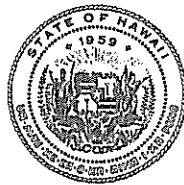


DAVID Y. IGE
GOVERNOR OF HAWAII



ELIZABETH 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:

December 28, 2020

Lawrence J. Dill
District Engineer
State Department of Transportation
Highways Division
1720 Haleukana Street
Lihue, Hawaii 96766

Dear Mr. Dill:

Enclosed is the VARIANCE (Docket No. 20-NR-VN-19) for Community Noise Control which was granted on December 28, 2020. The Decision and Order specifies the conditions and restrictions that are applicable to your project.

Non-compliance with the conditions and restrictions of the Decision and Order may bring about additional restrictions, possible suspension of the variance and/or monetary fines. Should you have any questions relative to the variance, please do not hesitate to contact me at (808) 586-4700 or at james.toma@doh.hawaii.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Toma", is written over a horizontal line. The signature is stylized with a large, sweeping "J" and a long, horizontal stroke extending to the right.

James E. Toma
Noise Section Supervisor
Indoor and Radiological Health Branch

STATE OF HAWAII
DEPARTMENT OF HEALTH

In the Matter of the Application)	
For Variance for:)	
)	
STATE OF HAWAII, DEPARTMENT)	Docket No. 20-NR-VN-19
OF TRANSPORTATION, HIGHWAYS)	V-1169
DIVISION, KAUAI OFFICE)	
Noise – Intersection Improvements along)	
Kaumuali'i Highway, Waimea, Kauai)	
_____)	

DECISION AND ORDER

Pursuant to Chapter 342F, Hawaii Revised Statutes (H.R.S.), and Chapter 11-46, Hawaii Administrative Rules (H.A.R.), Community Noise Control; and based upon the application and review by the Indoor and Radiological Health Branch, the variance request from the provisions of Section 11-46-6(a), H.A.R., is hereby GRANTED with the following restrictions and conditions:

1. The variance shall be granted to construct a new traffic signal on Kaumualii Highway at Waimea Canyon Drive and to widen the road, relocate various utilities and to restripe Kaumualii Highway at Menehune Road/Halepule Road.
2. The variance shall be granted from June 1, 2021 until March 14, 2022.
3. The variance shall be granted for the following days/times:

Sunday	9:00 p.m. to Midnight
Monday to Thursday	9:00 p.m. to Midnight, and Midnight to 5:00 a.m.
Friday	Midnight to 7:00 a.m.
4. The variance shall be granted with the following restriction:

The use of the cold planers, concrete saws, jackhammers and drills, pavers, Road Grinders, Road Pro Rumlbers, saws, and vibrating hammers shall be prohibited after 10:00 p.m.
5. The applicant shall notify the Indoor and Radiological Health Branch as to the date and time of any variance hour activity as soon as the dates are confirmed, and also when the project is completed.

6. Residents and businesses that may be impacted by the activity shall be given sufficient notice regarding the project. The notification for the planned activity will also contain the name and telephone number of the job-site inspector. In addition, a copy of any notifications as well as progress reports, will also be sent to the Indoor and Radiological Health Branch.
7. The applicant shall make every effort to minimize noise emanating from the project.
8. The use of reverse signal alarms is prohibited from 8:00 p.m. to 7:00 a.m. Alternative methods such as utilizing a ground guide for signaling shall be employed. The operation of the white noise back-up alarms shall be allowed during the days & times allowed by the variance.
9. Traffic noise from heavy vehicles traveling to and from the construction site shall be minimized near residences.
10. The applicant shall have a job-site inspector to whom immediate complaints can be forwarded for prompt response, and who shall have the general responsibility of monitoring quiet work procedures.
11. If the noise level is such that numerous complaints are received by the Department, the applicant shall cease operations upon receipt of an order and complete the project during hours on weekdays and weekends as directed.
12. Pursuant to Section 342F-5(d)(3), H.R.S., the applicant shall be required to perform noise sampling during the variance hours and report the results of such sampling to the Indoor and Radiological Health Branch.
13. Should the duration of the project continue beyond the expiration date, the applicant shall submit a request for extension along with an updated work schedule prior to March 14, 2022.

DATED: Honolulu, Hawaii, DEC 24 2020.



LYNN M. NAKASONE
Environmental Health Program Administrator
Environmental Health Services Division