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LAND USE COMMISSION  
STATE OF HAWAII

2019 OCT 30 P 2:16

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DEPARTMENT OF ENVIRONMENTAL  
SERVICES, CITY AND COUNTY OF  
HONOLULU

BEFORE THE LAND USE COMMISSION  
OF THE 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  
Waimanalo Gulch Sanitary Landfill,  
Waimanalo Gulch, O'ahu, Hawai'i, Tax Map  
Key: (1) 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 Use  
Permit No. 2008/SUP-2 (also referred to as  
Land Use Commission Docket No. SP09-403)  
which states as follows:

DOCKET NO. SP09-403

DEPARTMENT OF ENVIRONMENTAL  
SERVICES, CITY AND COUNTY OF  
HONOLULU'S RESPONSE TO  
INTERVENORS KO OLINA  
COMMUNITY ASSOCIATION AND  
MAILE SHIMABUKURO'S  
OBJECTIONS TO APPLICANT'S  
PROPOSED FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
DECISION AND ORDER APPROVING  
THE RECOMMENDATION OF THE  
CITY AND COUNTY OF HONOLULU  
PLANNING COMMISSION TO  
APPROVE THE STATE SPECIAL USE  
PERMIT APPLICATION WITH  
MODIFICATIONS, AS MODIFIED BY  
THE LAND USE COMMISSION ON  
OCTOBER 10, 2019; CERTIFICATE OF  
SERVICE

“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 RESPONSE TO  
INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND  
MAILE SHIMABUKURO’S OBJECTIONS TO APPLICANT’S PROPOSED  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION  
AND ORDER APPROVING THE RECOMMENDATION OF THE CITY AND  
COUNTY OF HONOLULU PLANNING COMMISSION TO APPROVE THE  
STATE SPECIAL USE PERMIT APPLICATION WITH MODIFICATIONS,  
AS MODIFIED BY THE LAND USE COMMISSION ON OCTOBER 10, 2019**

Applicant DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU (“Applicant” or “ENV”) respectfully submits its Response to Intervenor Ko Olina Community Association and Maile Shimabukuro’s (collectively, “Intervenor KOCA”) Objections to Applicant’s Proposed Findings of Fact, Conclusions of Law, and Decision and Order Approving the Recommendation of the City and County of Honolulu Planning Commission to Approve the State Special Use Permit Application With Modifications, as Modified by the Land Use Commission on October 10, 2019 (“Intervenor KOCA’s Objections”).

This response is limited to addressing Intervenor KOCA’s attempt to mischaracterize the information contained in ENV’s Application to Modify SUP No. 2008/SUP-2 dated June 28, 2011 (“2011 Application”) in its objection to ENV’s Proposed Finding of Fact 269. In addition to stating that “[b]ased on typical rates of disposal at WGS�, the remaining capacity is estimated to be approximately fifteen years”, the 2011 Application explains that “[t]he remaining capacity of WGS� is an

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER  
APPROVING THE RECOMMENDATION OF THE CITY AND COUNTY OF  
HONOLULU PLANNING COMMISSION TO APPROVE THE STATE SPECIAL  
USE PERMIT APPLICATION WITH MODIFICATIONS, AS MODIFIED BY  
THE LAND USE COMMISSION ON OCTOBER 10, 2019** was duly served by hand-  
delivery to the following on the date below, addressed as follows:

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DATED: Honolulu, Hawai'i, October 30, 2019.

  
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17-03069.001/836224