

PRELIMINARY REPORT TO THE HEARING EXAMINER REPORT

A. SUMMARY AND PURPOSE OF REQUEST

REPORT DATE:	February 24, 2015
Project Name:	SR 900/Tukwila NCL to SR 167 Wye-Concrete Pavement Rehabilitation
Project Number:	LUA15-000036, V
Project Manager:	Vicki Grover, Civil Engineer II
Owner:	Washington State Department of Transportation
Applicant:	Laura Musso Escude, NW Regions Environmental Office, PO Box 330310, Seattle, WA 98133-9710
Contact:	N/A

Project Summary: Washington State Department of Transportation (WSDOT) requests a variance from RMC 8-7-2 (Noise Regulations, Maximum Environmental Noise Levels) in order to conduct construction work at night in areas with residential uses. The construction work would occur during 34 non-consecutive nights from June 1, 2015 to December 31, 2015. The project is located along State Route 900 between Mile Post 6.66 to Mile Post 9.87 and includes the following jurisdictions; Seattle, Tukwila and Renton as well as a portion of unincorporated King County. The project that is within the City of Renton limits includes work and improvements within the State Right of Way limits only. Noise levels resulting from project construction activity would generate peak noise levels of 68 to 85 dBA as perceived at a distance of 50 feet from the WSDOT property lines. A variance from RMC 8-7-2 is necessary in order to conduct the nighttime work, as maximum permissible environmental noise levels (per WAC 173-60-040, incorporated by reference in RMC 8-7) limit extended periods of noise from 10:00 pm to 7:00 am to levels between 45 dBA and 60 dBA, with exceedances of 5 to 15 dBA permitted for periods of 1.5 to 15 minutes in any one-hour period (WAC 173-60-040).

Project Location:	WSDOT SR900/Tukwila to SR 167, Milepost 6.66 to Milepost 9.37		
Exist. Bldg. Area SF:	N/A	Proposed New Bldg. Area (footprint):	N/A
		Proposed New Bldg. Area (gross):	
Site Area:	2.71 Lineal Miles	Total Building Area GSF:	N/A

B. PROJECT DESCRIPTION/BACKGROUND:

Washington State Department of Transportation (WSDOT) requests a variance from RMC 8-7-2 (Noise Regulations, Maximum Environmental Noise Levels) in order to conduct construction work at night in areas with residential uses. The construction work would occur during 34 non-consecutive nights from June 1, 2015 to December 31, 2015. The project would consist of replacing concrete panels, conducting pavement shoulder repairs, adding pavement markings, and constructing accessibility improvements in conformance with the Americans with Disabilities Act (ADA). Construction equipment used during the nighttime operations will include, but is not limited to: dump trucks, generators, portable lighting (light plants), paving machines, grinders, compaction rollers, air compressors, and saw cutters for asphalt and concrete. Noise levels resulting from project construction activity would generate peak noise levels of 68 to 85 dBA as perceived at a distance of 50 feet from the WSDOT property lines.

When feasible, temporary noise shields would be placed around construction equipment. In addition, the proponent proposes measures to mitigate noise impacts. One-ton pick-up trucks will not be allowed to park or idle near residences. An after-hours noise complaint phone number will be provided. Use of backup alarms will be minimized;

The project is located along State Route 900 between Mile Post 6.66 to Mile Post 9.87 and includes the following jurisdictions; Seattle, Tukwila and Renton as well as a portion of unincorporated King County. The project that is within the City of Renton limits includes work and improvements within the State Right of Way limits only. The project also requires Street Use and detour permits. The project will include nighttime work where the zoning varies from residential and multi residential to light industrial zoning designations.

A variance from RMC 8-7-2 is necessary in order to conduct the nighttime work, as maximum permissible environmental noise levels (per WAC 173-60-040, incorporated by reference in RMC 8-7) limit extended periods of noise from 10:00 pm to 7:00 am to levels between 45 dBA and 60 dBA, with exceedances of 5 to 15 dBA permitted for periods of 1.5 to 15 minutes in any one-hour period (WAC 173-60-040).

C. EXHIBITS:

The following exhibits were entered into the record:

- Exhibit 1: Letter of January 15, 2015 from WSDOT requesting the variance
- Exhibit 2: Aerial Photo, SR 900 Tukwila NCL to SR 167 Wye – Concrete Pavement Rehabilitation
- Exhibit 3: Aerial Photos (A-G) of proposed work
- Exhibit 4: Email of February 12, 2015 to Vicki Grover requesting 4 additional nights of work
- Exhibit 5: Aerial Photo of location of work proposed at Stevens Ave SW and SR 900
- Exhibit 6: Proposed Mitigation Measures
- Exhibit 7: WAC 173-60-040 Maximum permissible environmental noise levels

D. FINDINGS:

Having reviewed the written record in the matter, the City now makes and enters the following:

1. **Request:** Variance from RMC 8-7-2 (Maximum Environmental Noise Levels) for work between 10:00 pm and 7:00 am over 34 non-consecutive nights from June 1, 2015 to December 31, 2015.
2. **Variance:** The proposal requires a public hearing with the Hearing Examiner.
3. **Existing Land Uses:** Single family residential, multi-family residential, commercial, industrial
4. **Zoning:** Residential Multi-Family (RMF), Industrial – Light (IL), Commercial Arterial (CA), Commercial Neighborhood (CN), Residential – 8 Dwelling Units per Acre (R-8)

E. CONSISTENCY WITH VARIANCE CRITERIA:

Section 8-7-8.D. Lists 7 criteria that the Hearing Examiner is asked to consider, along with all other relevant information, in making a decision on a Noise Variance application. These include the following:

The Hearing Examiner shall have authority to grant a variance upon making a determination, in writing, that the conditions specified below have been found to exist:

1. ***That the applicant suffers practical difficulties and unnecessary hardship and the variance is necessary because of special circumstances applicable to the applicant's property or project, and that the strict application of this Chapter will deprive the subject property owner or applicant of rights and privileges enjoyed by others.***

Staff Analysis: SR 900 is a heavily travelled State Route. Nighttime work is proposed to minimize traffic congestion impacts to drivers, businesses, school buses and local commuters during daytime hours. Conducting the work at night will limit disruption to the transport of people goods and services. WSDOT has indicated that safety for drivers and construction workers improves when work is conducted at night. Permitted noise levels would be exceeded during construction, in the area where the work is occurring. The type of equipment needed to replace concrete panels, saw cut asphalt and concrete, grind pavement, compact and paint pavement markings generates noise that could and will exceed allowed noise limits.

2. ***That the granting of the variance will not be materially detrimental to the public health, welfare or safety, or unduly injurious to the property or improvements in the vicinity of the location for which this variance is sought.***

Staff Analysis: Noise impacts would occur during nighttime hours and the majority of noise emanating from the project would be similar to existing ambient noise on SR 900. Noise would be perceptible at times during construction. However, the noise would occur during 34 non-consecutive nights over the course of 7 months. The noise would vary depending on the

construction activities, and the noise would not occur in the entire corridor for the duration of construction. The work would be conducted over 2.71 linear mile corridor. The improvements to the roadway would ultimately increase public health, safety and welfare. Therefore, staff believes that the noise impacts would be of a limited duration and intensity, and would not be materially detrimental to the public health, welfare, or safety. Property and/or improvements in the area would not be unduly damaged as the work would be limited to the public right-of-way, and the noise generated would not damage property or improvements.

Staff posted and mailed a notice to residents within 300 feet of the project corridor. No comments were received.

3. That the variance sought is the minimum variance which will accomplish the desired purpose.

Staff Analysis: The work would occur over 7 months on 34 non-consecutive nights. The work would impact different portions of a 2.71 mile corridor, and would not be unduly burdensome on any one location. Mitigation measures are proposed by the applicant to diminish the impact on the surrounding area. Staff believes that the request is the minimum needed to accomplish the necessary reconstruction, repair, and maintenance.

4. That the variance contains such conditions deemed to be necessary to limit the impact of the variance on the residence or property owners impacted by the variance. The variance approval may be subject to conditions including, but not limited to, the following:

- a. Implementation of a noise monitoring program;**
- b. Maximum noise levels;**
- c. Limitation on types of equipment and use of particular equipment;**
- d. Limitation on back-up beepers for equipment;**
- e. Required use of noise shields or barriers;**
- f. Restrictions to specific times and days;**
- g. Specific requirements for documentation of compliance with the noise variance conditions;**
- h. Specific requirements for notification to nearby residents;**
- i. Required cash security to pay for inspection services to verify compliance;**
- j. Required access to the project by the City to verify compliance with the noise variance conditions;**
- k. Specific program to allow for temporary hotel vouchers to effected residents;**
- l. Requirements for written verification that all workers understand the noise variance conditions for the project; and**

m. Provision allowing the City to immediately revoke the variance approval if the variance conditions are violated.

Staff Analysis: The applicant will limit the use of equipment (dump trucks, generators, portable lighting, paving machines, grinders, compaction rollers, air compressors, and saw cutters for asphalt and concrete). Noise shields will be used as directed by the engineer and when feasible. Back-up beepers will be ambient sensitive backup alarms, and truck tailgate banging will not be allowed. An after-hours noise complaint phone number staffed by WSDOT or their contractors will be provided.

Staff recommends as a condition of approval that WSDOT provide the City's project manager with the after-hours noise complaint phone number and a summary of any complaint and the response provided, within 10 days of receiving the complaint. In addition, staff recommends that the applicant provide notice to the City's project manager of the date and areas of expected night work, a minimum of 24 hours in advance of the work.

5. The importance of the services provided by the facility creating the noise and the other impacts caused to the public safety, health and welfare balanced against the harm to be suffered by residents or property owners receiving the increased noise permitted under this variance.

Staff Analysis: Improvements to this heavily travelled state route outweigh the limited-term noise impacts to residents and property owners. The applicant has identified measures to be implemented to reduce or eliminate excessive noise. Impacts are further mitigated by the existing ambient noise level emanating from the corridor.

6. The availability of practicable alternative locations or methods for the proposed use which will generate the noise.

Staff Analysis: The work is repair and improvement of the specific SR 900 road corridor. No alternative locations are possible.

7. The extent by which the prescribed noise limitations will be exceeded by the variance and the extent and duration of the variance.

Staff Analysis: The work within the 2.71 mile corridor would occur over 7 months on 34 non-consecutive days. Work in any one particular area will not be for an extended duration.

F. CONCLUSIONS: THE SUBJECT SITE IS LOCATED WITHIN SEVERAL JURISDICTIONS (RENTON, TUKWILA, AND UNINCORPORATED KING COUNTY). THE CORRIDOR IS LOCATED WITHIN THE SR 900 RIGHT-OF-WAY, FROM MILEPOST 6.66 TO MILEPOST 9.87. THE WORKS WOULD OCCUR OVER 7 MONTHS ON 34 NON-CONSECUTIVE NIGHTS.

1. The work requires a variance from RMC 8-7-2 (Noise Regulations, Maximum Environmental Noise Levels) as levels of noise for night time would be exceeded.
2. Analysis of the proposal according to variance criteria of RMC 8-7-8-D is found in the body of the Staff Report.

G. RECOMMENDATION:

Staff recommends that the Variance for the SR 900/Tukwila NCL to SR 167 Wye – Concrete Pavement Rehabilitation, File No. LUA 15-000036, V be approved subject to the following conditions:

1. The applicant shall provide the City of Renton project manager with the phone number for after-hours noise complaints prior to commencement of construction. Any complaints within the Renton city limits will be summarized and reported to the City's project manager within 10 days of the complaint.
2. The applicant shall implement proposed mitigation measures to diminish or eliminate noise during construction.
3. The applicant shall notify the City of Renton project manager with the date and areas of expected night work prior to commencement of night work, a minimum of 24 hours in advance of the work.



**Washington State
Department of Transportation**

Lynn Peterson
Secretary of Transportation

Northwest Region
15700 Dayton Avenue North
P.O. Box 330310
Seattle, WA 98133-9710
206-440-4000
TTY: 1-800-833-6388
www.wsdot.wa.gov

January 15, 2015

Jennifer Henning, AICP
Planning Director
City of Renton Planning Division
1055 South Grady Way
Renton, WA 98057

Dear Ms Henning:

RE: XL 4526 Noise Variance Request
SR900 Tukwila NCL to SR167 Wye - Concrete Pavement Rehabilitation
MP 6.66 to MP 9.87

Dear Ms. Henning:

The purpose of this letter is to request 30 non-consecutive nights of temporary noise variance to complete roadway rehabilitation and other project repairs along SR 900 /MLK Jr. Way S. within the City of Renton. WSDOT Acoustics group requests relief from the requirements of the Renton Municipal Code, Title VIII – Health Sanitation - Chapter 7- and Noise Level Regulations, as per section 8-7-2 and the Washington State Administration Code (WAC) Chapter 173-60, allowing the WSDOT representative to work at night. The project is planned to commence on June 1, 2015 with a contract completion of December 31, 2015.

Project Narrative

The project is located along State Route 900 between Mile Post 6.66 to Mile Post 9.87 and includes the following jurisdictions; Seattle, Tukwila and Renton as well as a portion of unincorporated King County.

The project within the City of Renton limits includes the following items of work and improvements within the State Right of Way limits only. The project requires Street Use and de-tours permits and the City currently has the application on file.

The project will include nighttime work where the zoning varies from residential and multi residential to light industrial zoning designations.

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JAN 22 2015

EXHIBIT 1

**CITY OF RENTON
PLANNING DIVISION**

Item	Item of work	Location	Number of nights
1	Preparation / Mobilization	13400 MLK Jr. Way vicinity to SR167 Wye	5
2	Pavement shoulder repair	S. 135th St. to Thomas Ave. SW vicinity	10
3	Replace Concrete Panels	135 th St. to Oakesdale Ave. SW	10
4	Pavement Marking	SR 900 within city limits	5

Table 1: Project items of work, number of nights equal 30 non consecutive nights

Traffic Limitations

The primary reason for conducting nighttime work is to avoid daytime traffic congestion on SR 900 /Martin Luther King Blvd. within the city of Renton. Day time full and partial closures along this well-traveled route are expected to cause disruption in the urban circulation as well as increase travel times for the citizens of Renton. Partial closures may impact commercial and business traffic during business hours as well as delays to school routes and normal road users. Furthermore, data shows that day time closures could increase traffic accidents and compromise the safety of workers and the traveling public within the construction zones. Attachment 1 lists the proposed lane closures for the SR 900 highway.

Construction Equipment and predicted noise impacts during nighttime operations

The construction equipment is described in Table 2 included in Attachment 2 along with the estimated predicted noise levels at nearby receivers approximately 50 feet away and proposed mitigation measures.

Proposed Nighttime Noise Mitigation

WSDOT will require the contractor to adhere to the following noise reduction measures:

1. All vehicles shall be equipped with ambient sensitive backup warning devices. The Contractor may use back-up observers in lieu of back-up warning devices for all equipment except dump trucks in compliance with WAC Chapter 296-155-610 and 296- 155-615. The Contractor shall use back-up observers and back-up warning devices for dump trucks in compliance with WAC Chapter 296- 155-610.
2. Truck tailgate banging is prohibited. All trucks shall be secured to prevent excessive noise from banging.
3. All trucks performing export haul shall have well maintained bed liners as inspected and approved by the Engineer.

4. A copy of noise variance shall be kept on the project site at all times.
5. Construction and stationary equipment, such as light plants, generators, compressors, and jackhammers must utilize WSDOT approved noise mitigation shields, noise blankets, skirts, or other means available as approved by the Engineer when feasible;
6. Provide a WSDOT complaint number as well as a list of designated contact persons for the purpose of forwarding complaints;
7. The Contractor notifies residents, within 500 feet of the project corridor, of nighttime work activities at least 14 calendar days in advance of the proposed nighttime construction work.

The Project engineer administering the projects are listed as follows

Aleta Borschowa P.E.;
BORSCHA@wsdot.wa.gov
6431 CORSON AVE S.
Seattle, WA 98108
206-768-5862 (x5862)

Should construction activities, associated with this project, cause noise impacts, we request your help resolving any complaint we may receive by notifying the Project Engineer within 24 hours of occurrence.

Sincerely,



Maria Laura Musso-Escudé
Acoustic, Air Quality and Energy Specialist

Attachments:

cc: Gary McKee PE
Aleta Borschowa, PE

NB82-136
NB82-60

File: XL4526 – SR900 Paving Repair



Washington State
Department of Transportation

SR 900 Tukwila NCL to SR167 Wye - Concrete Pavement Rehabilitation

900



EXHIBIT 2

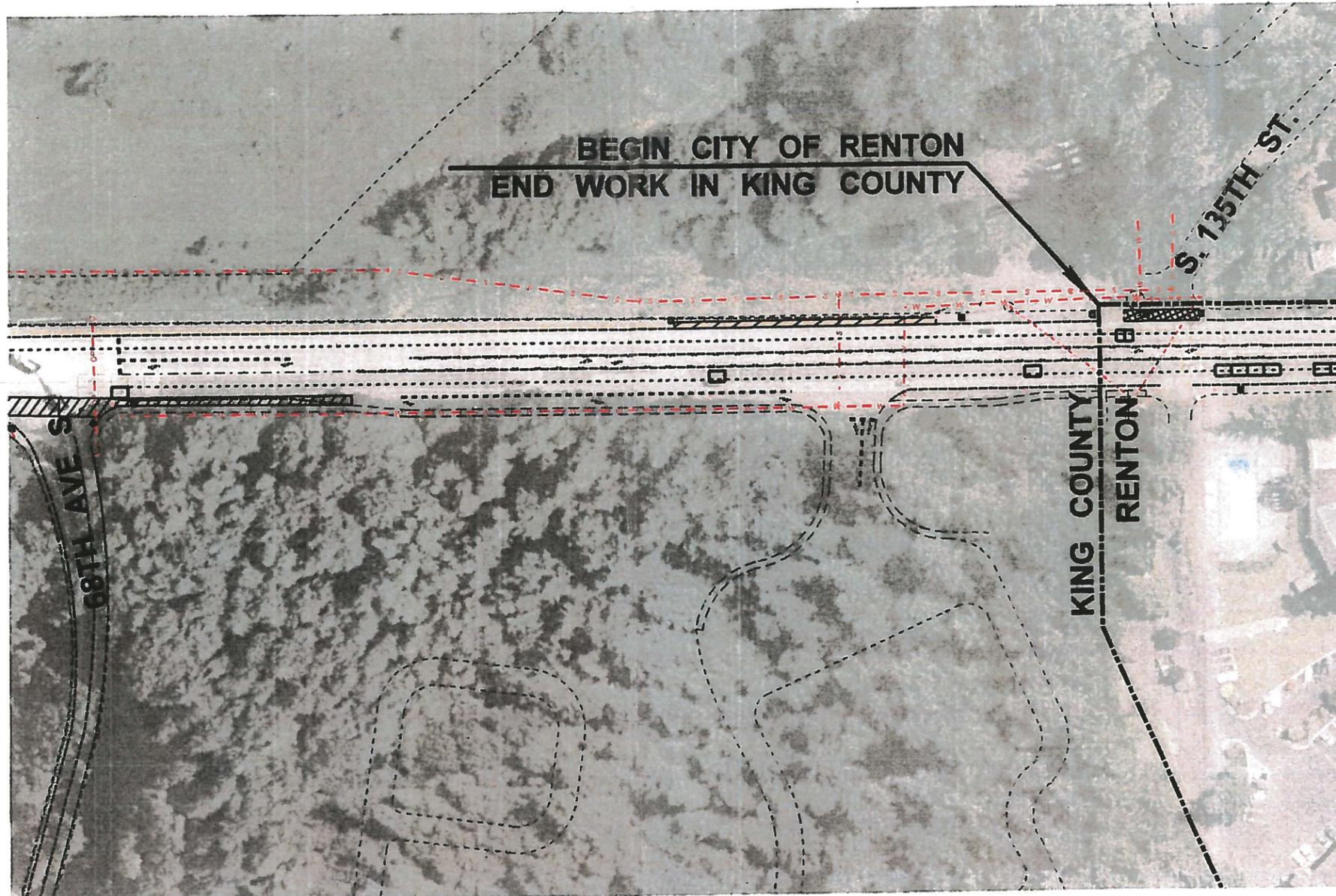
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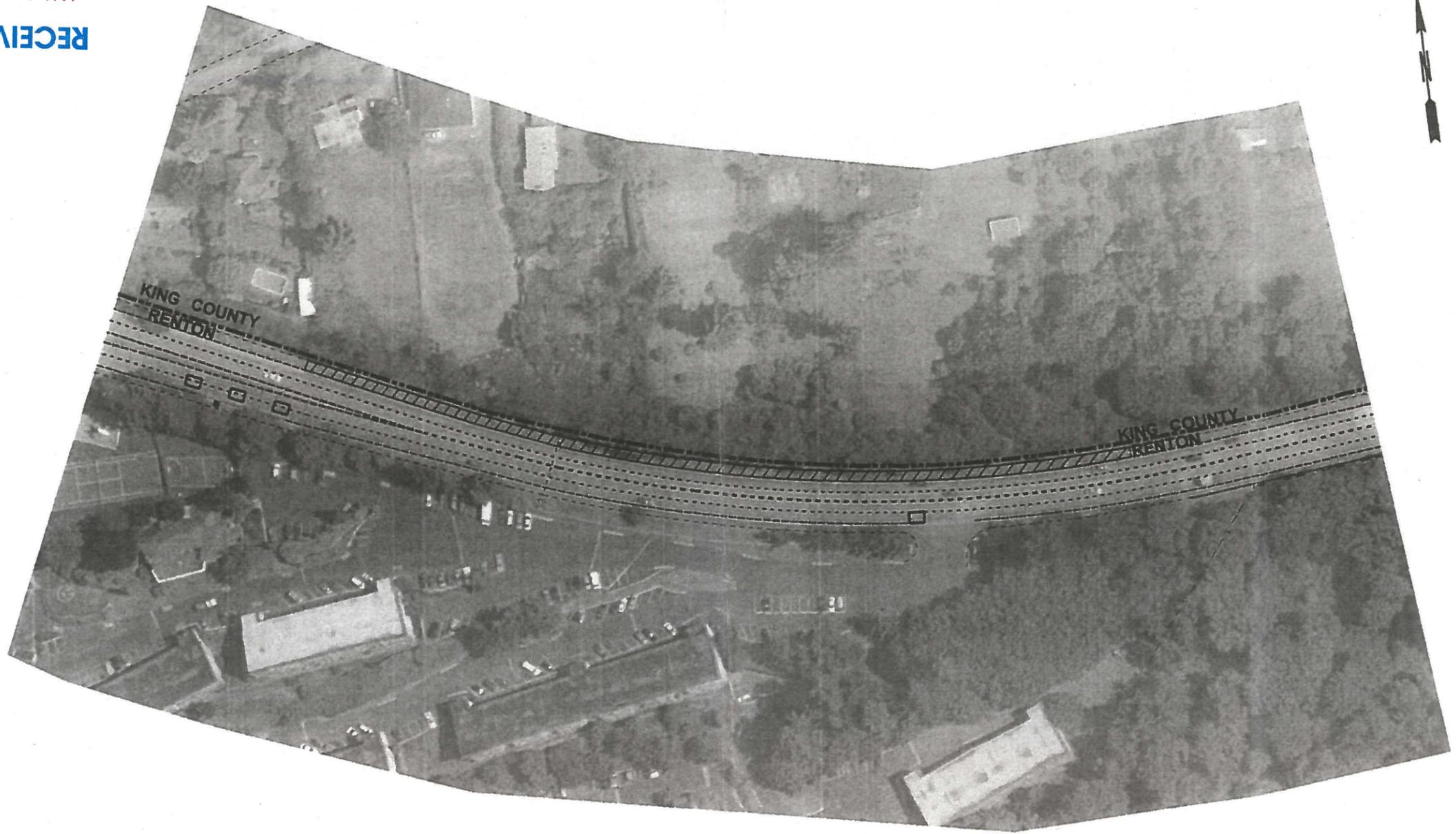
SR 900
TUKWILA NCL TO SR 167 WYE
CONCRETE PAVEMENT REHABILITATION
CITY OF RENTON-NOISE VARIANCE APPLICATION
DECEMBER 1, 2014

- | | | | |
|---|------------------------------|---|---------------------|
|  | 1.) PREPARATION/MOBILIZATION |  | EXISTING WATER LINE |
|  | 2.) SHOULDER REPAIR |  | EXISTING SEWER LINE |
|  | 3.) REPLACE CONCRETE PANELS | | |
|  | 4.) PAVEMENT MARKING | | |



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SR 900
 TUKWILA NCL TO SR 167 WYE
 CONCRETE PAVEMENT REHABILITATION
 CITY OF RENTON-NOISE VARIANCE APPLICATION
 DECEMBER 1, 2014

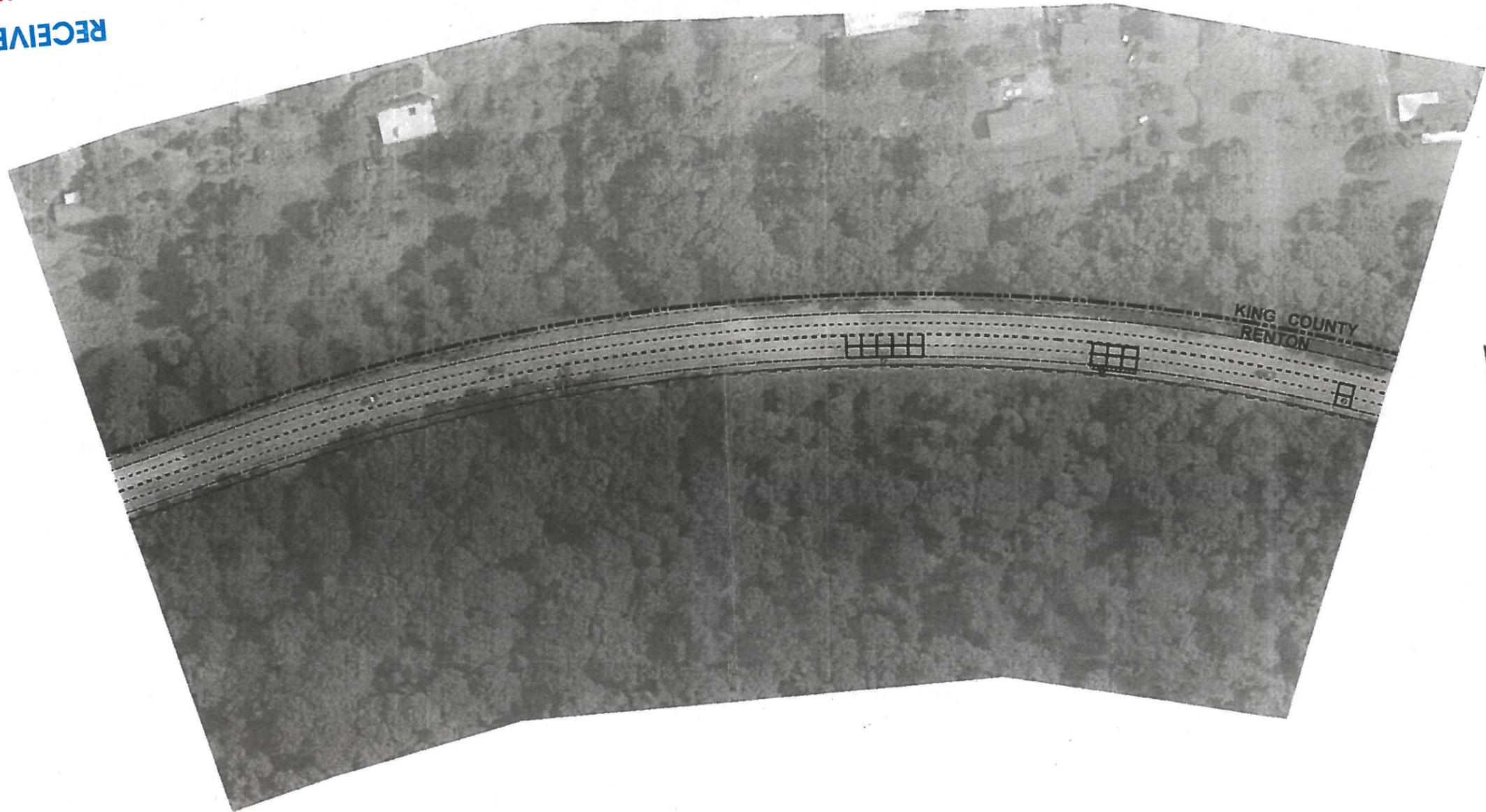
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 - 2.) SHOULDER REPAIR
 - 3.) REPLACE CONCRETE PANELS
 - 4.) PAVEMENT MARKING
- EXISTING SEWER LINE



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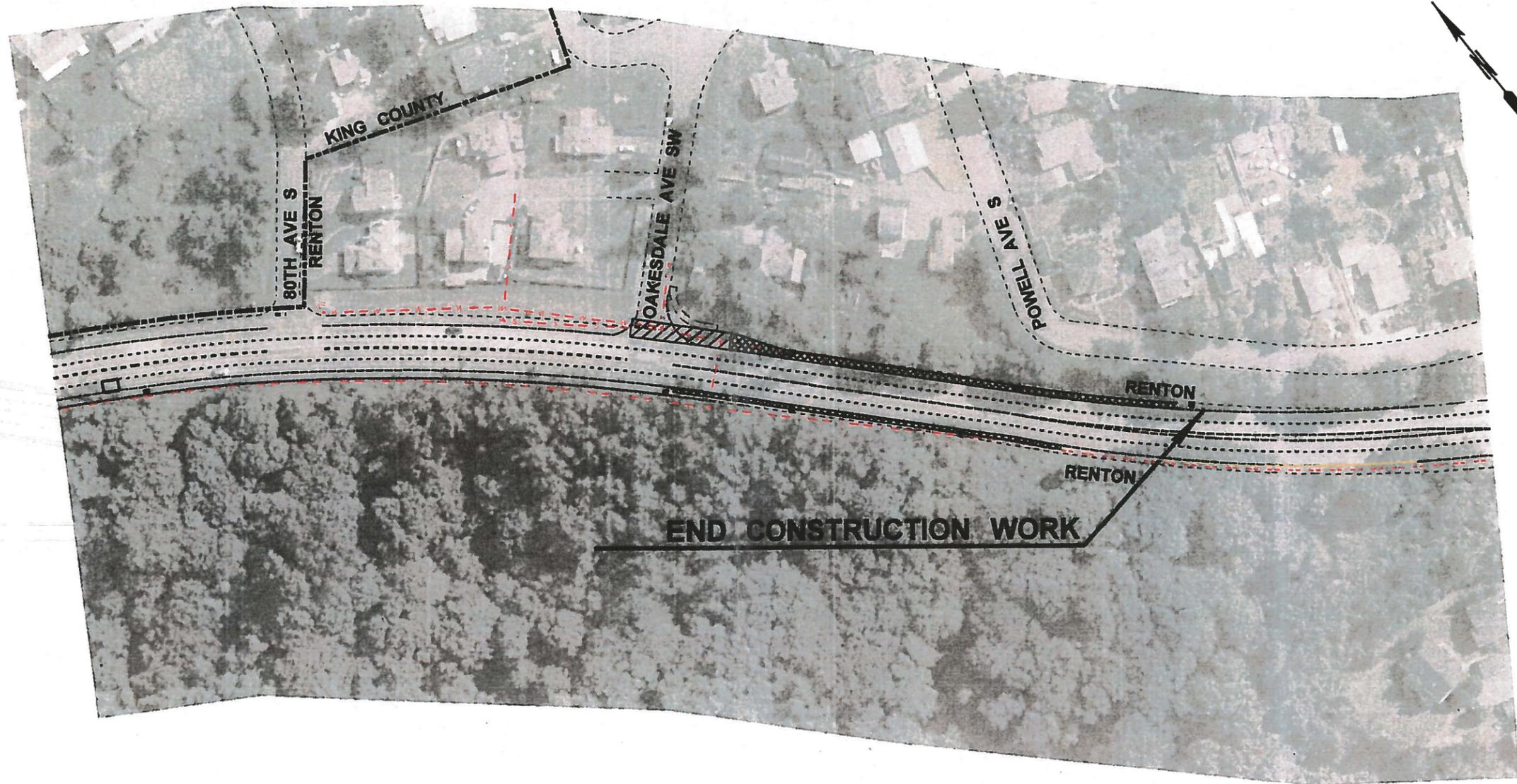
SR 900
TUKWILA NCL TO SR 167 WYE
CONCRETE PAVEMENT REHABILITATION
CITY OF RENTON-NOISE VARIANCE APPLICATION
DECEMBER 1, 2014

- 1.) PREPARATION/MOBILIZATION
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 - 3.) REPLACE CONCRETE PANELS
 - 4.) PAVEMENT MARKING
- s---s---s--- EXISTING SEWER LINE



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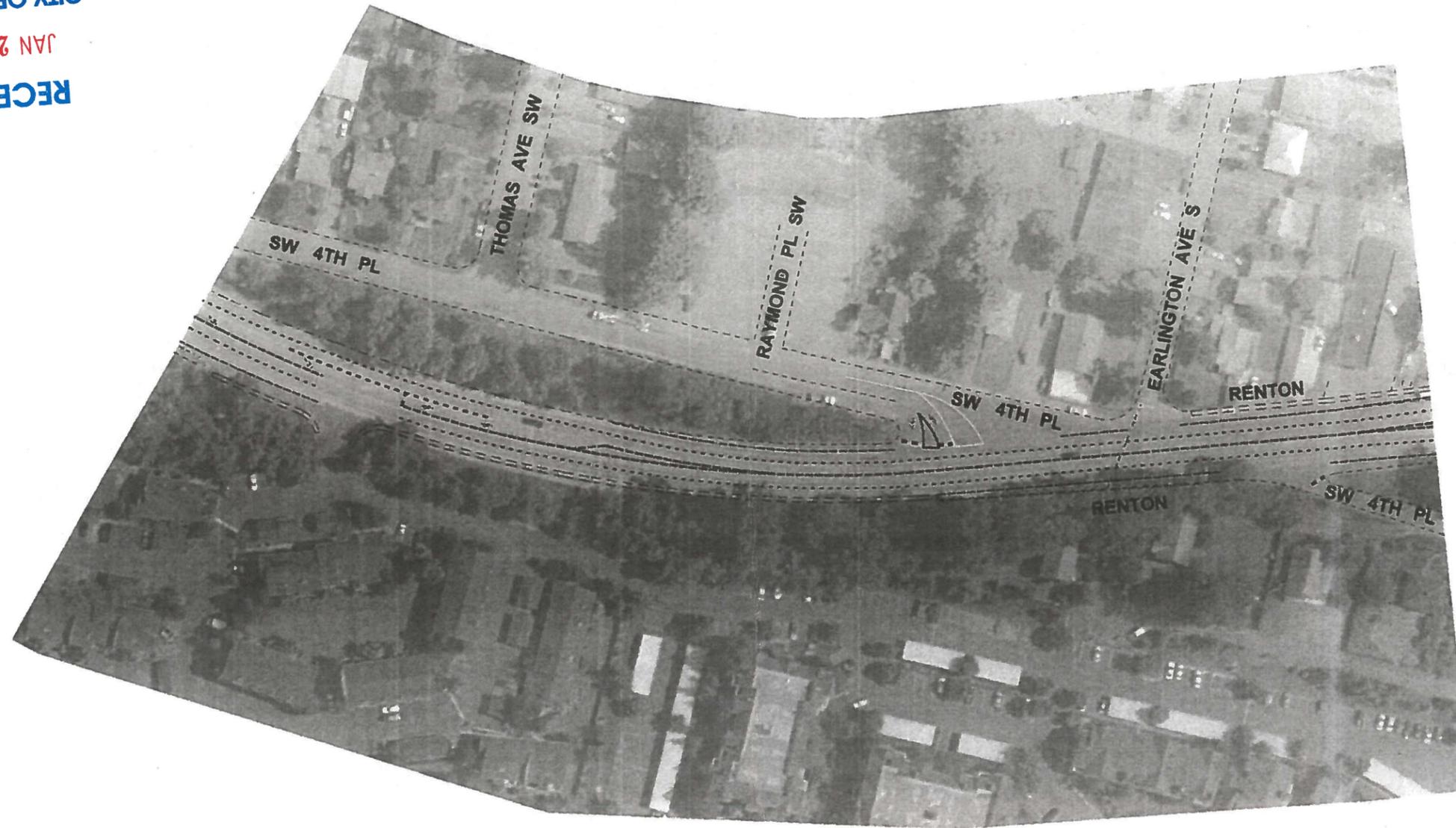
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|  | 1.) PREPARATION/MOBILIZATION |  | EXISTING WATER LINE |
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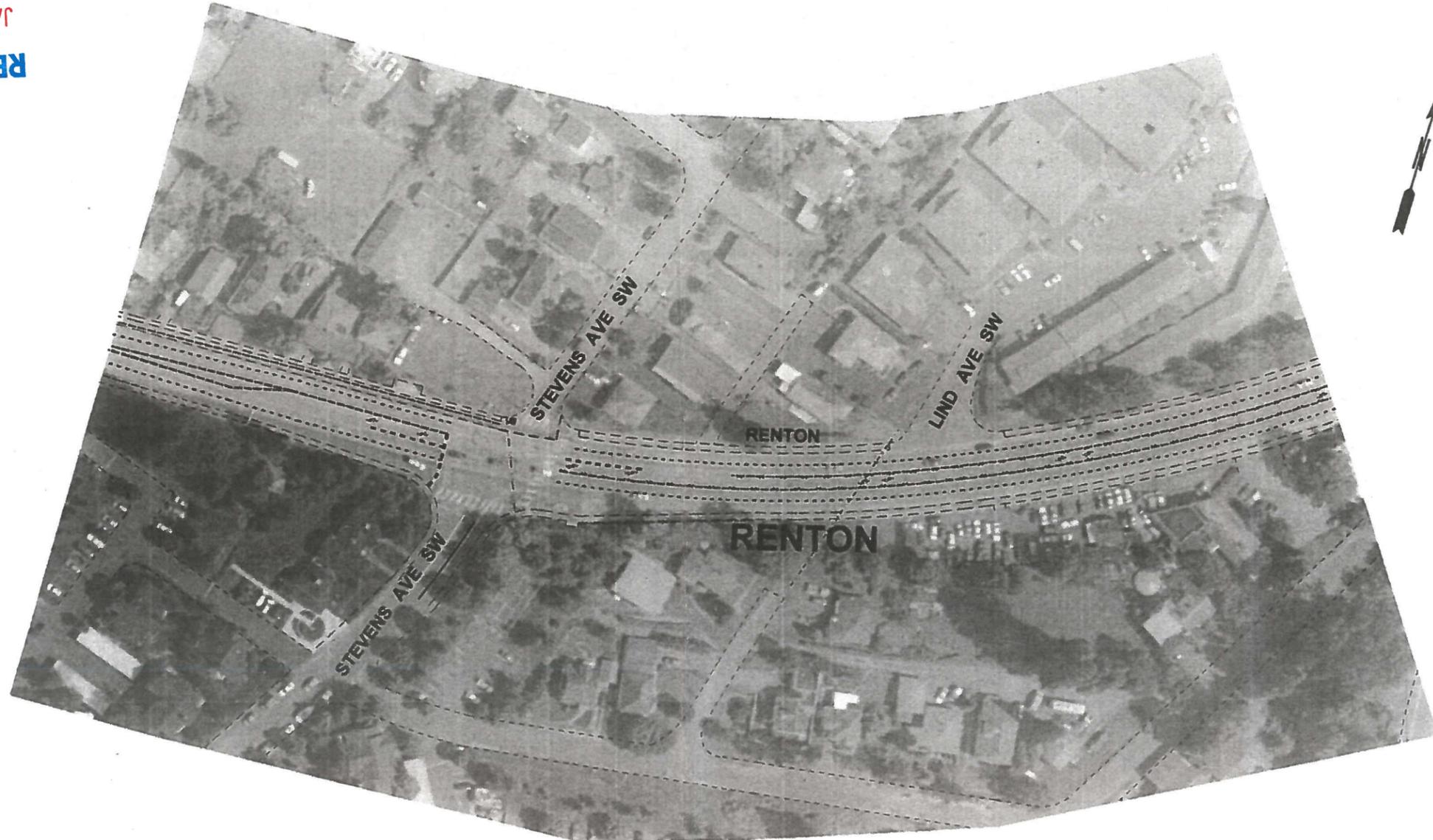
----- 4.) PAVEMENT MARKING

----- EXISTING GAS LINE

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SCALE IN FEET



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----- 4.) PAVEMENT MARKING

----- EXISTING GAS LINE

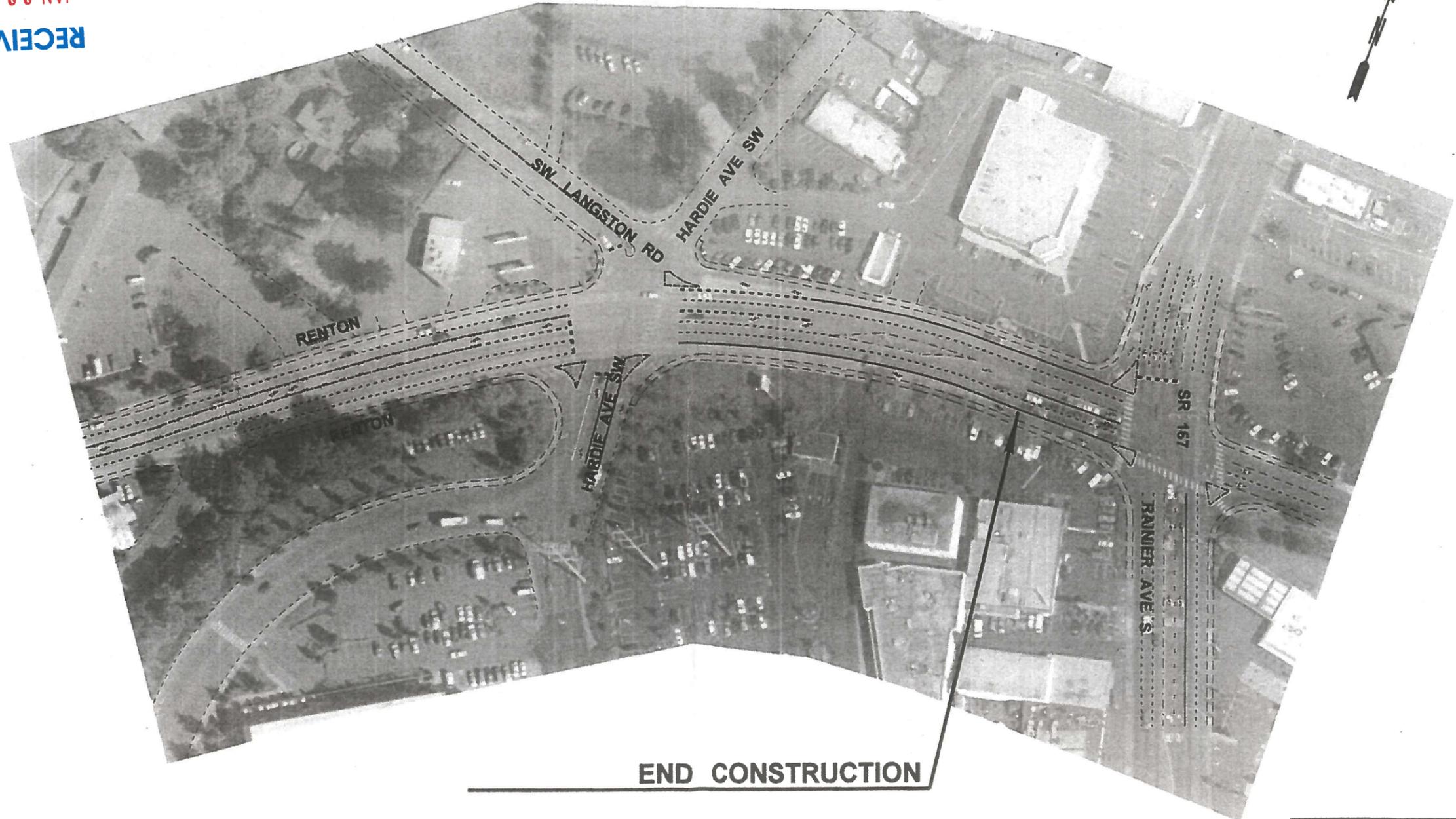
----- EXISTING BURIED CABLE



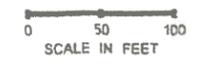
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CONCRETE PAVEMENT REHABILITATION
CITY OF RENTON-NOISE VARIANCE APPLICATION
DECEMBER 1, 2014



Vicki Grover

From: Escude, Laura <MussomL@wsdot.wa.gov>
Sent: Thursday, February 12, 2015 6:24 PM
To: Vicki Grover
Subject: City of Renton SR 900 Hearing Updated chart and number of nights
Attachments: City of Renton Equipment Attachement2equipmeentupdated.xlsx

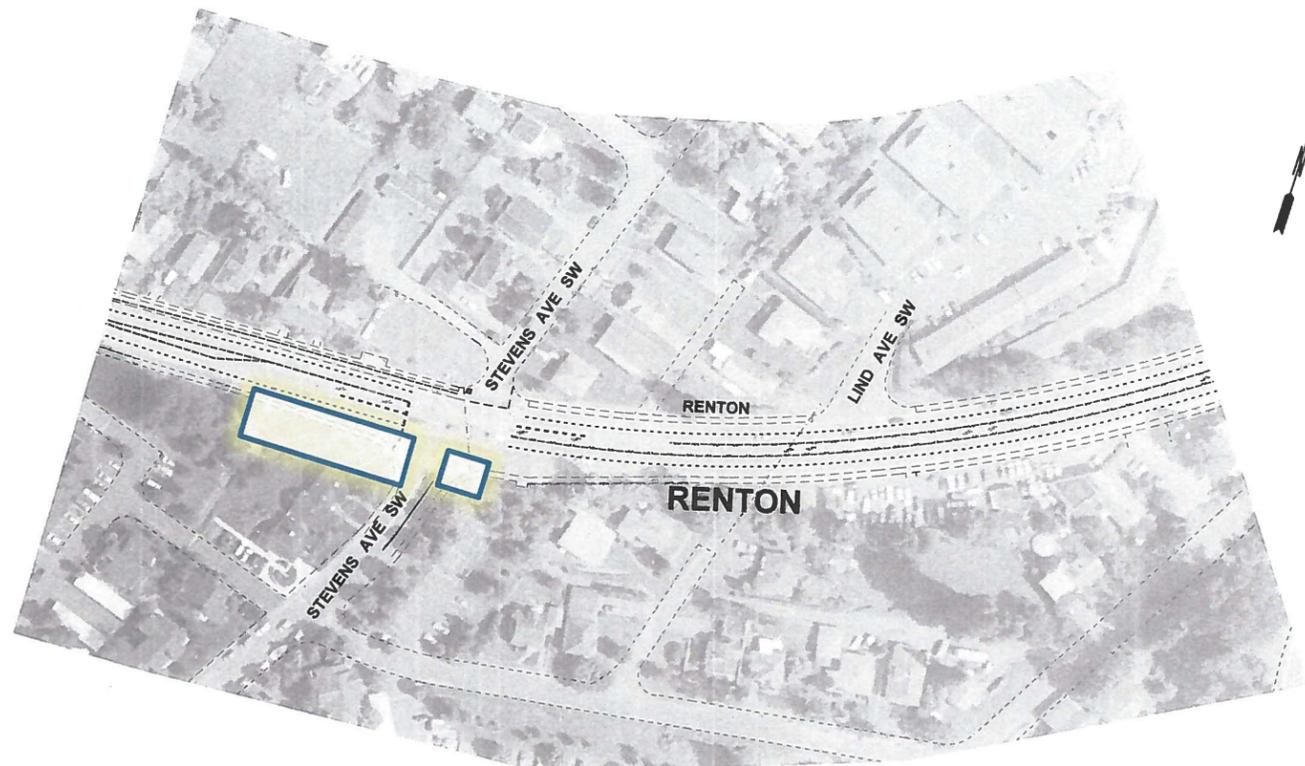
Vicki

Attached is the updated equipment list and also we are requesting 4 more nights a total of 34 nights.
Also could you sent me a copy of the notices for my files.
Thanks for your help in this matter

Laura

EXHIBIT 4

EXHIBIT 5



SR 900
TUKWILA NCL TO SR 167 WYE
CONCRETE PAVEMENT REHABILITATION
CITY OF RENTON-NOISE VARIANCE APPLICATION
DECEMBER 1, 2014

----- 4.) PAVEMENT MARKING

----- EXISTING GAS LINE

----- EXISTING BURIED CABLE

0 50 100
SCALE IN FEET



Column1	Column2	Column3	Column4	Column5	Column8	Column9
Item #	Equipment	Sound level (dBA) at 50'	Sound level (dBA) at 100'	Sound level (dBA) at 200'	Type of Construction work	Mitigation measures
1	1-ton pickup trucks	68	65	62	Supports various construction activities.	The sounds of this equipment would be perceived the same as existing background Traffic noise from SR900 at night. Contractor is not allowed parking and idling vehicles next to residences. After hours noise complaint phone number will be made available.
2	Dump trucks	85	82	79	General construction operations	Construction equipment sounds will be similar to noise from SR900 nighttime background traffic noise. Ambient sensitive backup alarms are required and truck tailgate banging is not allowed. An after hours noise complaint phone number will be available.
3	Paving machines	74	68	62	Shoulder Paving operations	Slow moving mobile operation. Construction equipment sounds will be similar to noise from SR900 nighttime background traffic noise. Minimize use of sensitive back alarms.
4	Planning grinder	85	79	73	Shoulder Paving operations	Slow moving mobile operation. Construction equipment sounds will be similar to noise from SR900 nighttime background traffic noise. If required, residences will be notified of night work and provided with earplugs. An after hours noise complaint phone number will be available.
5	Air compressor	68	62	56	Pavement repair and Support various construction activities.	Park equipment breaking the line of sight from residences or place temporary noise shields when feasible. An after hours noise complaint phone number will be available.
6	Asphalt saw cut	80	74	68	Pavement repair	An after hours noise complaint phone number will be available.
7	Concrete saw cut.	84	78	72	Concrete/Panel Pavement repair	An after hours noise complaint phone number will be available.
8	Portable Light plants and generators	72	66	60	Paving operations and support various construction activities.	Redirect temporary lights away from residences. Avoid parking and idling vehicles next to residences. An after hours noise complaint phone number will be available.
9	Compaction Rollers /portable compactor for pavement repair	77	71	65	Pavement repair	Temporary noise shields will be used as directed by the engineer when feasible. An after hours noise complaint phone number will be available.
10	Flatbed trucks	79	76	73	Paving operation and support various construction activities.	Mobile operation. Construction equipment sounds will be similar to noise from SR900 nighttime background traffic noise.
11	Truck Mounted Attenuators	68	62	56	Traffic control.	Contractor is not allowed parking and idling vehicles next to residences. An after hours noise complaint phone number will be available.
12	Sweeper	69	66	63	Paving operations	Mobile operation. Construction equipment sounds will be similar to noise from SR900 nighttime background Traffic noise. An after hours noise complaint phone number will be available.
13	Striping pavement marking trucks	78	75	72	Placement of pavement lines	Mobile operation. The sounds of this equipment would be perceived the same as existing background noise from SR 900/MLK blc at night. Contractor shall avoid parking and idling vehicles next to residences. After hours noise complaint phone number will be made available.
14	Pavement marking machines	78	72	66	Placement of pedestrian/crosswalk lines.	Stationary Operation. When feasible place Temporary Noise shield and notify residents of the operation.
15	Hydraulic Pavement breaker	85	79	73	Concrete Pavement breaker	Stationary Operation. When feasible place Temporary Noise shield and notify residents of the operation.



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 - * TVW
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 - * OFM Fiscal Note Website



WACs > Title 173 > Chapter 173-60 > Section 173-60-040

[173-60-030](#) << [173-60-040](#) >> [173-60-050](#)

WAC 173-60-040 No agency filings affecting this section since 2003
Maximum permissible environmental noise levels.

(1) No person shall cause or permit noise to intrude into the property of another person which noise exceeds the maximum permissible noise levels set forth below in this section.

(2)(a) The noise limitations established are as set forth in the following table after any applicable adjustments provided for herein are applied.

EDNA OF NOISE SOURCE	EDNA OF RECEIVING PROPERTY		
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

(b) Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

(c) At any hour of the day or night the applicable noise limitations in (a) and (b) above may be exceeded for any receiving property by no more than:

- (i) 5 dBA for a total of 15 minutes in any one-hour period; or
- (ii) 10 dBA for a total of 5 minutes in any one-hour period; or
- (iii) 15 dBA for a total of 1.5 minutes in any one-hour period.

[Order 74-32, § 173-60-040, filed 4/22/75, effective 9/1/75.]

EXHIBIT 7