

PAUL S. AOKI, 1286
Acting Corporation Counsel
KAMILLA C. K. CHAN, 9184
(808) 768-5168
kamilla.chan@honolulu.gov
Deputy Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813
Facsimile: (808) 768-5105

LAND USE COMMISSION
STATE OF HAWAII

2019 DEC -4 P 2:29

Attorneys for Applicant
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: 9-2-03:
72 and 73

DOCKET NO. SP09-403

MOTION TO TERMINATE ORDER
REGARDING WRITTEN STATUS
REPORTS ON PROCEEDINGS OF THE
PLANNING COMMISSION RELATING
TO COUNTY SPECIAL USE PERMIT
FILE NO. 2008/SUP-2; DECLARATION
OF KAMILLA C. K. CHAN;
EXHIBIT "1"; CERTIFICATE OF
SERVICE

MOTION TO TERMINATE ORDER REGARDING WRITTEN STATUS
REPORTS ON PROCEEDINGS OF THE PLANNING COMMISSION
RELATING TO COUNTY SPECIAL USE PERMIT FILE NO. 2008/SUP-2

COMES NOW DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND
COUNTY OF HONOLULU ("Applicant"), by and through its attorney, KAMILLA C. K.
CHAN, Deputy Corporation Counsel, under Section 15-15-70 of the State Land Use

Commission (“LUC”) Rules for an Order to terminate the Order Requiring Written Status Reports filed on May 28, 2014.

On May 16, 2014, the LUC met to hear a status report on the proceedings before the Honolulu Planning Commission (“Planning Commission”) relating to County Special Use Permit File No. 2008/SUP-2.¹ Subsequently, the LUC filed an order on May 28, 2014, which requires as follows:

The Applicant shall file written status reports with the LUC on proceedings of the Planning Commission relating to County Special Use Permit File No. 2008/SUP-2 every other month starting from July 2014 with service upon the other parties in this matter. The other parties are free to file written responses with the LUC in regard to the aforementioned status reports.

See Order Requiring Written Status Reports dated May 28, 2014, attached to Chan Decl. as Exhibit “1.”

The proceedings at the Planning Commission relating to File No. 2008/SUP-2 have concluded. On June 10, 2019, the Planning Commission filed its Findings of Fact, Conclusions of Law, and Decision and Order. The Planning Commission’s records in the proceeding were transmitted to the LUC in September 2019, and the LUC met in October 2019 to consider the Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order relating to proceedings on remand regarding the Applicant’s 2008 and 2011 Applications.² On November 1, 2019, the LUC filed its Findings of Fact, Conclusions of Law, and Decision and

¹ The LUC designated this application as Docket No. SP09-403.

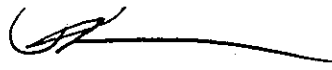
² This matter is a consolidation of two contested case proceedings. The first proceeding involves the Applicant’s application for a new SUP for the expansion of the Waimanalo Gulch Sanitary Landfill and the withdrawal of County Special Use Permit No. 86/SUP-5. The second proceeding involves ENV’s application to modify the LUC Order Adopting the City and County of Honolulu Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order with Modifications dated October 22, 2009 for County Special Use Permit No. 2008/SUP-2 for the sole purpose of deleting the July 31, 2012 deadline for the landfill to accept solid waste. On August 17, 2016, the Planning Commission ordered the consolidation of the two proceedings so that it may issue and transmit a single, consolidated Findings of Fact, Conclusions of Law, and Decision and Order to the LUC.

Order Approving With Modifications the City and County of Honolulu Planning Commission's Recommendation to Approve Special Use Permit in Docket No. SP09-403.

There are no further proceedings pending before the Planning Commission relating to File No. 2008/SUP-2. For this reason, the Applicant respectfully requests that the Order filed on May 28, 2014, be terminated.

DATED: Honolulu, Hawaii, December 4, 2019.

PAUL S. AOKI
Acting Corporation Counsel

By 

KAMILLA C. K. CHAN
Deputy Corporation Counsel
Attorneys for Applicant
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: 9-2-03:
72 and 73

DOCKET NO. SP09-403

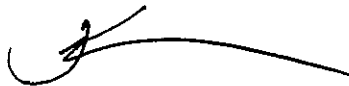
DECLARATION OF KAMILLA C. K.
CHAN; EXHIBIT "1"

DECLARATION OF KAMILLA C. K. CHAN

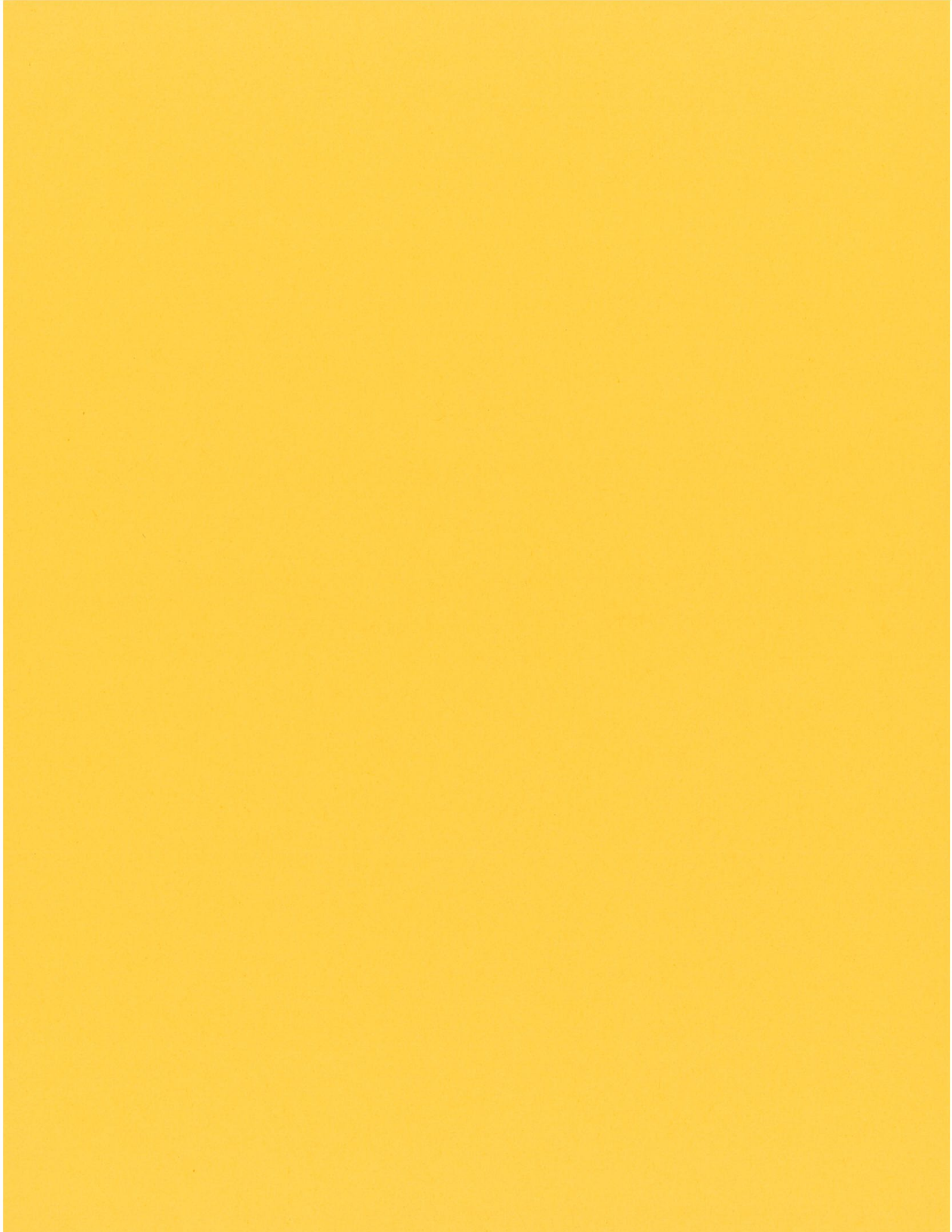
I, KAMILLA C. K. CHAN, hereby declare as follows:

1. I am an attorney for the City and County of Honolulu, a municipal corporation of the State of Hawaii.
2. I am the attorney representing the Department of Environmental Services, City and County of Honolulu in this action and make this declaration based on personal knowledge.
3. Attached hereto as Exhibit "1" is a true and correct copy of the LUC's Order Requiring Written Status Reports filed on May 28, 2014.

DATED: Honolulu, Hawaii, December 4, 2019.



KAMILLA C. K. CHAN





BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2014 MAY 28 P 1:30

LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Application Of The	)	DOCKET NO. SP09-403
)	
DEPARTMENT OF ENVIRONMENTAL	)	ORDER REQUIRING WRITTEN
SERVICES, CITY AND COUNTY OF	)	STATUS REPORTS; AND
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)	
_____)	

ORDER REQUIRING WRITTEN STATUS REPORTS

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.

May 28, 2014 by

Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2014 MAY 28 P 1:30

LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Application Of The	)	DOCKET NO. SP09-403
)	
DEPARTMENT OF ENVIRONMENTAL	)	ORDER REQUIRING WRITTEN
SERVICES, CITY AND COUNTY OF	)	STATUS REPORTS; AND
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)	
_____)	

ORDER REQUIRING WRITTEN STATUS REPORTS

AND

CERTIFICATE OF SERVICE



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2014 MAY 28 P 1:30

LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Application Of The	)	DOCKET NO. SP09-403
)	
DEPARTMENT OF ENVIRONMENTAL	)	ORDER REQUIRING WRITTEN
SERVICES, CITY AND COUNTY OF	)	STATUS REPORTS
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)	
_____)	

ORDER REQUIRING WRITTEN STATUS REPORTS

On May 16, 2014, the State of Hawai`i Land Use Commission ("LUC") met in Honolulu, Hawai`i, to hear a status report on the proceedings before the City and County of Honolulu Planning Commission ("Planning Commission") relating to County Special Use Permit File No. 2008/SUP-2.¹ Dana Viola, Esq., and Lori Kahikina appeared on behalf of the City and County of Honolulu Department of Environmental Services ("Applicant"). Calvert G. Chipchase, Esq., appeared on behalf of Intervenors

¹ Upon receipt of the decision and complete record of the Planning Commission in this matter in 2009, the LUC designated the application as Docket No. SP09-403.

the Ko `Olina Community Association ("KOCA") and Maile Shimabukuro. Richard Wurdeman, Esq., appeared on behalf of Intervenor Colleen Hanabusa. Bryan C. Yee, Esq., and Rodney Funakoshi were also present on behalf of the State of Hawai`i Office of Planning ("OP").

At the meeting, the Applicant updated the LUC on the status of the proceedings before the Planning Commission and provided information on the current operations of the Waimānalo Gulch Sanitary Landfill. The LUC also heard oral arguments from the other parties and public testimony from OP on this matter.²

Following discussion, a motion was made and seconded to require that the Applicant file written status reports with the LUC on the aforementioned proceedings of the Planning Commission every other month starting from July 2014 with service upon the other parties in this matter. A vote was taken on this motion. There being a vote tally of 8 ayes and 1 excused, the motion carried.

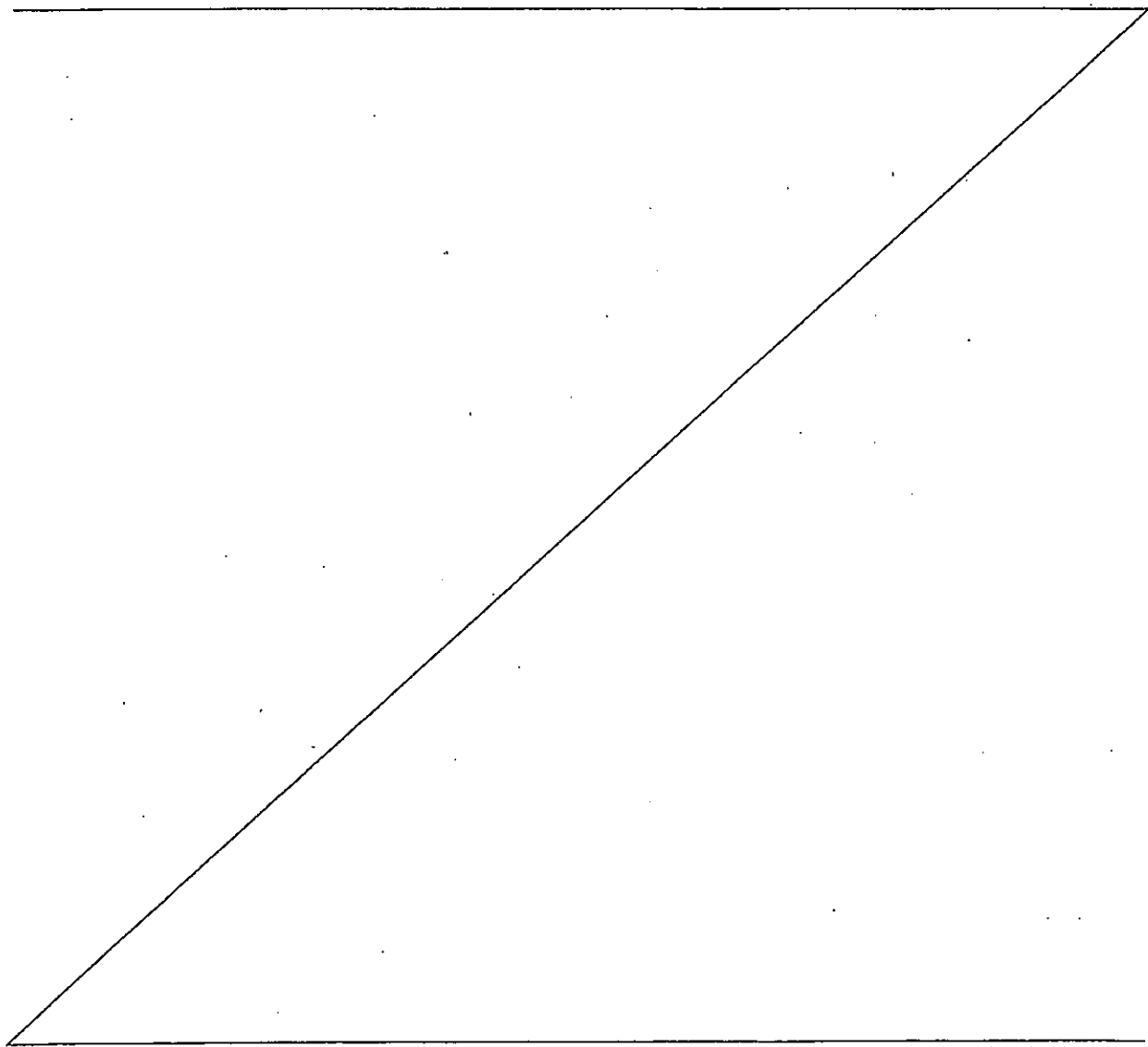
ORDER

Having duly considered the status report provided by the Applicant and the oral arguments presented by the other parties in this proceeding, and a motion having been made at a meeting held on May 16, 2014, in Honolulu, Hawai`i, and the

² Aside from the testimony of OP, there was no other public testimony provided. Prior to the presentation of the Applicant, Chair Ronald Heller reiterated his disclosure made during previous proceedings in this docket that he represents the Association of Apartment Owners of Beach Villas, a member of KOCA, in litigation against KOCA. There were no objections by the parties to the participation of Chair Heller in this proceeding.

motion having received the affirmative votes required by Hawai'i Administrative Rules §15-15-13, and there being good cause for the motion, the LUC ORDERS as follows:

The Applicant shall file written status reports with the LUC on the proceedings of the Planning Commission relating to County Special Use Permit File No. 2008/SUP-2 every other month starting from July 2014 with service upon the other parties in this matter. The other parties are free to file written responses with the LUC in regard to the aforementioned status reports.



ADOPTION OF ORDER

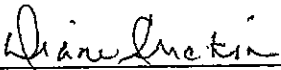
This ORDER shall take effect upon the date this ORDER is certified by this Commission.


Done at Honolulu, Hawai'i, this 28th day of May, 2014, per motion on May 16, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

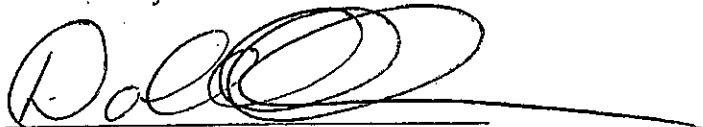
STATE OF HAWAII


Deputy Attorney General

By 
RONALD HELLER
Chairperson and Commissioner

Filed and effective on:
May 28, 2014

Certified by:


DANIEL ORODENKER
Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2011 MAY 28 P 1:30

LAND USE COMMISSION
STATE OF HAWAII

In The Matter Of The Application Of The	)	DOCKET NO. SP09-403
)	
DEPARTMENT OF ENVIRONMENTAL	)	CERTIFICATE OF SERVICE
SERVICES, CITY AND COUNTY OF	)	ORDER REQUIRING WRITTEN
HONOLULU	)	STATUS REPORTS
)	
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)	
_____)	

CERTIFICATE OF SERVICE

ORDER REQUIRING WRITTEN STATUS REPORTS

I hereby certify that a copy of the ORDER REQUIRING WRITTEN STATUS
REPORTS 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, Acting 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. Don Kitaoka, Esq.
Deputy Corporation Counsel
City & County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

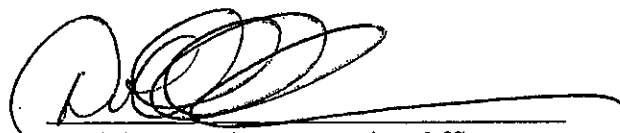
CERT. Dana Viola, Esq.
Deputy Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, HI 96813

CERT. Department of Environmental Services
City & County of Honolulu
1000 Uluohia Street, 3rd Floor
Kapolei, Hawaii 96707

CERT. RICHARD WURDEMAN, Esq.
333 Queen Street
Honolulu, Hawaii 96813

CERT. CADES SCHUTTE LLP
CHRISTOPHER G. CHIPCHASE
CHRISTOPHER T. GOODIN
1000 Bishop St. Suite 1200
Honolulu, HI 96813

Dated: May 28, 2014, Honolulu, Hawaii.



Daniel Orodener, Executive Officer

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: 9-2-03:
72 and 73

DOCKET NO. SP09-403

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **MOTION TO TERMINATE ORDER
REGARDING WRITTEN STATUS REPORTS ON PROCEEDINGS OF THE
PLANNING COMMISSION RELATING TO COUNTY SPECIAL USE PERMIT FILE
NO. 2008/SUP-2** was duly served by either hand-delivery or U. S. Mail, postage prepaid, by
certified mail, return receipt requested, to the following on the date below, addressed as follows:

DELIVERY

MAIL

Mary Alice Evans
Director
Office of Planning
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

X

Brian Yee, Esq.
Deputy Attorney General
Department of the Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

X

DELIVERY

MAIL

Kathy K. Sokugawa
Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

X

Duane W. H. Pang, Esq.
Deputy Corporation Counsel
Department of the Corporation Counsel
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

X

Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, 3rd Floor
Kapolei, Hawaii 96707

X

Richard N. Wurdeman, Esq.
1003 Bishop Street, Suite 720
Honolulu, Hawaii 96813


X

Calvert G. Chipchase IV, Esq.
Christopher T. Goodin, Esq.
Cades Schutte LLP
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813

X

DATED: Honolulu, Hawaii, December 4, 2019.

PAUL S. AOKI
Acting Corporation Counsel

By 

KAMILLA C. K. CHAN
Deputy Corporation Counsel
Attorneys for Applicant
DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF
HONOLULU