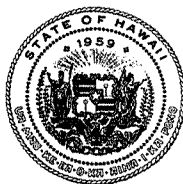


JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'AINA O KA MOKU'AINA 'O HAWAII



ELIZABETH A. CHAR, M.D.  
DIRECTOR OF HEALTH  
KA LUNA HO'OLELE

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

December 29, 2022

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

RECEIVED  
2023 JAN 13 PM 12:35  
DOT HWS DIV  
KAUAI DISTRICT

Dear Mr. Dill:

Enclosed is the VARIANCE (Docket No. 22-NR-VN-54) for Community Noise Control which was granted on December 29, 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,

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-54
OF TRANSPORTATION, HIGHWAYS	)	V-1201
DIVISION, KAUAI OFFICE	)	
Noise – Re-Stripe Portions of Kuhio	)	
Highway from Kamoia Road to vicinity of	)	
Waiakea Bridge, 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 restripe existing pavement markings along Kuhio Highway, from Kamoia Road to the vicinity of Waiakea Bridge (MP 7.28 to 8.04).
2. The variance shall be granted 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.
Holidays	Midnight to Midnight
4. The variance shall be granted with the following restriction:

The use of the road grinder, back pack blower and compressor 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 also 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 allowed during the days & times allowed by the variance.
8. Traffic noise from heavy vehicles traveling to and from the construction 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. 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.
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.

DEC 29 2022

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

*Kathleen Ho*

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KATHLEEN HO  
Deputy Director for Environmental Health