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DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

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DEPARTMENT OF ENVIRONMENTAL SERVICES,
CITY AND COUNTY OF HONOLULU

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of)	FILE NO. 2008/SUP-2
)	
DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU)	DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU'S PRE-HEARING CONFERENCE STATEMENT; AND
)	CERTIFICATE OF SERVICE
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 WGS� up to July 31, 2012, provided that only ash and residue from H-POWER shall be allowed at the WGS� after July 31, 2012.")	
)	

DEPARTMENT OF ENVIRONMENTAL SERVICES,
CITY AND COUNTY OF HONOLULU'S PRE-HEARING CONFERENCE STATEMENT

COMES NOW DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY & COUNTY OF HONOLULU (hereinafter, "Applicant"), by and through its attorneys,

DANA O. VIOLA and ROBERT BRIAN BLACK, Deputies Corporation Counsel, and hereby submits this pre-hearing conference statement pursuant to the Rules of the Planning Commission (“RPC”) §2-66.

I. RELEVANT FACTS

On June 28, 2011, Applicant filed a State Special Use Permit Application with the Department of Planning and Permitting, City & County of Honolulu (“DPP”).

On September 4, 2011, the Applicant caused to be published the required notice of hearing, set for 1:30 p.m., October 5, 2011, at the Mission Memorial Hearings Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii.

On September 16, 2011, Ko Olina Community Association and Maile Shimabukuro (hereinafter collectively referred to as “Intervenors”) filed a Motion to Recognize Ko Olina Community Association and Maile Shimabukuro as Parties or in the alternative Motion to Intervene with DPP. Also, on September 16, 2011, Schnitzer Steel Hawaii Corp. filed a Petition to Intervene.

On October 5, 2011, the Honolulu City and County Planning Commission (“Commission”) denied the Motion to Recognize Ko Olina Community Association and Maile Shimabukuro as Parties but granted the Motion to Intervene such that the Intervenors would be represented jointly by their attorney Cal G. Chipchase, Esq. The Commission also granted Schnitzer Steel Hawaii Corp.’s Motion to Intervene.

Upon the granting of the Motions to Intervene, the matter converted to a contested case proceeding pursuant to RPC § 2-56(c).

II. STATEMENT OF ISSUES

Applicant seeks 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 WGSJ up to July 31, 2012, provided that only ash and residue from H-POWER shall be allowed at the WGSJ after July 31, 2012.

III. PROPOSED SCHEDULE

Applicant requests the following schedule for the filing of written submissions in order to expedite the orderly conduct and disposition of the contested case proceeding:

Exchange of Witness and Exhibit Lists	October 19, 2011
Submission of Direct Testimonies	October 26, 2011
Submission of Pre-hearing Statement	November 2, 2011
Motions Deadline Subpoena Deadline	November 9, 2011
Response to Motions Deadline	November 16, 2011
Hearing on Motions	November 23, 2011
Contested Case Proceeding	November 28 – 30, 2011

DATED: Honolulu, Hawaii, October 12, 2011.

ROBERT CARSON GODBEY
Corporation Counsel

By 

DANA O. VIOLA
ROBERT BRIAN BLACK
Deputies Corporation Counsel
Attorneys for Applicant
DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF HONOLULU

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU'S PRE-HEARING CONFERENCE STATEMENT was duly served by either hand-delivery or U. S. Mail, postage prepaid, by certified mail, return receipt requested, to the following on the date below, addressed as follows:

	<u>Mail</u>	<u>Delivery</u>
DEPARTMENT OF ENVIRONMENTAL SERVICES	X	
City and County of Honolulu		
1000 Uluohia Street, Suite 308		
Kapolei, Hawaii 96707		

Mail

Delivery

DEPARTMENT OF PLANNING AND PERMITTING
City and County of Honolulu
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Attorney for Intervenors
KO OLINA COMMUNITY ASSOCIATION
and MAILE SHIMABUKURO

DATED: Honolulu, Hawai'i, October 12, 2011.



DANA O. VIOLA
R. BRIAN BLACK
Deputies Corporation Counsel

11-01661/199016