERO: I second.

15 THE CHAIRWOMAN: We have a second.

16 All in favor, say aye.

17 IN UNISON: Aye.

18 THE CHAIRWOMAN: Any opposed?

19 May I have a second motion?

20 MR. PACOPAC: Okay. Let's try this. Move to
21 approve the motion filed by Ko'Oolina Community Association
22 and Maile Shimabukuro as intervenors in this new case, as
23 the joint intervenors.

24 MS. SODERO: Second.

25 THE CHAIRWOMAN: All in favor?

1 IN UNISON: Aye.

2 THE CHAIRWOMAN: Any oppose?

3 Thank you. So granted.

4 Thank you very much, Commissioner, for that.

5 Thank you.

6 I'm going to call for a motion to close the public
7 hearing at this time.

8 MR. PACOPAC: So moved.

9 MR. TOLENTINO: Second.

10 THE CHAIRWOMAN: All in favor?

11 IN UNISON: Aye.

12 THE CHAIRWOMAN: Any oppose?

13 Thank you. Good job. Thank you.

14 Have the parties agreed upon any mutual date for
15 contested case hearing?

16 MS. VIOLA: Dana Viola on behalf of Department of
17 Environmental Services again.

18 THE CHAIRWOMAN: I'm so sorry, I'm having a hard
19 time hearing you. I apologize.

20 MS. VIOLA: It's Dana again.

21 THE CHAIRWOMAN: Hi Dana.

22 MS. VIOLA: I would recommend, if the parties are
23 in agreement, to schedule a prehearing conference so we
24 can consider possible dates. I haven't had an opportunity
25 to talk to the other parties to determine when everyone

1 would be available.

2 And I would like to also ask for permission to
3 consider written submissions for our proceeding as well.
4 So I'd like to discuss these matters in a prehearing
5 conference, if possible.

6 MS. DAWSON: Wait. What is she asking for?

7 MR. SANDISON: We'd like to join with the City in
8 requesting a prehearing conference. We'd like to have it
9 scheduled as quickly as possible. We'd also request that
10 there be an order for a prehearing conference statement
11 that would set forth the issues and briefing schedule and
12 similar matters that are discussed in the applicable rule.

13 THE CHAIRWOMAN: Thank you.

14 MR. CHIPCHASE: We likewise agree with that
15 request.

16 THE CHAIRWOMAN: I beg your pardon?

17 MR. CHIPCHASE: I'm sorry. This is Cal Chipchase
18 again for the Association and the Senator, and we likewise
19 agree with that request. Thank you.

20 THE CHAIRWOMAN: Thank you. Discussion?

21 MS. DAWSON: No, that's all right.

22 THE CHAIRWOMAN: Okay. Do you have a date in
23 mind? A time in mind?

24 MR. SANDISON: We're prepared to meet next week.

25 MS. DAWSON: I have a question.

1 THE CHAIRWOMAN: Beadie, you have a question?

2 MS. DAWSON: I have a question. If we have a
3 preconference hearing or discussion, are we going to have
4 some kind of a status report from the Commission on
5 selection sites?

6 I mean, right now we have zilch, and that's such a
7 critical issue for us. So if you can't give us a complete
8 report, can we have that preconference at least with that,
9 some kind of a report or a -- in mind or a status report?

10 MS. VIOLA: That would be an issue that we'd
11 probably bring up during the case in chief from Department
12 of Environmental Services. We wouldn't be discussing this
13 in a prehearing conference. I don't believe that that
14 would be appropriate.

15 So what I do represent to Commissioner that the
16 City will be providing updated information on the
17 selection process.

18 MR. PACOPAC: Beadie, why don't you make a
19 recommendation that the Environmental Services come back
20 with a report. I don't know, while we go through this
21 contested hearing, I don't know how long it's going to
22 take. But they should have a report for us ready at some
23 date.

24 MS. DAWSON: Okay.

25 MR. PACOPAC: Give them a date.

1 MS. DAWSON: I will make that in the form of a
2 recommendation for the preconference discussion that the
3 Environmental Services Department and the Committee or
4 Commission, whatever it is, for site selection be required
5 to give a report, either with their findings or with a
6 status of their efforts to bring their selection to
7 fruition.

8 MS. VIOLA: If I may clarify? This is not an ENV
9 committee. This is a mayor's appointed site selection
10 committee, so it would be for the committee to make the
11 report or do the presentation to the Commission. It's not
12 something under ENV's control at this point.

13 MS. DAWSON: How many people are on that
14 selection, site commission?

15 MS. VIOLA: I believe there are 12 members.

16 MS. DAWSON: How many?

17 MS. VIOLA: Twelve. I believe there has been a
18 resignation since the original committee was composed. So
19 I think it may be 11 now.

20 MR. PACOPAC: You don't have a representative from
21 environmental services?

22 MS. DAWSON: Yeah. I would like to have the
23 members of that site selection committee named at the time
24 you give a report.

25 MS. VIOLA: Okay.

1 MS. DAWSON: Okay.

2 MS. VIOLA: Again, but I'd like to just clarify
3 that I will not be giving a report. Corporation counsel
4 and Department of Environmental Services -- this is an
5 independent committee. Thank you.

6 THE CHAIRWOMAN: Thank you very much.

7 Any other discussion? Questions? So what we need
8 to do is to determine a date that is suitable for
9 everyone, not only your -- of course your areas, but the
10 Commission's as well.

11 Yeah, we have a calendar actually. Well, I'm
12 going to tell you when the auditorium is available --
13 excuse me, the hearings officer room is available.

14 October 25th, November 9th, and November 23rd.

15 MS. VIOLA: I'm sorry?

16 THE CHAIRWOMAN: How is October 26?

17 MS. DAWSON: That's not good for me. How is it
18 for other people?

19 THE CHAIRWOMAN: Let us have a short recess and
20 we'll pull a date together for you. Okay?

21 MS. VIOLA: All right.

22 THE CHAIRWOMAN: Thank you.

23 (A recess was taken from 2:50 p.m. to 2:53 p.m.)

24 THE CHAIRWOMAN: Thank you very much for the time.
25 In our complicated schedules, we'd like to propose

1 or what we need to propose is October 12th, which is
2 Wednesday, 1:30. So, the same time that we have it today.
3 On the seventh floor, Department of Planning conference
4 room.

5 Jeanne, are you okay with that? That's a very
6 important person.

7 MS. SUMIDA: What date was that, I'm sorry?

8 THE CHAIRWOMAN: October 12th, Wednesday. Can
9 we reserve the conference room, please, 1:30?

10 MS. VIOLA: Excuse me, Commissioner. If I may
11 suggest, I'm not sure if the entire Commission would be
12 required to be present at the prehearing conference.
13 According to Planning Commission Rule 2-66, the presiding
14 officer or the chief planning officer, as directed by the
15 presiding officer --

16 THE CHAIRWOMAN: We know that. Thank you. But we
17 have a very interested Commission, and so we're trying to
18 get as many people in there as possible.

19 MS. VIOLA: All right.

20 THE CHAIRWOMAN: Thank you.

21 Thank you so much, Dana. Thank you.

22 Jeanne, does that look okay for you?

23 MS. SUMIDA: Wednesday?

24 THE CHAIRWOMAN: If not, we'll be sure to give you
25 ample notification.

1 MS. VIOLA: One more thing. The parties are in
2 agreement to submit prehearing conference statements the
3 day before. So that would be October 11, if that's
4 sufficient -- if that's agreeable with the Commission?

5 MS. DAWSON: That's fine with me.

6 THE CHAIRWOMAN: That's fine. Thank you.

7 MS. VIOLA: Okay. Thank you.

8 THE CHAIRWOMAN: Thank you very much.

9 Okay. So, October 12th, unless we hear
10 otherwise from the Department of Planning. Again, that's
11 the seventh floor at 1:30 p.m. and we'll hold our
12 prehearing conference in their conference room. All
13 right.

14 Any other questions from the commissioners?
15 Beadie?

16 I'm going to close. May I have a motion to close?

17 MR. PACOPAC: Motion to adjourn.

18 THE CHAIRWOMAN: That was a fast move to adjourn.

19 MR. TOLENTINO: Second.

20 THE CHAIRWOMAN: Thank you, Art. Art second.

21 Thank you. Meeting is closed. Thank you. We're
22 adjourned.

23

24 (Proceedings concluded at 2:56 p.m.)

25

C E R T I F I C A T E

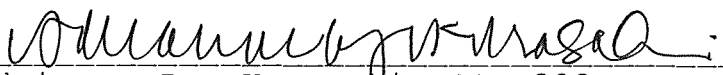
I, ADRIANNE IGE KURASAKI, C.S.R., in and for the State of Hawaii, do hereby certify:

That I was acting as shorthand reporter in the foregoing matter on Wednesday, the 5th day of October, 2011;

That the proceedings were taken down in computerized machine shorthand by me at the time and place stated herein, and thereafter reduced to print under my supervision; that the foregoing represents, to the best of my ability, a correct transcript of the proceedings had in the foregoing matter;

I further certify that I am not counsel for any of the parties hereto, nor in any way interested in the outcome of the cause named in the caption.

Dated this 6th day of November, 2011 in Honolulu, Hawaii.



Adrienne Ige Kurasaki, CSR 388
Registered Professional Reporter