

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:

April 14, 2022

Lawrence J. Dill  
State of Hawaii Department of Transportation  
Highways Division – Kauai  
1720 Haleukana Street  
Lihue, HI 96766

Dear Mr. Dill:

Enclosed is the VARIANCE (Docket No. 22-NR-VN-07) for Community Noise Control which was granted on April 14, 2022. 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 [shawn.haruno@doh.hawaii.gov](mailto:shawn.haruno@doh.hawaii.gov).

Sincerely,

A handwritten signature in blue ink, consisting of a series of loops and strokes, representing the name Shawn Haruno.

Shawn Haruno  
Acting 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. 22-NR-VN-07
OF TRANSPORTATION, HIGHWAYS	)	V-1261
DIVISION, KAUAI OFFICE	)	
Noise – Resurfacing Kuhio Highway from	)	
Kahiliholo Road to Ka Haku Road,	)	
(MP 24.25 to MP 28.12), Hanalei, 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 conduct resurfacing work (reconstructing weakened pavement areas, cold-planing, resurfacing, removing existing pavement markers, installing new pavement markers, removing existing traffic signs and installing new traffic signs, cleaning existing culverts and dressing of shoulders) along Kuhio Highway from Kahiliholo Road to Ka Haku Road (Mile Post 24.25 to Mile Post 28.12), Hanalei, Kauai.
2. The variance shall be granted from January 1, 2023 until June 30, 2023 (including holidays).
3. The variance shall be granted for the following days/times:

Sunday	6:00 p.m. to Midnight
Monday through Thursday	Midnight to 7:00 a.m. and 6:00 p.m. to Midnight
Friday	Midnight to 7:00 a.m.
4. The variance shall be granted with the following restriction:

The use of the jackhammer, cold planer, road grinder, saws, and pneumatic post drivers shall be prohibited after midnight within 500 feet of residences.

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 when the project is completed.
6. The applicant shall make every effort to minimize noise emanating from the project.
7. 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 granted during the days & times allowed by the variance.
8. Traffic noise from heavy vehicles travelling to and from the project site shall be minimized near residences.
9. 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.
10. Businesses and residences 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.
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 June 30, 2023.

APR 14 2022

DATED: Honolulu, Hawaii, \_\_\_\_\_.

*Kathleen Ho*

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KATHLEEN HO  
Deputy Director for Environmental Health