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BEFORE THE LAND USE COMMISSION
STATE OF HAWAI'I

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CITY AND COUNTY OF HONOLULU)	
WAIMANALO GULCH SANITARY LANDFILL, (O'ahu))	

TRANSCRIPT OF PROCEEDINGS

The above-entitled matters came on for an Action Meeting and Status Report at the Honolulu Airport Conference Center, 400 Rodgers Blvd., Suite 700, Room #3, Honolulu, Hawai'i, commencing at 9:30 a.m., on May 16, 2014.

REPORTED BY: HOLLY M. HACKETT, RPR/CSR #130
Certified Shorthand Reporter

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A P P E A R A N C E S

COMMISSIONERS:

RONALD HELLER, CHAIRPERSON
CHAD McDONALD, VICE-CHAIR
SHELDON R. BIGA
KYLE CHOCK
DENNIS ESAKI
AARON D. MAHI
ERNEST MATSUMURA
CAROL TORIGOE

EXECUTIVE OFFICER: DAN ORODENKER

CHIEF CLERK: RILEY HAKODA

STAFF PLANNER: BERT SARUWATARI

DEPUTY ATTORNEY GENERAL: DIANE ERICKSON, ESQ.

AUDIO TECHNICIAN: WALTER MENCHING

Docket No. A17-418 KIAHUNA MAUKA PARTNERS, LLC

For the State: BRYAN YEE, ESQ.
Deputy Attorney General
RODNEY FUNAKOSHI, OP

Docket No. SP09-403 DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF HONOLULU WAIMANALO
GULCH SANITARY LANDFILL, (O'ahu)

For the State: BRYAN YEE, ESQ.
Deputy Attorney General
RODNEY FUNAKOSHI, OP

For the City and County of Honolulu:
DANA VIOLA,
Deputy Corporation Counsel
LORI KAHIKINA, DRTR. DES

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For the Intervenor Hanabusa:

RICHARD M. WURDEMAN, ESQ.

For the Intervenor Ko Olina Community Association and
Senator Maile Shimabukuro:

CALVERT CHIPCHASE, ESQ.

I N D E X

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-00-

1 CHAIRPERSON HELLER: I'd like to call the
2 meeting to order. The first order of business is the
3 adoption of the minutes from our January 13 meeting.
4 Are there any comments or corrections on the minutes?
5 Is there a motion for approval?

6 COMMISSIONER BIGA: So moved.

7 COMMISSIONER ESAKI: Second.

8 CHAIRPERSON HELLER: Any opposed? Thank
9 you. Next order of business is our tentative meeting
10 schedule. Dan, you want to give us the update?

11 MR. ORODENKER: Thank you, Mr. Chair. Our
12 next meeting was scheduled for June 12. At this point
13 in time we do not have anything on the calendar that
14 would require a meeting. On June 25th and 26th we
15 have A87-610 Kamehameha Schools/Gentry
16 Pacific/Kamehameha Schools. And that is on Maui --
17 sorry, O'ahu. And then on July 9th and 10th we have
18 our commissioner training and aloha/mahalo ceremony.

19 July 23rd, 24th we have Kauai Community
20 College. The Petition hasn't been assigned yet but we
21 are informed they will be coming in on time for that
22 hearing. Our calendar from there is tentative and
23 will be filled in at a later date.

24 xxx

25 xxx

1 CHAIRPERSON HELLER: Thank you. Next item
2 is A76-418 Kiahuna Mauka Partners, LLC. This is an
3 action meeting on Docket No. A76-418 Moana Corporation
4 Kaua'i to consider the request to withdraw Kiahuna
5 Mauka Partners LLC's Motion to Delete Conditions No.
6 7; and 5 through 12 of Decision and Order. Do we have
7 any parties here for that proceeding today?

8 MR. YEE: Deputy Attorney General Bryan
9 Yee on behalf of the Office of Planning. With me is
10 Rodney Funakoshi from the Office of Planning.

11 CHAIRPERSON HELLER: Thank you. Let me
12 update the record. On January 14, 2014 the Commission
13 received Kiahuna Mauka Partners, LLC's Correspondence
14 and Motion to Delete Conditions No. 5 and 7 through 12
15 of Decision and Order.

16 On January 22, 2014 the Commission
17 received the \$1,000 check for the motion filing and an
18 accompanying CD containing the Motion's files; and
19 mailed a proof of filing to Mr. Hong, representative
20 for the Petitioner.

21 On April 4, 2014 the Commission received
22 OP's Response to Kiahuna Mauka Partners, LLC's Motion
23 to Delete Conditions No. 5 and 7 through 12 of
24 Decision and Order and Exhibits A through E.

25 On April 8, 2014 the Commission received

1 Petitioner's Notice of Petition Withdrawal.

2 On May 6, 2014 the Commission mailed the
3 agenda notice for the May 16, 2014 LUC meeting to the
4 parties and the statewide O'ahu and Kaua'i mailing
5 lists.

6 On May 12, 2014 the Commission received
7 notice that Kiahuna Mauka Partners, LLC would not be
8 able to attend the May 16 meeting and that a favorable
9 consideration to its request for withdrawal be
10 granted.

11 On May 15, 2014 the Commission received
12 notice that the Kaua'i County Planning Department
13 would not be appearing before the LUC this morning.

14 Let me go over our procedure for today. I
15 will first call for those individuals desiring to
16 provide public testimony to identify themselves. All
17 such witnesses will be called in turn to the witness
18 seat where they will be sworn in prior to their
19 testimony.

20 After completion of the public testimony
21 portion of the proceedings the Commission will hear
22 any comments from the parties. Is there anyone
23 desiring to provide public testimony on this matter?

24 COMMISSIONER ESAKI: Mr. Chair?

25 CHAIRPERSON HELLER: Yes.

1 COMMISSIONER ESAKI: I believe I sent the
2 memo before that I did some work for Kiahuna Mauka
3 Partners before. So I recuse myself of this.

4 CHAIRPERSON HELLER: Thank you. All
5 right. Seeing no one who wishes to provide public
6 testimony, we will go on to the parties. Any comments
7 from the Office of Planning?

8 MR. YEE: The Office of Planning has no
9 objection to the withdrawal. Just to inform the
10 Commission, we did offer to counsel for Kiahuna Mauka
11 Partners the option that should they ever decide to
12 refile this motion again, the Office of Planning was
13 available for discussion and consultation *prior* to
14 their filing to assist them perhaps in crafting a
15 motion that would be, I think, you know, satisfactory
16 to everyone.

17 CHAIRPERSON HELLER: Are there any
18 representatives from any other parties who wish to
19 comment? We'll note there are none. Commissioners,
20 what is your pleasure?

21 COMMISSIONER McDONALD: Chair, move to
22 approve.

23 CHAIRPERSON HELLER: Approve the
24 withdrawal as requested?

25 COMMISSIONER McDONALD: Yes.

1 CHAIRPERSON HELLER: Is there a second?

2 COMMISSIONER MATSUMURA: Second.

3 CHAIRPERSON HELLER: Any comments or
4 discussion? Will you poll the Commission.

5 MR. ORODENKER: Thank you, Mr. Chair.
6 It's been a while so we have to get our folder colors
7 straight. The motion was made by Vice Chair McDonald.
8 Commissioner Matsumura?

9 COMMISSIONER MATSUMURA: Yes.

10 MR. ORODENKER: Commissioner Torigoe?

11 COMMISSIONER TORIGOE: Yes.

12 MR. ORODENKER: Commissioner Inouye's
13 excused. Commissioner Esaki? Recused. Commissioner
14 Mahi?

15 COMMISSIONER MAHI: Yes.

16 MR. ORODENKER: Commissioner Chock is
17 absent. Commissioner Biga?

18 COMMISSIONER BIGA: Yes.

19 MR. ORODENKER: Commissioner McDonald?

20 COMMISSIONER McDONALD: Yes.

21 MR. ORODENKER: Chair Heller?

22 CHAIRPERSON HELLER: Yes.

23 MR. ORODENKER: Mr. Chair, the motion
24 carries unanimously.

25 CHAIRPERSON HELLER: Thank you. Is there

1 anything further on this matter? If not, the next
2 item on the agenda is status report on Docket No.
3 SP09-403.

4 This is a meeting on Docket No. SP09-403
5 Department of Environmental Services, City and County
6 of Honolulu, O'ahu Civil No. 09-1-2719-11 to receive a
7 status update regarding this Special Use Permit that
8 encompasses the approximately 107.5 acre Waimanalo
9 Gulch Sanitary Landfill and an approximately 93.122
10 acre lateral expansion, Tax Map Key Nos. 9-2-03: 72
11 and 73.

12 Would the parties present please identify
13 themselves for the record.

14 MS. VIOLA: Good morning. Deputy
15 Corporation Counsel Dana Viola on behalf of the City.
16 And this is Lori Kahikina, the director of
17 Environmental Services.

18 MR. WURDEMAN: Attorney Richard M.
19 Wurdeman on behalf of Intervenor Colleen Hanabusa who
20 is present today.

21 CHAIRPERSON HELLER: Thank you.

22 MR. CHIPCHASE: Cal Chipchase for the Ko
23 Olina Community Association and Maile Shimabukuro.

24 CHAIRPERSON HELLER: Thank you.

25 MR. YEE: Good morning. Deputy Attorney

1 General Bryan Yee on behalf of the Office of Planning.
2 With me is Rodney Funakoshi from the Office of
3 Planning.

4 CHAIRPERSON HELLER: Thank you. Before I
5 update the record I believe I had previously put on
6 the record in this docket a disclosure, but let me
7 repeat it just to make sure. My firm represents the
8 Association of Apartment Owners of Beach Villas at Ko
9 Olina which is involved in litigation against Ko Olina
10 Community Association.

11 I believe that was previously disclosed
12 and nobody had any concern about me continuing to
13 proceed in this matter, but I just wanted to make sure
14 everybody's aware of it.

15 Let me update the record. On
16 September 14, 2012 the Commission met, discussed and
17 deliberated on the procedural issues arising from
18 Civil No. 09-1-2719-11 resulting from the appeal of
19 the Commission's decision in Docket No. SP09-403.

20 Also on the same day the Commission
21 received written correspondence from Joy Leilei Shih,
22 Sweetie Nelson, Ken Williams, Greg Nichols, and Robert
23 Ingraham.

24 On October 8, 2012 the Commission mailed
25 its Order Remanding County Special Use Permit File No.

1 2008/SUP-2 to the City and County of Honolulu Planning
2 Commission.

3 On May 6, 2014, the Commission mailed the
4 LUC May 16, 2014 Agenda notice to the Parties, and to
5 the Statewide, Kaua'i, Oahu mailing lists.

6 Let me go over our procedures for this
7 docket. First, I will call for the Petitioner to
8 provide its status update on this matter. For members
9 of the public, please be reminded that the Commission
10 will not be considering the merits of Special Use
11 Permit No. 2008/SUP-2 petition.

12 Rather, the Commission is interested in
13 learning what is the current state of proceedings
14 related to the Special Permit pending before the
15 Department of Environmental Services and the Honolulu
16 Planning Commission.

17 And let me add, to the Petitioner we're
18 interested in the procedural status and not
19 necessarily getting into the detail on the substantive
20 merits of renewal of the landfill permit.

21 After the Commission's question and answer
22 period any individuals desiring to provide public
23 testimony for the Commission's consideration will be
24 asked to identify themselves, and will be called in
25 order to our witness box where they will be sworn in

1 prior to their testimony.

2 Depending on the number of persons wishing
3 to give public testimony we may impose a time limit
4 for each person. After completion of public testimony
5 the intervenors in this case will be given time to
6 make comments. The Intervenors will be heard in the
7 following order: Intervenor Hanabusa, Intervenor Ko
8 Olina Community Association, and Senator Maile
9 Shimabukuro.

10 The State Office of Planning will then be
11 given the opportunity to comment, and the Commission
12 will ask any questions it may have of the parties.
13 From time to time we may call for short breaks. Are
14 there any questions on our procedure for today?

15 MR. CHIPCHASE: No, Chair.

16 CHAIRPERSON HELLER: Petitioner, you're
17 ready to proceed?

18 MS. VIOLA: Yes.

19 CHAIRPERSON HELLER: Please go ahead.

20 MS. VIOLA: Currently the status of the
21 proceeding is that the parties are still negotiating.
22 This is primarily the parties that are involved in the
23 2011 proceeding that was through subject matter of
24 consolidation with this matter.

25 The City and the Ko Olina Community

1 Association are in discussions, ongoing discussions as
2 to resolution of the underlying matter which is the
3 continuation of the landfill Waimanalo Gulch. I
4 cannot -- I cannot give you a definite in terms of
5 timing at this point other than to say that the
6 parties are making progress.

7 They're still continuing discussions and
8 hopefully will come forward before the Planning
9 Commission with a joint resolution that will resolve
10 both matters.

11 What we had prepared today, as you see in
12 the overhead projector, is essentially an update of
13 the status of the landfill. This is not going into
14 the underlining matter that was the subject matter of
15 either proceeding. It is a current update on what's
16 happening with the landfill as the description of the
17 status report wasn't really clear to us, wasn't what
18 you wanted to hear.

19 We understand that most of the Land Use
20 Commissioners are new to the Commission in comparison
21 to -- in other words, have not heard, have not been
22 discussing the landfill issue, were not on the
23 Commission when the 2009 matter was before the
24 Commission.

25 So what we have here is just an updated

1 status report on where the City is with the landfill
2 and what the City is hoping to do with the future. We
3 ask that we have the opportunity to present this.
4 It's not a very long presentation. And Lori Kahikina,
5 the director of the Department of Environmental
6 Services, is here to share the information with you.

7 CHAIRPERSON HELLER: Okay. That's fine.
8 Go ahead. Just bear in mind that we're not here today
9 to make any decisions on the renewal fo the Special
10 Use Permit.

11 MS. KAHIKINA: Thank you very much for
12 allowing me to do this presentation. So we're here
13 per your request to give an update on our landfill.
14 Since our last report to the LUC in 2009 the City has
15 made significant progress in reducing waste that's
16 disposed of at the landfill.

17 CHAIRPERSON HELLER: I'm sorry. I guess
18 you're giving testimony, so we should officially swear
19 you in.

20 MS. KAHIKINA: Okay.

21 LORI KAHIKINA
22 being first duly sworn to tell the truth, was examined
23 and testified as follows:

24 MS. KAHIKINA: Yes.

25 CHAIRPERSON HELLER: Okay. Go ahead. And

1 for the record just state your name and address.

2 MS. KAHIKINA: For the record Lori
3 Kahikina, Director of Environmental Services with the
4 City and County of Honolulu.

5 CHAIRPERSON HELLER: Okay. Thanks. Go
6 ahead.

7 MS. KAHIKINA: Okay. Lost my train of
8 thought. (general laughing in proceedings) I need to
9 start all over again. I'm teasing you. So, but we
10 are continuing to identify a location for a
11 replacement site. (Slides being projected)

12 So last year 1.2 million tons of
13 municipal solid waste was generated; 480,000 tons of
14 that was recycled; 500,000 tons of that went to
15 H-POWER to generate electricity and 260,000 tons went
16 to the landfill. That's about 22 percent of the total
17 waste.

18 If I can make perfectly clear that
19 260,000 tons includes both MSW and ash. On this slide
20 this is *only* MSW. So you can see from 2007 the City
21 has made significant progress in reducing the amount
22 of MSW that's going to the landfill. By mid-2015 we
23 project that only 2 percent of the MSW will go to the
24 landfill.

25 And the reason we can make this projection

1 is right now the sewage sludge is going to the
2 landfill. And you need to accompany bulky waste to
3 mix it before you can dispose of it.

4 So by the end of this year we anticipate
5 that sludge and that bulky waste can be diverted to
6 H-POWER in addition to ASR, automotive shredder
7 residue, medical waste and of course we're going to
8 continue to increase our recycling.

9 So by mid-2015 we expect little more than
10 is going to be disposed of at the landfill. So where
11 is the MSW going? The original portion of the H-POWER
12 employed an RDF technology, refuse-derived fuel. And
13 that fuel is used to feed the boilers. So boilers 1
14 and 2 have a capacity of about 600,000 tons of waste.

15 With the new mass burn unit that was
16 added, 300,000 tons of capacity was added. This
17 further supports our landfill diversion. So as I
18 mentioned earlier this mass burn unit will be able to
19 process biosolids which includes our sludge and our
20 accompanying bulky waste, tires and medical waste.

21 With the three boilers in operation we
22 have sufficient redundancy to significantly reduce the
23 diversion from H-POWER to landfill during maintenance
24 periods. In addition, a new storage and shredder roll
25 is in construction.

1 It should be completed in about one month.
2 And this allows us to hold and continue to process
3 bulky waste when the mass burn unit requires
4 maintenance.

5 So currently about 700,000 tons is being
6 processed at H-POWER. We are working to divert an
7 additional 50,000 tons from the landfill to H-POWER,
8 as I mentioned. That was the sewage sludge, the bulky
9 waste, medical waste and ASR. And there's more than
10 adequate capacity to accommodate future growth.

11 City's recycling effort adds to our goal
12 of maximizing diversion from the landfill. In 2010 we
13 expanded our 3-cart curbside recycling program to
14 160,000 additional homes. So the curbside recycling
15 program captures about 20,000 tons of mixed
16 recyclables and 50,000 tons of green waste.

17 The City provides both financial and
18 technical assistance to condos so they can initiate
19 their own recycling program and maintain it for their
20 own residents. The recycling centers around the
21 island provide Hi-5 redemption and dropoff for other
22 non-Hi-5 recyclables.

23 Businesses on O'ahu since the mid-1990's
24 are required by City ordinance to recycle. And our
25 staff continues to enforce the compliance and provides

1 assistance. And, finally, the City maintains a very
2 strong public education program both in the schools
3 and in the communities.

4 We have our Opala website, our
5 newsletters, our performance workshops and activity
6 books for the schools which is included in folders in
7 front of you, all the different paraphernalia we have.
8 And you may have seen some of our displays in the
9 various Costcos. We formed a partnership with them to
10 help educate their consumers.

11 In 2013 over 73,000 tons of paper was
12 recycled to include newspapers, cardboard and office
13 papers. Honolulu Recovery System is the largest
14 multi-material recycling company on the island. They
15 do that for us.

16 Also in 2013 6,000 tons of plastic were
17 recycled including No. 1, PET and No. HDP plastic
18 containers. RR Recycling Services handles the City's
19 curbside collected materials also from the Hi-5
20 redemptions centers, the condos and commercial
21 accounts.

22 In 2013 more than 22,000 tons of glass was
23 recycled. The glass is crushed and loaded into
24 shipping containers to the West Coast where it is made
25 into new glass containers.

1 In 2012, 185 tons of ferrous and
2 non-ferrous metals were recycled. Schnitzer Steel
3 loads entire shiploads of this metal, not containers,
4 but shiploads. They're the largest recycler and
5 processes automobiles, the appliances and scrap metal
6 from various sources including demolition.

7 The metals are processed through the
8 shredder. They reduce the size and they remove the
9 non-metal components including plastics and paper.

10 The shredder residue, often known --
11 referred to as ASR, is currently landfilled. And
12 about 25,000 tons of that is landfilled every year.

13 However, Schnitzer and Covanta are working
14 with EPA so that we can gain their approval to process
15 the ASR in H-POWER.

16 Green waste is the only material that's
17 fully processed and marketed on the island. In 2013
18 Hawaiian Earth Products processed over 90,000 tons of
19 green waste into mulch and compost products. Much of
20 that 90,000 tons came from the City curbside recycling
21 programs or in the convenient centers.

22 In addition, another 10,000 tons of green
23 waste is processed into mulch and compost by
24 do-it-yourself composters.

25 Tires are completely banned from the

1 landfill. So Unitech, Lincoln and Leeward Auto
2 Recycling pack and ship the tires. And they recycle
3 it. It's called tire-derived fuel. And what that
4 means is tires are incinerated for power generation.
5 Last year approximately 13,000 tons of tires were
6 derived, were processed into tire-derived fuel.

7 With the addition of the mass burn unit at
8 H-POWER we began demonstration projects last year to
9 determine the impact and best practices to receive and
10 process these tires at H-POWER.

11 Based on the results of that pilot, DOH
12 has approved a variance for H-POWER to continue to
13 process these tires only collected by the City. And
14 they approved to 68,000 tires per year which breaks
15 down to about 200 tires per day that can be converted
16 into energy and H-POWER.

17 The City's largest wastewater plant, which
18 is Sand Island, employs a technology operated by
19 Synagro which processes sewage sludge into fertilizer
20 pellets. And that also reduces what goes to the
21 landfill. The fertilizer pellets are marketed, but
22 anything, any pellets that are off-spec or cannot be
23 marketed can be disposed at H-POWER.

24 The future of the landfill. The City is
25 seeking to do away with the daily landfill. Our

1 ultimate goal is to use the landfill only for cases of
2 emergency to ensure the public health and protection
3 of the citizens of Honolulu. So the City will
4 continue its efforts to divert waste from the
5 landfill.

6 As I mentioned, by the end of this year we
7 should be able to achieve one of -- that goal by
8 diverting the sludge and the additional bulky waste to
9 H-POWER. And also we're seeking to alternative uses
10 of the ash.

11 Eleven potential sites were identified by
12 the landfill selection committee and ranked based on
13 community criteria. The committee was comprised of
14 members of the community from different areas of the
15 island.

16 The City's consultant is conducting a
17 technical engineering valuation of these sites, and an
18 analysis of the existing capacity of the landfill.
19 They will present a timetable and recommendations to
20 us. With that that concludes my update of the
21 landfill. We're open to any comments or corrections.

22 CHAIRPERSON HELLER: Commissioners, any
23 questions?

24 COMMISSIONER ESAKI: Thank you. I applaud
25 the City's efforts in diversion. For example, the

1 manhole and stuff, they're not supposed to go to the
2 landfill anyway, right? So It's just a report on
3 recycling and all that. The sludge, sewer sludge
4 together with green waste compost, I understand on
5 Maui they have a big facility. Is there something
6 similar?

7 MS. KAHIKINA: Yes. The City is in
8 contract with Hawaii Earth Products. And we will be
9 putting in our own facility here. We do have a
10 contract with them to do that.

11 COMMISSIONER ESAKI: Thank you.

12 COMMISSIONER McDONALD: I just gotta quick
13 clarification. I appreciate the presentation. If you
14 can flip back to your, one of your first slides where
15 it indicated your 2 percent diversion --

16 MS. KAHIKINA: Yes.

17 COMMISSIONER McDONALD: -- to the
18 landfill. You had mentioned 2013 that 22 percent was
19 being diverted.

20 (Commissioner Chock now present.)

21 COMMISSIONER McDONALD: So how can we
22 correlate this 2 percent showing for 2015 with the 22
23 percent you referenced in 2013 because it doesn't
24 incorporate the entire waste diversion?

25 MS. KAHIKINA: Right. So this slide is

1 only MSW. So the previous slide with the 22 percent,
2 that was including the ash because as H-POWER burns
3 the MSW it does create ash. So it's going into a
4 monofil at the landfill. But our intent is to find
5 another use of that ash.

6 My chief just went to a conference on the
7 Mainland last month. And right now there's two states
8 that are doing pilots that it can reuse the ash. And
9 that's our goal is eventually in 2015 we anticipate
10 it's mainly going to be ash going to the landfill.
11 But if we can find another use for that it's all the
12 better and that doesn't have to go to the landfill.

13 So that's the difference in the
14 percentages. One included the ash and one did not.

15 COMMISSIONER McDONALD: So the
16 representation shown in that slide --

17 MS. KAHIKINA: The 2 percent --

18 COMMISSIONER McDONALD: -- yeah, the 2
19 percent -- is the City's efforts to divert that ash?

20 MS. KAHIKINA: No. This slide is only
21 MSW. So whatever cannot go to either be recycled or
22 cannot go to H-POWER, this is what's remaining in the
23 landfill.

24 COMMISSIONER McDONALD: Okay. Thank you.

25 CHAIRPERSON HELLER: Go ahead.

1 COMMISSIONER ESAKI: One more. Speaking
2 of ash. I understand the EPA recently been looking at
3 stuff like coal ash being considered hazardous waste.
4 Is there any update on that?

5 MS. KAHIKINA: I'm not sure about the coal
6 ash. The coal ash is different than what we produce.
7 Are you asking about our ash?

8 COMMISSIONER ESAKI: Yeah, because, you
9 know, coal, it would be a similar ash, right?

10 THE WITNESS: Yes -- no, no.

11 COMMISSIONER ESAKI: Looking at EPA's
12 designation of it.

13 MS. KAHIKINA: Okay. So our ash, because
14 we have some, some metals, metal content in there, we
15 produce fly ash and bottom ash. And, yes, one of 'em
16 is considered hazardous.

17 So when you mix, I guess you can call it
18 dilution, when you mix the bottom ash and the fly ash
19 it's an acceptable level to DOH and EPA, but that's
20 why we have to put it in a special lined monofil at
21 the landfill.

22 So the intent is to somehow -- that's what
23 the problem is. It's the metal content in the ash
24 that's what's making it hazardous. So if we can
25 somehow find a way to reduce it, then that's all the

1 better for all of us. So we are closely watching what
2 the other two states in the Mainland are doing with
3 it.

4 COMMISSIONER ESAKI: Thank you.

5 MS. KAHIKINA: Maybe the word 'hazardous'
6 isn't the correct word. It's not classified as a
7 hazardous material. It just has high metal content.

8 CHAIRPERSON HELLER: Anything else? I
9 have one question. In terms of the process that's
10 going on with the City Planning Commission, are there
11 any specific hearing dates or timetables that you can
12 share with us at this point?

13 MS. VIOLA: No, there's not a specific
14 date. The Planning Commission is waiting for the
15 parties' recommendations. We don't have a specific
16 date for an appearance at this point.

17 CHAIRPERSON HELLER: Okay. Anything else?
18 Commissioner Chock.

19 COMMISSIONER CHOCK: Does the County
20 intend to cancel its current contract with the
21 existing operator?

22 MS. KAHIKINA: No, we do not have
23 intentions of canceling that contract at this time.

24 COMMISSIONER CHOCK: Why not? Do you
25 find their performance acceptable?

1 MS. KAHIKINA: You're talking about the
2 news about the indictment?

3 COMMISSIONER CHOCK: No. I'm talking
4 about their overall body of work in terms of operating
5 the landfill.

6 MS. KAHIKINA: Yes, we are satisfied.

7 COMMISSIONER CHOCK: The County's
8 satisfied with their performance?

9 MS. KAHIKINA: We are satisfied with their
10 performance.

11 CHAIRPERSON HELLER: Anything else for the
12 Commission? In that case let's proceed with public
13 testimony. Do we have signups?

14 MR. ORODENKER: We have no signups,
15 Mr. Chair.

16 CHAIRPERSON HELLER: Is there anyone
17 present who wishes to provide public testimony? Okay.
18 Seeing none we will move on to the Intervenors.
19 Intervenor Hanabusa.

20 MR. WURDEMAN: Thank you, Mr. Chair,
21 Members of the Commission. If I may briefly, before
22 going into the actual procedural or the status of the
23 procedures or lack thereof, I should say, as the Land
24 Use Commission may recall back in its Order of 2009 it
25 required the City to identify and develop sites, such

1 sites, alternative sites that should be performed with
2 reasonable diligence.

3 You know the history of the landfill goes
4 back, this is now the fifth mayoral administration.
5 In the previous four, well three that actually came
6 before the various bodies, the issues in the past has
7 always been: Well, we're looking for an alternative
8 landfill. We don't have any other option now. This
9 is the last time we're coming before these bodies, et
10 cetera.

11 And what is apparent is that after almost
12 five years from when the City came before both the
13 Planning Commission and the Land Use Commission, other
14 than identifying 11 potential sites and some ambiguous
15 information about consultants or analyzing things
16 right now, there really doesn't seem to be all that
17 much progress in that arena.

18 And I think that was certainly the concern
19 of the Land Use Commission in 2009 in considering the
20 history of the landfill and the lack of the City's
21 progress in looking for alternative sites. And the
22 imposed Condition 14 to apparently get the City to get
23 moving on that.

24 But then again here we are five years
25 later and seems like very little has been done.

1 There's great information about things that are being
2 done with the waste. But as far as finding
3 alternative sites that doesn't seem to be a priority,
4 I should say, of the City.

5 As the Land Use Commission may also recall
6 is that the Condition 14 went before the Hawaii
7 Supreme Court. If I could just briefly quote one
8 sentence or two sentences from that decision. The
9 Hawaii Supreme Court stated, "Having held that
10 Condition 14 cannot stand because it is inconsistent
11 with the evidence shown in the record and not
12 supported by substantial evidence, the LUC's approval
13 of sub-2 also cannot stand because Condition 14 was a
14 material condition to the LUC's approval.

15 Consequently this matter must be remanded
16 to the LUC for further hearings as the LUC deems
17 appropriate."

18 Our reading of that language is that --
19 and I think as I recall one of the Commissioners when
20 we were before the Commission in September of 2012,
21 specifically reminded the City that it wasn't -- it
22 was operating a landfill without a current valid SUP.

23 And we agree with that assessment. That's
24 our position. And so we have this landfill that we
25 would submit is being legally operated right now by

1 the City. The LUC has never addressed the final
2 approval as discussed by the Hawaii Supreme Court.

3 And in September of 2012 when we came
4 before this Commission, Intervenor Hanabusa objected
5 to the remand back down to the Planning Commission.
6 And over our objections the LUC sent it down to the
7 Planning Commission.

8 Since then, I'll make it clear that
9 Intervenor Hanabusa has not been one of the parties
10 that has been involved in any discussions or
11 negotiations. I've just learned recently that, in
12 fact, earlier today of the status of these
13 negotiations.

14 And I just wanted to clarify that
15 Intervenor Hanabusa has not been a party to any of
16 those negotiations. We still maintain that this
17 matter should not have been remanded down to the
18 Planning Commission to begin with.

19 And I think chair at that time Gail Pengri
20 (phonetic) in her letter of May 29, 2012 prior to the
21 remand by the LUC, essentially told the LUC in that
22 letter not to remand it down to the Planning
23 Commission.

24 So as far as status goes we've inquired
25 why -- I've asked counsel for the Planning Commission

1 recently why there hasn't been any kind of hearing or
2 status or anything else before it. He didn't have any
3 answers for me.

4 So we're unsure as to any timetables. We
5 still maintain that this should have never been sent
6 down to the Planning Commission. That's our
7 understanding of the proceedings at this point.

8 CHAIRPERSON HELLER: Commissioners, any
9 questions? Let me ask you a question then regarding
10 procedure. I understand that you disagreed with the
11 decision to remand. But having done that do you
12 believe that it's in our power at this point to
13 somehow unremand and take it back? Or we have to wait
14 for the City Planning Commission to act at this point?

15 MR. WURDEMAN: Well, I think that the
16 Commission can certainly reconsider their earlier
17 order especially if there's no light at the end of the
18 tunnel with the Planning Commission. And the mandate
19 of the Hawai'i Supreme Court is for the LUC to take
20 action consistent with its opinion.

21 So it didn't talk about remanding matters
22 back to the Planning Commission, and for the Planning
23 Commission not to act in an expeditious manner below.
24 So I think given that, the LUC could certainly
25 reconsider its earlier order.

1 CHAIRPERSON HELLER: But then we would be
2 left without an updated record from the Planning
3 Commission.

4 MR. WURDEMAN: The record was, we would
5 submit, was already made in the original proceedings.
6 Intervenor Hanabusa was not a party to the subsequent
7 proceedings that were before the Planning Commission.

8 And it is her position that it would be a
9 violation of her due process to consolidate the two
10 records if she didn't participate in those
11 proceedings, was not allowed an opportunity to present
12 evidence, to cross-examine witnesses and everything
13 else.

14 So, yeah, our position is: 1. That it
15 should have, you know, with all due respect to the
16 Commission, shouldn't have ever been remanded back to
17 the Planning Commission.

18 And 2. We're not in agreement to
19 consolidation before the Planning Commission or even
20 before the Land Use Commission.

21 CHAIRPERSON HELLER: So to clarify, it's
22 your position that basically we should make a decision
23 without any updated record from the Planning
24 Commission based simply on what's already in the
25 record that was previously developed?

1 MR. WURDEMAN: We believe that the intent
2 of the Commission with imposing Condition 14 can be
3 met with substantial evidence based on the initial
4 record and with findings and conclusions by the
5 Commission that could certainly be consistent with its
6 earlier intent with imposing Condition 14.

7 CHAIRPERSON HELLER: I'm just trying to
8 make sure I understand your argument here. The
9 Supreme Court said that Condition 14 was *not* supported
10 by sufficient evidence in the record, right?

11 MR. WURDEMAN: Well, I think -- I think
12 what happened was that the LUC simply adopted the
13 findings and conclusions of the Planning Commission,
14 and then added various other conditions including
15 Condition 14.

16 Based on its adoption of those findings
17 and conclusions, I think that's where the problem lay
18 as far as the ultimate finding of Condition 14 that
19 the Commission made and trying to get that established
20 by, you know, proper factual findings and whatnot from
21 the record.

22 What the Land Use Commission could do --
23 and I think the Supreme Court gave the Land Use
24 Commission whatever discretion it needed upon remand
25 and it stated that, it did say in a footnote, it threw

1 out a suggestion of considering the record. It was
2 not something that it was saying the Commission should
3 do or, you know, and we don't think it should do it,
4 but for the reasons I stated earlier.

5 But I think if the Commission redrafted
6 findings and conclusions it could certainly come up
7 with a condition similar to 14 in its final orders
8 from the Commission that would meet the requirements
9 or the Hawai'i Supreme Court.

10 CHAIRPERSON HELLER: Okay. So just to be
11 clear on what you're asking for, or at least what
12 you're suggesting. You're saying you think the
13 Commission could issue a new Decision and Order with
14 something akin to Condition 14 in it without any new
15 evidentiary hearings and development of further
16 evidence.

17 MR. WURDEMAN: Well, I think there's
18 sufficient evidence in the record already with the
19 first proceedings. And if the Commission itself
20 wanted to somehow add certain evidence or -- I don't
21 think the Supreme Court specifically foreclosed that.

22 But we believe that the initial record is,
23 there is sufficient factual evidence in there to
24 support a condition similar to 14 if the Land Use
25 Commission was to redo its orders in its approval

1 process.

2 CHAIRPERSON HELLER: Thank you.
3 Commissioners, anything further? Okay. Why don't we
4 hear from Intervenor Ko Olina Community Association
5 and then probably take a break after.

6 MR. CHIPCHASE: Very well, Chair. And
7 just so I'm clear, so the record is clear, I also
8 represent Senator Shimabukuro. So we'll hear from
9 both of them at the same time.

10 Chair, as a preliminary matter I wonder if
11 I may ask the City to provide the parties with a copy
12 of the presentation that they made today?

13 MS. KAHIKINA: Yes.

14 MR. CHIPCHASE: Thank you. And second
15 sort of preliminary question along the same lines is
16 obviously --

17 CHAIRPERSON HELLER: Excuse me for
18 interrupting.

19 MR. CHIPCHASE: Of course.

20 CHAIRPERSON HELLER: Just as a
21 clarification. We did receive, as of this morning,
22 this interim status report submitted by the Department
23 of Environmental Services. I assume this will be
24 served on the Intervenors as well.

25 MS. VIOLA: Yes.

1 MR. CHIPCHASE: Thank you, Chair. We
2 haven't received it yet, but I trust that the City
3 will get it over to us with all expeditiousness. The
4 Director Kahikina was sworn in today as a witness.
5 Obviously the parties have not had an opportunity to
6 question her regarding her testimony or any other
7 matters.

8 I understood that was not the purpose of
9 the hearing today, but rather to receive solely a
10 status report on the Planning Commission proceedings.

11 And so if we have an opportunity to ask
12 the director questions now, I have a couple. If not,
13 and even if so, I reserve my right to cross-examine
14 her either before this body or in a further proceeding
15 before the Planning Commission.

16 CHAIRPERSON HELLER: Why don't you go
17 ahead with your comments now. And when we take a
18 break maybe we'll consult with our counsel about the
19 procedural question you're raising.

20 MR. CHIPCHASE: Very good. The remand
21 that that the Commission ordered was, of course,
22 appropriate. The Supreme Court directed the
23 Commission to proceed as it determined. And it
24 specifically suggested that a consideration of the
25 record developed in the further proceedings before the

1 Planning Commission would be relevant, and should be
2 something that the Commission considered.

3 So the Commission specifically did remand
4 for the purpose of consolidation and the issuance of
5 combined Findings of Fact, Conclusions of Law and
6 Decision and Order. That was the right decision then
7 and it remains the right decision today.

8 To update a little bit further on what has
9 happened since that remand, and specific Order for
10 Consolidation, the Intervenors Ko Olina Community
11 Association and Maile Shimabukuro, did move in the
12 Planning Commission to quote, "affect the
13 consolidation of the separate proceedings in 2008
14 SUP-2 as ordered by the State Land Use Commission on
15 October 8, 2012."

16 The City opposed that motion. No hearing
17 was ever held on it. The parties subsequently by
18 agreement stayed the proceedings before the Planning
19 Commission so that they could discuss whether it would
20 be possible to submit stipulated or at least joint
21 Findings of Fact, Conclusions of Law, and Decisions
22 and Order for the Planning Commission to consider.

23 If the Planning Commission adopted such
24 Findings of Fact, Conclusions of Law and Decision and
25 Order with or without modifications, of course, those

1 would come to this body for effectively *de novo* review
2 of it.

3 So I just want to be clear that the
4 parties are not attempting to reach a resolution
5 that's any way binding on either the Planning
6 Commission or this body. This body, of course, has
7 the final say on what those Findings of Fact,
8 Conclusions of Law and Decision and Order look like.
9 But the City and Ko Olina have been engaged in direct
10 discussions to see if the submission of joint findings
11 would be possible.

12 I wish I could give you a specific date to
13 say those discussions will be concluded by "this time"
14 or that I could say, you know, "within this many weeks
15 we'll be sure one way or another whether it's possible
16 to reach stipulated findings or joint findings between
17 the parties." I can't do that.

18 I *can* say that I believe we put more time
19 into it than we have yet to spend on it. So we're
20 further along than I think ultimately we will need to
21 complete it.

22 What I would ask, if this Commission would
23 like to have continual updates, is to either order us
24 back here in 60 days for a further status report, or
25 to ask us to submit status reports in writing to the

1 Commission so that you remain fully informed as to the
2 status of those negotiations.

3 CHAIRPERSON HELLER: Commissioners, any
4 questions? Let's take a 5 minute recess. And when we
5 come back we'll hear from OP.

6 (Recess was held 10:20-10:30)

7 CHAIRPERSON HELLER: Back on the record.
8 We concluded that since we did accept the testimony of
9 a witness it would be appropriate to allow the other
10 parties to question that witness. So you go ahead
11 first since you made the request.

12 MR. CHIPCHASE: Thank you, Chair. I'll be
13 brief. I don't mean this to be in the nature of a
14 full examination of the witness. Obviously haven't
15 had time to prepare for that so, of course, reserve my
16 rights to do so and to present rebuttal testimony.

17 But I did have four questions that I've
18 gone over with with the witness and her counsel just
19 in the nature of clarification so I understand the
20 report that was presented to the Commission.

21 DIRECT EXAMINATION

22 BY MR. CHIPCHASE:

23 Q The first, Director, is that according to
24 one of your slides the City estimates approximately
25 26,000 tons of MSW will be landfilled in 2015. And I

1 was hoping you could provide clarification as to what
2 comprises that 26,000 tons.

3 A For that is whatever cannot be processed
4 at H-POWER. So what we anticipate is the sharps that
5 come from the hospitals, H-POWER will not accept that,
6 large animals like 2013 the tonnage that included that
7 large whale that came, the carcass. So we didn't take
8 that to H-POWER, and any other reject material that
9 H-POWER has rejected. And that includes the concrete.

10 Q Thank you. Changing topics a bit. When
11 you discussed the status of the site selection process
12 by the City you'd mentioned that the site selection
13 committee had identified 11 potential sites. Can you
14 remind me when those 11 sites were identified by you?

15 A I believe that was in 2012.

16 Q Do you remember the month?

17 A I'm sorry, I don't know that. We can get
18 that information for you.

19 Q No, no. That's fine. I understand.
20 Since then I understand the City's engaged a
21 consultant to do a technical review of those sites.
22 When was that consultant engaged?

23 A Actually it's a continuation. So the
24 original -- that consultant had an original contract
25 with them. So they're a part of the initial searching

1 of the site. So we had to amend their contract in
2 order to now do the technical analysis and to
3 calculate the longevity of the existing landfill. So
4 I can get the date when we amended that contract to
5 you.

6 Q Thank you. That's much appreciated. If I
7 recall correctly that's R.M. Towill?

8 A Yes, correct.

9 Q When do you expect the consultant to
10 develop the timetable for developing any of the 11
11 sites?

12 A I'm anticipating by the end of this year.

13 Q Thank you.

14 MR. CHIPCHASE: Thank you, Chair. I have
15 no further questions at this time, of course,
16 reserving my rights.

17 CHAIRPERSON HELLER: Mr. Wurdeman, do you
18 have any questions for the witness?

19 MR. WURDEMAN: I have nothing this
20 morning, but reserve the right to question at a later
21 date.

22 CHAIRPERSON HELLER: Mr. Yee?

23 MR. YEE: No questions.

24 CHAIRPERSON HELLER: Ms. Viola, any
25 redirect?

1 MS. VIOLA: No.

2 CHAIRPERSON HELLER: So does that conclude
3 the presentation for Intervenors Ko Olina Community
4 Association and Maile Shimabukuro?

5 MR. CHIPCHASE: With one clarification,
6 Chair. I see that I neglected to state the date the
7 City had filed its opposition to the Motion to Effect
8 the Consolidation. And just so that this Commission
9 has a complete record, that it was filed on January
10 23rd, 2013. With that we conclude.

11 CHAIRPERSON HELLER: Thank you. OP?

12 MR. YEE: Thank you. The focus of today's
13 hearing is where the proceedings are in terms of
14 moving forward. In 2012 this matter was remanded. In
15 January of 2012 apparently a Motion to Consolidate was
16 filed at the City level.

17 On January 2013 the City filed its
18 opposition. While I certainly appreciate and agree
19 and would support a resolution by the parties to the
20 case, I think we do have to acknowledge it's been a
21 while since that last filing.

22 So while we certainly want to give them as
23 much time as they need for discussions, at the same
24 time over a year of delay in this process does seem to
25 be somewhat lengthy.

1 But as I said we want to look forward not
2 back. So the purpose is not to criticize the length
3 of time it's taken so far, rather to ask how much
4 longer is it going to take. How much longer do they
5 need to decide what has to be occurring.

6 In looking at the information they
7 provided it appears that the discussions have occurred
8 between the City and the Association. It's not clear
9 whether Representative Shimabukuro is specifically
10 involved in these discussions, although they are
11 represented -- the Association, Representative
12 Shimabukuro are represented by the same attorney.

13 It is clear that Representative Hanabusa
14 is *not* involved in those discussions. And what's
15 unclear as well is whether those discussions are with
16 respect to settlement of the entire case versus a
17 resolution on the consolidation motion.

18 At least based upon the City's statement I
19 believe it's intended to be a resolution on the
20 underlining issues and therefore would be a resolution
21 of the entire case. But in the presentation with
22 respect to, maybe I simply misunderstood, the
23 discussions seem to have occurred on a joint
24 stipulation which I had heard in the context of the
25 Motion to Consolidate. So that clarification would be

1 good.

2 But if it is regarding a settlement -- I'm
3 going to assume for the moment it's a resolution of
4 all issues -- it's difficult to understand how that
5 resolution occurs without Representative Hanabusa's
6 involvement.

7 So while that might narrow the issues and
8 might resolve some of the procedural questions about
9 which particular docket is involved, it doesn't
10 necessarily complete the entire matter for the Land
11 Use Commission in the respect of we're still waiting
12 for the proceedings at the City level to be completed.

13 And if there are -- either there's one
14 proceeding or there are two proceedings both of which
15 come to the LUC. And if there's -- if there's only
16 discussion on one you would think that there'd be some
17 conclusion about either consolidating those two cases
18 or not.

19 Having said this I will also have to note
20 that if this delay was unacceptable to
21 Mr. Wurdeman's client, then it would seem that they
22 should have been filing something at the City level.

23 What they have not made clear is whether
24 they have an objection to the delay. I understand
25 they have objection to the remand but the remand's

1 been decided. The LUC sent it back to the City.

2 If Mr. Wurdeman disagreed, and he did, he
3 had an opportunity to object, he had an opportunity to
4 file a Motion to Reconsider. But those timeframes are
5 over with.

6 So if there's something -- if there's a
7 lack of movement at the City level, what would be good
8 to know is whether Mr. Wurdeman is -- if that's
9 unacceptable to Mr. Wurdeman or whether that he's
10 willing to wait for those discussions to be completed
11 or at least wait longer for those discussions to be
12 completed. And if he's not, then it would seem
13 incumbent upon him to then file something at the City
14 level to move this forward.

15 And I guess the question is either: Are
16 you satisfied with the delay? Or are you going to be
17 filing something else before the City to actually
18 formally request the Planning Commission to have a
19 hearing and act upon some request by Mr. Wurdeman for
20 at least his matter to move forward or be
21 consolidated?

22 And I understand he's going to object to
23 the consolidation. He says he disagrees with it but
24 that's the whole purpose of having it brought up to
25 the Planning Commission.

1 The Planning Commission can look at all
2 the arguments and make a final decision. So we're not
3 pre-judging necessarily what the Planning Commission
4 needs to do. We're simply saying no one has decided
5 to bring this up to them.

6 I think that it would probably be a good
7 idea for there to be some sort of process by which the
8 LUC could at least be informed of the status of the
9 discussions. The timeframe is open for discussion.
10 The Office of Planning is not asking for a specific
11 timeframe.

12 We would invite the City, perhaps, to
13 weigh in on some frame of time which maybe they can't
14 guaranty they will what's going on, but at least it
15 would give them enough time to get back with everyone
16 and see whether or not there has been movement.

17 I can appreciate certainly the possibility
18 that these types of hearing spur discussions in and of
19 themselves. So sometimes there have been delays that
20 they don't progress smoothly. So perhaps the
21 discussions will proceed more quickly from here on
22 out.

23 But what that timeframe would be we're
24 certainly open for suggestion from the City and the
25 parties. That's all that the Office of Planning has

1 at this time.

2 CHAIRPERSON HELLER: Commissioners, any
3 questions?

4 COMMISSIONER ESAKI: Can I make a comment?

5 CHAIRPERSON HELLER: Go ahead.

6 COMMISSIONER ESAKI: I think the site
7 selection is a key issue here. You've got a report in
8 your book from the committee. And the committee
9 decided to expand the list of potential sites and
10 recommend you move aggressively to diversion, which
11 you guys are doing. But you can't get away from the
12 site selection now.

13 Perhaps it's a political issue. Not
14 'perhaps'. It is back to my key point, it is a key
15 point here. Seems like, you know, gotta put more
16 effort in a selection committee or the people in
17 charge gotta take the bull by the horn on this issue.

18 CHAIRPERSON HELLER: Anything else?

19 COMMISSIONER BIGA: Mr. Chair.

20 CHAIRPERSON HELLER: Yes.

21 COMMISSIONER BIGA: I also wanted to say
22 that to have any kind of resolution or any resolve
23 from this, and what Commission Dennis says is a big
24 part of it. I think the other second big part of it
25 is to get all parties involved.

1 Why wasn't Representative Hanabusa part of
2 that discussion? That's the question in my mind. To
3 have this become pono in moving forward we need to get
4 all parties involved. Thank you.

5 CHAIRPERSON HELLER: Anything else?
6 Commissioners, does anybody have any motions or
7 recommended actions at this point? Commissioner
8 Chock.

9 COMMISSIONER CHOCK: I'd like to recommend
10 that Petitioner come back with written, perhaps,
11 reports maybe every other month for the Commission.
12 And if needed, to appear in person to answer questions
13 regarding status. So I make that motion.

14 CHAIRPERSON HELLER: So the motion is
15 starting with next month? I guess we're in May now so
16 starting in July every other month some form of
17 written report. And it doesn't have to be one of
18 these (holding up a binder) just some written update.
19 Is there a second?

20 COMMISSIONER TORIGOE: Second.

21 CHAIRPERSON HELLER: Any discussion? No
22 discussion. All in favor? Aye. Any opposed?
23 Anything else on this matter?

24 MS. VIOLA: Can I just ask for a
25 clarification?

1 CHAIRPERSON HELLER: Sure.

2 MS. VIOLA: The original report would be
3 an update on the status of the negotiations? Or would
4 it be.... I'm not sure. I'm not sure what you want in
5 the report. Could you be a little more specific?

6 CHAIRPERSON HELLER: Yes. I think we're
7 just asking for a procedural update. And it can be in
8 the form of a letter. It doesn't have to be a formal
9 document.

10 MS. VIOLA: All right. That's good.
11 Thank you.

12 MR. CHIPCHASE: And if I may ask a
13 clarification on that as well. I presume the City's
14 report would be served on the parties, and the parties
15 would have an opportunity to submit their own reports
16 if warranted.

17 CHAIRPERSON HELLER: Sure. Let me make it
18 clear that the reports, as they come in, will be filed
19 by the Commission and will become public documents
20 which will also be served on the other parties.

21 MR. CHIPCHASE: Very good.

22 MS. VIOLA: Thank you.

23 MR. CHIPCHASE: Thank you.

24 CHAIRPERSON HELLER: Anything else on this
25 matter? Does anybody have any new business to raise?

1 If not, then I believe we have an executive session on
2 the agenda. So we will go into executive session and
3 everybody else is excused. I'm sorry. Is there a
4 motion to go into executive session?

5 COMMISSIONER CHOCK: So moved.

6 COMMISSIONER MATSUMURA: Second.

7 CHAIRPERSON HELLER: All in favor?

8 COMMISSIONERS: "Aye".

9 (Executive session held 10:45 a.m.)

10 CHAIRPERSON HELLER: We have concluded our
11 executive session. Is there a motion to adjourn?

12 COMMISSIONER BIGA: So moved.

13 COMMISSIONER MATSUMURA: Second.

14 CHAIRPERSON HELLER: All in favor?

15 COMMISSIONERS: "Aye".

16 CHAIRPERSON HELLER: Okay. We're
17 adjourned.

18

19 (The proceedings were adjourned at 11:10 a.m.)

20

21 --oo00oo--

22

23

24

25

C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the State of Hawai'i, do hereby certify;

That I was acting as court reporter in the foregoing LUC matters on the 16th day of May 2014;

That the proceedings were taken down in computerized machine shorthand by me and were thereafter reduced to print by me;

That the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings had in the foregoing matters.

DATED: This _____ day of _____ 2014

HOLLY M. HACKETT, HI CSR #130, RPR #5910
Certified Shorthand Reporter