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2017 NOV 30 PM 3:50  
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

For a New Special Use Permit to  
Supersede Existing Special Use Permit  
to Allow A 92.5-Acre Expansion and  
Time Extension for Waimānalo Gulch  
Sanitary Landfill, Waimānalo Gulch,  
O'ahu, Hawai'i, Tax Map Key: 9-2-03: 72  
And 73

In the Matter of the Application of

DEPARTMENT OF ENVIRONMENTAL  
SERVICES, CITY AND COUNTY OF  
HONOLULU

To delete Condition No. 14 of Special

FILE NO. 2008/SUP-2

INTERVENORS KO OLINA  
COMMUNITY ASSOCIATION AND  
MAILE SHIMABUKURO'S  
OBJECTIONS TO AGENDA FOR  
DECEMBER 6, 2017

DECLARATION OF  
CHRISTOPHER T. GOODIN

EXHIBITS 1-2

CERTIFICATE OF SERVICE

R5

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.”

**INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO’S OBJECTIONS TO AGENDA FOR DECEMBER 6, 2017**

Intervenors Ko Olina Community Association (the “**Association**”) and Maile Shimabukuro (together, “**KOCA**”) object to the Honolulu Planning Commission’s Agenda for December 6, 2017 (the “**Agenda**”).

**First**, the Agenda repeats the error noted in KOCA’s objection to the Commission’s prior agenda for October 25, 2017. Specifically, the Commission has again given insufficient notice of the upcoming December 6, 2017 meeting under the Hawai’i Administrative Procedure Act and the Commission’s own rules. Both require that the Commission give at least **fifteen days’** notice of a contested case hearing. *See* Hawai’i Revised Statutes § 91-9.5 (“Unless otherwise provided by law, all parties shall be given written notice of hearing by registered or certified mail with return receipt requested at least fifteen days before the hearing.”); Honolulu Planning Commission Rules § 2-63 (“notice of contested case hearing shall be served on all parties . . . by the commission at their last recorded addresses at least fifteen

(15) calendar days prior to the date of the hearing by certified mail with return receipt requested”).

Here, the only notice the Planning Commission provided of the December 6 contested case hearing was sent by email on November 29, 2017—seven days before the hearing. Ex. 1; Goodin Dec. ¶ 2. Thus, proceeding with the hearing on December 6 would violate both Honolulu Planning Commission Rules § 2-63 and Hawai‘i Revised Statutes § 91-9.5.

**Second**, the description of the hearing in the notice is defective. The notice reports that Planning Commission will adopt a “proposed” decision. Based on prior communications from commission staff and counsel, the purpose of the hearing is actually to present a proposed decision to the parties, schedule deadlines for the parties to submit written decisions to the proposed decision and set a hearing date for oral argument on the proposed decision.

Planning Commission Rules § 2-63(b) requires notices of hearing identify the “subject matter” and include “[a]n explicit statement in plain language of the issues involved.” *See also* Hawai‘i Revised Statutes § 91-9(b)(4) (requiring notice of hearing include “[a]n explicit statement in plain language of the issues involved”). The notice issued on November 29 does not state, in plain language, the actions to be taken by the Commission.

**Finally**, adopting even a proposed decision at the December 6 hearing would violate the Land Use Commission’s June 6, 2017 order. The order specifically remanded this proceeding to the Planning Commission with instructions to, among

other things, (a) “clarify the basis of the Planning Commission’s proposed additional Condition No. 3, which specifies a December 31, 2022, date within which the Applicant is to identify an alternative site that will be used upon the WGSL reaching its capacity and the implications it has on the closure date of the WGSL to use and the subsequent commencement of operations at the alternative landfill site”; and (b) “clarify whether the record needs to include updated information on the operation of the WGSL, the landfill site selection process, and the waste diversion efforts of the City and County of Honolulu.” Ex. 2 at 5.

To date, the Planning Commission has not addressed either point. Accordingly, KOCA filed a Motion to Reopen the Contested Case Hearing. The motion is included on the Agenda merely “for discussion.” Ex. 1. The Commission should resolve the Motion before making any decision, even a proposed decision, in this contested case. Adopting a decision before addressing the Land Use Commission’s remand directives would violate the June 6, 2017 order.

For these reasons, KOCA objects to the hearing on December 6, 2017 and any action taken during the hearing, including the adoption of a proposed decision. Any action would be reversible on appeal pursuant to Hawai’i Revised Statutes § 91-14(g), which invalidates agency decisions “[i]n violation of constitutional or statutory provisions,” “[m]ade upon unlawful procedure” and “[a]ffected by other error of law.”

DATED: Honolulu, Hawai'i, November 30, 2017.

CADES SCHUTTE  
A Limited Liability Law Partnership



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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  
HONOLULU

For a New Special Use Permit to  
Supersede Existing Special Use Permit  
to Allow A 92.5-Acre Expansion and  
Time Extension for Waimānalo Gulch  
Sanitary Landfill, Waimānalo Gulch,  
O‘ahu, Hawai‘i, Tax Map Key: 9-2-03: 72  
And 73

FILE NO. 2008/SUP-2

**DECLARATION OF CHRISTOPHER  
T. GOODIN**

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.”

**DECLARATION OF CHRISTOPHER T. GOODIN**

I, Christopher T. Goodin, hereby declare as follows:

1. I am one of the attorneys for Ko Olina Community Association and Senator Maile Shimabukuro (together, "KOCA") in this action and make this declaration based on personal knowledge.

2. The only notice of the December 6, 2017 contested case hearing my office has received was provided by the Planning Commission by email on November 29, 2017. A true and correct copy of the email with an attached agenda is attached hereto as Exhibit 1.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Land Use Commission's Order Granting in Part and Denying in Part Intervenor Ko Olina Community Association and Maile Shimabukuro's Motion to Deny and Remand, entered on June 6, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, November 30, 2017.

  
\_\_\_\_\_  
CHRISTOPHER T. GOODIN

## Christopher Goodin

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**From:** Takara, Gloria C <gtakara@honolulu.gov>  
**Sent:** Wednesday, November 29, 2017 3:32 PM  
**To:** Arsima Muller Esq. (amuller@carlsmith.com); Cal Chipchase; Christopher Goodin; Viola, Dana M O; Ian Sandison, Esq. ; Chan, Kamilla C K; Richard N. Wurdeman, Esq.  
**Subject:** Planning Commission Dec. 6, 2017 agenda - WGS� continued contested case hearing  
**Attachments:** agenda - PC's Dec. 6, 2017 WGS� continued contested case hearing.pdf

To All,

Attached is Planning Commission's Dec. 6, 2017 agenda, WGS� continued contested case hearing.

Thank you,

Gloria

**EXHIBIT 1**



CITY AND COUNTY OF HONOLULU  
PLANNING COMMISSION

Meeting of the Planning Commission

DATE: Wednesday, December 6, 2017  
TIME: 1:30 p.m.  
PLACE: Mission Memorial Conference Room, Mission Memorial Building,  
550 South King Street, Honolulu, Hawaii

AGENDA

APPROVAL OF MINUTES: The minutes of the October 25, 2017 and November 8, 2017 meetings, as previously circulated, to be approved by the Commission.

CONTINUED - CONTESTED CASE HEARING:

EWA-STATE SPECIAL USE PERMIT AMENDMENT APPLICATION – 2008/SUP-2 (RY)  
WAIMANALO GULCH SANITARY LANDFILL (WGSL)

Applicant: Department of Environmental Services, City and County of Honolulu  
Landowner: City and County of Honolulu  
Location: 92-460 Farrington Highway, Honouliuli, Ewa, Oahu  
Tax Map Key: 9-2-3: 72 & 73  
Existing Use: Landfill and open space  
State Land Use: Agricultural District  
Existing Zoning: AG-2 General Agricultural District  
Land Area: 200.622 Acres

REQUEST:

- 1) For a New Special Use Permit to Supersede Existing Special Use Permit to Allow a 92.5-Acre Expansion and Time Extension for Waimanalo Gulch Sanitary Landfill, Waimanalo Gulch, Oahu, Hawaii, Tax Map Key No. (1) 9-2-03: 72 and 73
- 2) 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.”

FOR ACTION

1. Adoption of Proposed Findings of Fact, Conclusions of Law, and Decision and Order

FOR DISCUSSION

1. Intervenors Ko Olina Community Association and Maile Shimabukuro's Motion to Reopen the Contested Case Hearing

### EXECUTIVE SESSION

To consult with the Commission's attorney on the authority, duties, privileges and immunities pertaining to Section 205-6 of the Hawaii Revised Statutes, as amended, and Chapter 2, Subchapters 4 and 5 of the Rules of the Planning Commission, in accordance with HRS 92-5(a)(4).

### ADJOURNMENT

If you require special assistance, auxiliary aid and/or service to participate in this event (i.e., sign language interpreter, interpreter for language other than English, or wheelchair accessibility), please call 768-8000, or email your request to [info@honoluludpp.org](mailto:info@honoluludpp.org) at least three business days prior to the event.



LAND USE COMMISSION  
STATE OF HAWAII

2017 JUN -6 P 1:38

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|  |   |                         |
|--|---|-------------------------|
| In The Matter Of The Application Of The  | ) | DOCKET NO. SP09-403     |
|  | ) |                         |
| DEPARTMENT OF ENVIRONMENTAL              | ) | ORDER GRANTING IN PART  |
| SERVICES, CITY AND COUNTY OF             | ) | AND DENYING IN PART     |
| HONOLULU                                 | ) | INTERVENORS KO OLINA    |
|  | ) | COMMUNITY ASSOCIATION   |
| For A New Special Use Permit To          | ) | AND MAILE SHIMABUKURO'S |
| Supersede Existing Special Use Permit To | ) | MOTION TO DENY AND      |
| Allow A 92.5-Acre Expansion And Time     | ) | REMAND; AND CERTIFICATE |
| Extension For Waimānalo Gulch Sanitary   | ) | OF SERVICE              |
| Landfill, Waimānalo Gulch, O`ahu,        | ) |                         |
| Hawai`i, Tax Map Key: 9-2-03: 72 And 73  | ) |                         |
| _____                                    | ) |                         |

ORDER GRANTING IN PART AND DENYING IN PART INTERVENORS KO OLINA  
COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO'S  
MOTION TO DENY AND REMAND

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawai'i.

June 6, 2017 by

Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|  |   |                         |
|--|---|-------------------------|
| In The Matter Of The Application Of The  | ) | DOCKET NO. SP09-403     |
|  | ) |                         |
| DEPARTMENT OF ENVIRONMENTAL              | ) | ORDER GRANTING IN PART  |
| SERVICES, CITY AND COUNTY OF             | ) | AND DENYING IN PART     |
| HONOLULU                                 | ) | INTERVENORS KO OLINA    |
|  | ) | COMMUNITY ASSOCIATION   |
| For A New Special Use Permit To          | ) | AND MAILE SHIMABUKURO'S |
| Supersede Existing Special Use Permit To | ) | MOTION TO DENY AND      |
| Allow A 92.5-Acre Expansion And Time     | ) | REMAND                  |
| Extension For Waimānalo Gulch Sanitary   | ) |                         |
| Landfill, Waimānalo Gulch, O`ahu,        | ) |                         |
| Hawai`i, Tax Map Key: 9-2-03: 72 And 73  | ) |                         |
| _____                                    | ) |                         |

ORDER GRANTING IN PART AND DENYING IN PART INTERVENORS KO  
OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO'S  
MOTION TO DENY AND REMAND

On May 24, 2017, the State Land Use Commission ("LUC") met in Honolulu, Hawai`i, to consider (1) Ko Olina Community Association's and Maile Shimabukuro's ("KOCA/Shimabukuro") Motion to Deny and Remand;<sup>1</sup> (2) KOCA/Shimabukuro's Alternative Motion to Deny the Applications Unless

<sup>1</sup> On May 19, 2017, the City and County of Honolulu Department of Environmental Services ("Applicant") filed a Response to KOCA/Shimabukuro's Motion to Deny and Remand. On May 22, 2017, Colleen Hanabusa ("Hanabusa") filed a Joinder to KOCA/Shimabukuro's Motion to Deny and Remand.

Additional Conditions are Imposed (“Alternative Motion to Deny”);<sup>2</sup> and (3) the City and County of Honolulu Planning Commission’s (“Planning Commission”) Findings of Fact, Conclusions of Law, and Decision and Order relating to its proceedings on remand regarding the Applicant’s application for a new special use permit to supersede the existing special use permit<sup>3</sup> to allow for the expansion of the Waimānalo Gulch Sanitary Landfill (“WGSL”) (“2008 Application”) and the application to modify Land Use Commission Order Adopting the City and County of Honolulu Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order with Modifications (“2011 Application”).

Calvert G. Chipchase, Esq., and Christopher T. Goodin, Esq., appeared on behalf of KOCA/Shimabukuro.<sup>4</sup> Dana Viola, Esq., and Kathleen

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<sup>2</sup> On May 19, 2017, the Applicant filed a Response to KOCA/Shimabukuro’s Alternative Motion to Deny.

<sup>3</sup> The existing special use permit is identified as County Special Use Permit File No. 86/SUP-5 (LUC Docket No. SP87-362).

<sup>4</sup> By letter dated May 23, 2017, to the LUC, Mr. Chipchase requested that the LUC enter a proposed form of an Order Granting in Part Intervenor Ko Olina Community Association and Maile Shimabukuro’s Motion to Deny and Remand. The proposed Order provided (1) that the 2008 and 2011 Applications be denied without prejudice to entry of a single, consolidated findings of fact, conclusions of law, and decision and order by the Planning Commission on both Applications pursuant to Planning Commission Rule §2-75 (“New Decision”); (2) that consideration by the LUC of the New Decision on both Applications shall not be precluded by Hawai’i Administrative Rules (“HAR”) §15-15-96(b); (3) that both Applications and the records be remanded to the Planning Commission for further proceedings; (4) that the remaining portion of KOCA/Shimabukuro’s Motion to Deny and Remand concerning the recusal of Planning Commission Chair Dean I. Hazama and KOCA/Shimabukuro’s Alternative Motion to Deny be Docket No. SP09-403 Department Of Environmental Services, City And County Of Honolulu 2 Order Granting in Part and Denying in Part Intervenor Ko Olina Community Association and Maile Shimabukuro’s Motion to Deny and Remand

Kelly, Esq., appeared on behalf of the Applicant.<sup>5</sup> Richard N. Wurdeman, Esq., appeared on behalf of Hanabusa. Ian L. Sandison, Esq., and Avery Matro, Esq., appeared on behalf of Schnitzer Steel Hawai'i Corp. ("Schnitzer Steel").<sup>6</sup> Bryan C. Yee, Esq., and Rodney Funakoshi were present on behalf of the State Office of Planning ("OP"),<sup>7</sup> and Raymond Young was present on behalf of the City and County of Honolulu Department of Planning and Permitting.

At the meeting, the LUC heard oral argument from the parties and public testimony from Messrs. Yee and Young on KOCA/Shimabukuro's Motion to Deny and Remand.<sup>8</sup> All of the parties expressed support for the remand of the record on the 2008 and 2011 Applications to the Planning Commission.

Following discussion, a motion was made and seconded to grant in part and deny in part KOCA/Shimabukuro's Motion to Deny and Remand on the basis that the record of the Planning Commission's proceedings on remand relating to the 2008 and 2011 Applications is not complete, and to therefore deny

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withdrawn without prejudice to refile; and (5) that this Order is without prejudice to any arguments that the parties have raised or may raise regarding the Applications.

<sup>5</sup> On May 23, 2017, the Applicant filed a response to Mr. Chipchase's May 23, 2017, letter.

<sup>6</sup> On May 23, 2017, Schnitzer Steel filed a response to Mr. Chipchase's May 23, 2017, letter.

<sup>7</sup> On May 22, 2017, OP filed comments in which it recommended additional and amended conditions to the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order.

<sup>8</sup> At the start of the proceeding, Commissioner Dawn Chang disclosed that a couple of years ago she was a consultant to the WGSL on a criminal matter. There were no objections by the parties to her participation in the proceeding.

the request to deny both Applications and to instead remand the matter to the Planning Commission pursuant to HAR §15-15-96(a) for further proceedings to (1) clarify whether the Planning Commission followed Section 2-75 of the Rules of the Planning Commission in issuing its Findings of Fact, Conclusions of Law, and Decision and Order; (2) clarify the basis of the Planning Commission's proposed additional Condition No. 3, which specifies a December 31, 2022, date within which the Applicant is to identify an alternative site that will be used upon the WGSJ reaching its capacity and the implications it has on the closure date of the WGSJ to use and the subsequent commencement of operations at the alternative landfill site; (3) clarify whether the record needs to include updated information on the operation of the WGSJ, the landfill site selection process, and the waste diversion efforts of the City and County of Honolulu; (4) assuming the Planning Commission eventually recommends approval of the matter, clarify the effective date of the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order; and (5) clarify whether the Planning Commission is ruling on both the 2008 Application and the 2011 Application in its Findings of Fact, Conclusions of Law, and Decision and Order. As part of the motion, the movant clarified that the issue raised by KOCA/Shimabukuro in their Motion to Deny and Remand that the participation of the Planning Commission Chair in the proceeding, including voting on the matter, violated KOCA/Shimabukuro's right

to due process is not within the jurisdiction of the LUC, and is therefore denied as a basis of the remand. There being a vote of 7 ayes and 1 excused,<sup>9</sup> the motion carried.

### ORDER

The LUC, having duly considered KOCA/Shimabukuro's Motion to Deny and Remand, the oral and written arguments presented by the parties, and a motion having been made and seconded at a meeting on May 24, 2017, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion,

HEREBY ORDERS that the Motion to Deny and Remand is granted in part and denied in part. Accordingly, the record on the 2008 Application and 2011 Application shall be REMANDED to the Planning Commission pursuant to HAR §15-15-96(a) for further proceedings to (1) clarify whether the Planning Commission followed Section 2-75 of the Rules of the Planning Commission in issuing its Findings of Fact, Conclusions of Law, and Decision and Order; (2) clarify the basis of the Planning Commission's proposed additional Condition No. 3, which specifies a December 31, 2022, date within which the Applicant is to identify an alternative site that will be used upon the WGSJ reaching its capacity and the implications it has on the closure date of the WGSJ to use and the

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<sup>9</sup> The ninth seat on the LUC is currently vacant.



subsequent commencement of operations at the alternative landfill site; (3) clarify whether the record needs to include updated information on the operation of the WGSL, the landfill site selection process, and the waste diversion efforts of the City and County of Honolulu; (4) assuming the Planning Commission eventually recommends approval of the matter, clarify the effective date of the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order; and (5) clarify whether the Planning Commission is ruling on both the 2008 Application and the 2011 Application in its Findings of Fact, Conclusions of Law, and Decision and Order.

All other matters raised by the Motion to Deny and Remand are hereby DENIED either because they are contrary to HRS chapters 205 and 91 or because they are not within the jurisdiction of the LUC.<sup>10</sup>

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<sup>10</sup> KOCA/Shimabukuro's Alternative Motion to Deny is rendered moot by this action and shall not require consideration by the LUC.

ADOPTION OF ORDER

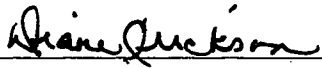
This ORDER shall take effect upon the date this ORDER is certified by this Commission.


Done at Honolulu, Hawai'i, this 6<sup>th</sup> day of June, 2017, per motion on May 24, 2017.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

  
Deputy Attorney General

By   
EDMUND ACZON  
Chairperson and Commissioner

Filed and effective on:

6/6/17

Certified by:

  
DANIEL ORODENKER  
Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of The ) DOCKET NO. SP09-403  
DEPARTMENT OF ENVIRONMENTAL )  
SERVICES, CITY AND COUNTY OF ) CERTIFICATE OF SERVICE  
HONOLULU )  
For A New Special Use Permit To Supersede )  
Existing Special Use Permit To Allow A )  
92.5-Acre Expansion And Time Extension )  
For Waimānalo Gulch Sanitary Landfill,  
Waimānalo Gulch, O`ahu, Hawai`i, Tax Map  
Key: 9-2-03: 72 And 73

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER GRANTING IN PART AND DENYING IN PART INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO'S MOTION TO DENY AND REMAND was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:


DEL. Leo Asuncion, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

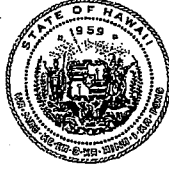
Bryan Yee, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813

CERT. George Atta, Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

- CERT. IAN L. SANDISON, Esq.  
Carlsmith Ball LLP  
American Savings Bank Tower  
1001 Bishop St. Suite 2200  
Honolulu, HI 96813
- CERT. Kamilla Chan, Esq.  
Deputy Corporation Counsel  
City and County of Honolulu  
530 South King Street, Room 110  
Honolulu, HI 96813
- CERT. Department of Environmental Services  
City & County of Honolulu  
1000 Uluohia Street, 3<sup>rd</sup> Floor  
Kapolei, Hawaii 96707
- CERT. RICHARD WURDEMAN, Esq.  
1003 Bishop Street #720  
Honolulu, Hawaii 96813
- CERT. CADES SCHUTTE LLP  
CHRISTOPHER G. CHIPCHASE  
CHRISTOPHER T. GOODIN  
1000 Bishop St. Suite 1200  
Honolulu, HI 96813

Dated: June 6, 2017 Honolulu, Hawaii.

  
\_\_\_\_\_  
Daniel Orodener, Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of The ) DOCKET NO. SP09-403  
DEPARTMENT OF ENVIRONMENTAL )  
SERVICES, CITY AND COUNTY OF ) AMENDED  
HONOLULU ) CERTIFICATE OF SERVICE  
For A New Special Use Permit To Supersede )  
Existing Special Use Permit To Allow A )  
92.5-Acre Expansion And Time Extension )  
For Waimānalo Gulch Sanitary Landfill, )  
Waimānalo Gulch, O`ahu, Hawai`i, Tax Map )  
Key: 9-2-03: 72 And 73 )

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AMENDED CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER GRANTING IN PART AND DENYING IN PART INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO'S MOTION TO DENY AND REMAND was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL. Leo Asuncion, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

DEL. Bryan Yee, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813

CERT. George Atta, Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

- CERT. IAN L. SANDISON, Esq.  
Carlsmith Ball LLP  
American Savings Bank Tower  
1001 Bishop St. Suite 2200  
Honolulu, HI 96813
- CERT. Kamilla Chan, Esq.  
Deputy Corporation Counsel  
City and County of Honolulu  
530 South King Street, Room 110  
Honolulu, HI 96813
- CERT. Department of Environmental Services  
City & County of Honolulu  
1000 Uluohia Street, 3<sup>rd</sup> Floor  
Kapolei, Hawaii 96707
- CERT. RICHARD WURDEMAN, Esq.  
1003 Bishop Street #720  
Honolulu, Hawaii 96813
- CERT. CADES SCHUTTE LLP  
CHRISTOPHER G. CHIPCHASE  
CHRISTOPHER T. GOODIN  
1000 Bishop St. Suite 1200  
Honolulu, HI 96813
- CERT. PLANNING COMMISSION  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dated: June 15, 2017 Honolulu, Hawaii.



Daniel Orodener, Executive Officer

BEFORE THE PLANNING COMMISSION  
OF THE CITY AND COUNTY OF HONOLULU  
STATE OF HAWAI'I

In the Matter of the Application of the  
DEPARTMENT OF ENVIRONMENTAL  
SERVICES, CITY AND COUNTY OF  
HONOLULU

For a New Special Use Permit to  
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FILE NO. 2008/SUP-2

**CERTIFICATE OF SERVICE**

In the Matter of the Application of  
DEPARTMENT OF ENVIRONMENTAL  
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“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**

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

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