CADES SCHUTTE LLP

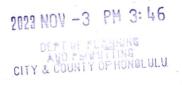
CALVERT G. CHIPCHASE 7757 CHRISTOPHER T. GOODIN 8562 KATHERINE E. BRUCE 11373

1000 Bishop Street, Suite 1200 Honolulu, Hawai'i 96813-4212 Telephone: (808) 521-9200 Facsimile: (808) 521-9210

E-mail:

cchipchase@cades.com
cgoodin@cades.com
kbruce@cades.com

Attorneys for Intervenors KO OLINA COMMUNITY ASSOCIATION and MAILE SHIMABUKURO





BEFORE THE PLANNING COMMISSION

OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAI'I

In the Matter of the Application of

DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU

Application to Modify SUP No. 2008/SUP-2 (SP09-403) by Modifying (1) Condition No. 1 of the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order, dated June 10, 2019, and (2) Condition No. 5 of the LUC's Findings of Fact, Conclusions of Law, and Decision and Order Approving with Modifications the City and County of Honolulu Planning Commission's Recommendation to Approve Special Use Permit, certified on November 1, 2019

FILE NO. 2008/SUP-2

INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO'S SUBMISSION OF SLIDES USED DURING THE NOVEMBER 1, 2023, PLANNING COMMISSION HEARING

ATTACHMENTS A - C

CERTIFICATE OF SERVICE

INTERVENORS KO OLINA COMMUNITY ASSOCIATION AND MAILE SHIMABUKURO'S SUBMISSION OF SLIDES USED DURING THE NOVEMBER 1, 2023, PLANNING COMMISSION HEARING

Intervenors Ko Olina Community Association and Maile Shimabukuro hereby submit as Attachments "A-C" which are copies of the slides that were used at the Meeting of the Planning Commission on November 1, 2023. Attachment "A" is a copy of the slides that were used in the examination of Ken Williams. Attachment "B" is a copy of the slides that were used in the examination of Dwight Miller. Attachment "C" is a copy of the closing slides.

DATED: Honolulu, Hawai'i, November 3, 2023.

CADES SCHUTTE
A Limited Liability Law Partnership

/s/ Christopher T. Goodin
CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
KATHERINE E. BRUCE
Attorneys for Intervenors
KO OLINA COMMUNITY ASSOCIATION
and MAILE SHIMABUKURO

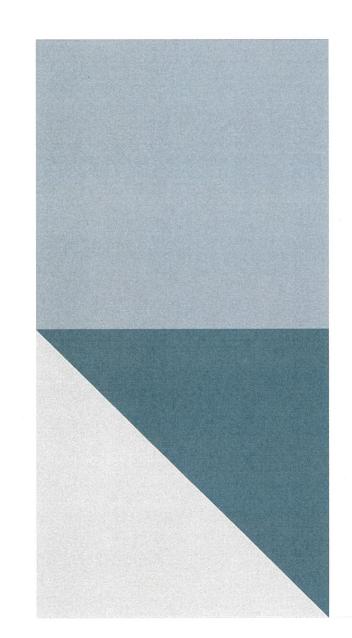


Ko Olina Community Association, Inc.

Ken Williams, General Manager

Testimony before the Planning Commission, City and County of Honolulu

November 1, 2023



ATTACHMENT "A"

K267

Dear Honolulu Planning Commission,

As a resident of Ko Olina, I am deeply concerned about the ongoing issues related to the Waimanalo Gulch Sanitary Landfill (WGSL). Over the years, our community has been adversely affected by the Landfill, and we have expressed concerns about odors, noise, dust, and truck traffic, among other issues,

Furthermore, in 2012, the Landfill released unknown quantities of municipal solid waste. sewage sludge, leachate, and medical solid waste into coastal waters. This incident highlights the urgent need for a new landfill to be identified and implemented.

The pending application for an extension to the State Land Use Commission's deadline for identifying a new landfill site is just the latest delay in a long history of delays. The Landfill should have been closed and a new landfill opened a long time ago. The LUC had ordered the Landfill to close by 2008 and a new site to be selected by 2004. However, instead of following the LUC's directives and the site selection committee's recommendation, the City selected the

Despite the numerous site selection processes that have response to the LUC's most recent order to identify a ne selection committee in 2021. However, the committee de after eight meetings held between October 2021 and Jur

require ENV to report quarterly in person to the Commis provide us with reassurance that the risks and benefits a being properly taken into consideration.

Thank you for your attention to this important matter.

Ko Olina Resident 92-1001 Aliinui Drive #21D Kapolei HI 96707 RE: Community Residents Support Increased Oversight of the Landfill Siting Proce

To the Honolulu Planning Commission.

Given the long history of delays and harmful effects on o related to the Waimanalo Gulch Sanitary Landfill (WGSL).

Our community has been adversely affected by the Landfill for years, with resident and visitors expressing concerns about odors, noise, dust, blasting, visual blight, tr and flying litter from the Landfill. Additionally, the Landfill released unknown quantit municipal solid waste, sewage sludge, leachate, and medical solid waste into coas

It is unacceptable that the Landfill is still in operation despite the LUC's order to clo Joseph Lee and to select a new site by 2004. Instead of following these directives and the site t KaiLani 17A committee's recommendation, the City selected the existing Landfill as the "new" la Ko Olina Resident Since then, several site selection processes have taken place, but no site has been ENV formed a new site selection committee in 2021, but the committee determined of the proposed sites were acceptable.

Given the long history of delays and harmful effects on our community, I urge the Honolulu Planning Commission to require ENV to report guarterly in person to the Commission on its efforts to select a new landfill. This oversight will provide us with reassurance that the risks and benefits associated with the proposed designation of a new site are being properly taken into

Thank you for your attention to this important matter.

Sincerely.

Kimberly R. Kelley MD Ko Olina Resident

K272

To Whom It May Concern,

I am a resident of West O'ahu that resides in Ko Olina, and I am writing to express my support for increased oversight by the Honolulu Planning Commission of the process to reevaluate options to explore potential landfill sites outside the No Pass Zone. It has been a long road to get to this point, and the Department of Environmental Services (ENV) has not met its deadlines all along the way. The State Land Use Commission (LUC) previously ordered the ENV to close the Waimanalo Gulch Sanitary Landfill (WGSL) by 2008 and to select a new site by 2004. Those deadlines were not met. The ENV was later ordered to begin the process of identifying ar-1 developing a new site by 2010, but no site was selected. The LUC most recently set a dea June 25, 2023 December 31, 2022, for the City to identify an alternative landfill site to WGSL, another Honolulu Planning Commission

My community bears the burden of having the landfill mauka of our homes. You may rec RE: Community Residents Support Increased Oversight of the Landfill Siting Process storms that washed medical waste from WGSL onto our beaches where our keiki play. W Dear Honolulu Planning Commission. housed the landfill in our community for way too long. The time has come for ENV to do and find a viable new location for our island's waste.

approval for the extension of the use of Waimanalo Gulch as I support the closure of WG 73 should have been pursued prior to the initiation of the Landfill Advisory Council (LAC). my community.

Thank you for your attention to this matter.

dpp@honolulu.gov

K271

As a resident of Ko Olina, please accept this testimony in favor of increased oversight by the Honolulu Planning Commission of the process to reevaluate options to explore potential landfill I am writing as a resident of Ko Olina to express my deep concerns regarding the c Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight to identify an alternative landfill site by no means indicated to the Mean and the Supporting additional oversight and the Mean and the Supporting additional oversight and the Supporting additional oversigh of Water Supply No Pass Zone and working with the state legislature on new law or amending Act

> It has been a long road to get to this point. Department of Environmental Services (ENV) has not met its deadlines all along the way. The State Land Use Commission (LUC) previously ordered the ENV to close the Waimanalo Gulch Sanitary Landfill (WGSL) by 2008 and to select a new site by 2004. Those deadlines were not met. The ENV was later ordered to begin the process of identifying and developing a new site by 2010. No site was selected. The LUC most recently set a deadline of December 31, 2022 for the City to identify an alternative landfill site to WGSL. That deadline was also missed.

> I am a proud resident of West O'ahu and request the Planning Commission to hold ENV accountable. My community bears the burden of having the landfill mauka of our homes. You may recall the storms that washed medical waste from WGSL onto our beaches where our keiki play. We have housed the landfill in our community long enough. It is time for ENV to do its job and find a viable new location for our island's waste.

> I support the closure of WGSL in my community. ENV must be held to its closure deadline of March 2, 2028. Please provide additional oversight so that ENV does not waste more time and tax dollars delaying the identification of viable landfill site alternatives. ENV has eroded my community's trust in this process. Oversight by the Planning Commission will provide my community reassurance that the risks and benefits associated with the proposed designation of a new site are properly taken into consideration.

Karen Messick

Karen I. Messick 92-1072 Olani Street Apt 2

K311

Exhibits K266-355: Community Support for **Better Oversight**





Ko Olina Community Association, Inc. Testimony Project #2023/SUP-2(FK) May 15, 2023

RE: KOCA Supports Increased Oversight of the Landfill Siting Process

The Honolulu Department of Environmental Services ("ENV") has missed every deadline associated with the closure and replacement of the Waimanalo Gulch Sanitary Landfill ("WGSL" or the "Landfill"). Its pending application seeks to push off the December 31, 2022 deadline to select a new landfill. ENV must be held to its closure deadline of March 2, 2028. To ensure the deadline is met, Ko Olina Community Association, Inc. ("KOCA") asks that the Honolulu Planning Commission require ENV to report quarterly in person to the Commission on its efforts to select a new landfill. Reporting during Commission meetings will provide the public with an opportunity to provide testimony and enable the Commission to hold ENV accountable.

KOCA is part of the Leeward community that has been adversely affected by the Landfill. Over the years, Ko Olina's residents, workers, and visitors have expressed concerns regarding odors, noise, dust, blasting, visual blight, truck traffic and flying litter from the Landfill. LUC 11/1/19 Findings of Fact, Conclusions of Law, and Decision and Order Approving with Modifications the City and County of Honolulu Planning Commission's Recommendation to Approve Special Use Permit ("LUC Decision"), Finding of Fact ("FOF") ¶ 327. Indeed, in 2012, the Landfill released unknown quantities of municipal solid waste, sewage sludge, leachate, and medical solid waste into coastal waters. Id ¶ 340.

The pending application involves the most recent delay in a long history of delays to identify a new landfill. ENV has asked to extend a deadline set by the State Land Use Commission ("LUC") to "identify an alternative landfill site that may be used upon closure of WGSL." LUC Decision at 104. The current deadline passed five months ago on December 31, 2022. Id

The Landfill should have been closed and a new landfill opened a long time ago. The Landfill was ordered by the LUC to close by 2008 and a new site selected by 2004. LUC Decision, FOF ¶ 286. Several sites were identified by a site selection committee. Instead of following the LUC's directives and the committee's recommendation, the City selected the existing Landfill as the "new" landfill. Id. ¶¶ 287.89. The ENV was then ordered to begin the process of identifying and developing a new site by 2010 with reasonable diligence. Id. ¶¶ 59, 405. Another site selection process followed, sites were identified, but no site was selected.

In response to the LUC's most recent order to identify a new site by December 31, 2022, the ENV formed a new site selection committee in 2021. Six sites were offered as the only alternatives. The committee held eight meetings between October 2021 and June 2022, during which time the committee determined that none of the proposed sites were acceptable.

Exhibits K282: Community Support for Better Oversight



A Long History of Missing Deadlines

Original anticipated closure (8 years after opening)

2003

Landfill reaching capacity

2008

2003 application conditioned on closure in 2008

Ko Olina envisioned and developed as part of region's long-range plan



276. The WGSL received a special use permit in 1987 to operate on 60.5 acres. In its Findings of Fact, Conclusions of Law and Decision and Order approving the special use permit, the LUC noted that the WGSL was proposed to "serve the Leeward Communities for disposing raw refuse and [was] projected to have an eight year life and a capacity of 6.65 million cubic yards." The "projected full-life" of the WGSL was "approximately eight years." 2011AP Ex. K69 7 (¶ 29) (LUC 4/20/87 Order).

283. The Applicant represented to the community that it intended to close the landfill in 2008 if it were allowed to expand the WGSL. During the LUC's 2003 proceedings to expand the WGSL, the Applicant expressed its "commitment" to close the WGSL in 2008. 2011AP Rezentes Written Direct Testimony at 4 (¶ 12); 2011AP Ex. K85 at 96:18-22, 125:7-11, 128:2-5, 145:21-146:2 (3/27/03 Tr.:Doyle), 117:11-13 (3/27/03 Tr.:Apo); See also 1/11/12 Tr. at 32:3-7 (Steinberger).

an additional 21 acres. With this expansion, the WGSL consisted of approximately 107.5 acres. The LUC also required that within five years from the date of the approval or the date of the Solid Waste Management Permit approval for the expansion, whichever occurred first but not beyond May 1, 2008, the WGSL shall be restricted from accepting any additional waste material and be closed. The LUC further required the selection of a new landfill site by June 1, 2004, or the special use permit would immediately expire.

321. By the time Ko Olina was developed, the WGSL was supposed to have been closed. 2011AP Williams Written Direct Testimony 9 (\P 3); 2011AP Ex. K69 at 7 (\P 28) (LUC 4/20/87 Order).



Source: K259 2019 LUC Findings of Fact, Conclusions of Law, Decision & Order

A Long History of Missing Deadlines

2007
application
conditioned on
closure in 2009

2012

2008 expansion conditioned on stopping acceptance of solid waste in 2012

2022

After 2012 condition struck down, 2019 condition requires new site selection by Dec. 31, 2022



- 291. In its 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 dated

 March 14, 2008, the LUC amended the condition to extend the closure deadline of the

 WGSL to November 1, 2009, or until the approved area reaches its permitted capacity,

 whichever occurs first. 2011AP Ex. K155 at 18 (¶ 12) (LUC 3/14/08 Order)
- 69. On October 22, 2009, the LUC filed its Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order With Modifications ("LUC's 2009 Order") and imposed the following additional conditions:
 - 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.
- 5. By no later than December 31, 2022, the Applicant shall identify an alternative landfill site that may be used upon closure of WGSL. Upon identification of the alternative landfill site, the Applicant shall provide written notice to the Planning Commission and the LUC.

Ko Oliva

Source: K259 2019 LUC Findings of Fact, Conclusions of Law, Decision & Order



331. Since 2006, the DOH has found the following violations at the

WGSL:

2011AP Ex. K59 (1/31/06 NOV). These counts included exceeding permitted fill grades, failure to maintain records and record location of asbestos disposal at the WGSL, and failure to submit annual surface water management plan.

- On October 25, 2006, the DOH sent a warning letter to WMH and the Applicant, identifying five potential violations. 2011AP Ex. K101 (10/25/06 warning letter). These potential violations included exceeding permitted fill grades and failure to monitor leachate levels. 2011AP Ex. K101 at 2 (10/25/06 warning letter). Additionally, WMH was required to resubmit its storm water management system design to ensure compliance with applicable regulations and the special use permit. 2011AP Ex. K101 at 2 (10/25/06 warning letter).
- On May 3, 2007, the DOH sent a warning letter to WMH and the Applicant identifying three potential violations. 2011AP Ex. K125 (5/3/07 warning letter). These potential violations included exceeding permitted fill grades, failure to monitor leachate levels and inadequate soil cover. 2011AP Ex. K125 at 2 (5/3/07 warning letter).
- On September 5, 2008, the DOH sent a warning letter to WMH and the Applicant identifying three potential violations. 2011AP Ex. K82 (9/5/08 warning letter). These potential violations included unauthorized storage of materials and the failure to submit written notification of the exceedance and verification of methane gas monitoring results. 2011AP Ex. K82 at 2 (9/5/08 warning letter).
- On May 13, 2010, the DOH issued an NOV to WMH and the City, containing three counts. 2011AP Ex. K66 (5/13/10 NOV); 2011AP 1/25/12 Tr. at 17:6-34:1 (Chang). These counts included the failure to construct the final cover and West Berm in accordance with design specifications, failure to notify the DOH of noncompliance, and failure to submit interim status reports on the construction. 2011AP Ex. K66 (5/13/10 NOV).

- On January 31, 2006, the DOH issued a notice of violation ("NOV") to WMH and the City, containing 18 counts.
- against the WGSL. 2011AP Ex. K59 (1/31/06 NOV); 2011AP Ex. K66 (5/13/10 NOV). 333. In 2011, the Applicant disclosed that a WMH employee had
 - falsified landfill gas readings from mid-2010 to August 2011. 2011AO Steinberger Written Direct Testimony at 27 (¶ 82). The failure to monitor gas readings was a threat to public health and safety. 2011AP 3/712 Tr. at 131:23-132:10 (Miller); 2011AP 1/11/12 Tr. at 91:1-92:3, 93:3-6 (Steinberger).

332. Since 2006, the DOH has assessed close to \$2,000,000 in fines

- 334. In addition to the foregoing, at the time of the hearing in 2011, the DOH had a pending enforcement case against the WGSL 2011AP 4/4/12 Tr. at 156:20-22, 157:10-12 (Gill).
- 335. Since 2006, the United States Environmental Protection Agency ("EPA") has issued the following NOVs against the Applicant and WMH:
 - On April 5, 2006, the EPA issued a NOV for violations of the Clean Air Act. 2011AP Ex. K60 (4/5/06 NOV).
 - On November 29, 2011, the EPA issued a NOV for violations of the Clean Water Act concerning the release of leachate and waste into the ocean in December 2010 and January 2011. 2011AP Ex. K123 (letter at 1; 11/29/11 NOV at 4-5).



Source: K259 2019 LUC Findings of Fact, Conclusions of Law, Decision & Order

A History of

Violations



In light of this history and on behalf of the West O'ahu community, KOCA asks that the Planning Commission increase oversight of the site selection process and hold the City accountable to finally fulfill its 25-year promise.

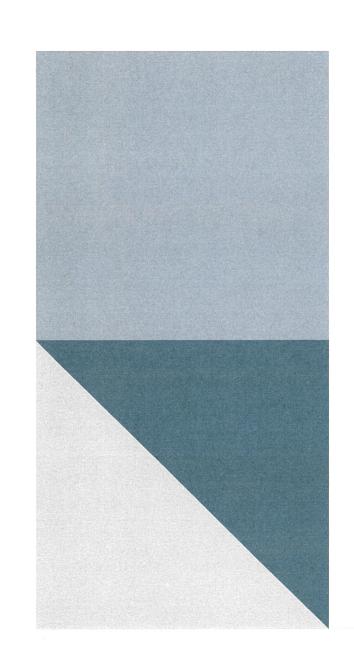
The Planning Commission should require ENV to report quarterly in person to the Commission on its efforts to select a new landfill.



Dwight Miller, PE, ENV SP

Testimony before the Planning Commission, City and County of Honolulu

November 1, 2023



ATTACHMENT "B"

419. There have been different estimates regarding the minimum time it will take to site and develop a new landfill, ranging between as little as three to five years, to as much as a minimum of seven years.

420. The three to five years estimate was proffered by Mr. Miller, who was admitted as an expert witness in solid waste management, including landfill siting and design and comprehensive solid waste management. According to Mr. Miller, it should take 18 months to two years for design, design review, and development of a landfill. The EIS process should take a year to a year and a half. The addition of land acquisition to the process would probably take a total of three to five years. 2011AP 3/7/12 Tr. at 17:25-19:25, 199:24-200:1, 201:1-24, 202:14-203:6 (Miller).

Source: Ex. K259 at PDF page 90 (2019 LUC Order).



424. Based on the evidence, the LUC finds that a minimum of five to seven years is a reasonable time within which a landfill can be sited and developed if the Applicant proceeds with reasonable diligence.

425. The LUC finds that, as of the date of this Order, the March 2, 2028 closure date imposed below affords more than seven years to site and develop a new landfill and as such, constitutes a reasonable amount of time.

426. The LUC further finds that when calculated from October 22, 2009 (the most recent date upon which the Applicant knew or should have known that it needed to exert reasonable diligence in identifying and developing a new landfill site to replace or supplement the WGSL) to the March 2, 2028 closure date imposed below, the Applicant will have been afforded a minimum of 18 years to site and develop a new landfill.

Source: Ex. K259 at PDF page 91 (2019 LUC Order).



No "Reasonable Diligence"

- Unexplained delays in forming committee and reaching stakeholders
- Previous landfill siting committee reports (2003 and 2011) and technical report (2017) already prepared in 2019
- Extension request only filed days before deadline



3.3 Ground Water Restrictions

The State Department of Health has established an Underground Injection Control (UIC) Line and the BWS established a Ground Water Protection Zone (No Pass Line) around the island of Oahu that preclude the siting of certain types of facilities mauka of these areas. The lines were developed to identify inappropriate locations for injection wells and septic or cesspool development. The City Council in 2003 by Resolution 03-09, applied these criteria to protect Oahu's groundwater, by precluding the siting of landfills in these areas. However, the delineation of lines shown on a map is not as useful as having input from the BWS on the water development potential of these locations.

ENV and the consultant chose a less conservative, but more accurate approach to determining whether a potential site was appropriate by interviewing BWS staff responsible for ensuring future safety and sufficiency of Oahu's water supply. BWS staff identified sites, which they believe are important for future potable water supply or which are critical to protection of the groundwater resource. Sites, which did not meet BWS review, were eliminated from further consideration.

This step brought the site list from 34 to 16 sites remaining for further evaluation.

Source: Ex. K58 at PDF page 19 (2003 Advisory Committee Report).



The second step involved the application of the Committee's community-based criteria. Before this step was taken the Committee noted a number of points including:

(1) The majority of the remaining sites evaluated are located outside of the Underground Injection Control (UIC)/No Pass line.

The Committee deliberated on this matter and decided it would be more encompassing to include for assessment potential landfill sites located within the UIC line and No Pass line. In its deliberations, the Committee understood City Council Resolution 03-09, Establishing A City Policy That Municipal Solid Waste Landfills Should Not Be Located Over The City's Underground Drinking Water Sources, which at that time was an important part of the City's practice to not site landfills within the UIC/No Pass line. However, the Committee also noted a landfill that is located outside an existing potable water well capture zone and that is properly designed, engineered, and operated in accordance with environmental regulatory controls and safeguards, should not adversely affect groundwater that serves a potable water system.

Source: Ex. K264 at PDF page 7 (2012 Advisory Committee Report).



"Reasonable Diligence" Requires Looking at All Options

- Federal lands
- Amending Act 73
- Assessment of site-specific localized geology

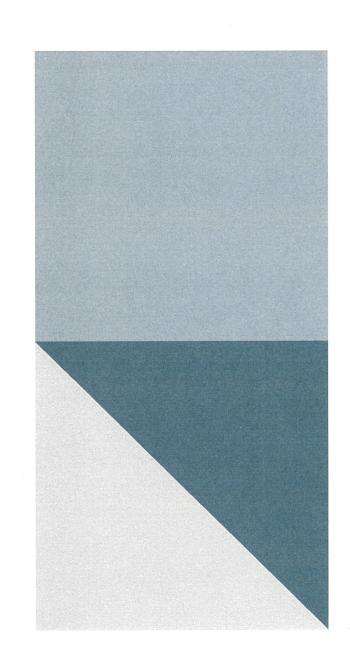




KOCA Closing Argument

Testimony before the Planning Commission, City and County of Honolulu

November 1, 2023



ATTACHMENT "C"

Why is KOCA here?

- To comply with SUP standards, because the landfill is in the agricultural district.
- To remind the Commission that the landfill has adverse impacts on its neighbors.
- To put this proceeding in its proper historical context, including the City's prior promises and (in)action.
- To ensure that we won't be back here in a year debating the closure deadline.

CONFORMANCE WITH THE SPECIAL USE PERMIT GUIDELINES

427. HAR § 15-15-95(c) sets forth the special use permit guidelines in determining an "unusual and reasonable use" with the State Land Use Agricultural District as follows:

- The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the LUC.
- 2. The proposed use would not adversely affect surrounding property.
- The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and school improvements, and police and fire protection.
- 4. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.
- 5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Source: Ex. K259 at PDF page 92 (2019 LUC Order).



KOCA requests that the Commission require the City to report on its progress in person to this Commission quarterly.

- Director Babcock agreed
- Ensure that the City's efforts are sincere
- Allow for stakeholders and Commissioners to ask questions
- Keep the City accountable to its deadlines

BEFORE THE PLANNING COMMISSION

OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAI'I

In the Matter of the Application of

DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU

Application to Modify SUP No. 2008/SUP-2 (SP09-403) by Modifying (1) Condition No. 1 of the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order, dated June 10, 2019, and (2) Condition No. 5 of the LUC's Findings of Fact, Conclusions of Law, and Decision and Order Approving with Modifications the City and County of Honolulu Planning Commission's Recommendation to Approve Special Use Permit, certified on November 1, 2019,

FILE NO. 2008/SUP-2

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was duly served electronically on the following persons:

DANA M.O. VIOLA, ESQ. Corporation Counsel KAMILIA C.K. CHAN, ESQ. JEFFREY HU, ESQ. Deputy Corporation Counsel City and County of Honolulu 530 South King Street, Room 110 Honolulu, Hawaiʻi 96813 dviola@honolulu.gov

<u>kamilla.chan@honolulu.gov</u> <u>jeffrey.hu@honolulu.gov</u>

Attorney for DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU

DEPARTMENT OF ENVIRONMENTAL SERVICES <u>ENV@honolulu.gov</u> City and County of Honolulu 1000 Uluohia Street, Suite 308 Kapolei, Hawai'i 96707

DEPARTMENT OF PLANNING AND PERMITTING dpp@honolulu.gov
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

IAN L. SANDISON, ESQ.
JOYCE W.Y. TAM-SUGIYAMA
Watanabe Ing LLP
First Hawaiian Center
999 Bishop Street, Suite 1250
Honolulu, HI 96813

<u>isandison@wik.com</u> jtam@wik.com

Attorney for Intervenor SCHNITZER STELL HAWAII CORP.

RICHARD NAIWIEHA WURDEMAN, ESQ. Attorney at Law, A Law Corporation Pauahi Tower, Suite 720 1003 Bishop Street Honolulu, HI 96813 aloha@rnwlaw.com

Attorney for Intervenor COLLEEN HANABUSA

ANNE E. LOPEZ, ESQ.
Attorney General
BRYAN C. YEE, ESQ.
Deputy Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, Hawai'i 96813

bryan.c.yee@hawaii.gov

Attorneys for OFFICE OF PLANNING, STATE OF HAWAI'I

DATED: Honolulu, Hawai'i, November 3, 2023.

CADES SCHUTTE A Limited Liability Law Partnership

/s/ Christopher T. Goodin

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
KATHERINE E. BRUCE
Attorneys for Intervenors
KO OLINA COMMUNITY ASSOCIATION
and MAILE SHIMABUKURO