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HOUSE OF REPRESENTATIVES '11 AUG 15 A9:00

STATE OF HAWAII
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DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

August 12, 2011

Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

RE: File Number: 2011/GEN-8

I submit my comments in opposition to the application to amend Special Use Permit No. 2008/SUP-2 to delete the July 31, 2012 deadline to cease disposal of municipal solid waste at Waimanalo Gulch Sanitary Landfill.

First, the deadline to accept comments should be extended to allow my community sufficient time to submit comments. The Waianae Neighborhood Board did not have this item on its Board meeting agenda on August 2nd and therefore weren't afforded an opportunity to discuss this issue and take a position on the matter before the response deadline. At a minimum, the public comment period should be extended to allow the community a reasonable opportunity to submit comments on this issue.

Additionally, the Planning Commission must deny this application because it does not have the authority to modify the State Land Use Commission's Order dated October 22, 2009, which added the July 31, 2012 deadline to cease disposal of municipal solid waste. This City Department cannot remove a condition placed upon a Special Use Permit by a State agency. Thus, this application is inappropriate and must be rejected.

Finally, I would like to express my deep concern that this administration continues to disregard commitments made to my community to close Waimanalo Gulch Sanitary Landfill and seriously consider other sites outside of the Leeward Coast since our community has tolerated the landfill and the waste from the entire island for over 20 years. Despite recommendations from both this Planning Commission and the State Land Use Commission to consider alternative sites from 2003, the City administration has continued to claim that they lack sufficient time to locate alternate sites. This practice is simply unacceptable, especially in light of past violations resulting in a \$1.5 million settlement and recent contamination and closure of the Waimanalo Gulch Sanitary Landfill earlier this year.

EXHIBIT K43

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Should you have any questions or concerns regarding my comments, feel free to contact my office at 586-8460.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jo Jordan', with a stylized flourish at the end.

Jo Jordan, Representative
45th District
Waianae, Makaha, Makua