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 Corporation Counsel
 DANA VIOLA, 6095
 ROBERT BRIAN BLACK, 7659
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 Honolulu, Hawaii 96813
 Telephone: 768-5240
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DEPT OF PLANNING
 AND PERMITTING
 CITY & COUNTY OF HONOLULU

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 |) | DEPARTMENT OF ENVIRONMENTAL |
| SERVICES, CITY AND COUNTY OF |) | SERVICES, CITY AND COUNTY OF |
| HONOLULU |) | HONOLULU'S LIST OF EXHIBITS; |
| |) | 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 LIST OF EXHIBITS

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

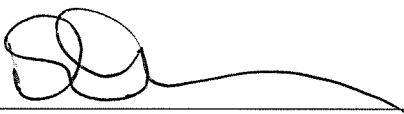
DANA VIOLA and ROBERT BRIAN BLACK, Deputies Corporation Counsel, and hereby submits its List of Exhibits and Exhibits “A1” – “A30” regarding Applicant’s request to delete Condition No. 14 of Special Use Permit No. 2008/SUP-2 (also referred to as Land Use Commission Docket No. SP09-403) which states as 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.

The List of Exhibits is a list of exhibits that may be used in support of the Applicant’s case pursuant to the pre-hearing conference held on October 14, 2011. Applicant reserves the right to amend its List of Exhibits and identify any additional exhibits not expressly identified above for rebuttal purposes in response to any pleadings, arguments, exhibits, issues, and witnesses identified by any party pursuant to the Rules of the Planning Commission Section 2-71(c).

DATED: Honolulu, Hawaii, October 26, 2011.

ROBERT CARSON GODBEY
Corporation Counsel

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

| EXHIBIT NUMBER | DESCRIPTION | PARTY: OBJECTIONS | ADMIT |
|----------------|--|-------------------|-------|
| A1 | Compact Disc containing "Final Environmental Impact Statement; Waimanalo Gulch Sanitary Landfill Lateral Expansion; Waimanalo Gulch, Oahu, Hawaii; TMKs (1) 9-2-003:072 and 073" (the "Final EIS") | | |
| A2 | Fly-over photo of Waimanalo Gulch Sanitary Landfill ("WGSL"), dated April 2011 | | |
| A3 | Table reflecting remaining airspace at WGSL, dated April 2011 | | |
| A4 | Solid Waste Management Permit No. LF-0182-09, dated June 4, 2010 | | |
| A5 | Findings of Fact, Conclusions of Law and Decision and Order, Land Use Commission, Docket No. SP87-362, April 20, 1987 | | |
| A6 | Findings of Fact, Conclusions of Law and Decision and Order, Land Use Commission, Docket No. SP87-362, October 31, 1989 | | |
| A7 | Findings of Fact, Conclusions and Decision, Planning Commission of the City and County of Honolulu, Docket 2002/SUP-6, March 13, 2003 | | |

Applicant reserves the right to amend its LIST OF EXHIBITS and identify any additional exhibits not expressly identified above for rebuttal purposes in response to any pleadings, arguments, exhibits, issues, and witnesses identified by any party pursuant to the pre-hearing conference held on October 14, 2011 and the Rules of the Planning Commission Section 2-71(c).

| EXHIBIT NUMBER | DESCRIPTION | PARTY: OBJECTIONS | ADMIT |
|----------------|--|-------------------|-------|
| A8 | Decision and Order Approving Amendment to Special Use Permit, Land Use Commission, Docket No. SP87-362, June 9, 2003 | | |
| A9 | Office of Information Practices Opinion Letter No. 04-01, January 13, 2004 | | |
| A10 | Order Granting In Part and Denying In Part Motion to Amend and/or Stay the Decision and Order Approving Amendment to Special Use Permit Dated June 3, 2003, Land Use Commission, Docket No. SP 87-362, May 10, 2004 | | |
| A11 | Resolution No. 04-348, CD1, FD1 | | |
| A12 | Bill 37 (2005), CD2 | | |
| A13 | Mayor's Message No. 037, February 28, 2006 | | |
| A14 | State Special Use Permit no. 86/SUP-5, In re Department of Environmental Services, City and County of Honolulu (FKA Department of Public Works, City and County of Honolulu); Application to Modify (1) the Findings of Fact, Conclusions and Decision dated march 13, 2003, and (2) the Decision and Order Approving Amendment to Special Use Permit Issued June 9, 2003, filed with the Department of Planning and Permitting on July 6, 2007, without accompanying exhibits | | |
| A15 | Findings of Fact, Conclusions of Law, and Decision and Order, Planning Commission of the City and County of Honolulu, Ewa -- State Special Use Permit No. 86/SUP-5 (RY), January 18, 2008 | | |

| EXHIBIT NUMBER | DESCRIPTION | PARTY: OBJECTIONS | ADMIT |
|----------------|--|-------------------|-------|
| A16 | 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, Land Use Commission Docket No. SP87-362, March 14, 2008 | | |
| A17 | Transcript of July 31, 2009, decision-making hearing of Planning Commission of the City and County of Honolulu | | |
| A18 | Findings of Fact, Conclusions of Law, and Decision and Order, Planning Commission of the City and County of Honolulu, File Nos. 2008/SUP-2 (RY) and 86/SUP-5, August 4, 2009 | | |
| A19 | Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order With Modifications, Land Use Commission Docket No. SP09-403, October 22, 2009 | | |
| A20 | Order Granting Defendants Department of Environmental Services, Department of Planning and Permitting, and City and County of Honolulu's Motion for Summary Judgment filed on February 2, 2010, Civil No. 08-1-2562-12 RAT, March 25, 2010 | | |
| A21 | Order Affirming Land Use Commission's Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated October 22, 2009 with Modifications, Civil No. 09-1-2719-11, September 21, 2010 | | |
| A22 | Executive Summary, Integrated Solid Waste Management Plan | | |

| EXHIBIT NUMBER | DESCRIPTION | PARTY: OBJECTIONS | ADMIT |
|----------------|--|-------------------|-------|
| A23 | Letter from United States Department of Agriculture notifying of cancellation of Compliance Agreements No. Oahu RG002 and HMSW001, dated August 11, 2010 | | |
| A24 | Order Granting Plaintiffs' Motions for Preliminary Injunction Hearing and Motion for Expedited Hearing, Denying Motion to Strike Declaration, and Requiring Setting of Scheduling Conference, <u>Confederated Tribes and Bands of the Yakama Nation, et al., v. United States Department of Agriculture, et al., No. CV-10-3050-EFS</u> , August 30, 2010. | | |
| A25 | Testimony submitted by the Chairman of the Confederated Tribes and Bands of the Yakama Nation, October 5, 2011 Public Hearing of the Planning Commission of the City and County of Honolulu | | |
| A26 | Chart Depicting Total Waste Stream Flow on Oahu | | |
| A27 | Chart Depicting Municipal Solid Waste Stream Flow on Oahu | | |
| A28 | Charts Showing Yearly Recycling Rates (1988-2010) | | |
| A29 | Chart Depicting The Sustainable Solid Waste Management Ladder for the U.S. | | |
| A30 | Curbside Recycling Program Evaluation and Strategic Planning Report | | |

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 LIST OF EXHIBITS** was duly served by either hand-delivery or U. S. Mail, postage prepaid, to the following on the date below, addressed as follows:

DEPARTMENT OF PLANNING AND PERMITTING
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813


IAN L. SANDISON
DEAN H. ROBB
TIM LUI-KWAN
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Honolulu, Hawai'i 96813

Attorneys for Intervenor
SCHNITZER STEEL HAWAII CORP.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODWIN
Cades Schutte LLP
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813

Attorneys for Intervenors
KO OLINA COMMUNITY ASSOCIATION
and MAILE SHIMABUKURO

DATED: Honolulu, Hawai'i, October 26, 2011.

A handwritten signature in black ink, appearing to read 'Dana Viola', is written above a horizontal line.

DANA VIOLA
ROBERT BRIAN BLACK
Deputies Corporation Counsel

~~CONFIDENTIAL~~

RECEIVED

ROBERT CARSON GODBEY, 4685
Corporation Counsel
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AND PERMITTING
CITY & COUNTY OF HONOLULU

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

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| 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 LIST OF WITNESSES; |
| |) | 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: |) | |
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| |) | |

DEPARTMENT OF ENVIRONMENTAL SERVICES,
CITY AND COUNTY OF HONOLULU'S LIST OF WITNESSES

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

DANA VIOLA and ROBERT BRIAN BLACK, Deputies Corporation Counsel, and hereby submits its List of Witnesses regarding Applicant's request 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.

The List of Witnesses includes witnesses that will be used in support of the Applicant's case pursuant to the pre-hearing conference held on October 14, 2011. Applicant reserves the right to amend and supplement its List of Witnesses and identify any expert witnesses and lay witnesses not expressly identified above as rebuttal witnesses in response to any pleadings, arguments, exhibits, issues, and witnesses identified by any party pursuant to Rules of the Planning Commission Section 2-71(c).

DATED: Honolulu, Hawaii, October 26, 2011.

ROBERT CARSON GODBEY
Corporation Counsel

By



DANA VIOLA
ROBERT BRIAN BLACK
Deputies Corporation Counsel
Attorneys for Applicant

DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY
OF HONOLULU

PLANNING COMMISSION

FILE NOS./APPLICANT: 2008/SUP-2

PARTY : DEPARTMENT OF ENVIRONMENTAL SERVICES,
CITY AND COUNTY OF HONOLULU (“Applicant”)

List of Witnesses

| NAME/ORGANIZATION/POSITION (Listed in order of appearance) |
|--|
| Timothy Steinberger City and County of Honolulu, Department of Environmental Services Director |
| Steven Chang State of Hawaii Department of Health Solid and Hazardous Waste Branch Chief |
| Ross Tanimoto City and County of Honolulu, Department of Environmental Services Deputy Director |
| Suzanne Jones City and County of Honolulu, Department of Environmental Services Recycling Program Branch Chief |
| Steven Langham City and County of Honolulu, Department of Environmental Services Energy Recovery Administrator |

11-01661/200497

Applicant reserves the right to amend its LIST OF WITNESSES and identify any expert witnesses and lay witnesses not expressly identified above as rebuttal witnesses in response to any pleadings, arguments, exhibits, issues, and witnesses identified by any party pursuant to the pre-hearing conference held on October 14, 2011 and the Rules of the Planning Commission Section 2-71(c).

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DANA VIOLA
ROBERT BRIAN BLACK
Deputies Corporation Counsel