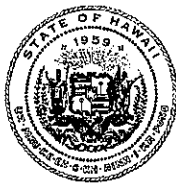


NEIL ABERCROMBIE
GOVERNOR



DAVID M. LOUIE
ATTORNEY GENERAL

RUSSELL A. SUZUKI
FIRST DEPUTY ATTORNEY GENERAL

**STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL**

425 QUEEN STREET
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(808) 586-1500

September 27, 2011

Representative Jo Jordan
House of Representative, State Capitol
415 S. Beretania Street, Room 324
Honolulu, Hawaii 96813

Re: Request for an Opinion on Special Use Permit No. 2008/SUP-2

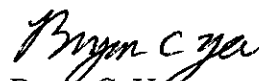
Dear Representative Jordan:

By letter dated September 16, 2011, you asked whether the Department of Planning and Permitting, ("DPP") City and County of Honolulu may delete a condition set by the Land Use Commission ("LUC"). The answer to your specific question is DPP itself may not delete a condition in Special Use Permit No. 2008/SUP-2.

DPP may recommend to the Planning Commission that the request to delete the July 31, 2012 deadline to cease disposal of municipal solid waste at the Waimanalo Gulch Sanitary Landfill be approved. If the Planning Commission approves the proposed amendment to Special Use Permit No. 2008/SUP-2, the matter then goes to the LUC for its approval. With the approvals of both the Planning Commission and the LUC, Special Use Permit No. 2008/SUP-2 may then be amended. See section 205-6, Hawaii Revised Statutes.

If you have any further questions, please feel free to call me at 586-1180.

Very truly yours,


Bryan C. Yee
Deputy Attorney General

APPROVED:



David M. Louie
Attorney General