

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of The) DOCKET NO. SP87-362
)
DEPARTMENT OF ENVIRONMENTAL) ORDER GRANTING APPLICANT'S
SERVICES, CITY AND COUNTY OF) MOTION TO WAIVE FEES AND
HONOLULU (fka DEPARTMENT OF) EXPENSES AND TO EXCUSE
PUBLIC WORKS, CITY AND COUNTY) APPLICATION FROM ANY
OF HONOLULU) REQUIREMENT TO REIMBURSE FEES
) AND EXPENSES

For An Amendment To The Special Use)
Permit Which Established A Sanitary)
Landfill On Approximately 107.5 Acres)
Of Land Within The State Land Use)
Agricultural District At Waimānalo)
Gulch, Honouliuli, 'Ewa, O'ahu,)
Hawai'i, Tax Map Key: 9-2-03: Portion 72)
And Portion 73 (fka Tax Map Key: 9-2-)
03: Portion 2 And Portion 13))
_____)

ORDER GRANTING APPLICANT'S MOTION TO WAIVE FEES AND EXPENSES
AND TO EXCUSE APPLICATION FROM ANY REQUIREMENT TO REIMBURSE
FEES AND EXPENSES

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, Hawaii.

MAY - 9 2008

Date

by

Robney A. - [Signature]

Interim Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Application Of The) DOCKET NO. SP87-362
)
DEPARTMENT OF ENVIRONMENTAL) ORDER GRANTING APPLICANT'S
SERVICES, CITY AND COUNTY OF) MOTION TO WAIVE FEES AND
HONOLULU (fka DEPARTMENT OF) EXPENSES AND TO EXCUSE
PUBLIC WORKS, CITY AND COUNTY) APPLICATION FROM ANY
OF HONOLULU)) REQUIREMENT TO REIMBURSE FEES
) AND EXPENSES
For An Amendment To The Special Use)
Permit Which Established A Sanitary)
Landfill On Approximately 107.5 Acres)
Of Land Within The State Land Use)
Agricultural District At Waimānalo)
Gulch, Honouliuli, 'Ewa, O'ahu,)
Hawaii, Tax Map Key: 9-2-03: Portion 72)
And Portion 73 (fka Tax Map Key: 9-2-)
03: Portion 2 And Portion 13))
_____)

ORDER GRANTING APPLICANT'S MOTION TO WAIVE FEES AND EXPENSES
AND TO EXCUSE APPLICATION FROM ANY REQUIREMENT TO REIMBURSE
FEES AND EXPENSES

On April 14, 2008, the City and County of Honolulu Department of Environmental Services ("Applicant") filed a Motion to Waive Fees and Expenses and to Excuse Application from any Requirement to Reimburse Fees and Expenses ("Motion"), pursuant to sections 15-15-49 and 15-15-70, Hawaii Administrative Rules ("HAR"). A Memorandum in Support of Motion ("Memorandum") was attached to the Motion.

In the Memorandum, the Applicant stated, among other things, that under section 15-15-49(a), HAR, the application fee for district boundary amendments is waived for state or county departments or agencies and argued that they should similarly be waived in this matter for the same policy reasons. The Applicant further noted that it initiated the proceeding to extend the deadline to accept solid waste at the Waimānalo Gulch Sanitary Landfill ("WGSL") until May 2010, or until the WGSL reaches its permitted capacity, whichever occurs first, for the benefit of the public and not for any private benefit or profit.

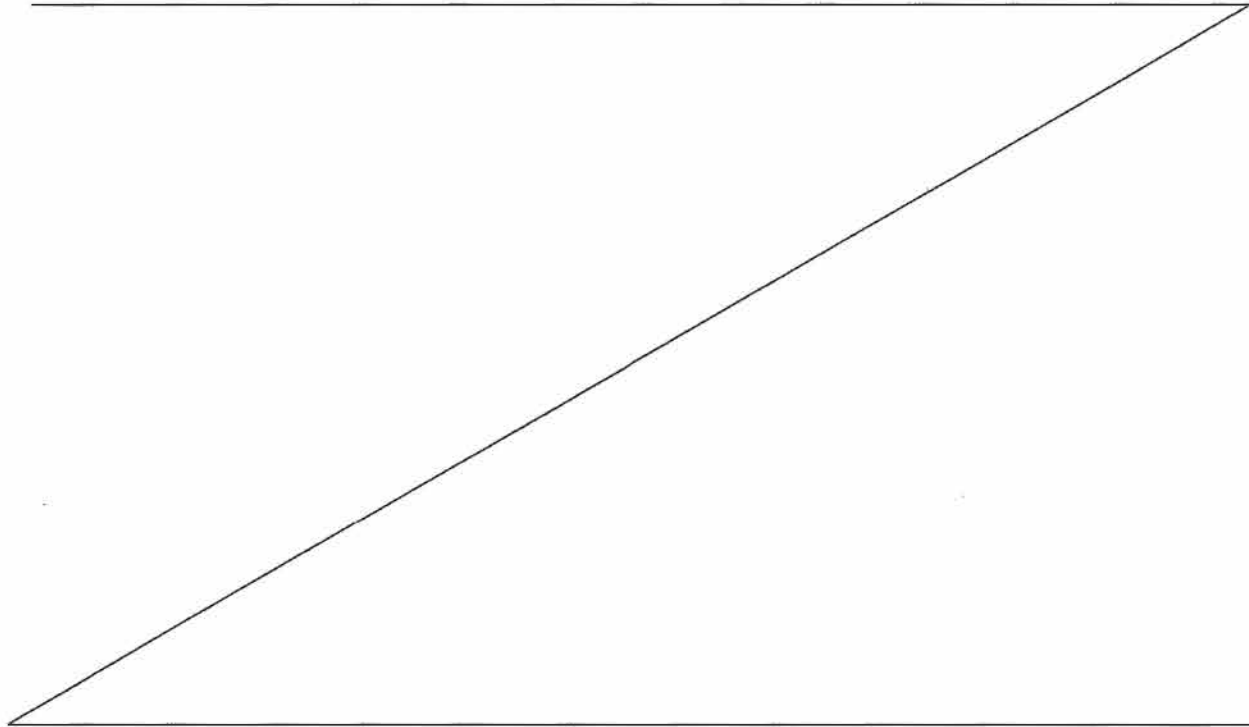
The Land Use Commission ("LUC") considered the Applicant's Motion at its meeting on April 24, 2008, in Honolulu, Hawai'i. Paul Herran, Esq., appeared on behalf of the Applicant. Bryan C. Yee, Esq., counsel to the State Office of Planning ("OP"), testified that OP had no comments on the Motion. At the meeting, the Applicant reiterated that it is a public agency and its application to extend the time to accept waste at the WGSL was filed for a public purpose. The Applicant clarified that the fees and expenses referenced herein pertains to the LUC's February 21 and March 6 and 7, 2008, meetings on the Applicant's application.

Thereafter, a motion was made and seconded to grant the Applicant's Motion. There being a vote of 8 ayes and 0 nays, and 1 absent, the motion carried.

ORDER

The LUC, having duly considered the Applicant's Motion, the oral arguments presented by the Applicant, and a motion having been made at a meeting conducted on April 24, 2008, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the Applicant's Motion be GRANTED with respect to the fees and expenses pertaining to the LUC's February 21 and March 6 and 7, 2008, meetings on the Applicant's application to extend the time to accept waste at the WGSL.

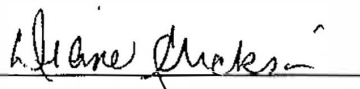


ADOPTION OF ORDER


The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 9th day of May, 2008. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 9th day of May, 2008,
per motion on April 24, 2008.

APPROVED AS TO FORM

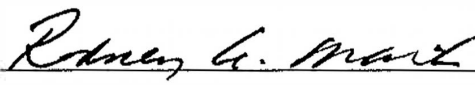

Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAII

By 
LISA M. JUDGE
Chairperson and Commissioner

Filed and effective on
MAY - 9 2008

Certified by:


RODNEY A. MAILE
Interim Executive Officer
Land Use Commission

CERT: CARRIE OKINAGA, Esq.
Corporation Counsel
City and County of Honolulu
530 South King Street
Honolulu, HI 96813

Dated: Honolulu, Hawai'i, MAY - 9 2008 .



RODNEY A. MAILE
Interim Executive Officer

7003 0500 0001 1913 8343

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total	Carrie Okinaga, Esq. Corporation Counsel	
Sent To	City & County of Honolulu	
Street, or PO Box	530 South King Street	
City, State	Honolulu, Hawaii 96813	

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Carrie Okinaga, Esq.
Corporation Counsel
City & County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

2. Article Number

(Transfer from service label)

7003 0500 0001 1913 8343

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Brian Kawai*

Agent

Addressee

B. Received by (Printed Name)

Berice KAWAI

C. Date of Delivery

5/18/08

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail

Express Mail

Registered

Return Receipt for Merchandise

Insured Mail

C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes