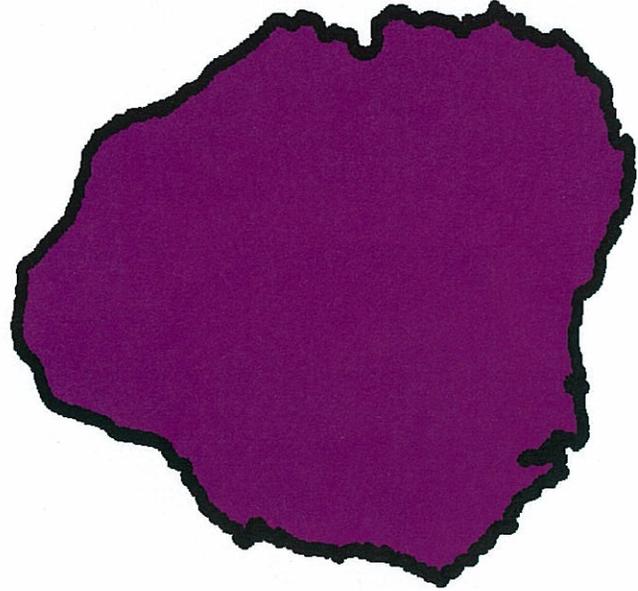


State Dept. of Health  
IRH Branch  
591 Ala Moana Blvd.  
Honolulu, HI 96813

**“Remember, pay attention to the noise you make. Respect another’s right to peace and quiet and turn down the volume in your own activities.”**

League for the Hard of Hearing

# **NOISE REFERENCE MANUAL**



**Who are you going to call  
when the noise gets too  
"LOUD"?**



**Kauai Edition**

2/08

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# INTRODUCTION

Is the noise driving you up the wall? Don't know who to call? Then this manual was created just for you. This manual will assist the people of Kauai in finding a solution to their noise problems. Most of the rules pertain only to the island of Kauai, so please don't try using it on the other islands (other manuals were created for the Big Island, Maui and Oahu) since noise rules differ on all the islands.



Noise is basically “**unwanted sound**” and it is different from person to person. Some people enjoy listening to rock ‘n roll, others find it undesirable or irritating. So, what may be noise to one person may not be to another. In order to satisfy everyone, just remember the Golden rule, “**Do unto others, as you would have them do unto you**” (in other words, don't do it to someone else if you don't want it done to you). So, let's all kokua and make this island a place we all can enjoy for ourselves and our children.

When filing a noise complaint with a government agency, please be aware that it will take some time before the investigation into the complaint will lead to any corrective measures being taken by the respondent. Due to budget constraints or shortage of investigators, it may be a week or so before you hear back from the government agency.

Should the noise occur on weekends or at night, contact the Kauai Police Department Central Dispatch by calling **241-1711**. The Kauai Police Department officer will make a “subjective” determination on the noise problem.

Please be aware that certain noises may continue even after a complaint is filed and investigated by the appropriate agency. For example, no citation will be issued if a vehicle alarm is not heard for the amount of time specified by law. Enforcement officers can issue citations only when violations of existing laws or regulations are substantiated.

If your particular noise problem is not covered in this manual, write a letter and send it to:

State Department of Health  
Indoor and Radiological Health Branch  
Attn: Kauai Noise Reference Manual  
591 Ala Moana Boulevard, Rm. 133  
Honolulu, Hawaii 96813

It may be included in future editions.

## **History of the Noise Program in Hawaii**

Prior to the 1970's, there was no governmental activity addressing noise pollution. A public opinion survey conducted in the early 1970's revealed that the public ranked noise pollution as a serious problem. As a result, noise control advocates generated support toward the establishment of noise abatement programs.

Congress authorized the Federal Aviation Administration (FAA) to regulate aircraft noise emissions; enacted the National Environmental Policy (NEPA), which required agencies to assess noise impacts as part of the environmental impact statements; and directed the Environmental Protection Agency (EPA) to establish the Office of Noise Abatement & Control (ONAC). A report submitted to the President and Congress by the EPA indicated that 34 million persons were exposed to non-occupational noise capable of inducing hearing loss, 44 million persons had their dwellings impacted by transportation and aircraft noise, and 21 million persons had the same problem from construction noise.

As a result of this report, Congress passed the Noise Control Act of 1972. The Noise Control Act intended to protect all Americans from noise that jeopardizes their health and welfare. It required the EPA to regulate noise emissions from new products used in interstate commerce, coordinate noise abatement efforts of other agencies, and provide information to the public concerning the noise emissions of products. Under this act, federal agencies are required to operate facilities and conduct activities which result in the emission of noise in a manner that complies with all local, state, or federal standards.

While federal action was essential to deal with major noise sources in commerce control, which required national conformity, this act authorized states and cities to retain the primary responsibility for the control of noise. State and political subdivisions were therefore preempted from imposing

their own emission standards on new products, but not from controlling noise through permitting, regulations, or the restriction of use or operation.

In 1977, EPA established requirements for regional assistance to state and local noise programs in the establishment of such programs. EPA stated that it was essential that state government establish programs for noise control for the purpose of giving direct attention to noise situations of major significance and for assisting local jurisdictions and the general public in solving noise problems.

In 1978, after congressional oversight hearings revealed that EPA's original mandate was inadequate to foster state and local initiatives, Congress passed the Quiet Communities Act, which authorized the ONAC to create a grants program and offer technical assistance to improve state and local noise abatement programs. Despite the acceptable nature of ONAC's performance, Congress eliminated funding for the program with the assumption that noise control could be carried out by State and local governments without the presence of a Federal program.

A report prepared in 1991 for the Administrative Conference of the United States recommended that although Congress could eliminate the federal government's responsibilities for noise abatement, the Noise Control Act should remain in force and not be repealed. Further, it was recommended that EPA emphasize abatement approaches that rely on local and state activities, on market incentives, and on coordination with other involved agencies.

Local noise regulations were previously based on legislation or ordinances that prohibited "unusual" noise which were difficult to enforce because of their subjective character. With the availability of portable sound measuring equipment, promulgating objective emissions limitations became increasingly recognized and significant. Noise control advocates, such as Citizens Against Noise, were instrumental in passing legislation toward establishing a noise control program in Hawaii.

Act 147, passed by the 1970 Legislature and approved by the Governor, authorized the Department of Health to control excessive noise in Hawaii. This act authorized the department to promulgate rules for each county to control all sources of noise. In 1972, Act 100, the Environmental Quality Act, was passed by the State Legislature. This act was codified in Chapter 342, Hawaii Revised Statutes, and currently Chapter 342F.

Under the provisions of the foregoing acts, the department adopted regulations to control vehicular noise on Oahu (repealed Chapter 11-42, effective June 28, 2000); and in 1976, adopted Chapter 11-43, Community Noise Control for Oahu.

The department's rules regulated excessive noise levels only on the island of Oahu. The implementation on this island only was based on population density, urbanization and significant noise problems. As population and tourism increased on the neighbor islands, public concerns of noise problems significantly increased. The need for regulatory measures on the neighbor islands became extremely critical. However, counties have maintained their reluctance in establishing noise control programs.

In order to address this issue, numerous bills were introduced into legislation attempting to establish a statewide noise program. In 1995, Act 200 was adopted, requiring that, "By June 30, 1996, the department shall adopt a state community noise code pursuant to Chapter 91, which recognize differences in noise level standards in urban and non-urban areas of the State and noise level standards of each county."

Chapter 342F, Hawaii Revised Statutes, clearly stated that the director shall prevent, control, and abate noise pollution in the State. The noise program proceeded with the development of Chapter 11-46, Hawaii Administrative Rules, statewide rules on Community Noise Control, which was adopted on September 23, 1996.

## **Noise As A Public Health Issue**

The quality of the environment has continued to be a major concern of the general population. Along with air and water contaminants, noise has been recognized as a serious pollutant. As environmental sound levels have increased, the effects of noise have been more pervasive and more apparent.

In the context of protecting the public health and welfare, noise implies adverse effects on people and the environment. Noise causes hearing loss, interferes with human activities at home, work, in schools, and is in various ways injurious to people's health and well-being. Although hearing loss is the most clearly measurable health hazard, noise is also linked to other psychological problems.

Noise annoys, awakens, angers and frustrates people. It disrupts communi-

cation and individual thoughts, and affects performance capabilities, such as speech communication. Noise is one of the biological stresses associated with everyday life. The numerous effects of noise combine to detract from the quality of people's lives and the environment.

“Public health and welfare”, in the context of the Noise Control Act, includes personal comfort and well-being, and the absence of mental anguish, disturbances and annoyances, as well as the presence of clinical symptoms such as hearing loss or demonstrable physiological injury.

Noise annoyance may be viewed as any negative reaction to noise on the part of an individual or group. It is not an indication of weakness or inability to cope with stress on the part of the annoyed individual. More likely, it signifies transient or possible long-term stress beyond the control of the conscious individual. This is often expressed on social surveys as the percentage of people who express differing degrees of disturbance or dissatisfaction due to the noisiness of their environments.

Complaints are generally used as an indication that a noise problem exists. However, complaints do not necessarily represent the magnitude of a noise problem. The number of people who file complaints is only a very small percentage of those who are annoyed.

Remember, laws and regulations may change with each legislative or council session, therefore if it has changed, please contact the appropriate agency for the revisions and how it affects you.

The remainder of the manual describes the various kinds of noise, their sources and who you should contact to resolve the problem.



## **AGRICULTURE:**

In recent years, residential properties are finding themselves located next to agricultural lands. For noise complaints from agricultural activities (all activities necessary or incidental for the purpose of agricultural functions, such as land cultivation, crop production, and harvesting), contact the Kauai District Health Office (Sanitation Branch) at 241-3323.

**AIR CONDITIONERS:** See Stationary Equipment.

## **AIRCRAFT:**

The Federal Aviation Administration (FAA) Airports Division (Western Region) will take complaints on aircraft noise. To file your complaint, call their 24-hour answering machine at 1-310-735-3638.



The FAA does not have rules governing noise levels emanating from aircraft operations. Their primary focus is safety related. They accept complaints on violations of safety regulations (such as flights at less than 1,000 ft. above congested areas or less than 500 ft. from persons, vessels, vehicles or structures on the surface). For safety complaints of low flying aircraft, contact the FAA Flight Standards Office at (808) 837-8300.

The State of Hawaii, Department of Transportation, Airports Division (HI DOTA) operates an “**Airports Hotline**”, 1-888-697-7813, where concerned citizens can call to make comments and complaints regarding State Airports. The operators will take aircraft noise complaints and the Airports Division will forward these complaints to the responsible agencies, i.e. FAA, military, air carriers, and State agencies.

## **ANIMALS:**

The island of Kauai has no State or County regulations which apply to excessive noise being made from animals.

## **BACK-UP BEEPERS (or reverse signal alarms):**

See Warning Devices

## **BOOM BOXES:**

Some people love to drive their cars playing music as loud as they can. Luckily for the rest of us, a County ordinance regulates boom boxes (sound amplification systems). For complaints, contact the Kauai Police

Department Central Dispatch at 241-1711.

### **CAR ALARMS:**

Car alarms are used to deter criminals from unlawful entry into a vehicle. However, they may become a nuisance to the community when the alarms are too sensitive and are set off easily.

If the owner of the vehicle can't be located and immediate response is needed or if you feel that contact with the owner would create additional problems, contact the Kauai Police Department Central Dispatch at 241-1711.

### **CHURCHES:**

There are some misunderstandings when it comes to the freedom of religion. Churches have no special protection that allows them to disturb their neighbors. If a resolution can not be reached through contact with the church and a response is needed, contact the Kauai Police Department Central Dispatch at 241-1711.



### **CONSTRUCTION:**

The submittal of a **Notification of the Intent to Construct** form may be required for any construction project of a dwelling or if the construction project has a total cost of less than \$250,000 (based on the value on the building permit). Construction will be allowed from 7:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays.

This exemption from the Community Noise Permit does not apply if the sound levels exceeds seventy-eight decibels (78 dBA), if hydraulic hammers (hoe rams) or pile drivers are used, or if the construction activity occur on days & times other than those listed above.

An **approved Community Noise Permit** may be required for construction projects exceeding seventy-eight decibels (78 dBA) or has a total cost of more than \$250,000 (based on the value on the building permit). Construction will be allowed from 7:00 a.m. to 6:00 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays.

The use of certain demolition and construction equipment (such as pile drivers, hydraulic hammers, jackhammers, etc.) shall be

limited to 9:00 a.m. to 5:30 p.m., Monday through Friday.

Construction projects exceeding the maximum permissible sound levels before 7:00 a.m. and after 6:00 p.m., Monday through Friday, or before 9:00 a.m. and after 6:00 p.m. on Saturdays, or at anytime on Sundays & holidays are allowed only with an **approved Community Noise Variance**. Community Noise Variance applications should be sent to:

State Department of Health  
Indoor and Radiological Health Branch  
591 Ala Moana Boulevard, Room 133  
Honolulu, Hawaii 96813

Construction activities related to emergency repair of public utilities or damages caused by natural disasters are exempt from the noise regulations.

For additional information or to file a noise complaint, contact the State Department of Health (Sanitation Branch) at 241-3323.

### **COUNTY PARKS & COMMUNITY FACILITIES:**

The use of loudspeakers at County Community Centers will be limited by a sound level policy (such as requiring the operator to stop the use of the loudspeaker by 10:00 p.m., etc.). For more information, contact the County of Kauai, Division of Parks and Recreation, at 241-4463.

If a confrontation may occur by attempting to settle the noise complaint yourself, contact the Kauai Police Department Central Dispatch at 241-1711.

### **DELIVERY TRUCKS:**

Commercial delivery trucks are required, by law (see Warning Devices), to operate a back-up alarm when their rear view is obstructed in any way.

If the problem is a noisy muffler, direct your complaints to the Kauai Police Department Central Dispatch at 241-1711.

**DOGS:** See Animals.

### **FIREWORKS:**

The use of fireworks during the New Year, Chinese New Year and the

Fourth of July is a familiar sight in Hawaii. There are some people who start to ignite their fireworks too early. For complaints of illegal use of fireworks, contact the Kauai Police Department Central Dispatch at 241-1711.

For public display and private use permits; retail, wholesale, import, and storage licenses; and other additional information, contact the Kauai Fire Department, Fire Prevention Bureau, at 241-6511 or 241-6588.

**HELICOPTERS:** See Aircraft.



**HOSPITALS:**

Hospitals are quiet zones where people need their rest in order to recover from what ails them. If you see someone doing any activities that create unnecessary noise (such as setting off fireworks, etc.), contact the Kauai Police Department Central Dispatch at 241-1711.

**INDUSTRY:**

Residential properties are slowly finding themselves located next to industrial areas (such as electrical power plants, etc.). For noise complaints from industrial activities, contact the State Department of Health (Sanitation Branch) at 241-3323.

**KARAOKE BARS:** See Liquor Establishments.

**LEAF BLOWERS (or other lawn maintenance equipment):**

There are no decibel limits or time restrictions on the use of leaf blowers or other lawn maintenance equipment (such as lawn mowers, weed wackers, etc.). Resolution may be reached through contact with the person using or authorizing the use of the equipment. If you feel that contact would create additional problems, contact the Kauai Police Department Dispatch. The appropriate telephone numbers are listed in the back of the manual.

**LIQUOR ESTABLISHMENTS:**

The Kauai Liquor Commission enforces the allowable maximum permissible sound levels established by the Rules of the Liquor Commission, County of Hawaii, which has the force and effect of law. The maximum permissible sound levels is regulated by zoning and is time sensitive by being more restrictive between 10:00 p.m. and 7:00 a.m.

Entertainment causing a violation of the noise code is specifically measured against a legal standard, the noise code. Sounds generated by departing patrons, trash removal and customer automobiles are less closely defined and community input can be sufficient cause for punitive action.

Illegal or disturbing noise may result in a warning, fine, license suspension or license revocation. The Commission may also set conditions on hours of entertainment, amplification, or require installation of devices to reduce sound.

To file a complaint, contact the Liquor Commission at 241-6580 between the hours of 7:45 a.m. - 4:30 p.m., Monday-Friday.

**MILITARY:**

For complaints on military aircraft or training activities, contact the military Public Affairs Office on Oahu:



Army Helicopter / Aircraft / Unit Training	(808) 656-1488
Navy Aircraft	(808) 257-8840
Air Force Aircraft	(808) 449-2490
Marine Corps Helicopters / Unit Training	(808) 257-8840
Coast Guard Helicopter / Aircraft	(808) 541-2121
National Guard Aircraft / Unit Training	(808) 733-4258

**For Unknown Aircraft:** If the service or type of aircraft is not known, contact the Community Relations Office for the U.S. Pacific Command at (808) 477-6282. They will contact the military command in Hawaii to identify the aircraft and have that branch of service return your call.

Information needed: Location, time of sighting, aircraft description (color, jet or propeller, or number of propellers), estimated height above the ground and direction the aircraft was traveling.

For noise complaints from stationary equipment located on a military installation, contact the State Department of Health (Sanitation Branch) at 241-3323.

**MOTORCYCLES:** See Vehicles.

## NEIGHBORS:

Many people share in the common complaint of a noisy neighbor. It may be noisy children, pets or loud music.

If an open line of communication exists, attempts can be made to resolve the problem. **If there is a threat of a verbal or physical confrontation, notify the Kauai Police Department Central Dispatch at 241-1711.** The Kauai Police Department officer will make a “subjective” determination on whether the noise is unreasonable taking into consideration the circumstances surrounding the nuisance (i.e. time of day or night, volume, etc.).

Another useful method is to contact mediation services such as the Kauai Mediation Program (245-4077). Mediation is a process in which the parties to a dispute meet with a trained impartial person (a mediator) who helps them resolve their dispute. The mediator meets with all sides, together and separately, and uses a variety of techniques to help the parties come to a resolution.

## OCCUPATIONAL NOISE:

Many work processes are noisy; for example, using tools or machinery. However, there are limits to how much noise employees may be exposed. The amount of noise exposure depends on how loud the noise is and for how long the employee is exposed. Employees exposed to noise at work for an average of 85 dBA or more for eight (8) hours must be protected with a “Hearing Conservation Program” which includes annual audiometric tests and training. Workplaces which expose employees to noise averaging 90 dBA or more for eight (8) hours must implement engineering or administrative controls such as mufflers, baffles, or job rotation. If your ears ring or you have difficulty hearing normal conversation at the end of the work day, you may be overexposed to work noise.

Employees of private companies, state or county governments who believe that they are overexposed to noise at work may file complaints with the Hawaii Occupational Safety and Health (HIOSH) by calling the Toll-Free Access number:

Kauai ..... 274-3141+69092

Employees of federal agencies or maritime companies may file complaints with the Occupational Safety and Health Administration by calling 1-800-475-4020.

**POOL PUMPS:** See Stationary Equipment.

**ROOSTERS:** See Animals.



## SCHOOLS:

Noise from any school activity which is approved by school authorities between the hours of 7:00 a.m. to 10:00 p.m. is exempt from the Hawaii Revised Statutes and the State Department of Health rules.

Contact the Principal of the school to file a noise complaint or to see if anything can be done to resolve the problem.

**SIRENS:** See Warning Devices.

## STATE PARKS:

In order to operate or use any audio device at State parks in a manner that may create excessive noise, a permit may be required by the State Department of Land and Natural Resources (DLNR). For more information or for permit information, contact the State Parks Division at 274-3444.

For complaints of excessive noise (occurring Monday through Friday between the hours of 7:45 a.m. to 4:30 p.m.) at State parks, contact the DLNR Conservation and Resources Enforcement office at 274-3521. If the problem occurs on the weekends or on a holiday, call 643-DLNR (3567).

If a confrontation may occur by attempting to settle the noise complaint yourself, contact the Kauai Police Department Central Dispatch at 241-1711.

## STATIONARY EQUIPMENT:

If the noise from stationary equipment (such as air conditioners, swimming pool pumps, generators, exhaust fans, etc.) has just started up recently, it may just be a maintenance problem (such as the replacement of old bearings and etc.) and may be resolved by contacting your neighbor.

If the noise from the stationary equipment has been there since its installation and/or your neighbor refuses to lower the noise, complaints should be directed to the State Department of Health (Sanitation Branch) at 241-3323.

## **VEHICLES (automobiles or motorcycles with noisy mufflers):**

As cars & motorcycles get older, they tend to develop more problems such as holes in their mufflers. For complaints about noisy mufflers, contact the Kauai Police Department Central Dispatch at 241-1711.

## **WARNING DEVICES (including sirens, horns and reverse signal alarms):**

Everyone has probably heard a reverse signal alarm (also known as a back-up alarm) and has been annoyed by it. Reverse signal alarms are required by the County of Kauai Traffic Code and the Division of Occupational Safety and Health for various construction equipment. The Division of Occupational Safety and Health also requires reverse signal alarms for motor vehicles with an obstructed view to the rear. It is required for the safety of everyone.

When it comes to warning devices, there is not much that can be done to lower the noise levels due to safety factors involved. But if you see a vehicle abusing the use of a warning device, note the date, time and location. Then contact the appropriate company so the driver can be reprimanded.

## **WATERCRAFT:**

Is the noise within Nawiliwili Harbor or Port Allen Harbor areas too loud for you? Contact the State Department of Transportation, Harbors Division, at 241-3750 (Nawiliwili) or 335-2121 (Port Allen) to file your complaint. Currently, there are no noise regulations, but the enforcement officer can speak to the boat owners or tenant/user to resolve the problem.

In recreational small boat harbor areas, complaints from watercraft should be directed to the State Department of Land and Natural Resources, Division of Conservation and Resources Enforcement at 274-3521. Should the complaint occur on the weekend or on a holiday, call 643-DLNR(3567).



## **NOTES**



**“Remember, pay attention to the noise you make. Respect another person’s right to peace and quiet and turn down the volume in your own activities.”**

## FREQUENTLY CALLED NUMBERS

### COUNTY OF KAUAI

Department of Parks & Recreation (Permit Office) ..... 241-4463  
Kauai Fire Department  
    Fire Prevention Bureau ..... 241-6511  
    ..... 241-6588

Kauai Police Department  
    DISPATCH ..... 241-1711  
    EMERGENCY ONLY 24 hours ..... 911

Liquor Commission ..... 241-6580

### STATE OF HAWAII

Department of Health (Sanitation Branch) ..... 241-3323  
Department of Labor & Industrial Relations  
    Kauai ..... 274-3141+69092

Department of Land & Natural Resources  
    Division of Conservation and Resources Enforcement . . 274-3521  
    Weekends & holidays ..... 643-DLNR(3567)

Department of Transportation  
    Harbors Division  
        Nawiliwili ..... 241-3750  
        Port Allen ..... 335-2121

### FEDERAL GOVERNMENT

Federal Aviation Administration (FAA)  
    Flight Standards Office ..... (808) 837-8300  
    Airports Division - Western Regional Office ... 1-310-725-3638

### Military

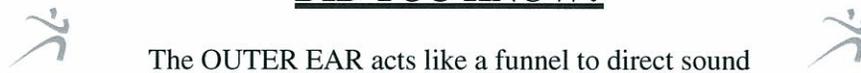
Army Helicopter / Aircraft / Unit Training ..... (808) 656-1488  
Navy Aircraft ..... (808) 257-8840  
Air Force Aircraft ..... (808) 449-2490  
Marine Corps Helicopters / Unit Training ..... (808) 257-8840  
Coast Guard Helicopter / Unit Training ..... (808) 541-2121  
National Guard Aircraft / Unit Training ..... (808) 733-4258

## PRIVATE ORGANIZATIONS

Kauai Mediation Program. ....245-4077ext237



### DID YOU KNOW?



The OUTER EAR acts like a funnel to direct sound waves from the air to the **tympanic membrane** (eardrum). Sound causes the tympanic membrane to vibrate. These vibrations cause the three bones (malleus, incus and stapes) in the MIDDLE EAR to move mechanically. The middle ear send these mechanical vibrations to the INNER EAR where they are picked up by tiny hair cells and sent as electrical impulses along the **auditory nerve** to the **brain**.



### KAUAI NOISE REFERENCE MANUAL

This brochure was originally developed (03/2001) by the dedicated individuals on the Kauai Noise Advisory Committee (comprised of Federal, State and County agencies as well as private organizations such as the Kauai Mediation Program) in hopes of providing educational information on noise affecting the people of Kauai.

(Revised 2/2008)