

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:

October 17, 2022

Mr. 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-39) for Community Noise Control which was granted on October 17, 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.

Sincerely,

A handwritten signature in blue ink, consisting of several fluid, overlapping strokes, representing the name Shawn Haruno.

Shawn Haruno
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-39
OF TRANSPORTATION, HIGHWAYS)	V-1293
DIVISION, KAUAI OFFICE)	
Noise – Resurfacing Kuhio Highway from)	
Laukini Road to Kapule Highway,)	
(MP 1.01 to MP 2.76), Lihue, 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, installing new sidewalks, curb ramps and curbing, extending existing sidewalks to existing bus stops, installing new pavement marking, replacing existing traffic signs and cleaning existing culverts and drainage structures) along Kuhio Highway from Laukini Road to Kapule Highway (Mile Post 1.01 to Mile Post 2.76), Lihue, Kauai.
2. The variance shall be granted from July 1, 2023 until March 31, 2024 (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:
 - a. The use of the jackhammer and pneumatic post drivers shall be prohibited after 10:00 p.m. when operated within 500 feet of residences.

- b. The use of the cold planer, road grinder and saws shall be prohibited after midnight when operated 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 March 31, 2024.

OCT 17 2022

DATED: Honolulu, Hawaii, _____.

Kathleen Ho

KATHLEEN HO
Deputy Director for Environmental Health