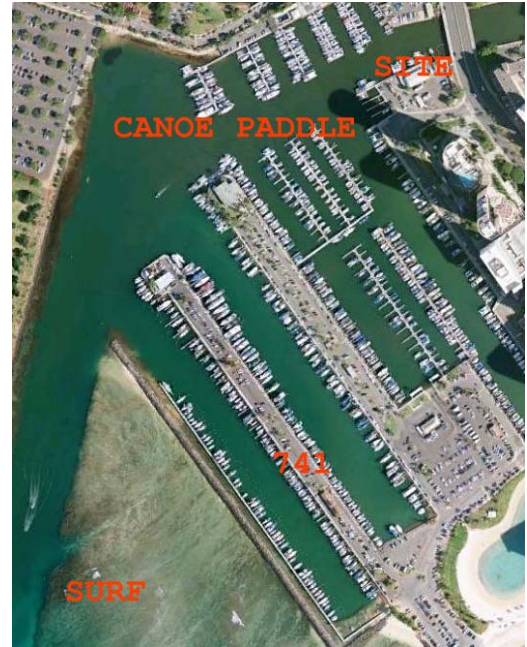


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The SITE is located on the Waikiki side of the Ala Wai Small Boat Harbor (HARBOR) adjacent to the Ala Wai Bridge on Ala Moana Blvd. At all relevant times, the site was and is owned by STATE, leased by DLNR for commercial purposes. The SITE is built on land fill and abuts the navigable water that exits the HARBOR where Plaintiff and other members of the public surf, swim, dive, canoe paddle and otherwise use the water for purposes describe in this Complaint. HAZARDOUS MATERIALS, chemicals/liquids that originate on the surface of the SITE leach into the land fill under the SITE or run off the surface of the SITE then out into the HARBOR, eventually ending up in the surfing and diving spots outside the HARBOR.



This photo of the 2004 City and County



sewer discharge clearly shows the pattern and disbursement water takes flowing out the HARBOR, ie. directly to the surfing spots outside the HARBOR where Plaintiff regularly surfs or otherwise spends long hours in the ocean. For more than 40 years, STATE and DLNR leased the SITE to a boat yard operator whose normal business related operations at the site included but were not limited

to applying, replacing, storing ignitable, corrosive, reactive and toxic painting wastes.

Exhibit "A"