

State of Hawaii
Department of Health
Indoor and Radiological Health Branch
Noise Section

GUIDE FOR FILING COMMUNITY NOISE VARIANCE APPLICATIONS

General Information

1. Every application for variance must be submitted on forms furnished by the Department of Health.
2. All required information should be submitted on attachments, if necessary.
3. Application form and all attachments must be submitted in triplicate.
4. Every applicant shall pay the applicable annual fee of \$100.00, plus all costs associated with the public participation requirements, including but not limited to costs for publication of public notices, circulation of public notices, and public hearing. Public notices shall be prepared by the department.

Fees shall not be refunded or applied to any subsequent application.

Fees shall be made payable to the State of Hawaii.

Specific Information

All sections of the variance application must be filled out COMPLETELY in order for the application to be processed. An incomplete application will not be considered or acted upon.

The application should contain supporting information to clearly show that:

- a. The granting of the variance is in the public interest;
- b. The granting of the variance will not substantially endanger human health or safety;
- c. Compliance with the provisions of this chapter from the variance is sought would produce serious hardships without equal or greater benefits to the public.

1. Applicant Identification

This section must include the company's or individual's name, mailing address and telephone number. In addition, the authorized individual, title and telephone number must be included. The authorized individual will be responsible for the Community Noise Variance and will be the respondent to all variance matters. The authorized individual must sign the certification section of the variance application.

“Applicant” is defined by rules as “a person or persons responsible for the excessive noise source.”

2. Type and purpose of activity

Provide a brief description of the type and purpose of the proposed activity or project. This description must specify the proposed operation or activity, such as reconstruction of roadway, etc.

3. Location of activity

Give the specific address or location of the proposed activity. A map of the location should be submitted if the site is difficult to locate. If equipment storage or stock pile areas are utilized, site location must also be included.

4. Time of activity

Specify the time during which the proposed activity will be conducted.

5. Estimated duration of activity (Specify dates)

Specific dates must be identified.

Section 11-46-8(h) (1) states, “The director may issue a variance or renewal for a period not exceeding five years”.

Note that every application for variance shall be subject to annual fees.

6. Schedule of activity

A detailed schedule of the proposed activity must be submitted, such as a description of various phases of construction including estimated duration of each phase; a description of various phases of noise attenuation; etc. The project schedule must conform to the estimated duration requested.

Information pertaining to this section should be submitted as an attachment.

7. Description of immediate impact area

Describe the immediate area surrounding the project site, identifying single family residences, condominiums, apartments, hotels, schools, hospitals, rest homes, commercial facilities, industrial facilities, etc.

8. List of equipment to be utilized (attach list if necessary)

List all equipment to be utilized for the proposed activity.

“Equipment” is defined by rules as “any or all devices used in an operation or activity.”

Sound levels of each equipment should be included, if available.

9. Plans and procedures for the attenuation of noise emission emanating from the activity.

Based on the determination that potential adverse noise impacts from the proposed activity may occur, the department may require submittal of plans, procedures and specifications for the abatement of noise emissions from specific equipment associated with the proposed activity, including the best available control technology (BACT).

10. Identify specific provisions of statutes or rules for which the variance is requested (include specific section)

This section should describe how the proposed activity will not conform to standards.

11. Description of alternatives to the proposed activity

Describe any alternative considered to replace the operation of the noise source or proposed activity.

12. Describe why the present or proposed activity cannot be altered to comply with applicable statutes or rules

13. Description of any adverse environmental effects which cannot be avoided

Describe potential adverse effects associated with noise emissions from the proposed activity.

14. Discuss the relationship between short-term (temporary) use of the environment, and the maintenance and enhancement of long-term productivity

Describe how temporary noise emissions from the proposed activity relate to the maintenance and enhancement of long-term productivity of the environment.

15. Discuss any irreversible and irretrievable commitments of resources which would be involved in the proposed activity

Describe any irreversible or irretrievable commitments of resources resulting from noise emissions from the proposed activity.

16. Discuss any possible impact from noise created by any proposed nighttime activity which may affect the immediate surroundings.

17. Discuss any plans or procedures for notification of people in the surrounding area of any planned nighttime activity

18. Describe the purpose of the project as relating to public interest

Briefly describe the purpose of the activity relating to public benefit, or the relationship between the short-term impact on the environment and the enhancement of long-term productivity. The project should promote the optimum balance between economic development and environmental quality.

CERTIFICATION OF INDIVIDUAL AUTHORIZED TO ACT FOR APPLICANT

This section must be completed and signed by the person identified as the “Authorized Individual” in item #1. Certification by the applicant shall constitute an acknowledgement and agreement that he applicant will comply with all the terms and conditions of the variance, rules and statutes.