May 24, 2019

Gary Sanders
Project Manager
TMT Observatory Corporation
100 West Walnut Street, Suite 300
Pasadena, CA 91124

Dear Mr. Sanders:

Enclosed is the VARIANCE (Docket No. 19-NR-VN-04) for Community Noise Control which was granted on May 23, 2019. The Decision and Order specifies the conditions and restrictions that are applicable to your project.

Non-compliance with the conditions and restrictions of the Decision and Order may bring about additional restrictions or possible suspension of the variance. Should you have any questions relative to the variance, please do not hesitate to contact me at (808) 586-4700 or at james.toma@doh.hawaii.gov.

Sincerely,

James E. Toma
Noise Section Supervisor
Indoor and Radiological Health Branch
STATE OF HAWAII
DEPARTMENT OF HEALTH

In the Matter of the Application
For Variance for:

TMT OBSERVATORY CORPORATION
Noise – Construction of a Thirty Meter Telescope in the Astronomy District of the Mauna Kea Science Reserve

Docket No. 19-NR-VN-04
V-1084

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. The variance shall be granted to construct a Thirty Meter Telescope Observatory within the Astronomy Precinct of the Mauna Kea Science Reserve (13-North).

2. The variance shall be granted until May 22, 2024.

3. The variance shall be granted for the following days/times:

   Monday to Friday   Midnight to 7:00 a.m., and 6:00 p.m. to Midnight
   Saturday          Midnight to 9:00 a.m. and 6:00 p.m. to Midnight
   Sunday            Midnight to Midnight

4. 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 when the project is completed.

5. The applicant shall make every effort to minimize noise emanating from the project.

6. The use of reverse signal alarms is prohibited from 8:00 p.m. to 7:00 a.m. Alternative methods such as utilizing a ground guide for signaling shall be employed.

7. Traffic noise from heavy vehicles travelling to and from the project site shall be minimized near residences.
8. The applicant shall have a job-site inspector to whom immediate complaints can be forwarded for prompt response, and who shall have the general responsibility of monitoring quiet work procedures.

9. Residents and businesses that may be impacted by the activity shall be given sufficient notice regarding the project. The notification for the planned activity will also contain the name and telephone number of the job-site inspector. In addition, a copy of any notifications, as well as progress reports, will also be sent to the Indoor and Radiological Health Branch.

10. 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.

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.

12. 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 May 22, 2024.

DATED: Honolulu, Hawaii, _______________ MAY 2 3 2019 _______________

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