

# SB 2630

## **RELATING TO NOISE**

### *Description:*

Authorizes the county liquor commissions to adopt rules and use exclusively the dBC weighting system for the purpose of community noise control.

LIQUOR COMMISSION  
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PETER B. CARLISLE  
MAYOR



February 17, 2012

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Senator Michelle N. Kidani, Vice Chair  
Committee on Public Safety, Government Operations,  
And Military Affairs

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ANNA C. HIRAI  
ASST. ADMINISTRATOR

**Hearing:** Tuesday, February 21, 2012  
2:45 pm; Room 224

**Position:** Support in Principle SB 2630 Relating to Noise

The Department of Liquor Control of Kauai County and the Liquor Commission, City and County of Honolulu ("Commissions"), **support in principle** SB 2630, and provide comments.

Section 281-17(a)(10), Hawaii Revised Statutes, authorizes county liquor commissions "... [t]o investigate violations of this chapter, chapter 244D, and, notwithstanding any law to the contrary, violations of the *applicable department of health's allowable noise levels ...*" (emphasis supplied) committed by liquor licensees. In the 2009 session, Act 25 (SLH 2009) directed the Department of Health ("DOH") to add the dBC measurement system to the existing dBA measurement system for community noise control, in order to address the increasing number of complaints and disturbances resulting from lower frequency sound waves, particularly in urban core areas. Although the Commission and the neighbor island county liquor commissions have met with and made requests of DOH representatives regarding the establishment of the dBC measurement system in its community noise rules, the matter is still pending with DOH.

SB 2630 seeks to authorize the county liquor commissions to establish and employ the dBC measurement system by rulemaking in compliance with HRS Chapter 91. While we support in principle any legislation that will assist the Commissions in dealing with increasing complaints of sound vibration that cannot be measured by the existing dBA measurement system, we feel peculiarly ill-equipped and lacking in the requisite acoustic science expertise to establish low frequency noise levels and limits. The sound meters currently used by our enforcement personnel can be calibrated to make dBC measurements and arguably, Act 25 authorized the county liquor commissions to enforce dBC sound level limits *established by DOH*. All we lack are reasonable and defensible dBC sound level ranges for the three classes of zoning districts.

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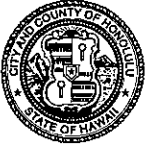
Thank you for the opportunity to testify on this matter.

Respectfully submitted,

Eric Honma, Director  
Department of Liquor Control - Kauai

  
Greg I. Nishioka, Administrator  
Liquor Commission

GIN:ACH



**DOWNTOWN NEIGHBORHOOD BOARD NO. 13**

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**Testimony of  
Thomas Smyth, Board Member**

**Before the  
Committee on Public Safety, Government Operations And Military Affairs  
Tuesday, February 21, 2012, 2:45 pm in Room 224  
On  
SB 2630 Relating to Noise**

**Chair Espero, Vice Chair Kidani, Members of the Committee:**

**The Downtown Neighborhood Board supports the intent of SB 2630 that authorizes County Liquor Commissions to set standards by Administrative Rule so they can use dBC Noise Meters to measure low frequency noise from licensed premises.**

**The Downtown and Chinatown areas have many bars, restaurants and nightclubs that play amplified music. The noise from some of those establishments has become increasingly annoying to nearby residents. Much of that music has very heavy bass components. This relatively low sound frequency cannot be accurately measured with noise meters currently used by the Honolulu Liquor Commission with standards set by the Department of Health. But we do note that the Honolulu Liquor Commission has been relatively effective in controlling the overall noise problem in our neighborhood through other means of enforcement. They could use the additional ability to cite violations for this low frequency use so both they and the licensees can understand the rules.**

**The Legislature had previously overridden the Governor's veto of SB 605 CD1 which became Act 25/2009. This measure directed DOH to develop noise standards for dBC meters. To date while there have been discussions between DOH and the liquor commissions on this matter, the standards have not been put in place. It is our understanding that DOH does not feel that low frequency noise, is itself a health hazard as is excessive audio frequency noise.**

**This measure would give the Commissions themselves the authority to set standards for this type of noise and allow their investigators to more effectively enforce the type of low frequency noise coming from licensed establishments.**

**However, that being said, subsequent discussion with the Honolulu Commission and DOH indicate that a more appropriate method of controlling these disturbances may be in the form of SB 2945, Relating to Liquor Licenses, previously passed by this committee. This apparently allows Commissions to regulate excessive noise that causes a continuing disturbance, as determined by investigators based on citizen complaints. In those instances, noise metering would not be needed to cite a violator.**

**Thank you for the opportunity to provide this testimony.**

