

- a. IRI has violated Chapter 342D, its regulations, and both its Industrial Activities NPDES Permit and its Construction Activities NPDES Permit.
- b. The Department has breached its duties and obligations under Chapter 342D and its regulations;
- c. IRI has violated Chapter 6E and its regulations by failing to provide SHPD with the information it requested, and proceeding with ground-altering activities without having received SHPD's approval for the Industrial Activities NPDES Permit, the Construction Activities NPDES Permit and/or the Solid Waste Permit, as required by HRS Chapter 6E; and
- d. The State Defendants violated HRS Chapter 6E and its regulations by failing to give SHPD the opportunity to review and comment on the NOI for the Industrial Activities NPDES Permit, the NOI for the Construction Activities NPDES Permit and/or the August Modification Application for its Solid Waste Permit.

2. For an order invalidating IRI's Industrial Activities NPDES Permit, Construction Activities Permit, and approval of the May Application.

3. For temporary, preliminary and permanent injunctive relief enjoining IRI from engaging in any further conduct that violates the laws identified above, including but not limited any further discharge from the Property into the adjacent drainage ditch; any depositing of materials in IRI's drainage ditch; or any construction, or other ground altering activities on IRI's Property, until full compliance with the processes and procedures required by law, including obtaining appropriate permits and completing Chapter 6E review - including the performance if an AIS or archeological field check if necessary, and further order of this Court approving such compliance.

4. For temporary, preliminary and permanent injunctive relief enjoining the State Defendants from approving IRI's August Application for modification of its solid waste management permit until the State Defendants and IRI comply with HRS § 6E-42 and HAR § 13-284 by completing the required archeological and historic preservation review, including performing an AIS, if necessary;

5. For an order assessing IRI with civil and criminal penalties for its violations of law;

6. For an award of attorneys' fees and costs incurred by Plaintiff for bringing this suit on Plaintiff's own behalf, as well as under the doctrine of private attorney general pursuant to HRS § 607-25 and *Aloha Tower Dev. Corp. v. State (In Re Honolulu Constr. & Draying Co., Ltd.)* 130 Haw. 306, 308, 310 P.3d 301, 303 (2013); and

7. For such other and further relief as the Court may deem just and proper under the circumstances.

DATED: Honolulu, Hawai'i, October 21, 2014.



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