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GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to  
File

May 7, 2012

RECEIVED MAY 6 9 2012

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Michael L. Kaleikini  
Plant Manager  
Puna Geothermal Venture  
P.O. Box 30  
Pahoa, Hawaii 96778

Dear Mr. Kaleikini:

Enclosed is the VARIANCE (Docket No. 11-NR-VN-49) for Community Noise Control which was granted on May 7, 2012.

Please note the variance conditions and if there are any questions relative to the variance, please do not hesitate to contact me at 586-4700.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daryn A. Yamada".

Daryn A. Yamada  
Supervisor, Noise Section  
Indoor and Radiological Health Branch

STATE OF HAWAII  
DEPARTMENT OF HEALTH

In the Matter of the Application	)	
For Variance for:	)	
	)	
PUNA GEOTHERMAL VENTURE	)	
Noise-Geothermal well drilling and power	)	Docket No. 11-NR-VN-49
generation in Pahoia	)	V-677
_____	)	

**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. This application is to conduct geothermal well drilling at 14-3860 Kapoho-Pahoia Road, Pahoia.
2. This variance is granted from the date of issuance until June 30, 2012.
3. This variance is granted to perform construction activities as follows:
  - Midnight – 7:00 a.m. and from 6:00 p.m. to Midnight, Mondays through Fridays including Holidays
  - Midnight – 9:00 a.m. and from 6:00 p.m. to Midnight, Saturdays
  - Midnight – Midnight on Sundays
4. The applicant shall make every effort to minimize noise emanating from the project.
5. Traffic noise from heavy vehicles traveling to and from the construction site shall be minimized near residences.
6. The applicant shall have a job-site inspector to whom immediate complaints can be forwarded for a prompt response and who shall have the general responsibility of monitoring quiet work procedures.
7. Any residents and businesses that will be impacted by the nighttime activity shall be given sufficient notice regarding the project. The notification for the planned nighttime activity shall contain the name and telephone number of the job-site inspector. In addition, a copy of any notifications, as well as progress reports, shall be sent to the

Indoor and Radiological Health Branch.

8. 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.
9. 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.
10. 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, 2012.
11. 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.

DATED: Honolulu, Hawaii,                     MAY 7 2012                    .



LYNN M. NAKASONE  
Environmental Health Program Administrator  
Environmental Health Services Division

STATE OF HAWAII  
DEPARTMENT OF HEALTH

In the Matter of the Application )  
For Variance for: )  
 )  
PUNA GEOTHERMAL VENTURE )  
Noise-Geothermal well drilling and power ) Docket No. 11-NR-VN-49  
generation in Pahoā ) V-677  
\_\_\_\_\_ )

**FINDINGS OF FACT AND CONCLUSION OF LAW**

The application of Puna Geothermal Venture, P. O. Box 30, Pahoā, Hawaii for a variance from Section 11-46-6(a) of Chapter 11-46, Hawaii Administrative Rules, Community Noise Control, was reviewed by the Indoor and Radiological Health Branch of the Department of Health.

Findings of Fact

1. Section 342F-5, Hawaii Revised Statutes (H.R.S.), and Section 11-46-8, Hawaii Administrative Rules (H.A.R.), authorize the director to grant variances.
2. Section 11-46-6(a), H.A.R., states, "Without a permit or variance issued pursuant to section 11-46-7 or 11-46-8, no person within the state shall operate from any premises or land owned, rented, leased, occupied or controlled by that person, any excessive noise source."
3. The applicant proposes to conduct geothermal well drilling at 14-3860 Kapoho-Pahoā Road, Pahoā.
4. The drill rig and supporting equipment need to be operating continuously in order to monitor the hole and ensure the integrity of the well. The project will supply the public with reliable, renewable energy.
5. This variance is requested to perform construction activities as follows:
  - Midnight – 7:00 a.m. and from 6:00 p.m. to Midnight, Mondays through Fridays including Holidays
  - Midnight – 9:00 a.m. and from 6:00 p.m. to Midnight, Saturdays
  - Midnight – Midnight on Sundays

6. The variance is requested until June 30, 2012.
7. The nearest residence is approximately 1000 feet from the well pad.
8. Equipment will be strategically placed to face away from residents and stationary equipment will have hospital grade mufflers.
9. The applicant has notified the residents about the project through the monthly meetings of the Leilani, Nanawale and Kapoho Community Associations. A public notification letter was also sent to all residences within 3500 feet of the property line.
10. A public notice was printed in the Hawaii Tribune Herald on February 26, 2012. There were no comments received by the applicant or the Department of Health.

### Conclusion of Law

Section 342F-5(c), H.R.S., states that no variance shall be granted by the Department unless the application and supporting information clearly show that:

1. The granting of the variance is in the public interest as defined in the Section 342F-4(c)(4), H.R.S.
2. The granting of this variance will not substantially endanger human health or safety.
3. Compliance with the rules, regulations or standards from which the variance is sought would produce serious hardship without equal or greater benefits to the public.

Based upon the foregoing findings of fact, it is concluded that these requirements have been met.

### Recommendation

It is recommended that the variance request be GRANTED with the following restrictions and conditions:

1. The applicant shall make every effort to minimize noise emanating from the project.
2. Traffic noise from heavy vehicles traveling to and from the construction site shall be minimized near residences.
3. The applicant shall have a job-site inspector to whom immediate complaints can be forwarded for a prompt response and who shall have the general responsibility of monitoring quiet work procedures.

4. Any residents and businesses that will be impacted by the nighttime activity shall be given sufficient notice regarding the project. The notification for the planned nighttime activity shall contain the name and telephone number of the job-site inspector. In addition, a copy of any notifications, as well as progress reports, shall be sent to the Indoor and Radiological Health Branch.
5. 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.
6. 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.
7. 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, 2012.
8. 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.

DATED: Honolulu, Hawaii,                     MAY 7 2012                    .

*for Jeffrey M. Eckerd*  
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Jeffrey M. Eckerd  
Program Manager  
Indoor and Radiological Health Branch