

'11 OCT 26 P4 :07

Transmittal Memorandum

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLU.

BY HAND DELIVERY

TO : Robert Carson Godbey, Esq. Department of Planning and
Dana Viola, Esq. Permitting
Robert Brian Black, Esq. City & County of Honolulu
Department of the Corporation Counsel 650 S King Street, 7th Floor
530 S King Street, Room 110 Honolulu, HI 96813
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(BY CERTIFIED MAIL
7160 3901 9849 0359 9452)

FROM : Christopher T. Goodin

DATE : October 26, 2011

RE : File No. 2008/SUP-2

We are sending you the following:

ORIG.	COPIES	DATED	DESCRIPTION
<input type="checkbox"/>	1	10/26/2011	Intervenors Ko Olina Community Association and Maile Shimabukuro's Witness List; Certificate of Service
<input type="checkbox"/>	1	10/26/2011	Intervenors Ko Olina Community Association and Maile Shimabukuro's Exhibit List; Certificate of Service

C S

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KOCA 5

October 26, 2011

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-
- For your information
 - For your files
 - Per your request
 - Per our conversation
 - For necessary action
 - Are returned herewith

- For signature and return
- For signature, forwarding,
as noted below & return
- For review & comment
- For distribution
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REMARKS:

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RECEIVED

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'11 OCT 26 P 4:06

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

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 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."

FILE NO. 2008/SUP-2

INTERVENORS KO OLINA
COMMUNITY ASSOCIATION AND
MAILE SHIMABUKURO'S
WITNESS LIST

CERTIFICATE OF SERVICE

Contested Case Hearing:
December 7, 2011

**INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE
SHIMABUKURO'S WITNESS LIST**

Pursuant to the deadlines set at the Honolulu Planning Commission's (the
"Planning Commission") October 14, 2011 prehearing conference, Intervenors Ko

Olina Community Association (“KOCA”) and Maile Shimabukuro (together “Intervenors”) submit their witness list in the matter of the Honolulu Department of Environmental Services’ (the “ENV”) Application to Modify Special Use Permit No. 2008/SUP-2 by deleting Condition 14 in the Hawai‘i Land Use Commission’s Order Adopting the Honolulu Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order with Modifications dated October 22, 2009.

Intervenors reasonably anticipate calling the following witnesses and reserve the right to amend and supplement this list as additional witnesses are identified:

A. Lay Witnesses

Ken Williams
Ko Olina Community Association

Maile Shimabukuro

Mona Abadir
Honu Group Communications, LLC

Todd Apo

Daniel Banchiu
General Manager
JW Marriot, Ihilani

Mario Beekes

Dr. Fred Dodge

Wayne Hamada, P.E.
Disposal Engineer
Honolulu Department of Environmental Services

Duke Hospodar
Resort Operations-LLC

Lance Jeffery
Ko Olina Weddings & Events

Suzanne Jones
Recycling Program Branch Chief
Honolulu Department of Environmental Services

Kamaki Kanahale

Shad Kane

Manuel S. Lanuevo, P.E.
Deputy Director
Honolulu Department of Environmental Services

Current and former members of the Mayor's Advisory Committee on Landfill
Site Selection

Abbey Seth Mayer
Former Director of the Hawai'i Office of Planning

Lee Munson
Resident, Kai Lani AOA

Masaki Nagamine
Watanabe Wedding Corporation

Members of KOCA

Wilma Namumnart
Assistant Chief Refuse Division
Honolulu Department of Environmental Services

Markus Owens
Public Information Officer
Honolulu Department of Environmental Services

Representatives of the Honolulu Department of Environmental Services

Representatives of the Honolulu Department of Planning and Permitting

Representatives of the Makakilo/Kapolei/Honokai Hale Neighborhood Board
No. 34

Representatives of the Hawai'i Department of Health

Representatives of Waste Management of Hawaii, Inc.

Cynthia Rezendes
Neighborhood Board and Blue Ribbon Commission

Steven Serikaku, P.E.
Refuse Planning Engineer of the Honolulu Department of Environmental
Services

Timothy E. Steinberger, P.E.
Director
Honolulu Department of Environmental Services

Maeda Timson
Kapolei Neighborhood Board

Joseph Yamaoka
Resort Management Company LLC

Rebuttal witnesses

Intervenors reserve the right to name additional witnesses identified in discovery or through pleadings or documents served or filed in this case. Intervenors also reserve the right to call any witness identified or called by the ENV and/or Schnitzer Steel Hawaii Corp. (“Schnitzer”).

B. Expert Witnesses

Experts in the areas of geotechnical engineering, landfill design and management, and/or waste stream management

Rebuttal experts

Intervenors reserve the right to call any expert witness identified or called by the ENV and/or Schnitzer and to name additional witnesses identified in discovery or through pleadings or documents served or filed in this case.

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

CADES SCHUTTE
A Limited Liability Law Partnership



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
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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:

ROBERT CARSON GODBEY, ESQ.

Corporation Counsel

DANA VIOLA, ESQ.

ROBERT BRIAN BLACK, ESQ.

Deputies Corporation Counsel

City and County of Honolulu

530 South King Street, Room 110

Honolulu, Hawai'i 96813

(Hand Delivery)

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CITY AND COUNTY OF HONOLULU

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650 South King Street, 7th Floor
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1001 Bishop Street, Suite 2200
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Attorneys for Intervenor
SCHNITZER STEEL HAWAII CORP.

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

CADES SCHUTTE
A Limited Liability Law Partnership



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CHRISTOPHER T. GOODIN

Attorneys for Intervenors
KO OLINA COMMUNITY ASSOCIATION
and MAILE SHIMABUKURO

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'11 OCT 26 P4:05

DEPT OF PLANNING
AND PERMITTING
CITY AND COUNTY OF HONOLULU

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

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FILE NO. 2008/SUP-2

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

CERTIFICATE OF SERVICE

Contested Case Hearing:
December 7, 2011

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

Pursuant to the deadlines set at the Honolulu Planning Commission's (the
“Planning Commission”) October 14, 2011 prehearing conference, Intervenors Ko

Olina Community Association (“KOCA”) and Maile Shimabukuro (together “Intervenors”) submit their exhibit list in the matter of the Honolulu Department of Environmental Services’ (the “ENV”) Application to Modify Special Use Permit No. 2008/SUP-2 by deleting Condition 14 in the Hawai’i Land Use Commission’s Order Adopting the Honolulu Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order with Modifications dated October 22, 2009.

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 Honolulu Planning Commission	
K2				March 27, 2003 Land Use Commission Minutes of Meeting	
K3				June 5, 2003 Decision and Order Approving Amendment to Special Use Permit by the Hawai’i Land Use Commission	
K4				December 1, 2004 Resolution No. 04-348, CD1, FD1 by the Honolulu City Council	
K5				January 16, 2008 Findings of Fact, Conclusions of law, and Decision and Order by the Honolulu Planning Commission	
K6				February 21, 2008 Land Use Commission Minutes of Meeting	
K7				March 6, 2008 Land Use Commission Minutes of Meeting	
K8				March 7, 2008 Land Use Commission Minutes of Meeting	

K9				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	
K10				October 2008 Final Environmental Impact Statement re Waimanalo Gulch Sanitary Landfill Lateral Expansion Volumes 1 through 3	
K11				April 3, 2009 Letter from Abbey Seth Mayer of the Hawai'i Office of Planning to David K. Tanoue	
K12				May 1, 2009 Special Meeting of the Planning Commission Minutes	
K13				May 6, 2009 Meeting of the Planning Commission Minutes	
K14				May 20, 2009 Meeting of the Planning Commission Minutes	
K15				June 10, 2009 Meeting of the Planning Commission Minutes	
K16				June 22, 2009 Transcript of the Contested Case Hearing Before the Honolulu Planning Commission	
K17				June 24, 2009 Transcript of the Contested Case Hearing Before the Honolulu Planning Commission	
K18				July 1, 2009 Transcript of the Contested Case Hearing Before the Honolulu Planning Commission	
K19				July 2, 2009 Transcript of the Contested Case Hearing Before the Honolulu Planning Commission	
K20				July 8, 2009 Transcript of the Contested Case Hearing Before the Honolulu Planning Commission	

K21				August 4, 2009 Findings of Fact, Conclusions of Law, and Decision and Order by the Honolulu Planning Commission	
K22				September 22, 2009 Letter from Abbey Seth Mayer of the Hawai'i Office of Planning to Ransom Plitz	
K23				September 24, 2009 Land Use Commission Meeting of Minutes	
K24				September 24, 2009 Transcript of Proceedings Before the Hawai'i Land Use Commission	
K25				October 22, 2009 Land Use Commission Minutes of Meeting	
K26				October 22, 2009 Transcript of Proceedings Before the Hawai'i Land Use Commission	
K27				October 27, 2009 Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law and Decision and Order with Modifications by the Hawai'i Land Use Commission	
K28				November 5, 2009 Land Use Commission Minutes of Meeting	
K29				December 1, 2009 Order Denying Applicant's Motion for Reconsideration by the Hawai'i Land Use Commission	
K30				January 22, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K31				April 10, 2010 Appellee State of Hawaii, 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.)	
K32				April 21, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	

K33				July 14, 2010 Transcript of Proceedings in <i>Department of Environmental Services v. Land Use Commission</i> , Civ. No. 09-1-2719 (Haw. 1st Cir. Ct.).	
K34				July 21, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K35				July 28, 2010 Letter from Timothy E. Steinberger to Orlando "Dan" Davidson of the Hawai'i Land Use Commission	
K36				July 30, 2010 Letter from Timothy E. Steinberger to Rodney Kim of the Honolulu Planning Commission	
K37				September 20, 2010 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 in <i>Department of Environmental Services v. Land Use Commission</i> , Civ. No. 09-1-2719-11 (Haw. 1st Cir. Ct.).	
K38				October 19, 2010 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K39				January 2011 Fiscal & Economic Benefits Analysis Prepared for Ko Olina Resort Operators Association Prepared by CBRE Strategic Consulting	
K40				January 13, 2011 News Release re Landfill Flooding Affects Waters Between Ko Olina and Kahe Power Plant by the Hawai'i Department of Health	

K41				January 16, 2011 News Release re Update on Waimanalo Gulch Landfill Release of Contaminated Storm Water by the Hawai'i Department of Health	
K42				January 18, 2011 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K43				January 20, 2011 Meeting No. 1 Materials for the Mayor's Advisory Committee on Landfill Site Selection	
K44				January 20, 2011 Meeting No. 1 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K45				January 26, 2011 Letter from Ronald E. Boyle of AECOM Technical Services, Inc. to Waste Management of Hawaii	
K46				January 26, 2011 News Release re Landfill to Reopen on January 28 for Only Limited Waste by the Honolulu Department of Environmental Services	
K47				February 10, 2011 Meeting No. 2 Agenda and Materials for the Mayor's Advisory Committee on Landfill Site Selection	
K48				February 10, 2011 Meeting No. 2 (Field Visits) Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K49				March 2, 2011 News Release re Waimanalo Gulch Sanitary Landfill Begins Limited Acceptance of Residential Bulky Waste by the Honolulu Department of Environmental Services	

K50				March 10, 2011 Meeting No. 3 Agenda and Materials for the Mayor's Advisory Committee on Landfill Site Selection	
K51				March 10, 2011 Meeting No. 3 Group Memory by Mayor's Advisory Committee on Landfill Site Selection	
K52				March 31, 2011 Meeting No. 4 Agenda and Materials for the Mayor's Advisory Committee on Landfill Site Selection	
K53				March 31, 2011 Meeting No. 4 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K54				April 3, 2009 Letter from Abbey Seth Mayer of the Hawai'i Office of Planning to David K. Tanoue	
K55				April 13, 2011 News Release re WGSL Back to Normal Operations by the Honolulu Department of Environmental Services	
K56				April 18, 2011 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K57				May 12, 2011 Meeting No. 5 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K58				June 1, 2011 Letter from Timothy E. Steinberger to Vladimir P. Devine of the Hawai'i Land Use Commission	
K59				June 1, 2011 Letter from Timothy E. Steinberger to Rodney Kim	
K60				June 28, 2011 Letter from Timothy E. Steinberger to David K. Tanoue	

K61				July 18, 2011 Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill (WGSL)	
K62				July 19, 2011 Meeting No. 6 Agenda and Materials for the Mayor's Advisory Committee on Landfill Site Selection	
K63				July 19, 2011 Meeting No. 6 Group Memory by the Mayor's Advisory Committee on Landfill Site Selection	
K64				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	
K65				August 1, 2011 Order Granting Application for Transfer in <i>Department of Environmental Services v. Land Use Commission</i> , No. SCAP-10-0000157 (Haw.)	
K66				August 7, 2011 Letter from Mario Beekes to David K. Tanoue	
K67				August 8, 2011 Letter from Ken Williams of Ko Olina Community Association to David K. Tanoue	
K68				August 10, 2011 Letter from Duke Hospodar of Resort Operations-LLC to David Tanoue	
K69				August 10, 2011 Letter from Mona Abadir of Honu Group Communications, LLC to David K. Tanoue	
K70				August 10, 2011 Letter from Ralph F. Harris of Ko Olina Fairways – Association of Apartment Owners	
K71				August 11, 2011 Letter from Alan Nakamura of Ko Olina Golf Course to David K. Tanoue	

K72				August 12, 2011 Letter from Jo Jordan of the Hawai'i House of Representatives	
K73				August 12, 2011 Letter from Joseph Yamaoka of Resort Management Company LLC to David K. Tanoue	
K74				August 13, 2011 Letter from Masaki Nagamine of Watanabe Wedding Corporation to David K. Tanoue	
K75				August 13, 2011 Letter from Colleen Hanabusa to David K. Tanoue	
K76				August 15, 2011 News Release re Next Two Mayor's Landfill Committee Meetings Postponed by the Honolulu Department of Environmental Services	
K77				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	
K78				September 9, 2011 memorandum from David Tanoue to Gayle Pingree and Members of the Honolulu Planning Commission	
K79				Excerpts of the Record on Appeal in <i>Department of Environmental Services v. Land Use Commission</i> , No. SCAP-10-0000157 (Haw.)	

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

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in cursive script, 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
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(Hand Delivery)

Corporation Counsel

DANA VIOLA, ESQ.

ROBERT BRIAN BLACK, ESQ.

Deputies Corporation Counsel

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CITY AND COUNTY OF HONOLULU

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Attorneys for Intervenor
SCHNITZER STELL HAWAII CORP.

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

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CHRISTOPHER T. GOODIN

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