

Bill No. 605



Mililani Town Association
95-303 Kaloapau Street
Mililani Town, HI 96788
Phone (808) 623-7300

Support Y N

Date 3/17/09

Time 1710

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March 17, 2009

Representative Hermina Morita, Chair
Representative Denny Coffman, Vice-Chair
Committee on Energy and Environmental
Protection
State Capitol
Honolulu, HI 96813

VIA EMAIL: EEPtestimony@Capitol.hawaii.gov

Re: S.B. No. 605 SD 1 – Relating to Noise
Hearing: Thursday, March 19, 2009, 10:00 am, Conf Room 325

Dear Chair Morita, Vice-Chair Coffman and Committee Members:

My name is Eric Matsumoto, Vice-President of the Mililani Town Association (MTA). I have served in MTA leadership capacities for 24 of the last 30 years serving on the board. MTA encompasses 16,000 plus units involving both single family units and townhouse projects.

We support passage of this amended bill to use the dBC scale for low frequency community noise control along with the current dBA scale for high frequency noise levels.

SD 1 amendments are important in establishing immediate noise standards for the dBC scale, while requiring rules to be developed for a permanent noise standard. However, it seems that the rule making also needs to address how the two scales would be employed in determining compliance with the two noise standards. Since many sound level meters now being sold and used measure readings in both dBA and dBC scales, both scales can be measured using one meter.

We accordingly recommend passage of this bill with consideration of the rule making comment above.

Sincerely yours,

Eric M. Matsumoto
Vice-President, Board of Directors

Cc: SenatorKidani,
Senator Bunda,
Representative Lee,
Representative Yamane

EEPtestimony

From: susan [salebo@earthlink.net]
Sent: Wednesday, March 18, 2009 9:18 AM
To: EEPtestimony
Subject: testimony in support of SB 605, SD 1

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Hermina M. Morita, Chair

Rep. Denny Coffman, Vice Chair

Testimony IN SUPPORT of SB 605, SD 1 from:

Susan Lebo

Chinatown Gateway Plaza Tenant Association

1031 Nuuanu Ave., #2104, Honolulu HI 96817

295-2036

Re: Testimony IN SUPPORT of SB 605, SD 1, Relating to Noise

Dear Rep. Morita, Rep. Coffman, and Members of the Committee on Energy & Environmental Protection:

My name is Susan Lebo, I am a resident of Chinatown Gateway Plaza, and I am a member of the Chinatown Gateway Plaza Tenant Association (CGPTA). Thank you for this opportunity to submit testimony IN SUPPORT of SB 605, SD 1, Relating to Noise, requiring the Department of Health to add the dBC decibel weighting system to the current dBA decibel weighting system for community noise control.

I support SB 605, SD 1 for the following two reasons:

(1) Loud low-frequency noise produces adverse physical and mental health effects, interferes with our rest, recreation, and work. It makes it impossible in the evenings to watch tv, talk with family or friends, or work at home without closing the windows, and even then, the noise invades our privacy and activities. It often makes sleeping impossible until after businesses close in the early morning hours.

(2) Allowing loud low-frequency noise to go unchecked means this problem will continue to grow. Addressing this invasive noise problem will enhance our high-density mixed-use neighborhoods as inviting and healthy places to live, work, enjoy cultural events, eat, and shop.

Loud late-night noise continues to polarize our community. Residents want a healthy neighborhood, one that includes them being able to sleep in their own homes at night. Please,

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add dBC to the state noise standard, and give our responsible authorities the proper legal mandate to measure the full range of loud late-night noise that unduly disturbs our communities - the loud low-frequency noise, as well as the loud mid-range and high frequency noise. Please PASS SB 605, SD 1!

Thank you,

Susan Lebo

CGPTA

EEPttestimony

Bill No. 605

From: CGP Tenant Association [cgp.tenant.association@gmail.com]
Sent: Wednesday, March 18, 2009 9:46 AM
To: EEPtestimony
Subject: Testimony IN SUPPORT of SB 605, SD 1

Support Y N
Date 3/18/09

Time 946

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
Rep. Hermina M. Morita, Chair
Rep. Denny Coffman, Vice Chair

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Type 1 2 WI

Testimony IN SUPPORT of SB 605, SD 1
Steve Lohse
Chinatown Gateway Plaza Tenant Association
1031 Nuuanu Ave., #2104, Honolulu HI 96817
499-5406

Emailed to EEPttestimony@capitol.hawaii.gov

Hearing Day & Date:
Thursday, March 19, 2009
10:00 a.m., Conference Room 325

Dear Rep. Morita, Rep. Coffman, and Members of the Committee on Energy & Environmental Protection:

My name is Steve Lohse, I am a resident of Chinatown Gateway Plaza, and I represent the Chinatown Gateway Plaza Tenant Association (CGPTA). Thank you for this opportunity to submit testimony IN SUPPORT of SB 605, SD 1, Relating to Noise, requiring the Department of Health to add the dBC decibel weighting system to the current dBA decibel weighting system for community noise control.

The CGPTA supports SB 605, SD 1 for the following three reasons:

(1) Loud low-frequency noise is extremely damaging to human health and to the health and safety of our communities. Loud low-frequency produces adverse physical and mental effects like headache, dizziness, nausea, and loss of sleep. It interferes with our work, rest, recreation, and communication. It unduly disturbs the peace and quiet of our neighborhoods. Loud low-frequency noise penetrates and vibrates entire objects, like walls, windows, floors, and furniture, which makes it especially painful for the elderly, infirm, and children in our resident populations. Loud low-frequency noise makes it impossible for working people to sleep at night in our own homes, and there is *no excuse* for this wrongful damage.

(2) Loud low-frequency noise will only grow worse if we do not act. Two trends, one toward higher-density mixed-use neighborhoods, the other toward more late-night bars in these neighborhoods, are combining to make late-night low-frequency noise an

increasing problem throughout Honolulu, if not in urban areas throughout Hawaii. Loud low-frequency noise has especially invasive properties that mid-range and treble noise do not share. Low-frequency noise travels farther and remains loud long after mid-range and treble have weakened and died out. Low-frequency noise spreads uniformly in all directions from its source, unlike mid-range and treble that go where they are aimed. Increasingly higher-density neighborhoods mean that increasingly more people suffer from loud late-night low-frequency noise.

(3) Incredibly, state noise law does not require our responsible authorities to measure low-frequencies, even when residents complain specifically about loud low-frequency noise! In fact, the current A-weighting system measures sound levels (dBA) only in the 500 to 10,000 Hz range, which is appropriate for general street noise. However, the C-weighting system measures sound levels (dBC) in the 32 to 10,000 Hz range, which humans can also hear, which is the appropriate range to measure sound levels of music material, and which includes the dBA range.

I quote from the Department of Health's own *Noise Reference Manual for Oahu*, pages 4-5, from the section titled "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 noise levels have increased, the effects of noise have been more pervasive and more apparent.... Noise annoys, awakens, angers, and frustrates people. It disrupts communication and individual thoughts, and affects performance capabilities.... The numerous effects of noise combine to detract from the quality of people's lives and the environment.... The number of people who file complaints is only a very small percentage of those annoyed."

In summary, loud low-frequency noise is a serious and growing health problem that polarizes our communities when angry residents cannot sleep in their own homes at night. It is not acceptable for the Department of Health to ignore this problem. Please, add dBC to the state noise standard, and give our responsible authorities the proper legal mandate to measure the full range of loud late-night noise that unduly disturbs our communities. Please PASS SB 605, SD 1!

Thank you,
Steve Lohse
CGPTA

EEPtestimony

Bill No. 605

Support N

From: ann [chinatown1@hawaiiantel.net]
Sent: Wednesday, March 18, 2009 10:49 AM
To: EEPtestimony
Subject: Testimony IN SUPPORT of SB 605, Relating to Noise

Date 3/18/09

Time 1050

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Type 1 2 WI

Hearing Day & Date:
Thursday, March 19, 2009
10:00 a.m., Conference Room 325

Dear Rep. Morita, Rep. Coffman, and Members of the Committee on Energy & Environmental Protection:

Testimony IN SUPPORT of SB 605, Relating to Noise

Dear Senator Gabbard, Senator English, and Members of the Committee on Energy and Environment:

Thank you for taking the time and effort to review this important bill SB 605.

As a resident of the Chinatown Gateway Plaza we are besieged by noise that emanates from the bars around the Chinatown Gateway Plaza along Nuuanu and Hotel Streets. And as a resident we are entitled to the right for "Peaceful Accommodations." Why the noise is still allowed to continue and directly the affect the health and welfare of Residents in the area is perplexing.

We have tried many different means to stop the bar noise from penetrating into our peaceful night. The liquor commission has been out here numerous times to take decibel readings and each time they say inform us that the noise level is not being violated. This is frustrating as I recall many moments when I'm sitting on my bathtub, with the bathroom door closed and earplugs in and I can still hear the loud booming infiltrating my apartment which has all the windows closed.

By allowing SB 605 to pass, the liquor commission will be able to have more accurate readings of the actual noise levels that occur in the Chinatown area and will be able to bring back peace and good health to the Residents of the Chinatown Gateway Plaza and the surrounding neighborhood.

My gratitude in advance for reviewing and accepting my testimony.

Mahalo Nui Loa,

Ann Ravelo
Chinatown Gateway Plaza Manager and Resident
1031 Nuuanu Avenue

Honolulu, HI 96817

524-3737

Honolulu Liquor Commission
March 18, 2009

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Support Y N

Date 3/18/09

Time 1041

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Type 1 2 WI

Testimony on SB 605 SD1, Relating to Noise

Date: Thursday, March 19, 2009
Time: 10:00 a.m.
Place: Conference Room 325
State Capitol
415 South Beretania Street

To: Chairman Hermina M. Morita
Vice Chairman Denny Coffman
Committee on Energy & Environmental Protection

The Honolulu Liquor Commission ("HLC"), City and County of Honolulu, takes this opportunity to support SB 605 SD1 with certain clarifications made.

The HLC investigators are all certified to take sound readings with sound meters. Our agency has been taking numerous calls from the public complaining about loud noises and music coming from liquor licensees especially late at night. Currently, Hawaii Revised Statutes empowers the Liquor Commissions to investigate "*violations of the applicable department of health's allowable noise levels, through its investigators.*"

The HLC follows the Department of Health's Rule Section 11-46-4 entitled "Maximum permissible levels in dBA". The rules set out the maximum sound levels in different zoning districts at different times.

From our experience, the high treble sounds that have limits in the current rules are enforceable in the manner set out in the procedures. However, we find that it is the heavy bass noises that are particularly worrisome to the public. This low bass sound has become a problem with its use in hip/hop and other forms of music. The bass sounds apparently penetrate buildings and get into the building structure, which shakes the residents, who are trying to sleep. We have requested that the Department of Health consider amendments to its "Community Noise Control" Rules to include a weighting measurement that will capture the low bass noise.

Testimony on SB 605 SD1

The Honolulu Liquor Commission does not have the sound policy expertise to set the proper standards needed to control the low bass sounds coming from licensed clubs, restaurants and lounges.

We would also recommend that the proposed legislation not eliminate the current treble standards. It would not be beneficial to eliminate the current standards without replacing them.

Dewey H. Kim, Jr.
Administrator