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BETH A. CHAR, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

June 25, 2021

TO: Mary Alice Evans, Director  
Office of Planning

FROM: Sina Pruder, P.E., Chief *Sina Pruder*  
Department of Health, Wastewater Branch

SUBJECT: Order to Show Cause  
Land Use Commission Docket No. A07-772 Kula Ridge, LLC  
Use of Petition Area: Kula Ridge Development with affordable  
and market units  
TMK No. (2) 2-3-01: Por. 23 and 174  
Land Area: Approximately 34.516 Acres

The Department of Health (Department) is providing a response to your letter dated June 7, 2021 regarding the subject matter. The variance that was issued for the subject development has expired and is no longer valid. The Department does not have any records of an active variance for the subject development.

In response to your questions in the letter, the variance that was granted on June 20, 2007 has expired. The development is no longer covered under a variance; therefore, the Department is no longer monitoring the progress of the conditions that were noted in the Decision and Order for the variance.

The Petitioner will need to apply for a new variance with the Department to allow for the use of individual wastewater systems for the development. We are not sure if a variance will be granted for the project. If a variance is not granted, a wastewater treatment plant designed and constructed in accordance with Chapter 11-62, Hawaii Administrative Rules will be required for the development.

Should you have questions, feel free to contact me at 586-4294.

EXHIBIT 2