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DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLU

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Attorneys for Intervenors

KO OLINA COMMUNITY ASSOCIATION

and MAILE SHIMABUKURO

BEFORE THE PLANNING COMMISSION

OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of

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 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."

FILE NO. 2008/SUP-2

INTERVENORS KO OLINA
COMMUNITY ASSOCIATION AND
MAILE SHIMABUKURO'S FIRST
AMENDED EXHIBIT LIST

CERTIFICATE OF SERVICE

**INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE
SHIMABUKURO'S FIRST AMENDED EXHIBIT LIST**

Intervenors Ko Olina Community Association and Maile Shimabukuro (together
"Intervenors") submit their first amended exhibit. Intervenors may introduce the

following exhibits and reserve the right to amend or supplement this list as additional exhibits are identified:

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K1				March 13, 2003 Findings of Fact, Conclusions, and Decision by the Planning Commission	
K2				June 5, 2003 Decision and Order Approving Amendment to Special Use Permit by the Land Use Commission	
K3				January 16, 2008 Findings of Fact, Conclusions of law, and Decision and Order by the Planning Commission	
K4				March 13, 2008 Findings of Fact, Conclusions of Law, and Decision by the Planning Commission	
K5				October 2008 Final Environmental Impact Statement re Waimanalo Gulch Sanitary Landfill Lateral Expansion by R.M. Towill Corporation (excerpts)	
K6				April 3, 2009 Letter from Abbey Seth Mayer to David K. Tanoue	
K7				June 22, 2009 Transcript of the Contested Case Hearing Before the Planning Commission (excerpts)	
K8				June 24, 2009 Transcript of the Contested Case Hearing Before the Planning Commission (excerpts)	
K9				July 1, 2009 Transcript of the Contested Case Hearing Before the Planning Commission (excerpts)	

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K10				July 2, 2009 Transcript of the Contested Case Hearing Before the Planning Commission (excerpts)	
K11				July 8, 2009 Transcript of the Contested Case Hearing Before the Planning Commission (excerpts)	
K12				August 4, 2009 Findings of Fact, Conclusions of Law, and Decision and Order by the Planning Commission	
K13				September 22, 2009 Letter from Abbey Seth Mayer to Ransom Plitz	
K14				September 24, 2009 Transcript of Proceedings Before the Land Use Commission (excerpts)	
K15				October 22, 2009 Order Adopting the City and County of Planning Commission's Findings of Fact, Conclusions of Law and Decision and Order with Modifications by the Land Use Commission	
K16				January 22, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K17				April 12, 2010 Appellee Land Use Commission's Answering Brief in <i>Department of Environmental Services v. Land Use Commission</i> , Civ. No. 09-102719-11 (Haw. 1st Cir. Ct.) (excerpts)	
K18				April 21, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K19				Dwight E. Miller, PE Resume and Project Litigation and Expert Witness Experience	
K20				September 21, 2010 Order Affirming Land Use Commission's Order Adopting the City and County of Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order dated October 22, 2009 with Modifications in <i>Department of Environmental Services v. Land Use Commission</i> , Civ. No. 09-1-2719-11 (Haw. 1st Cir. Ct.)	
K21				October 19, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K22				January 2011 Fiscal & Economic Benefits Analysis Prepared for Ko Olina Resort Operators Association Prepared by CBRE Strategic Consulting	
K23				January 13, 2011 News Release re Landfill Flooding Affects Waters Between Ko Olina and Kahe Power Plant by the Department of Health	
K24				Proposed Revised Ewa Development Plan	
K25				January 18, 2011 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K26				January 20, 2011 Meeting No. 1 Materials for the Mayor's Advisory Committee on Landfill Site Selection	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K27				January 20, 2011 Meeting No. 1 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K28				January 26, 2011 Letter from Ronald E. Boyle of AECOM Technical Services, Inc. to Waste Management of Hawaii	
K29				March 10, 2011 Meeting No. 3 Group Memory by Mayor's Advisory Committee on Landfill Site Selection	
K30				March 31, 2011 Meeting No. 4 Agenda and Materials for the Mayor's Advisory Committee on Landfill Site Selection	
K31				March 31, 2011 Meeting No. 4 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K32				April 18, 2011 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K33				May 12, 2011 Meeting No. 5 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K34				June 1, 2011 Letter from Timothy E. Steinberger to Vladimir P. Devine	
K35				July 18, 2011 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K36				July 25, 2011 Letter from S.B. Teramoto of the Association of Apartment Owners of the Coconut Plantation in the Ko Olina Resort and Marina the Coconut Plantation to David K. Tanoue	
K37				August 9, 2011 Letter from Mario Beekes to David K. Tanoue	
K38				August 8, 2011 Letter from Ken Williams of Ko Olina Community Association to David K. Tanoue	
K39				August 10, 2011 Letter from Duke Hospodar of Resort Operations-LLC to David Tanoue	
K40				August 10, 2011 Letter from Mona Abadir of Honu Group Communications, LLC to David K. Tanoue	
K41				August 10, 2011 Letter from Ralph F. Harris of Ko Olina Fairways – Association of Apartment Owners to David K. Tanoue	
K42				August 11, 2011 Letter from Alan Nakamura of Ko Olina Golf Course to David K. Tanoue	
K43				August 12, 2011 Letter from Jo Jordan of the Hawai'i House of Representatives to the Department of Planning and Permitting	
K44				August 12, 2011 Letter from Joseph Yamaoka of Resort Management Company LLC to David K. Tanoue	
K45				August 13, 2011 Letter from Masaki Nagamine of Watabe Wedding Corporation to David K. Tanoue	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K46				August 13, 2011 Letter from Colleen Hanabusa to David K. Tanoue	
K47				August 17, 2011 Letter from Leland Ribac for George S. Yamamoto of the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 to David K. Tanoue	
K48				December 7, 2007 Settlement Agreement between the Department of Health, Waste Management of Hawaii, Inc., and the City	
K49				December 15, 2010 Letter from Justin Lottig to Lene Ichinotsubo with Attachment	
K50				December 19, 2010 Incident Alert Form	
K51				December 21, 2010 Email from Justin Lottig to Thomas Miyashiro	
K52				December 23, 2010 Investigation Report by the Department of Health, Clean Water Branch	
K53				December 30, 2010 Email from Justin Lottig to Lene Ichinotsubo with Attachments	
K54				January 12, 2011 Email from Joanna Seto to Timothy Steinberger	
K55				January 12, 2011 Email from Timothy Steinberger to Joanna Seto with Attachment	
K56				January 12 and 13, 2011 Station Summary Palehua Hawaii	
K57				2003 and 2004 Articles regarding R.M. Towill	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K58				December 1, 2003 Report of Mayor's Advisory Committee (Blue Ribbon Committee) on Landfill Site Selection without Attachments	
K59				January 31, 2006 Letter from Laurence K. Lau to Paul Burns and Eric Takamura with Enclosures	
K60				April 5, 2006 Letter from Deborah Jordan to Paul Burns and Eric S. Takamura with Enclosure	
K61				December 18, 2006 Article, Firms land contracts despite donation fines, Honolulu Advertiser, by Rick Daysog	
K62				March 12, 2008 Engineering Report for Landfill Expansion: Waimanalo Gulch Landfill, Ewa Beach, Oahu, Hawaii prepared by Geosyntec Consultants without Appendices	
K63				March 2009 Second 6-Month Report Status of Operations Waimanalo Gulch Sanitary Landfill and Actions Taken to Further Reduce Waste Volumes Disposed of at the Landfill	
K64				September 2009 Third 6-Month Report Status of Operations Waimanalo Gulch Sanitary Landfill and Actions Taken to Further Reduce Waste Volumes Disposed of at the Landfill.	
K65				May 12, 2010 Letter from Wilfred K. Nagamine to Joe Whelan	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K66				May 13, 2010 Letter from Laurence K. Lau to Joe Whelan and Timothy Steinberger with Enclosures	
K67				September 15, 2010 Article, The super \$6K club part II: Engineers vs. Educators: Abercrombie racks up big bucks as election day draws near, by Alan D. McNarie	
K68				March 31, 2011 City & County of Honolulu Mayor's Advisory Committee on Landfill Site Selection Agenda with Attachments	
K69				April 20, 1987 Findings of Fact, Conclusions of Law and Decision and Order by the Land Use Commission	
K70				October 31, 1989 Findings of Fact, Conclusions of Law and Decision and Order by the Land Use Commission	
K71				July 6, 2007 Planning Division Master Application Form (excerpts)	
K72				July 31, 2009 Meeting of the Planning Commission Transcripts (excerpts)	
K73				January 27, 2011 Article, No Paperwork to Back Up Safety of Medical Waste, by Adrienne LaFrance	
K74				November 21, 2011 Article, City Pays Landfill Operator \$2.6M for Spill Cleanup, by Michael Levine	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K75				January 25, 2011 Administrative Order on Consent for Removal Action by the Environmental Protection Agency and Waste Management of Hawaii, Inc.	
K76				May 25, 2005 Letter from Eric S. Takamura to Anthony Ching	
K77				February 2, 2011 Transcript of Proceedings Before the Land Use Commission	
K78				January 28, 2011 Article, Stormwater Released Into Ocean to Avoid Larger Landfill Catastrophe, by Michael Levine	
K79				November 30, 2011 Article, EPA Orders Additional Safeguards at Waimanalo Gulch Landfill, by Adrienne LaFrance	
K80				January 17, 2011 More Medical Waste Wash On West Shores 5 Days After Landfill Spill, by KITV.com	
K81				April 21, 2006 Transcript of Proceedings Before the Land Use Commission (excerpts)	
K82				September 5, 2008 Letter from Thomas E. Arizumi to Joseph Whelan and Eric Takamura	
K83				March 6, 2008 Transcript of Proceedings Before the Land Use Commission (excerpts)	
K84				March 7, 2008 Transcript of Proceedings Before the Land Use Commission (excerpts)	
K85				March 27, 2003 Hearing Transcript Before the Land Use Commission (excerpts)	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K86				May 12, 2011 Final Criteria List for the Mayor's Advisory Committee on Landfill Site Selection	
K87				June 22, 2004 Letter from Frank J. Doyle to Anthony J.H. Ching	
K88				July 30, 2004 Letter from Frank J. Doyle to Anthony J.H. Ching	
K89				November 30, 2004 Letter from Frank J. Doyle to Anthony J.H. Ching	
K90				March 1, 2006 Letter from Anthony J.H. Ching to Eric S. Takamura	
K91				July 2010 First Annual Report, Status of Actions Taken to Satisfy the State Land Use Commission's Order Dated October 22, 2009 and Status of Operations Waimanalo Gulch Sanitary Landfill	
K92				June 1, 2011 Second Annual Report, Status of Actions Taken to Satisfy the State Land Use Commission's Order Dated October 22, 2009 and Status of Operations Waimanalo Gulch Sanitary Landfill	
K93				September 2008 6-Month Report Status of Operations, Waimanalo Gulch Sanitary Landfill and Actions Taken to Further Reduce Waste Volumes Disposed of at the Landfill (excerpts)	

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K94				October 22, 2009 Order Adopting the City & County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order with Modifications by the Land Use Commission	
K95				September 23, 2009 Letter from Maeda C. Timson to the Land Use Commission	
K96				August 16, 2011 Draft Regular Meeting Minutes by the Nanakuli-Maili Neighborhood Board No. 36	
K97				May 2, 2011 Letter from Steven Chang to Joseph Whelan and Timothy Steinberger	
K98				December 1, 2011 Article, City Ordered to Improve Monitoring at Landfill, by Gary T. Kubota	
K99				January 2011 Articles from KHON, Hawaii News Now, Star Advertiser re Landfill spill	
K100				July 6, 2009 Declaration of Gary Y. Takeuchi with attached Environmental Impact Statement	
K101				October 25, 2006 Warning letter from Thomas E. Arizumi to Paul Burns & the Honorable Eric Takamura	
K102				Photographs of Ko Olina Lagoons	
K103				Photographs of Ko Olina Clean-Up Efforts (some photographs stamped with dates photographs were taken)	
K104				Photographs of Ko Olina Clean-Up Efforts – Before and After	

Exhibit No.	Offered for Identification	Received in Evidence	Withdrawn	Description	Date R=Returned D=Destroyed Other Comments
K105				Photographs of Debris (photographs stamped with dates photographs were taken)	
K106				Photographs of Empty Beaches (photographs stamped with dates photographs were taken)	
K107				Photographs of Landfill Drainage	
K108				Photographs of Medical Waste (some photographs stamped with dates photographs were taken)	
K109				Photographs of Muddy Waters (photographs stamped with dates photographs were taken)	
K110				Videos of Ko Olina Clean-Up Efforts: K110a: January 20, 2011 Video K110b: January 20, 2011 Video K110c: January 14, 2011 Video K110d: January 14, 2011 Video K110e: January 18, 2011 Video K110f: January 18, 2011 Video K110g: January 20, 2011 Video K110h: January 14, 2011 Video	
K111				Photographs of Trash from the Landfill at Ko Olina (photographs stamped with dates photographs were taken)	
K112				Photographs of Views of the Landfill from Ko Olina (some photographs stamped with dates photographs were taken)	
K113				Photograph of a Warning Sign (photograph stamped with date photograph was taken)	
K114				Photograph of a Wedding (photograph stamped with date photograph was taken)	

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K115				August 12, 2011 Letter from Alex Duarte to David K. Tanoue	
K116				August 12, 2011 Letter from Lance Jeffery to David Tanoue	
K117				July 20, 2011 Letter from William and Sara Barnes to David Tanoue	
K118				August 1, 2011 Letter from Harriet Bloom to David Tanoue	
K119				August 15, 2011 Letter from James Handsel to David Tanoue	
K120				August 12, 2011 Email from Greg Nichols to David Tanoue	
K121				August 12, 2011 Letter from Chuck Krause to David Tanoue	
K122				August 11, 2011 Letter from Pieter and Claire van Wingerden to David Tanoue	
K123				November 29, 2011 Letter from Alexis Strauss to Timothy Steinberger and Joseph Whelan	
K124				2011 Filings in <i>Confederated Tribes and Bands of the Yamaka Nation v. United States Dep't of Agriculture</i> , No. CV-10-3050-EFS (E.D. Wash.)	
K125				May 3, 2007 Letter from Thomas E. Arizumi to Paul Burns and the Honorable Eric Takamura	
K126				February 24, 2006, 2006 State of the City Address, by Mufi Hanneman	
K127				Photographs of Stones at Waimanalo Gulch Sanitary Landfill (photographs stamped with dates photographs were taken)	

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K128				November 30, 2011 Petition to Close Waimanalo Gulch Landfill and Locate Landfill Operations Outside District 1	
K129				Photographs of Stones at Waimanalo Gulch Sanitary Landfill (photographs stamped with dates photographs were taken)	
K130				October 9, 2007 Book excerpt by Shad Kane, Waimanalo: Navigational Stones	
K131				March 17, 2011 PBSHawaii.org video on Insights, Where Should Garbage Go	
K132				1981 and 1983 Ewa Development Plans (excerpts)	
K133				News Videos Regarding the January 2011 Spill: K133a: January 14, 2011 KHON 2 Video K133b: January 15, 2011 KHON 2 Video K133c: January 22, 2011 KITV 4 Video	
K134				Letters from Ken Williams to Joe Whelan	
K135				April 13, 2008 E-mail String re Report of Debris Flying from City/County Vehicle	
K136				March 20, 2007 Letter from Edward R. Appleby to Todd Apo	
K137				June 14, 2010 Letter from Ken Williams to Joe Whelan re Foul Odors, dust and Noise	
K138				January 24, 2011 Waimanalo Gulch Landfill Spill Investigation Follow-Up	

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K139				April 12, 2011 Invoice from Ko Olina Operations, LLC to Ko Olina Community Association	
K140				January 18, 2011 E-mail String re Landfill Runoff into the Ocean	
K141				January 19, 2011 E-mail String re Procedure for Disposal of Medical Waste and Landfill Concerns	
K142				January 20, 2011 Email string re Procedure for Disposal of Medical Waste and Landfill Concerns	
K143				February 2, 2011 Email string re: Landfill issue	
K144				October 2008 Integrated Solid Waste Management Plan Update Prepared for City & County of Honolulu, Hawaii (excerpts)	
K145				April 2000 New Systems Research for Refuse Disposal, prepared by R.M. Towill Corporation (excerpt)	
K146				Waimanalo Gulch Sanitary Landfill Design and Operation Review Technical Memorandum prepared by Parametrix and approved by Dwight Miller	
K147				Site Selection Evaluation Technical Memorandum prepared by Parametrix and approved by Dwight Miller	
K148				Waimanalo Gulch Landfill Alternatives Analysis Technical Memorandum prepared by Parametrix and approved by Dwight Miller	
K149				July 21, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	

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K150				February 2, 2011 Land Use Commission Status Report on Waimanalo Gulch Sanitary Landfill	
K151				April 2010 AECOM Surface Water Management Plan Waimanalo Gulch Sanitary Landfill Kapolei, O'ahu, Hawaii	
K152				November 8, 2011 Landfill Meeting 7 Group Memory	
K153				November 8, 2011 Landfill Meeting Handout, Landfill Site Selection Study GIS Assessment, Mayor's Advisory Committee on Landfill Site Selection 2011	
K154				Photos from the Department of Health Clean Water Branch (photographs stamped with dates photographs were taken)	
K155				March 14, 2008 Findings of Fact, Conclusions of Law, and Decision and Order Adopting with Modifications, the City and County of Honolulu Planning Commission's Recommendation to Approve Amendment to Special Use Permit by the Land Use Commission	

DATED: Honolulu, Hawai'i, December 15, 2011.

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in black ink, appearing to read "Chris Goodin", written over a horizontal line.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN

Attorneys for Intervenors
KO OLINA COMMUNITY ASSOCIATION
and MAILE SHIMABUKURO

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of

DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF
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To delete Condition No. 14 of Special
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WGSL after July 31, 2012.”

FILE NO. 2008/SUP-2

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that on this day a copy of the foregoing document was
duly served on the following persons:

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DANA VIOLA, ESQ.
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CITY AND COUNTY OF HONOLULU

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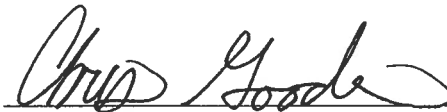
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DATED: Honolulu, Hawai'i, December 15, 2011.

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A Limited Liability Law Partnership



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