



TITLE 11

HAWAII ADMINISTRATIVE RULES

DEPARTMENT OF HEALTH

CHAPTER 46

COMMUNITY NOISE CONTROL

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COMMUNITY NOISE CONTROL

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Historical Note: Chapter 46 is based substantially on Chapter 43 of Title 11, Hawaii Administrative Rules, Community Noise Control for Oahu, Department of Health, State of Hawaii. [Eff 11/6/81;
R SEP 23 1996]

§11-46-1 Purpose. It is the purpose of this chapter to define the maximum permissible sound levels, and to provide for the prevention, control, and abatement of noise pollution in the State from the

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following excessive noise sources: stationary noise sources; and equipment related to agricultural, construction, and industrial activities. It is also the purpose of this chapter to establish noise quality standards to protect public health and welfare, and to prevent the significant degradation of the environment and quality of life. [Eff SEP 23 1996] (Auth: HRS §§342F-3, 342F-31) (Imp: HRS §§342F-3, 342F-31)

§11-46-2 Definitions. As used in this chapter, unless the context otherwise requires:

"Activity" means an act or combination of acts which create noise, and which is associated with any excessive noise source.

"Agricultural activities" means any or all activities necessary or incidental for the purpose of agricultural functions, such as land cultivation, crop production, and harvesting.

"Ambient or background noise" means the totality of sounds in a given place and time, independent of the sound contribution of the specific source being measured.

"Applicant" means a person or persons responsible for the excessive noise source.

"Authorized emergency vehicles" means police and fire vehicles; private and public ambulances; and state and county vehicles used for emergencies.

"Best available control technology" means any limitation based on the maximum degree of noise reduction which would be emitted from any excessive noise source which the director, on a case-by-case basis, considering environmental and economical impacts and other costs, determines is achievable for that source through application of production processes or available methods, systems, and techniques. If the director determines that technological or economic limitations would make the imposition of the provisions of this chapter infeasible, a design, equipment, work practice, or operational standard, or a combination thereof, may be prescribed instead to satisfy the requirement for the application of the best available control technology.

"Complaint" means any written charge filed with the department that a person is violating any provision of this chapter or order adopted pursuant to this

chapter.

"Construction activities" means any or all activities, including but not limited to those activities necessary or incidental to the erection, demolition, assembling, renovating, installing, or equipping of buildings, public or private highways, roadways, premises, and parks.

"Construction equipment" means any device designed and intended for use in construction, including but not limited to any air compressor, pile driver, bulldozer, pneumatic hammer, steam shovel, derrick, crane, tractor, grader, loader, power saw, pump, pneumatic drill, compactor, on-site vehicle, and power hand tool.

"Construction site" means any or all areas, necessary or incidental for the purpose of conducting construction activities.

"Council" means the legislative body of a county.

"County" means the city and county of Honolulu, county of Hawaii, county of Kauai, or county of Maui, State of Hawaii.

"dBA" means the A-weighted sound level or unit of measurement describing the total sound level of all noises as measured with a sound level meter using the "A" weighting network.

"Decibel" means the unit for measuring the volume of sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is twenty micropascals (0.0002 dynes per square centimeter).

"Department" means the department of health, State of Hawaii.

"Device" means any mechanism or instrument which is designed to or which actually produces sound when operated or handled.

"Director" means the director of the department of health, State of Hawaii, or the director's duly authorized agent.

"Dwelling" means a room or rooms connected together constituting an independent housekeeping unit for an individual or a family, containing facilities for bathing or cooking, or both.

"Emergency" means any condition which would require immediate attention or corrective action to avoid probable danger to property, or to the health and safety of people.

"Equipment" means any or all devices used in an