

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. Submit ONE copy of the application and all necessary attachments. If the application submittal package is large or bound, please be prepared to provide digital files to the assigned inspector when contacted regarding the application.
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 all the proposed operations or activities to occur, such as demolition of road and sidewalks, reconstruction of roadway, etc.

If also applying for a Community Noise Permit (work during daytime hours), ensure that the day and night scope of work is differentiated sufficiently. If the scope of work during nighttime hours is identical or similar to daytime scope, work will be limited to daytime permitted hours. In most cases, Variances are NOT granted to hasten timelines. Note that a CNP and CNV are typically not granted for the same project to avoid public exposure to 24 hours of noise.

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 stockpile areas are utilized, site location must also be included.

4. Time of activity

Specify the time during which the proposed activity will be conducted. Variance coverage days of the week and times cannot include Community Noise Permit covered days of the week and times.

5. Estimated duration of activity

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. See end for examples.

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 by 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 completed during typical permit hours.

Justify why this work cannot be performed during daytime permitted hours. Applicant MUST prove that the public benefit outweighs the nighttime noise creation. If also applying for a Community Noise Permit, explain differentiation of scope of work between daytime and nighttime. Note that a CNP and CNV are typically not granted for the same project to avoid public exposure to 24 hours of noise.

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. Notices to the public shall contain, at minimum:
 - A) Name, address, and phone number of agency issuing the public notice.
 - B) Name and address of the Variance applicant.
 - C) Address of the project area (include a map depicting the project area if the address/ area description alone does not provide adequate information to residents and businesses).
 - D) Dates and times of the Variance hour work.
 - E) Description of the activities or operations.
 - F) The name and number of the jobsite representative who will be expected to be present during Variance hour work to address complaints and concerns, and with authority to change operations to promptly address complaints.

Items for consideration: include traffic/sidewalk detours, driveway access, etc.
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.

<p>December 2024- January 2025 Equipment to be utilized:</p>	<p>Demolition & Foundation Jack Hammer, Generator. Sledge Hammer, Saw (Miter saw, hand saw, table saw, circular saw, Power saw), Power material mixer , Reciprocating Saw, Drill, portable air compressor, concrete smoother (Whiteman), concrete blender, concrete truck, concrete pump roller truck, concrete truck, bulldozer, dumpster truck, rebar cutter ,compactors, Excavators, skid steer loaders trash bin truck ,</p>
<p>February - March 2025 Equipment to be utilized:</p>	<p>Rough Framing & Roof Hand Hammer, circular saw, powered hand saw, table saw 6-Amp Saw-Max, Nail gun, Framing nail gun, portable air compressor , roofing nail gun, forklift, roof hammer, Reciprocating Saw ,boomer truck , gasoline generator, trash bin truck , impact driver</p>
<p>April- May 2025: Equipment to be utilized:</p>	<p>Dry Wall & Windows Power hand saw, Drill, portable air compressor, hammer, Table saw, Nail gun, Reciprocating Saw ,screw guns, drywall screwdriver,), Power material mixer ,hammer drill, boomer truck, trash bin truck, impact driver, portable air compressor, Painter sprayer machine.</p>
<p>June- July 2025 Equipment to be utilized:</p>	<p>Flooring Milter saw, hand saw, table saw, circular saw, Power saw, table saw, Hand Hammer, impact driver, trash bin truck, portable air compressor, Floor nailer gun, nail gun,</p>
<p>August - September 2025: Equipment to be utilized:</p>	<p>Patios& parking Milter saw, hand saw, table saw, circular saw, Power saw Patios& parking concrete mixture, concrete truck, concrete pump, concrete smoother (Whiteman),), Power material mixer, Concrete flat saw, rebar cutter, impact driver, hand hammer, sledge hammer drill, trash bin truck</p>
<p>October -November 2025: Equipment to be utilized:</p>	<p>Kitchen Saw, Milter saw, table saw, drill, portable air compressor, Hammer trash bin truck, impact driver, miter saw, table saws, nail gun, jig saw</p>
<p>December 2025: Equipment to be utilized:</p>	<p>Finishing up the House Saw, Milter saw, ,table saw, drill, portable air compressor, impact driver, Hammer, Jack Hammer , Compressor nail gun,), Power material mixer trash bin truck</p>

CONSTRUCTION SCHEDULE EXAMPLE 4

DATES	LOCATION	DURATION (WEEKS)	TASK DESCRIPTION	CONSTRUCTION EQUIPMENT
11/1/2025	PHASE 1 PARKING	0.5	SLAB SHORING	ALUMINUM FRAME SHORING
		1	POST-TENSIONEND TENDON DE-STRESSING	HYDRAULIC JACK AND PUMP
		2	CONCRETE CHIPPING	JACK HAMMERS
		1	CONCRETE SURFACE GRINDING	8" DIAMETER GRINDER
		2	INSTALL NEW POST-TENSIONING STRANDS	HYDRAULIC PUMP AND JACK
		0.5	CONCRETE FORMWORK	COMPRESSOR, NAIL GUN
12/31/2025		1	CONCRETE PLACEMENT	CONCRETE VIBRATOR
1/1/2026	PHASE 2 PARKING	0.5	SLAB SHORING	ALUMINUM FRAME SHORING
		1	POST-TENSIONEND TENDON DE-STRESSING	HYDRAULIC JACK AND PUMP
		2	CONCRETE CHIPPING	JACK HAMMERS
		1	CONCRETE SURFACE GRINDING	8" DIAMETER GRINDER
		2	INSTALL NEW POST-TENSIONING STRANDS	HYDRAULIC PUMP AND JACK
		0.5	CONCRETE FORMWORK	COMPRESSOR, NAIL GUN
2/28/2026		1	CONCRETE PLACEMENT	CONCRETE VIBRATOR
3/1/2026	PHASE 3 PARKING	0.5	SLAB SHORING	ALUMINUM FRAME SHORING
		1	POST-TENSIONEND TENDON DE-STRESSING	HYDRAULIC JACK AND PUMP
		2	CONCRETE CHIPPING	JACK HAMMERS
		1	CONCRETE SURFACE GRINDING	8" DIAMETER GRINDER
		2	INSTALL NEW POST-TENSIONING STRANDS	HYDRAULIC PUMP AND JACK
		0.5	CONCRETE FORMWORK	COMPRESSOR, NAIL GUN
4/30/2026		1	CONCRETE PLACEMENT	CONCRETE VIBRATOR
5/1/2026	PHASE 4 TENNIS COURTS	0.5	SLAB SHORING	ALUMINUM FRAME SHORING
		1	POST-TENSIONEND TENDON DE-STRESSING	HYDRAULIC JACK AND PUMP
		2	CONCRETE CHIPPING	JACK HAMMERS
		1	CONCRETE SURFACE GRINDING	8" DIAMETER GRINDER
		2	INSTALL NEW POST-TENSIONING STRANDS	HYDRAULIC PUMP AND JACK
		0.5	CONCRETE FORMWORK	COMPRESSOR, NAIL GUN
6/30/2026		1	CONCRETE PLACEMENT	CONCRETE VIBRATOR
7/1/2026	MISC RECREATION AREA	1	SLAB SHORING	ALUMINUM FRAME SHORING
		2	POST-TENSIONEND TENDON DE-STRESSING	HYDRAULIC JACK AND PUMP
		4	CONCRETE CHIPPING	JACK HAMMERS
		2	CONCRETE SURFACE GRINDING	8" DIAMETER GRINDER
		4	INSTALL NEW POST-TENSIONING STRANDS	HYDRAULIC PUMP AND JACK
		1	CONCRETE FORMWORK	COMPRESSOR, NAIL GUN
10/30/2026		2	CONCRETE PLACEMENT	CONCRETE VIBRATOR

CONSTRUCTION SCHEDULE EXAMPLE 5