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BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of)
) FILE NO. 2011/GEN-8 (RY),
) 2008/SUP-2 (RY) and 86/SUP-5
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,)
Tax Map Key Nos. (1) 9-2-003:072 and 073)
_____)

MOTION TO RECOGNIZE KO OLINA COMMUNITY
ASSOCIATION AND MAILE SHIMABUKURO AS PARTIES

MEMORANDUM IN SUPPORT OF MOTION

VERIFICATION

EXHIBIT "A"

AND

CERTIFICATE OF SERVICE

KO OLINA COMMUNITY ASSOCIATION
c/o Mr. Kenneth Williams, Agent
92-1480 Aliinui Drive
Kapolei, Hawai'i 96707

MAILE SHIMABUKURO
415 South Beretania Street
Hawaii State Capitol, Room 223
Honolulu, Hawaii 96813

Intervenors

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONGLU

11 SEP 16 P2:38

RECEIVED

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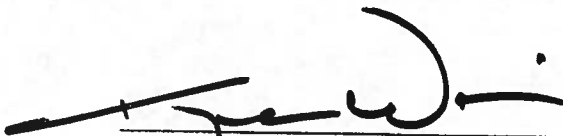
MOTION TO RECOGNIZE KO OLINA COMMUNITY
ASSOCIATION AND MAILE SHIMABUKURO AS PARTIES

Come now, Intervenors KO OLINA COMMUNITY ASSOCIATION (“KOCA”) and MAILE SHIMABUKURO (“Shimabukuro”), and hereby respectfully request that this Planning Commission continue to recognize KOCA and Shimabukuro as Party Intervenors in this matter, or in the alternative grant them leave to intervene as parties in the matter of the Department of Environmental Services (“ENV”), City and County of Honolulu’s Special Use Permit (“SUP”) No. 2008/SUP-2; State Land Use Commission (“LUC”) Docket No. SP09-403; In re Department of Environmental Services City and County of Honolulu; Application to Modify SUP No. 2008/SUP 2 by Modifying the LUC’s Order Adopting the City and County of Honolulu Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order with Modification dated October 22, 2009.

The Notice of Publication appeared on September 4, 2011 in the Honolulu Star-Advertiser.

This Petition is brought pursuant to the Rules of the Planning Commission ("Commission Rules") §§ 1-5(j), 2-15, 2-52 (c), 2-53, 2-55, 2-56 and 2-67 and HRS Chapter 91 and §205-6 and is based upon the attached Memorandum in Support of Petition and the records and files of this case.

Dated: Honolulu, Hawai'i, SEP 16 2011



Kenneth Williams, Agent
KO OLINA COMMUNITY ASSOCIATION
Intervenor



MAILE SHIMABUKURO
Intervenor

BEFORE THE PLANNING COMMISSION
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STATE OF HAWAII

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_____)	

MEMORANDUM IN SUPPORT OF PETITION

Come now, Intervenor KO OLINA COMMUNITY ASSOCIATION (“KOCA”) and MAILE SHIMABUKURO (“Shimabukuro”) (collectively “Intervenors”), and hereby respectfully request that this Planning Commission continue to recognize KOCA and Shimabukuro as Party Intervenors, or in the alternative grant them leave to intervene as parties.

I. Facts Establishing KOCA And Shimabukuro As Parties To Current Application

The Planning Commission must recognize KOCA and Shimabukuro as Parties in this matter based upon KOCA and Shimabukuro’s prior acceptance by the Planning Commission as Intervenors in the same matter.

The following are relevant facts.

1. On December 3, 2008, the Department of Environmental Services, City and County of Honolulu (“ENV”), filed a State Special Use Permit Application (“Application”), with the Department of Planning and Permitting, City and County of Honolulu (“DPP”). The

Application was designated as Special Use Permit Application File No. 2008/SUP-2 (“SUP 2008/SUP-2”).

2. SUP 2008/SUP-2 was an Application for a new Special Use Permit (“SUP”) for the use of approximately 200.622-acre property (the “Property”), identified by Tax Map Key (“TMK”) Nos. (1) 9-2-003: 072 and 073, in Waimanalo Gulch, Oahu, Hawai`i.

3. The Planning Commission’s public hearing to consider ENV’s application was scheduled for May 6, 2009. On April 3, 2009, a notice of the hearing of the matter was published in the *Honolulu Star-Bulletin*.

4. On April 16, 2009, Intervenors KOCA and Shimabukuro filed a Petition to Intervene in this matter.

5. On April 24, 2009, ENV filed a Memorandum in Opposition to Intervenors’ KOCA and Shimabukuro’s Petition to Intervene.

6. On May 20, 2009, a public hearing was continued at the City Council Committee Meeting Room, Second Floor, 530 South King Street, Honolulu, Hawai`i. At the continued public hearing, the Planning Commission heard and granted Intervenor KOCA and Shimabukuro’s Petition to Intervene. Pursuant to Rules of the Planning Commission (“RPC”) Subchapter 5, the matter was noted as a contested case.

7. On June 22, 2009, the contested case hearing began on the Application at Kapolei Hale, 1000 Uluohia Street, Kapolei, Hawai`i. The Planning Commission accepted exhibits from both parties to the matter, the Applicant and Intervenors KOCA and Shimabukuro into the record.

8. The Planning Commission contested case hearings continued on June 24, July 1, July 2 and July 8th and a scheduled decision-making for the Application was set for July 31, 2009.

9. On July 17, 2009, the parties ENV and Intervenor KOCA and Shimabukuro Applicant filed their respective Post-Hearing Briefs and Proposed Findings of Fact, Conclusions of Law, and Decision and Order; and Certificate of Service.

10. On July 29, 2009, the parties ENV and Intervenor KOCA and Shimbukuro filed their Reply Briefs.

11. On August 4, 2009, the Planning Commission set forth its FINDINGS OF FACT, CONSLCUSIONS OF LAW, AND DECISION AND ORDER dated August 4, 2009 ("D&O"). The D&O also contained a certificate of service that the D&O was served by certified mail, return receipt requested, postage prepaid to Intervenor KOCA and Shimabukuro as required under RPC §2-57 and HRS §91-9.5 as Intervenor KOCA and Shimabukuro are parties to the SUP 2008/SUP-2 Planning Commission hearings.

12. On June 28, 2011 ENV filed its Special Use Permit No. 2008/SUP-2; State Land Use Commission Docket No. SP09-403; In re Department of Environmental Services City and County of Honolulu; Application to Modify SUP No. 2008/SUP 2 by Modifying the LUC's Order Adopting the City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order with Modification dated October 22, 2009 (SUP 2008/SUP-2 Amendment").

13. Intervenors KOCA and Shimabukuro herby files its Motion to be recognized as parties to the SUP 2008/SUP-2 Amendment.

II. KOCA and Shimabukuro Are Parties to Current ENV Application:

Rules of the Planning Commission §1-5(j) **Definitions**, states in relevant part, “Party means any person or agency named or admitted as a party...” As the facts note above, ENV filed its Application for SUP 2008/SUP-2 on December 3, 2008. Intervenors KOCA and Shimabukuro timely filed its Petition to Intervene. ENV filed its Motions in Opposition to Intervenors’ Petition to Intervene. On May 20, 2009, the Planning Commission heard arguments, from both sides and granted Intervenor KOCA and Shimabukuro’s Petition to Intervene.

Denying Intervenor KOCA and Shimabukuro its right to continue to be a party to the current SUP 2008/SUP-2 Amendment application would result in prejudice to Intervenor KOCA and Shimabukuro as it would require them time and costs to re-argue their rights to participate as intervenors in this matter. Furthermore, it would be a complete waste of judicial economy and time for the Planning Commission and parties involved to require Intervenor KOCA and Shimabukuro to re-argue its right to intervene in this matter when Intervenors’ rights as parties to this matter have already been established.

Based on the facts set forth above, it is clear that Intervenors KOCA and Shimabukuro have already been admitted to the prior Application for SUP 2008/SUP-2 proceedings by the Planning Commission and that for purposes of further proceedings related to the SUP 2008/SUP-2 Amendment application, Intervenor KOCA and Shimabukuro should also be parties.

III. Facts For Petition to Intervene:

1. Intervenors KOCA and Shimabukuro believes that they are already parties to the current SUP 2008/SUP-2 Amendment application but provides its Petition to Intervene in an abundance of caution.

2. KOCA is a non-profit corporation organized and existing under the laws of the State of Hawai'i. It represents various resort and residential owners throughout the Ko Olina Resort. A List of Tax Map Key Numbers are attached as Exhibit "A".

3. Ko Olina is located directly across Farrington Highway from Waimanalo Gulch Sanitary Landfill ("WGSL").

4. KOCA oversees and regulates the use and enjoyment of the common areas of the property referred to as the "Resort" and is also responsible for the exclusive management and control of areas of common responsibility as well as the maintenance and upkeep of such areas. Petitioner and the owners it represents have grave financial, property and business interests at stake that could be detrimentally affected by the outcome of this proceeding.

5. Shimabukuro is a resident of the Leeward Coast of the City and County of Honolulu, as well as a duly elected Senator for State District 21. Shimabukuro and her constituents must pass the WGSL in order to get in and out of Wai'anae. Shimabukuro is also a mother of an infant child, lives and works in Wai'anae and a taxpayer. With the birth of her child, Shimabukuro has a heightened concern over the health and welfare of her child and constituents which prompts her desire to have full intervenor/party status in these proceedings.

6. This Commission did grant KOCA status on November 14, 2007 in 86/SUP-5 (RY) in the matter of the application which sought a modification of condition 10 of the SUP (Special Use Permit) file No. 86/SUP-S.

7. In accordance with HRS §205-6, the Land Use Commission ("LUC") did recognize KOCA as Intervenors in Docket No. SP87-362 on March 6, 2008 based upon its intervenor status before the Planning Commission of the City and County of Honolulu.

8. In December 2008, ENV filed Application SUP 2008/SUP-2.

9. As noted above, May 20, 2009, the Planning Commission heard and granted Intervenor KOCA and Shimabukuro's Petition to Intervene.

10. On September 24, 2009, the LUC recognized KOCA and Shimabukuro as intervenors in the LUC proceedings based upon their intervenor status before the Planning Commission.

11. On June 28, 2011 ENV filed its SUP 2008/SUP-2 Amend application with the request 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:

"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."

12. This Petition for Intervention is timely under Commission Rule §2-53.

IV. Relevant Provisions Of Law And Rules

HRS §205-6 Special permit. (a) Subject to this section, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use the person's land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the person's land is located for permission to use the person's land in the manner desired. Each county may establish the appropriate fee for processing the special permit petition. Copies of the special permit petition shall be forwarded to the land use commission, the office of planning, and the department of agriculture for their review and comment.

(b) The planning commission, upon consultation with the central coordinating agency, except in counties where the planning commission is advisory only in which case the central coordinating agency, shall establish by rule or regulation, the time within which the hearing and action on petition for special permit shall occur. The county planning commission shall notify the land use commission and such persons and agencies that may have an interest in the subject matter of the time and place of the hearing.

(c) The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when

the use would promote the effectiveness and objectives of this chapter; provided that a use proposed for designated important agricultural lands shall not conflict with any part of this chapter. A decision in favor of the applicant shall require a majority vote of the total membership of the county planning commission.

(d) Special permits for land the area of which is greater than fifteen acres or for lands designated as important agricultural lands shall be subject to approval by the land use commission. The land use commission may impose additional restrictions as may be necessary or appropriate in granting the approval, including the adherence to representations made by the applicant.

(e) A copy of the decision, together with the complete record of the proceeding before the county planning commission on all special permit requests involving a land area greater than fifteen acres or for lands designated as important agricultural lands, shall be transmitted to the land use commission within sixty days after the decision is rendered. Within forty-five days after receipt of the complete record from the county planning commission, the land use commission shall act to approve, approve with modification, or deny the petition. A denial either by the county planning commission or by the land use commission, or a modification by the land use commission, as the case may be, of the desired use shall be appealable to the circuit court of the circuit in which the land is situated and shall be made pursuant to the Hawaii rules of civil procedure.

(f) Land uses substantially involving or supporting educational ecotourism, related to the preservation of native Hawaiian endangered, threatened, proposed, and candidate species, that are allowed in an approved habitat conservation plan under section 195D-21 or safe harbor agreement under section 195D-22, which are not identified as permissible uses within the agricultural district under sections 205-2 and 205-4.5, may be permitted in the agricultural district by special permit under this section, on lands with soils classified by the land study bureau's detailed land classification as overall (master) productivity rating class C, D, E, or U.

RELEVANT COMMISSION RULES

§2-52 Purpose.

* * *

(c) Persons may petition the commission to intervene in all proceedings before the commission for special use permits, subject to the requirements of this subchapter. [Eff. Jan. 16, 1995] (Auth: RCH§4-105.4; HRS §9-9) (Imp: RCH §4-105.4; HRS §9-9)

§2-53 Petition to intervene. (a) Petition to intervene as a party. Any person or agency, requesting to intervene as a party shall file a petition with the commission within fourteen (14) days of the date of newspaper publication of the notice of a public hearing to be held by the planning commission on a petition for

a special use permit. The petitioner, the planning department and the department of land utilization may in every case appear as parties and make recommendations relative to the proposed action.

(b) Contents of petition to intervene as a party. The petition shall include the following points:

(1) The nature and extent of petitioner's interest in right to intervene as a party to the proceedings.

(2) The nature and extent of petitioner's interest in the proceedings, and if the petitioner is an abutting property owner, the tax map key description of the property.

(3) A statement of the specific issues to be raised or contested by the petitioner in the contested case hearing.

(4) The effect of any decision in the proceeding on the petitioner's interest.

(c) Filing requirements. The original and fifteen (15) copies of the petition to intervene and a certificate of service on all parties prepared in conformance with section 2-15 of these rules shall be filed with the commission in a timely manner.

* * *

§2-55 Hearing on petition to intervene.

(c) Leave to intervene shall be freely granted, provided that the commission may deny petition to intervene when in the commission's discretion it appears that:

(1) The position of the party requesting intervention concerning the proposed action is substantially the same as the position of a party already admitted to the proceeding; and

(2) The admission of additional parties will render the proceedings inefficient and unmanageable. [Eff. Jan. 16, 1995] (Auth: RCH §HRS §9-9) (Imp: RCH §4-105.4; HRS §9-9)

V. ARGUMENT

A. Intervention Should Be Granted.

When interpreting statutes and administrative rules, it is a well established that:

The general principles of construction which apply to statutes also apply to administrative rules. As in statutory construction, courts look first at an administrative rule's language. If an administrative rule's language is unambiguous, and its literal application is neither inconsistent with the policies of the statute the rule implements nor produces an absurd or unjust result, courts enforce the rule's plain meaning.

Cases relied upon are: *International Bhd. Of Elec. Workers, Local 1357 v. Hawaiian Tel. Co.*, 68 Haw. 316, 323, 713 P.2d 943, 950 (1986); *Allstate Ins. Co. v. Ponce*, 105 Hawai'i, 445, 454, 99 P. 3d 96 105 (2004).

Commission Rules §§2-53 and 2-55(c) provide for the contents of a petition and specifies that intervention shall be freely granted with only two basis upon which the Commission may deny intervention. The provisions are similar to that found in the LUC Rules §15-15-52(d) and *Hawai'i Rules of Civil Procedure* 24 (b). The provisions of *Hawai'i Rules of Civil Procedure* are discussed in *State v. Campbell*, 106 Haw. 453, 458-462 (2005) and *Hoopai v Civil Service Comm'n*, 106, Haw. 205, 216 (2004).

KOCA and Shimabukuro can demonstrate that they should be permitted intervention under these provisions of this Commission's Rules.

B. The Requirements Of §2-53(b) Are Addressed As Follows.

Under the referenced Commission Rule, this Petition for Intervention shall make reference to the following:

(1) Nature Of Petitioners' Statutory Or Other Right.

KOCA. Petitioner KOCA represents numerous resort and residential owners of properly located at the Ko Olina resort & Marina ("Resort"), which is situated directly across of

Farrington Highway from the Waimanalo Gulch Sanitary Landfill facility. Under the KOCA Declaration, Petitioner oversees and regulates the use and enjoyment of the common areas of the Resort and is responsible for the exclusive management and control of areas of common responsibility as well as the maintenance and upkeep of such areas. Petitioner and the owners it represents have grave financial, propriety, and business interests at stake that could be detrimentally affected by the outcome of this proceeding. Although other property owners may petition for intervention in this proceeding, Petitioner is unlike other residents, owners or community associations, since Petitioner represents the Resort in general and its guests.

Therefore, the Resort is uniquely and adversely affected by the Waimanalo Gulch Sanitary Landfill facility and activities surrounding its dumping operations. Petitioner's right to protect its unique interests and those of the owners it represents by ensuring compliance with previous SUP conditions and procedural requirements in this matter is established under Chapter 205, Hawai'i Revised Statutes and the Commission's Rules. Among other things, HRS §205-6 clearly contemplated that all persons "that may have an interest in the subject matter" are to be given consideration in the hearing and action on petition for special permit. Petitioner is such a person with a special interest in the subject matter that is not duplicated by other persons, including other residents, owners or homeowners associations in the region.

SHIMABUKURO. Petitioner Shimabukuro is the duly elected Senator of the 21st Honolulu District located on the Wai'anae Coast and a taxpayer.

Petitioner Shimabukuro also add the recent Hawai'i Supreme Court case, *The Sierra Club, et al. v. The Department of Transportation of the State of Hawaii, et al.*, 115 Hawaii 299 (2007), makes clear that the issue of procedural errors in deemed to be injury for

standing purposes. It is contended that the process followed by ENV in its Application is laden with such errors.

The rights of elected officials to participate as full party intervenors have been granted in matter before the Public Utilities Commission. *In the Matter of the Application of Hawaiian Electric*, 81 Haw. 459, 918 P.2d 561 (1996). Shimabukuro should also be allowed to rely upon this authority.

In addition, the cases of *Malama Maha'uolepu v. Land Use Commission*, 71 Haw. 332 (1990) and *Neighborhood Board No. 24 (Waianae Coast) v. State Land Use Commission*, 64 Haw. 265 (1982) did permit intervention. Clearly these authorities would support the rights of Petitioners to intervene in that their interests are not any less important than those raised in the cases cited above. A major element of justice being served is to ensure that the members of the public and those who have been aggrieved should have representation in these proceedings.

(2) Nature Of The Petitioner's Interest, And If Abutting Property Owner, The TMKs

The interest of KOCA and Shimabukuro have been discussed above. The tax map key numbers have been provided as Exhibit "A".

Shimabukuro is not and does not claim an interest as an abutting property owner.

(3) Specific Issues To Be Raised Or Contested

The specific issues to be raised are related to the opposition to this Application.

Specific areas will include but not be limited to:

- (a) Jurisdiction;
- (b) Promise made of closure;
- (c) Stability of the landfill.

- (d) The culturally significant outcropping as best stated by OHA as follows:

OHA has made a field visit to the project site and we noted three significant cultural features that were still intact in the project area. We are also aware of the probable existence of others yet to be discovered in the project area. OHA is further saddened that the larger setting that this project sits in is one that has been highly developed and degraded. Therefore, what TCPs [Traditional Cultural Properties] that remain must be protected.

The Department of Planning and Permitting, as a county agency, is mandated by Hawai'i Const. Article XII, section 7, "to preserve and protect customary and traditional practices of Native Hawaiians." Ka Pa'akai O Ka'Aina v. Land Use Comm'n, 94 Haw. 31, 45 (2000). . . . OHA urges that nothing more be done with this project until full cultural assessment has been made of the project area.

- (e) Violations of management, including the Notice of Violations and Order imposed by the State Department of Health.
- (f) Blasting to create the landfill.
- (g) Health, safety and water quality concerns.
- (h) Procedural matters such as the filing of a boundary amendment and SUP which creates a burden upon any interested party to the WGSJ expansion and extension issues.
- (i) KOCA and Shimabukuro reserves their rights to set forth further claims or issues as they are discovered.

(4) Effect Of A Decision

Clearly, if the decision is to grant the SUP, the effect will be substantial on Petitioners. As revealed in the Final Supplemental Environmental Impact Statement ("FSEIS"), to the health concerns was a subject of the Notice of Violations ("NOV") and accompanying Order of the Department of Health ("DOH"). The concerns of the cultural findings and the impact of the need to blast on a regular basis to create the necessary air space for the expansion of the WGSJ

augment concerns as to effect of the decision will have upon the health, safety and stability of the landfill.

It is also evident from prior testimony received by the Commission, that there have been constructed three structural berms to ensure slope stability at WGS. Add to this blasting along with other existing problems would detrimentally affect all who are concerned about the effect of any permit which allows the landfill operations to continue.

C. Intervention Should Be Freely Granted

Under §2-55 (c), a petition for leave to intervene shall be freely granted except that discretion is given to this Commission to deny in two situations. Those situations are if the applicants' positions are similar to someone already in the proceeding; and the granting of the application would render the proceeding inefficient and unmanageable.

Neither situation applies to the Petitioners for the following reasons:

1. The Petitioners position is not substantially similar to a party.

The parties to this proceeding are the City and County of Honolulu through its representatives who are the Applicants and the City and County of Honolulu's Department of Planning and Permitting ("DPP"). Petitioners are unaware of any other party admitted to these proceeding.

It is clearly evident that these parties do not have positions similar to that of KOCA and/or Shimabukuro.

2. Admission will not render proceedings inefficient and unmanageable.

As evidenced by the SUP proceeding in which this Commission permitted the intervention of KOCA and Hanabusa in November 2007, their participation did not render the

proceeding inefficient and unmanageable. Neither did their intervention in the LUC proceedings render that proceeding inefficient and unmanageable.

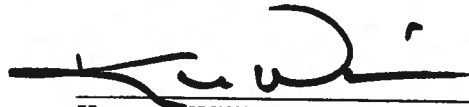
In that Shimabukuro will also be represented by Hanabusa, she will not be an added burden to the proceeding.

The criteria is one written to freely grant intervention unless it can be found that the applicants would run afoul of the two points. No such finding can be made as to KOCA, Hanabusa and Shimabukuro.

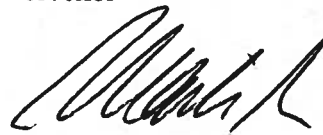
VI. CONCLUSION

For the above stated reasons, Petitioners KOCA and Shimabukuro respectfully request that the Planning Commission continue to recognize KOCA and Shimabukuro as Party Intervenors, or in the alternative grant them leave to intervene into this 2008/SUP-2 Amendment application.

Dated: Honolulu, Hawai'i, SEP 16 2011



Kenneth Williams, Agent
KO OLINA COMMUNITY ASSOCIATION
Intervenor



MAILE SHIMABUKURO
Intervenor

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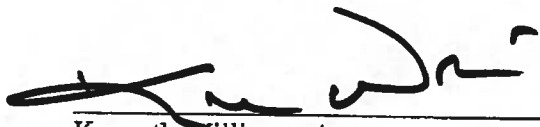
VERIFICATION

Petitioners KO OLINA COMMUNITY ASSOCIATION (“KOCA”) and MAILE SHIMABUKURO (“Shimabukuro”) verify the contents of this Petition.

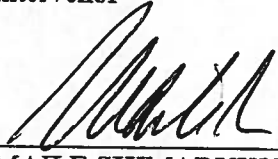
For the record, KOCA’s address is 92-1480 Aliinui Drive, Kapolei, Hawai’i 96707 (phone number is (808) 671-2512) and KOCA has be authority to represent its membership. Relevant TMK Nos. are attached on Exhibit “A”. Maile Shimabukuro’s residence address is 86-024 Glenmonger Street, Waianae, Hawai’i 96792 (phone number is (808) 349-3075); State Capitol Room 406 (phone is (808)586-8460).

Petitioners note that their signature maybe provided in counter parts and ask that they be accepted as a complete filing.

Dated: Honolulu, Hawai'i, SEP 16 2011



Kenneth Williams, Agent
KO OLINA COMMUNITY ASSOCIATION
Intervenor



MAILE SHIMABUKURO
Intervenor

EXHIBIT A

Partial List of Tax Map Keys
(see following pages)

BEACH VILLAS AT KO OLINA- OCEAN TOWER

1-9-1-57-9-1	1-9-1-57-9-41	1-9-1-57-9-81	1-9-1-57-9-121
1-9-1-57-9-2	1-9-1-57-9-42	1-9-1-57-9-82	1-9-1-57-9-122
1-9-1-57-9-3	1-9-1-57-9-43	1-9-1-57-9-83	1-9-1-57-9-123
1-9-1-57-9-4	1-9-1-57-9-44	1-9-1-57-9-84	1-9-1-57-9-124
1-9-1-57-9-5	1-9-1-57-9-45	1-9-1-57-9-85	1-9-1-57-9-125
1-9-1-57-9-6	1-9-1-57-9-46	1-9-1-57-9-86	1-9-1-57-9-126
1-9-1-57-9-7	1-9-1-57-9-47	1-9-1-57-9-87	1-9-1-57-9-127
1-9-1-57-9-8	1-9-1-57-9-48	1-9-1-57-9-88	1-9-1-57-9-128
1-9-1-57-9-9	1-9-1-57-9-49	1-9-1-57-9-89	1-9-1-57-9-129
1-9-1-57-9-10	1-9-1-57-9-50	1-9-1-57-9-90	1-9-1-57-9-130
1-9-1-57-9-11	1-9-1-57-9-51	1-9-1-57-9-91	1-9-1-57-9-131
1-9-1-57-9-12	1-9-1-57-9-52	1-9-1-57-9-92	1-9-1-57-9-132
1-9-1-57-9-13	1-9-1-57-9-53	1-9-1-57-9-93	1-9-1-57-9-133
1-9-1-57-9-14	1-9-1-57-9-54	1-9-1-57-9-94	1-9-1-57-9-134
1-9-1-57-9-15	1-9-1-57-9-55	1-9-1-57-9-95	1-9-1-57-9-135
1-9-1-57-9-16	1-9-1-57-9-56	1-9-1-57-9-96	1-9-1-57-9-136
1-9-1-57-9-17	1-9-1-57-9-57	1-9-1-57-9-97	1-9-1-57-9-137
1-9-1-57-9-18	1-9-1-57-9-58	1-9-1-57-9-98	1-9-1-57-9-138
1-9-1-57-9-19	1-9-1-57-9-59	1-9-1-57-9-99	1-9-1-57-9-139
1-9-1-57-9-20	1-9-1-57-9-60	1-9-1-57-9-100	1-9-1-57-9-140
1-9-1-57-9-21	1-9-1-57-9-61	1-9-1-57-9-101	1-9-1-57-9-141
1-9-1-57-9-22	1-9-1-57-9-62	1-9-1-57-9-102	1-9-1-57-9-142
1-9-1-57-9-23	1-9-1-57-9-63	1-9-1-57-9-103	1-9-1-57-9-143
1-9-1-57-9-24	1-9-1-57-9-64	1-9-1-57-9-104	1-9-1-57-9-144
1-9-1-57-9-25	1-9-1-57-9-65	1-9-1-57-9-105	1-9-1-57-9-145
1-9-1-57-9-26	1-9-1-57-9-66	1-9-1-57-9-106	1-9-1-57-9-146
1-9-1-57-9-27	1-9-1-57-9-67	1-9-1-57-9-107	1-9-1-57-9-147
1-9-1-57-9-28	1-9-1-57-9-68	1-9-1-57-9-108	1-9-1-57-9-148
1-9-1-57-9-29	1-9-1-57-9-69	1-9-1-57-9-109	1-9-1-57-9-149
1-9-1-57-9-30	1-9-1-57-9-70	1-9-1-57-9-110	1-9-1-57-9-150
1-9-1-57-9-31	1-9-1-57-9-71	1-9-1-57-9-111	1-9-1-57-9-151
1-9-1-57-9-32	1-9-1-57-9-72	1-9-1-57-9-112	1-9-1-57-9-152
1-9-1-57-9-33	1-9-1-57-9-73	1-9-1-57-9-113	1-9-1-57-9-153
1-9-1-57-9-34	1-9-1-57-9-74	1-9-1-57-9-114	1-9-1-57-9-154
1-9-1-57-9-35	1-9-1-57-9-75	1-9-1-57-9-115	1-9-1-57-9-155
1-9-1-57-9-36	1-9-1-57-9-76	1-9-1-57-9-116	1-9-1-57-9-156
1-9-1-57-9-37	1-9-1-57-9-77	1-9-1-57-9-117	1-9-1-57-9-157
1-9-1-57-9-38	1-9-1-57-9-78	1-9-1-57-9-118	1-9-1-57-9-158
1-9-1-57-9-39	1-9-1-57-9-79	1-9-1-57-9-119	1-9-1-57-9-159
1-9-1-57-9-40	1-9-1-57-9-80	1-9-1-57-9-120	

BEACH VILLAS AT KO OLINA - BEACH TOWER

1-9-1-57-32-1	1-9-1-57-32-25	1-9-1-57-32-49	1-9-1-57-32-73
1-9-1-57-32-2	1-9-1-57-32-26	1-9-1-57-32-50	1-9-1-57-32-74
1-9-1-57-32-3	1-9-1-57-32-27	1-9-1-57-32-51	1-9-1-57-32-75
1-9-1-57-32-4	1-9-1-57-32-28	1-9-1-57-32-52	1-9-1-57-32-76
1-9-1-57-32-5	1-9-1-57-32-29	1-9-1-57-32-53	1-9-1-57-32-77
1-9-1-57-32-6	1-9-1-57-32-30	1-9-1-57-32-54	1-9-1-57-32-78
1-9-1-57-32-7	1-9-1-57-32-31	1-9-1-57-32-55	1-9-1-57-32-79
1-9-1-57-32-8	1-9-1-57-32-32	1-9-1-57-32-56	1-9-1-57-32-80
1-9-1-57-32-9	1-9-1-57-32-33	1-9-1-57-32-57	1-9-1-57-32-81
1-9-1-57-32-10	1-9-1-57-32-34	1-9-1-57-32-58	1-9-1-57-32-82
1-9-1-57-32-11	1-9-1-57-32-35	1-9-1-57-32-59	1-9-1-57-32-83
1-9-1-57-32-12	1-9-1-57-32-36	1-9-1-57-32-60	1-9-1-57-32-84
1-9-1-57-32-13	1-9-1-57-32-37	1-9-1-57-32-61	1-9-1-57-32-85
1-9-1-57-32-14	1-9-1-57-32-38	1-9-1-57-32-62	1-9-1-57-32-86
1-9-1-57-32-15	1-9-1-57-32-39	1-9-1-57-32-63	1-9-1-57-32-87
1-9-1-57-32-16	1-9-1-57-32-40	1-9-1-57-32-64	1-9-1-57-32-88
1-9-1-57-32-17	1-9-1-57-32-41	1-9-1-57-32-65	1-9-1-57-32-89
1-9-1-57-32-18	1-9-1-57-32-42	1-9-1-57-32-66	1-9-1-57-32-90
1-9-1-57-32-19	1-9-1-57-32-43	1-9-1-57-32-67	1-9-1-57-32-91
1-9-1-57-32-20	1-9-1-57-32-44	1-9-1-57-32-68	1-9-1-57-32-92
1-9-1-57-32-21	1-9-1-57-32-45	1-9-1-57-32-69	1-9-1-57-32-93
1-9-1-57-32-22	1-9-1-57-32-46	1-9-1-57-32-70	1-9-1-57-32-94
1-9-1-57-32-23	1-9-1-57-32-47	1-9-1-57-32-71	1-9-1-57-32-95
1-9-1-57-32-24	1-9-1-57-32-48	1-9-1-57-32-72	

KAILANI

1-9-1-56-2-1	1-9-1-56-2-30	1-9-1-56-2-59	1-9-1-56-2-88
1-9-1-56-2-2	1-9-1-56-2-31	1-9-1-56-2-60	1-9-1-56-2-89
1-9-1-56-2-3	1-9-1-56-2-32	1-9-1-56-2-61	1-9-1-56-2-90
1-9-1-56-2-4	1-9-1-56-2-33	1-9-1-56-2-62	1-9-1-56-2-91
1-9-1-56-2-5	1-9-1-56-2-34	1-9-1-56-2-63	1-9-1-56-2-92
1-9-1-56-2-6	1-9-1-56-2-35	1-9-1-56-2-64	1-9-1-56-2-93
1-9-1-56-2-7	1-9-1-56-2-36	1-9-1-56-2-65	1-9-1-56-2-94
1-9-1-56-2-8	1-9-1-56-2-37	1-9-1-56-2-66	1-9-1-56-2-95
1-9-1-56-2-9	1-9-1-56-2-38	1-9-1-56-2-67	1-9-1-56-2-96
1-9-1-56-2-10	1-9-1-56-2-39	1-9-1-56-2-68	1-9-1-56-2-97
1-9-1-56-2-11	1-9-1-56-2-40	1-9-1-56-2-69	1-9-1-56-2-98
1-9-1-56-2-12	1-9-1-56-2-41	1-9-1-56-2-70	1-9-1-56-2-99
1-9-1-56-2-13	1-9-1-56-2-42	1-9-1-56-2-71	1-9-1-56-2-100
1-9-1-56-2-14	1-9-1-56-2-43	1-9-1-56-2-72	1-9-1-56-2-101
1-9-1-56-2-15	1-9-1-56-2-44	1-9-1-56-2-73	1-9-1-56-2-102
1-9-1-56-2-16	1-9-1-56-2-45	1-9-1-56-2-74	1-9-1-56-2-103
1-9-1-56-2-17	1-9-1-56-2-46	1-9-1-56-2-75	1-9-1-56-2-104
1-9-1-56-2-18	1-9-1-56-2-47	1-9-1-56-2-76	1-9-1-56-2-105
1-9-1-56-2-19	1-9-1-56-2-48	1-9-1-56-2-77	1-9-1-56-2-106
1-9-1-56-2-20	1-9-1-56-2-49	1-9-1-56-2-78	1-9-1-56-2-107
1-9-1-56-2-21	1-9-1-56-2-50	1-9-1-56-2-79	1-9-1-56-2-108
1-9-1-56-2-22	1-9-1-56-2-51	1-9-1-56-2-80	1-9-1-56-2-109
1-9-1-56-2-23	1-9-1-56-2-52	1-9-1-56-2-81	1-9-1-56-2-110
1-9-1-56-2-24	1-9-1-56-2-53	1-9-1-56-2-82	1-9-1-56-2-111
1-9-1-56-2-25	1-9-1-56-2-54	1-9-1-56-2-83	1-9-1-56-2-112
1-9-1-56-2-26	1-9-1-56-2-55	1-9-1-56-2-84	1-9-1-56-2-113
1-9-1-56-2-27	1-9-1-56-2-56	1-9-1-56-2-85	1-9-1-56-2-114
1-9-1-56-2-28	1-9-1-56-2-57	1-9-1-56-2-86	1-9-1-56-2-115
1-9-1-56-2-29	1-9-1-56-2-58	1-9-1-56-2-87	1-9-1-56-2-116

KO OLINA HILLSIDE VILLAS

1-9-1-56-13-1	1-9-1-56-13-45	1-9-1-56-13-89	1-9-1-56-13-132
1-9-1-56-13-2	1-9-1-56-13-48	1-9-1-56-13-90	1-9-1-56-13-133
1-9-1-56-13-3	1-9-1-56-13-47	1-9-1-56-13-91	1-9-1-56-13-134
1-9-1-56-13-4	1-9-1-56-13-48	1-9-1-56-13-92	1-9-1-56-13-135
1-9-1-56-13-5	1-9-1-56-13-49	1-9-1-56-13-93	1-9-1-56-13-136
1-9-1-56-13-6	1-9-1-56-13-50	1-9-1-56-13-94	1-9-1-56-13-137
1-9-1-56-13-7	1-9-1-56-13-51	1-9-1-56-13-95	1-9-1-56-13-138
1-9-1-56-13-8	1-9-1-56-13-52	1-9-1-56-13-96	1-9-1-56-13-139
1-9-1-56-13-9	1-9-1-56-13-53	1-9-1-56-13-97	1-9-1-56-13-140
1-9-1-56-13-10	1-9-1-56-13-54	1-9-1-56-13-98	1-9-1-56-13-141
1-9-1-56-13-11	1-9-1-56-13-55	1-9-1-56-13-99	1-9-1-56-13-142
1-9-1-56-13-12	1-9-1-56-13-56	1-9-1-56-13-100	1-9-1-56-13-143
1-9-1-56-13-13	1-9-1-56-13-57	1-9-1-56-13-101	1-9-1-56-13-144
1-9-1-56-13-14	1-9-1-56-13-58	1-9-1-56-13-102	1-9-1-56-13-145
1-9-1-56-13-15	1-9-1-56-13-59	1-9-1-56-13-103	1-9-1-56-13-146
1-9-1-56-13-16	1-9-1-56-13-60	1-9-1-56-13-104	1-9-1-56-13-147
1-9-1-56-13-17	1-9-1-56-13-61	1-9-1-56-13-105	1-9-1-56-13-148
1-9-1-56-13-18	1-9-1-56-13-62	1-9-1-56-13-106	1-9-1-56-13-149
1-9-1-56-13-19	1-9-1-56-13-63	1-9-1-56-13-107	1-9-1-56-13-150
1-9-1-56-13-20	1-9-1-56-13-64	1-9-1-56-13-108	1-9-1-56-13-151
1-9-1-56-13-21	1-9-1-56-13-65	1-9-1-56-13-109	1-9-1-56-13-152
1-9-1-56-13-22	1-9-1-56-13-66	1-9-1-56-13-110	1-9-1-56-13-153
1-9-1-56-13-23	1-9-1-56-13-67	1-9-1-56-13-111	1-9-1-56-13-154
1-9-1-56-13-24	1-9-1-56-13-68	1-9-1-56-13-112	1-9-1-56-13-155
1-9-1-56-13-25	1-9-1-56-13-69	1-9-1-56-13-113	1-9-1-56-13-156
1-9-1-56-13-26	1-9-1-56-13-70	1-9-1-56-13-114	1-9-1-56-13-157
1-9-1-56-13-27	1-9-1-56-13-71	1-9-1-56-13-115	1-9-1-56-13-158
1-9-1-56-13-28	1-9-1-56-13-72	1-9-1-56-13-116	1-9-1-56-13-159
1-9-1-56-13-29	1-9-1-56-13-73	1-9-1-56-13-117	1-9-1-56-13-160
1-9-1-56-13-30	1-9-1-56-13-74	1-9-1-56-13-118	1-9-1-56-13-161
1-9-1-56-13-31	1-9-1-56-13-75	1-9-1-56-13-119	1-9-1-56-13-162
1-9-1-56-13-32	1-9-1-56-13-76	1-9-1-56-13-120	1-9-1-56-13-163
1-9-1-56-13-33	1-9-1-56-13-77	1-9-1-56-13-121	1-9-1-56-13-164
1-9-1-56-13-34	1-9-1-56-13-78	1-9-1-56-13-122	1-9-1-56-13-165
1-9-1-56-13-35	1-9-1-56-13-79	1-9-1-56-13-123	1-9-1-56-13-166
1-9-1-56-13-36	1-9-1-56-13-80	1-9-1-56-13-124	1-9-1-56-13-167
1-9-1-56-13-37	1-9-1-56-13-81	1-9-1-56-13-125	1-9-1-56-13-168
1-9-1-56-13-38	1-9-1-56-13-82	1-9-1-56-13-126	1-9-1-56-13-169
1-9-1-56-13-39	1-9-1-56-13-83	1-9-1-56-13-127	1-9-1-56-13-170
1-9-1-56-13-40	1-9-1-56-13-84	1-9-1-56-13-128	1-9-1-56-13-171
1-9-1-56-13-41	1-9-1-56-13-85	1-9-1-56-13-129	1-9-1-56-13-172
1-9-1-56-13-42	1-9-1-56-13-86	1-9-1-56-13-130	1-9-1-56-13-173
1-9-1-56-13-43	1-9-1-56-13-87	1-9-1-56-13-131	1-9-1-56-13-174
1-9-1-56-13-44	1-9-1-56-13-88		

KO OLINA KAI - GOLF ESTATES

1-9-1-56-5-1	1-9-1-56-5-16	1-9-1-56-5-31	1-9-1-56-5-46
1-9-1-56-5-2	1-9-1-56-5-17	1-9-1-56-5-32	1-9-1-56-5-47
1-9-1-56-5-3	1-9-1-56-5-18	1-9-1-56-5-33	1-9-1-56-5-48
1-9-1-56-5-4	1-9-1-56-5-19	1-9-1-56-5-34	1-9-1-56-5-49
1-9-1-56-5-5	1-9-1-56-5-20	1-9-1-56-5-35	1-9-1-56-5-50
1-9-1-56-5-6	1-9-1-56-5-21	1-9-1-56-5-36	1-9-1-56-5-51
1-9-1-56-5-7	1-9-1-56-5-22	1-9-1-56-5-37	1-9-1-56-5-52
1-9-1-56-5-8	1-9-1-56-5-23	1-9-1-56-5-38	1-9-1-56-5-53
1-9-1-56-5-9	1-9-1-56-5-24	1-9-1-56-5-39	1-9-1-56-5-54
1-9-1-56-5-10	1-9-1-56-5-25	1-9-1-56-5-40	1-9-1-56-5-55
1-9-1-56-5-11	1-9-1-56-5-26	1-9-1-56-5-41	1-9-1-56-5-56
1-9-1-56-5-12	1-9-1-56-5-27	1-9-1-56-5-42	1-9-1-56-5-57
1-9-1-56-5-13	1-9-1-56-5-28	1-9-1-56-5-43	1-9-1-56-5-58
1-9-1-56-5-14	1-9-1-56-5-29	1-9-1-56-5-44	1-9-1-56-5-59
1-9-1-56-5-15	1-9-1-56-5-30	1-9-1-56-5-45	1-9-1-56-5-60

OTHER PROPERTIES

9-1-056-003
9-1-056-008
9-1-056-025
9-1-056-023
9-1-056-020
9-1-056-015
9-1-056-016
9-1-056-028
9-1-056-001

9-1-057-026
9-1-056-017
9-1-057-001
9-1-057-030
9-1-057-034
9-1-057-035
9-1-057-036
9-1-057-037
9-1-056-006

9-1-057-005
9-1-057-006
9-1-057-007
9-1-056-007
9-1-057-013
9-1-057-014
9-1-057-015
9-1-057-020
9-1-056-022

9-1-056-009
9-1-057-023
9-1-057-033
9-1-056-024
9-1-057-010
9-1-057-031
9-1-057-011
9-1-057-022
9-1-057-021

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of)
) FILE NO. 2011/GEN-8 (RY),
) 2008/SUP-2 (RY) and 86/SUP-5
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,)
Tax Map Key Nos. (1) 9-2-003:072 and 073)
_____)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was duly served upon the following parties listed below VIA U.S. CERTIFIED MAIL, RETURN RECEIPT REQUESTED at their respective addresses on September 16, 2011:

CARRIE K. S. OKINAGA, ESQ.

Corporation Counsel

DANA VIOLA, ESQ.

Deputy Corporation Counsel

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530 South King Street

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Department of Environmental Services

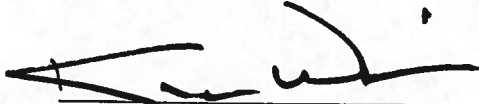
City & County of Honolulu

1000 Uluohia Street, Suite 308

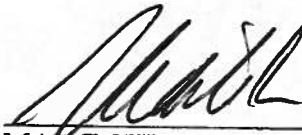
Kapolei, Hawai`i 96707

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Planning Department
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Honolulu, Hawai'i 96813

Dated: Honolulu, Hawai'i, SEP 16 2011



Kenneth Williams, Agent
KO OLINA COMMUNITY ASSOCIATION
Intervenor



MAILE SHIMABUKURO
Intervenor

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