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CONTESTED CASE HEARING

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

FILE No. 2008-SUP-2(RY) and 86/SUP-5
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, Oahu, Hawaii
Tax Map Key Nos. (1)9-2-003:072 and 073

Kapolei Hale, Conference Room A & B
1000 Ulukouia St.
Kapolei, Hawaii
9:04 a.m.

Monday, June 22, 2009.

BEFORE: BARBARA ACOBA, CSR No. 412, RPR
Notary Public, State of Hawaii

ORIGINAL

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LAW USE COMMISSION
STATE OF HAWAII

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I N D E X

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1 CHAIRWOMAN HOLMA: Good morning everyone.
2 We're calling the meeting of the Planning Commission,
3 June 22nd, 2009. Call this matter to order. Just as a
4 note to the Planning Commission members, the microphones
5 are currently not working. We're waiting for a cord,
6 but we're going to go ahead and get started, so if you
7 have questions or comments, please speak loudly, okay.
8 Start off with the City and your opening statement, if
9 you have any.

10 MR. TAKEUCHI: Good morning, Chair and members.
11 Do you want us to make appearances first?

12 CHAIRWOMAN HOLMA: That would be great.

13 MR. TAKEUCHI: Gary Takeuchi, Deputy
14 Corporation Counsel for the Applicant, the Department of
15 Environmental Services. With me today is Deputy
16 Corporation Counsel, Jessie Souki.

17 MS. HANABUSA: Good morning. Coleen Hanabusa,
18 appearing for myself, along with Representative
19 Shimabuku and Ken Williams representing the Ko'Oolina
20 Community Association.

21 CHAIRWOMAN HOLMA: Good morning. Any
22 preliminary matters? Okay.

23 MR. TAKEUCHI: Thank you. Good morning.
24 Again, I'm Gary Takeuchi, Deputy Corporation Counsel on
25 behalf of the Applicant, the Department of Environmental

1 witness, please.

2 MR. TAKEUCHI: Thank you. If I can just
3 briefly say, I appreciate the Commissioner's comments
4 and we're here today to try to answer your questions.

5 The Applicant calls Mr. Brian Takeda. Chair,
6 while Mr. Takeda's coming to the witness seat, as I
7 indicated, we submitted to you our 31 exhibits and for
8 convenience, I would propose to move them all into
9 evidence at this time.

10 CHAIRWOMAN HOLMA: Any objection?

11 MS. HANABUSA: No, I have no objection.

12 CHAIRWOMAN HOLMA: Okay. All of the City's
13 exhibits are now in the record.

14 MR. TAKEUCHI: Thank you.

15 BRIAN TAKEDA

16 called as a witness being first duly sworn to tell the
17 truth, the whole truth, and nothing but the truth
18 testified as follows:

19 EXAMINATION

20 BY MR. TAKEUCHI:

21 Q. Would you please state your name and business
22 address for the record.

23 A. Brian Takeda. I'm with the firm R.M. Towill
24 Corporation. We're located at 2024 North King Street,
25 Honolulu, Hawaii 96819.

1 the number of invertebrates present. There is a very
2 long list, but in particular, there were two things that
3 he was very interested in ascertaining, whether or not
4 there were any sphinx moths present and whether or not
5 there was any Oahu tree snails present.

6 Regarding the tree snail, his finding was that
7 there was no habitat available for that species. And
8 regarding the sphinx moth, his finding was that there is
9 an effort nearby in another location of Ewa to try to
10 reintroduce that species, but for some time, that
11 particular specie has been -- has not been found on the
12 island. And similarly, it was not found at Waimanalo
13 Gulch. And there were no other threatened or endangered
14 species of invertebrates present.

15 Q. Okay. Could you summarize, briefly, what was
16 done in the area of groundwater and hydrology?

17 A. Please forgive me. The document itself
18 comprises 1800 pages. I may not always find everything
19 immediately. Information on groundwater and hydrology
20 was in --

21 CHAIRWOMAN HOLMA: What page is that?

22 BY MR. TAKEUCHI:

23 Q. What page is that?

24 CHAIRWOMAN HOLMA: What page is that on?

25 THE WITNESS: Groundwater and hydrology is

1 A. At a cursory level.

2 Q. Do you know, for example, whether or not the
3 storm water run-off was an issue of that violation?

4 A. I believe in relation to storm water, the
5 violation was that there was comingling of leachate with
6 storm water that, in turn, was being discharged. That
7 became the source of the violation.

8 Q. So do you know whether the failure now to
9 actually do the storm water run-off, whether that now
10 impacts the leachate concerns that the state had on how
11 Waste Management is operating the landfill?

12 A. My response is, I wouldn't think so. And if I
13 may qualify why I don't think that is the case. If
14 we're looking at storm water run-off, you have a project
15 site like Waimanalo Gulch. Rain water falls onto the
16 site and collects by the shape of its topography to
17 various locations. In the case of Waimanalo Gulch, its
18 existing storm water system contains these two
19 sedimentation basins located here, where it collects the
20 run-off coming from the landfill to exist through a
21 series of structures, and the whole function of that
22 basin is to allow storm water detention, allowing the
23 particles that are ordinarily present in storm water to
24 fall off until it gets to a point that it discharges off
25 site. Because of the way the landfill is constructed,

1 there's no opportunity for this storm water to actually
2 contact the leachate and then discharge off of the storm
3 water control system into offshore waters.

4 Regarding the leachate control system, that
5 would be a separate item as well. There are series, and
6 again, I will defer to Waste Management for a more
7 thorough explanation, but my understanding is that the
8 way the system operates is that it collects underground
9 through a series of monitoring wells and then, at that
10 point, it is collected and then discharged at an
11 appropriate waste disposal facility, which is, in this
12 case, the Waianae Waste Water Treatment Plant.

13 CHAIRWOMAN HOLMA: I'm sorry to interrupt. Can
14 we take one two-minute break.

15 (Off the record at 1:35 p.m.)

16 (Back on the record at 1:37 p.m.)

17 CHAIRWOMAN HOLMA: Thank you.

18 BY MS. HANABUSA:

19 Q. Mr. Takeda, if you would look under the notice
20 of violation, count 15, it speaks to surface water
21 management plan; do you see that?

22 A. If you could reference the page number.

23 Q. 25. It's under -- sorry, it's under Appendix A
24 of volume two of three. I think it's in that stack
25 there.

1 sounded; how it felt; what kind of practices and
2 procedures were implied at the site.

3 Q. And where -- do you remember when you were
4 there?

5 A. Gosh, I have to say something like five-plus
6 years ago.

7 Q. Five-plus years ago?

8 A. Yes.

9 Q. And since then, as far as you know, there's
10 been no blasting?

11 A. As far as the schedule of blasting, I do not
12 know the specifics. I do know that when it is required,
13 it happens upon those incidents when certain types of
14 rock structures are encountered where the rock needs to
15 be fractured. And that really depends on where on the
16 site you are and what is found on the site that then
17 necessitates the need for the blasting.

18 Q. And do you know who's doing the blasting at
19 Waimanalo?

20 A. I have a name identified. I believe it is
21 Blasting Technologies.

22 Q. In the EIS, before I forget, on page 2-27,
23 there's a reference to the fact that a new MSW landfill
24 is intended to avoid areas situated west of Makakilo and
25 there will be a landfill siting committee in 2011; do

1 you see that?

2 A. Yes.

3 Q. Can you tell me where that comes from?

4 A. Well, that requirement is something that the
5 City had asked to be initiated and part of that process
6 really comes as -- because of the difficulty it is in
7 siting any landfill in the City and County of Honolulu.
8 And so, therefore, this timeframe was established and I
9 was asked, at that time, to incorporate it.

10 Q. Do you know why a landfill siting committee was
11 not convened earlier than 2011?

12 A. No, I do not.

13 Q. And who in the City asked that you incorporate
14 that into the EIS?

15 A. Your question is, when was I asked?

16 Q. No. Who asked you to incorporate it? You said
17 the City asked you to incorporate it. So I'm asking you
18 specifically who asked you to incorporate it?

19 A. It was the result of discussions that were
20 ongoing, both with William as well as Frank.

21 Q. Frank Doyle?

22 A. Yes.

23 Q. One of the -- we're talking about secondary or
24 cumulative impacts. And 5-11 you say, "are not
25 anticipated or expected. The site has been in operation

1 MS. HANABUSA: No.

2 MR. TAKEUCHI: Well, I'll try my best to make
3 it quick.

4 CHAIRWOMAN HOLMA: Okay. I'm going to call
5 Hari Sharma.

6 HARI SHARMA

7 called as a witness being first duly sworn to tell the
8 truth, the whole truth, and nothing but the truth
9 testified as follows:

10 CHAIRWOMAN HOLMA: Good afternoon, Mr. Sharma.
11 If you can take the microphone and either hold it or put
12 it back in its stand so that we can hear you.

13 EXAMINATION

14 BY MR. TAKEUCHI:

15 Q. Dr. Sharma, are you ready?

16 A. Yes, I am. Thank you.

17 Q. Please state your name and business address for
18 the record.

19 A. I'm Hari Sharma. And I work with Geosyntax
20 Consultants, 475 14th Street, Suite 400, Oakland,
21 California.

22 Q. And what is your current occupation?

23 A. I'm an engineer.

24 Q. And how long have you been an engineer?

25 A. For over 35 years.

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C E R T I F I C A T E

STATE OF HAWAII)
CITY AND COUNTY OF HONOLULU)

I, BARBARA ACOBA, Certified Shorthand Reporter and Notary Public, State of Hawaii, do hereby certify:

That on Monday, June 22, 2009, at 9:04 a.m., the foregoing contested case hearing was taken down by me in machine shorthand and was thereafter reduced to typewriting under my supervision; that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matter.

I further certify that I am not an attorney for any of the parties hereto, nor in any way concerned with the cause.

Dated this 4th day of July, 2009, in Honolulu, Hawaii.

Barbara Acoba

BARBARA ACOBA, CSR NO. 412
Notary Public, State of Hawaii
My Commission Exp: 10-22-2012

