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STATE OF ILLINOIS
Pollution Control Board

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSAL OF VAUGHAN & BUSHNELL)
MANUFACTURING COMPANY OF)
AMENDMENT TO A SITE-SPECIFIC RULE)
35 ILL. ADM. CODE 901.121)

6-011
R2005-

PROPOSAL OF AMENDMENT TO A SITE-SPECIFIC RULE

NOW COMES Vaughan & Bushnell Manufacturing Company ("Vaughan") by and through its attorneys, Davis & Campbell L.L.C., and hereby submits its proposal to the Illinois Pollution Control Board ("Board") for an amendment to the site specific rule found at 35 Ill. Adm. Code Section 901.121 with respect to the operation of the Vaughan forging facility in Bushnell, Illinois. This proposal is submitted pursuant to Section 28(a) of the Illinois Environmental Protection Act, 415 ILCS 5/28(a), ("Act"), and in accordance with Part 102, Subpart B of the Illinois Pollution Control Board's Procedural Rules, 35 Ill. Adm. Code Section 102, Subpart B. In support hereof, Vaughan provides the following information.

INTRODUCTION

Vaughan, a world leader in the manufacture of striking tools, owns and operates a forging shop in Bushnell, Illinois located at the intersection of Davis and Main Streets which consists of ten drop hammers capable of producing up to 2,500 lbs. of force in the production of striking tools ("Shop"). The Shop is Vaughan's primary production facility. Vaughan was initially permitted by 35 Ill. Adm. Code Section 901.121 to operate inconsistent with the Sound Emission Standards and Limitations promulgated by the Board pursuant to 35 Ill. Adm. Code Section 901 *et seq.* on May 7,

1985. 35 Ill. Adm. Code Section 901.121. The Shop is located in an area of Bushnell that is primarily industrial. Currently the land uses in the immediate area, in addition to industrial uses, is agricultural, residential, rail transportation, and vacant land. Because the Shop has received a site-specific rule with regard to sound emissions, the Board's noise regulations have generally not been applicable. Regardless of that fact, to the best of Vaughan's knowledge, no current pollution complaints have been alleged by any of its neighbors.

Due to its proposed change in hours of operation, Vaughan now seeks an amendment to the site-specific rule previously promulgated by the Board. The land immediately north of the Shop is owned by Vaughan or contains commercial property and two residential properties. The land immediately east of the Shop is industrial in nature and is owned or operated by Archer Daniel Midland as a protein manufacturing site. The land immediately south of the Shop is owned by the City of Bushnell and contains maintenance and electrical buildings. Finally, the land immediately west of the Shop is industrial and contains the Norforge Manufacturing facility, which is another forging shop. The proposed change in the hours of operation is currently not permitted by the hours of operation limitation found at 35 Ill. Adm. Code Section 901.121(b). For this reason, Vaughan is seeking an amendment to the previously promulgated site-specific rule by the Board that will establish a twenty-four hour period of operation. The amendment requested is permissible under the Board's authority to amend previously established rules pursuant to Section 28(a) of the Act.

PROPOSED AMENDMENT TO A SITE-SPECIFIC RULE
(35 Ill. Adm. Code Section 102.210(a))

The hours of operation rule for Vaughan is found at 35 Ill. Adm. Code Section 901.121(b). This rule was first established by the Board pursuant to Vaughan's Proposal for Site-Specific

Rulemaking on May 7, 1985. The current rule states as follows:

Vaughan & Bushnell Manufacturing Company and the future owners of the forging facility located at the intersection of Davis and Main Streets, Bushnell, Illinois, shall comply with the following site-specific operational level:

- a) Operate no more than ten hammers at any one time; and
- b) Operate its forging hammers only between the hours of 6:00 a.m. and 1:30 p.m. Monday through Saturday.

[Note: the language of the current rule referring to “1:30 p.m.” is a scrivener’s error.

The language should read “1:30 a.m.” as was ordered by the Board on May 7, 1985. On March 17, 2005, Vaughan requested the Board to correct the error. The matter is currently before the Board at R03-9.]

The Board requires that language proposed to be added by amendment must be indicated by underscoring and language proposed to be deleted by amendment must be indicated by strike-outs. Pursuant to the Board’s requirements, Vaughan proposes amendment by deletion and amendment by addition as follows:

Vaughan & Bushnell Manufacturing Company and the future owners of the forging facility located at the intersection of Davis and Main Streets, Bushnell, Illinois, shall comply with the following site-specific operational level:

- a) Operate no more than ten hammers at any one time during the hours of 6:00 a.m. and 1:30 a.m. Monday through Sunday; and
- ~~b) Operate its forging hammers only between the hours of 6:00 a.m. and 1:30 p.m. Monday through Saturday.~~
- b) Operate no more than ten hammers at any one time during the hours of 1:30 a.m. and 6:00 a.m. Monday through Sunday.

As explained more fully herein, the amendment of Vaughan’s site-specific rule will allow

Vaughan to operate the Shop for a third shift and thereby provide the maximum manufacturing output that is economically feasible and technically reasonable. The only area that may be affected by adopting the proposed amendment is the immediate area surrounding the Shop, which as previously stated is comprised of mostly industrial establishments. Moreover, the adoption of the proposed amendment will allow Vaughan to continue to be the world leader in the manufacture of striking tools and provide economic stability to the Bushnell community.

STATEMENT OF REASONS
(35 Ill. Adm. Code Section 102.210(b) and Section 102.202(b))

In accordance with the Board's procedural rules at Section 102.210(b) and Section 102.202(b), Vaughan submits the information required to support this amendment to a site-specific rule. In sum, this information demonstrates the need for the requested amendment, the reasons why compliance with the current rule is not economically reasonable, describes the area affected by the proposed amendment, and addresses the environmental impact of the proposed amendment on the affected area.

**Character of the Area Involved, Character of the Surrounding Land Uses, and Description
of the Area Affected by the Amendment**
(35 Ill. Adm. Code Section 102.210(b))

As described more fully below, the character of the area is industrial and the area that may be affected by the proposed amendment is property immediately surrounding the Shop.

The area immediately surrounding the Shop can be described as primarily heavy industrial. The Shop, a drop-forge facility, is classified as industrial land use. It is located at the intersection of Davis and Main Streets in the City of Bushnell. *See Attachment A: Bushnell City Map.* To the

immediate north of the Shop is Vaughan's real estate consisting of several buildings owned by Vaughan but not used in the drop-forge operation, the Silver Fox Tavern (a commercial liquor establishment catering to the area's industrial and business employees), two residential houses, and the City of Bushnell water tower and water treatment plant. Immediately east of the Shop is a parking lot, the Archer Daniels Midland manufacturing facility which manufactures protein, the Burlington Northern Railroad Office, and the Burlington Northern Railroad. To the immediate south of the Shop is a second railroad- Keokuk Junction Railway Company, a vacant residence, a liquor store, and the City of Bushnell's power plant and electrical maintenance facility. Finally, to the immediate west of the Shop is a parking lot and to the southwest is mobile homes, an FS Grain Elevator, and the Norforge Manufacturing facility (a drop forge facility similar to Vaughan's Shop). Elsewhere in the area are different commercial concerns including a lumberyard and a second grain elevator.

The predominant industrial character of the area creates heavy truck traffic and other vehicular traffic. The Burlington Northern Railroad and the Keokuk Junction Railway Company operate over thirty-five trains through the City of Bushnell, on the tracks immediately adjacent to Vaughan, every day. The trains create an abundance of noise, far in excess of the noise created by Vaughan in its Shop. In addition, the grain elevators contribute a great amount of semi-tractor trailer noise. The nature of the Archer Daniels Midland protein manufacturing facility contributes to additional noise. *See Attachment B: Existing Land Uses.*

The closest residence to the Shop is more than 300 feet away. Several single family residences are located near the mobile homes to the southwest of the Shop. However, as Attachment B indicates, these residences are geographically closer to the Burlington Northern Railroad and the

Keokuk Junction Railway Company which create substantially greater amounts of noise as that emitted by the Shop.

At the present time, the Shop is in compliance with the Board's hours of operation regulation found at 35 Ill. Adm. Code Section 901.121(b). As for its neighbor, Norforge Manufacturing (formerly C.S. Norcross) currently has a site-specific rule for hours of operation similar to that of Vaughan; however the Norforge operation is permitted to use twelve drop hammers during its hours of operation. As for the rest of its industrial neighbors, no applicable numerical noise or hours of operation limitations exist.

The only area that may be affected by the proposed amendment is the mobile homes and residences that are located southwest of the Shop. However, as previously indicated, the mobile homes and residences are adjacent to the Burlington Northern Railroad and the Keokuk Junction Railway Company which operate trains on their track over thirty-five times a day, twenty-four hours a day and are thereby exposed to greater amounts of sound emissions as those that are and may be emitted by the Shop.

Description of the Shop Site and Operations
(35 Ill. Adm. Code Section 102.210(d))

Vaughan is the largest employer in City of Bushnell. Vaughan currently employs two hundred thirty people at its Bushnell facility. The Shop itself is a drop-forge facility, created in 1940, consisting of ten drop hammers capable of producing up to 2,500 lbs. of force in the production of striking tools. The drop hammers are located in a one-story building that runs east and west of the property. The building was constructed in 1923 and is composed principally of a structural frame with brick walls. The walls are as much as twenty-four inches thick in some spots. There are several

openings on the east and south walls of the Shop to permit air to flow through. The roof of the Shop is made entirely of wood rafters, sheet metal, and tar (for sound dampening purposes). In addition to the drop hammers, the Shop houses eleven furnaces that aid in manufacturing.

The forging process consists of heating carbon or alloy steel in furnaces to approximately 2350 degrees Fahrenheit and then forcing the heated pieces between two dies. The upper die is attached to a guided ram and the lower die is attached to the forge. The metal is shaped through pressure exerted by the ram or forge hammer, forcing the work-piece into the impression on the dies.

The sound produced by this process is impulsive and originates primarily from the impact between the upper and lower die and the work-piece. There is a constant flow of materials between the furnaces and drop hammers. Vaughan forges striking tools which include primarily hammers.

The forging process creates a substantial amount of heat by way of the furnaces and heated work-pieces. The furnaces require a tremendous amount of oxygen and emit a great deal of heat. Consequently, the Shop requires extensive ventilation which is provided by opening several doors to the outside located throughout the Shop. This natural ventilation system is widely utilized by the forging industry. However, noise escapes through these side openings in the Shop.

**Demonstration that Compliance with the Current Rule is
Not Economically Reasonable
(35 Ill. Adm. Code Section 102.210(b))**

At the time the Shop was established in 1940, there did not exist the hours of operation limitations imposed by the Board today. Until the Board promulgated the Sound Emission Standards and Limitations for Property Line-Noise-Sources in 1973, Vaughan was permitted to operate its shop twenty-four hours a day. In 1984 Vaughan petitioned the Board for a Site-Specific Operational Level and the Board, at that time, promulgated a regulation permitting Vaughan to operate ten drop

hammers between the hours of 6:00 a.m. and 1:30 p.m. Monday through Saturday. **[However, the reference to “1:30 p.m.” was a scrivener’s error and Vaughan subsequently, on March 17, 2005, requested the Board to correct the error by inserting “1:30 a.m.” in its stead. The matter is currently before the Board at R03-9.]**

At the time the Shop was established, and continuing today, sound emission is a consequence of the forging industry. Although there have been advances in technology in the area of sound dampening as it relates to the forging industry, such changes in technology have not adequately replaced the “natural cooling” system most forging shops currently utilize.

For example, technology has created sound barriers which would be placed around the openings about the Shop with the purpose of dampening or reducing the amount of sound which escapes the Shop. However, these sound barriers also have the side effect of reducing the air flow which creates the “natural cooling” of the Shop. In addition, the amount of sound actually dampened or reduced by these sound barriers is minimal when compared with the side effects. Thus, the sound barriers are not economically reasonable.

For another example, technology has created an advanced ventilation system which could be placed in or around the furnaces with the purpose of extracting the heat from the Shop thereby permitting the side openings of the building to be closed and thus reduce the amount of sound emissions. However, these ventilations systems cost upwards of \$500,000.00 each (at least two would be needed in the Shop) and would not permit the complete closure of the side openings of the building as fresh air must be permitted to enter the Shop. Thus, the ventilation systems are not economically reasonable.

Therefore, although there have been advances in technology in the area of sound dampening

as it relates to the forging industry, such changes in technology have not adequately replaced the “natural cooling” system and/or are currently economically unreasonable in practical application.

In addition to the lack of economically reasonable technological advances in the forging industry, Vaughan is facing increased competition from striking tool manufacturers who have either moved their operations to China (*i.e.*, Stanley Tools and Cooper Tools) or are outsourcing hammers from Chinese operations (*i.e.*, True Value, Ace Hardware, the Home Depot, Lowes Companies, and others). The increased competition is the result of lower manufacturing costs and greater manufacturing output in China.

Unlike its competitors, Vaughan all along has focused its marketing efforts on “Made in U.S.A.” which is important to the professional tradesman who make a living with the tools as well as to consumers who believe in an American made product. Vaughan believes that it can compete with its Chinese counterparts but in order to do so Vaughan must expand its manufacturing output.

Vaughan needs to expand its capacity for increased production to compete in the current market. The expansion can be accomplished by either investing in additional drop hammers or by expanding its hours of operation. Just as expanding the hours of operation requires an amendment to the site-specific rule previously promulgated by the Board, adding additional drop hammers would similarly require Board approval. However, the additional capital required for the drop hammers is estimated to be about \$500,000.00. It does not require any additional capital to operate a third shift. Likewise, it does not require additional capital to outsource forging in China, which is an alternative. Furthermore, significant economical benefit to the city of Bushnell would be lost if Vaughan were to outsource forgings in China as Vaughan is the largest employer in the city of Bushnell.

Thus, it is not economically reasonable for Vaughan to comply with the current rule.

Technological advances in the forging industry have not created an economically reasonable alternative to the “natural cooling” system currently employed by most forging shops. In addition, to compete in the current manufacturing market, Vaughan must infuse significant amounts of capital or Vaughan may outsource its forgings or Vaughan may operate a third shift to keep up with the increased competition. It would be more technically feasible for Vaughan to operate the third shift because the environmental impact of the proposed amendment is slight. Likewise, it would be more economically reasonable for Vaughan to operate a third shift because the capital required for the alternatives is too substantial to justify the slight benefit the alternatives would achieve.

**Consideration of the Environmental Impact of the Proposed Amendment on
the Affected Area**

(34 Ill. Adm. Code Section 102.210(d))

Although the environmental impact of the proposed amendment will not be greater than the current environmental impact, Vaughan conducted a field sound measurement project to correctly assess the potential environmental impact. The study demonstrates that the Shop complies with the applicable Board Sound Emission Standards and Limitations, and therefore does not now have an adverse environmental impact on the area. The study provides information which establishes site-specific sound pressure levels that are achieved at the Shop when the Shop is fully operating with all ten drop hammers. The study also provides information which establishes the sound pressure levels that are achieved around the Shop when the Shop is shut-down. The study also provides information which establishes site-specific sound pressure levels that are achieved at the Shop when the Shop is operating as proposed by this amendment. Finally, the study considers and compares the sound emissions from other industries in the immediate area of the Shop. That comparison demonstrates

that the other industries in the area of the Shop produce similar and even greater amounts of emissions throughout all hours of the day and night.

Sound Level Measurements Under the Current Rule

Vaughan performed a field sound survey using a Radio Shack Dosimeter (Model 33-2055 with a frequency response range of 500 to 10,000 hertz). Survey measurements quantified the sound decibel level from all localized sound sources at various locations and points near the Shop. *See Attachment C: Map of Sound Level Test Areas.* Measurements were made under representative community conditions on July 13, 2005 at 11:00 a.m. The sound levels measured are recorded in the following table.

Date	Time	Location – See Map	Noise Source	Maximum Noise Reading
7/13/05	11:00 am	Location 1 – corner of Barnes & W. Main St.	V&B Shear Building	69dBA
7/13/05	11:00 am	Location 2 – corner of Dean & Barnes St.	Norforge Mfg. – Drop Hammers	57 dBA
7/13/05	11:00 am	Location 4 – House west of Silver Fox Tavern	Vaughan & Bushnell grinding dust collectors	75 dBA
7/13/05	11:00 am	Location 6 – in front of Forging Department near railroad	Vaughan & Bushnell – Drop Hammer	72 dBA
7/13/05	11:00 am	Location 7 – Vacant house next to sub station	Vaughan & Bushnell – Drop Hammer	64 dBA
7/13/05	11:00 am	Location 8 – Dean St next to the Mobile Home	Vaughan & Bushnell – Polish Dust Collector Norforge – Drop Hammer	75 dBA
7/13/05	11:00 am	Location 9 – On sidewalk outside of Forge Shop	Vaughan & Bushnell – Drop Hammers	Over 90 dBA
7/13/05	11:00 am	Location 10 – Outside of Building on street next to Norforge – Forging Operation	Norforge Drop Hammers	Over 90 dBA
7/13/05	11:00 am	Location 11 – Train whistle at the corner of Davis & W. Main St. – 150 ft from railroad	Burlington Northern Train – Blowing Whistle Burlington Northern Train – Engine Noise	98 dBA 82 dBA

Examination of the July 13th field survey results reveals that in many instances, the source of the emission is other than Vaughan. As previously stated, several other sources in the immediate area create a substantial amount of emissions far in excess of those created by Vaughan. The

conglomeration of noise emissions exist in the City of Bushnell twenty four hours a day, seven days a week. The Archer Daniels Midland manufacturing facility operates around the clock, the FS grain elevator operates around the clock, and most of all, the Burlington Northern Railroad and the Keokuk Junction Railway Company operate around the clock. The addition of a third shift, as would be the result of this proposed amendment, would have only a minimal impact, if any at all, on the environment of the immediate area surrounding the Shop.

**Sound Level Measurements Under the Current Rule
In the Absence of Shop Operations**

To provide some clarity and to be certain, on September 1, 2005 Vaughan performed a field sound survey during the middle of a work day, when area industry was in full operation. However, at the time tested Vaughan shut down its Shop and its operation. The result is that measurements were recorded at a period of time to be covered by the current rule and when Vaughan's sound emissions were not present in or around the tested area. Survey measurements quantified the sound decibel level from all localized sound sources at various locations and points near the Shop. *See Attachment C.* Vaughan performed the field sound survey using a Radio Shack Dosimeter (Model 33-2055 with a frequency response range of 500 to 10,000 hertz). Measurements were made under representative community conditions on September 1, 2005 at 3:00 p.m. The sound levels measured are recorded in the following table.

Date	Time	Location - See Map	Noise Source	Maximum Noise Reading
9/1/05	3:00 pm	Location 1 - corner of Barnes & W. Main St.	Vaughan - Shear	74 dBA
9/1/05	3:00 pm	Location 2 - corner of Dean & Barnes St.	Norforge - Drop Hammers	66 dBA
9/1/05	3:00 pm	Location 3 - corner of Dean & Davis St.	Norforge - Drop Hammers	73 dBA

9/1/05	3:00 pm	Location 4 - House west of Silver Fox Tavern	Vaughan - Grind Department Dust Collector	76 dBA
9/1/05	3:00 pm	Location 5 - corner of W. Main & Davis St.	Vaughan - Grind Department Dust Collector	65 dBA
9/1/05	3:00 pm	Location 6 - in front of Forging Department near railroad	Vaughan - Machines & Dust collectors and ADM Noise	61 dBA
9/1/05	3:00 pm	Location 7 - Vacant house next to sub station	Bushnell - Power Plant	61 dBA
9/1/05	3:00 pm	Location 8 - Dean St next to the Mobile Home	Vaughan - Polish Dept. Dust Collector and Bushnell Power Plant	72 dBA
9/1/05	3:00 pm	Location 9 - On sidewalk outside of Forge Shop	Vaughan - Machines & Dust collectors	77 dBA

Examination of the September 1st work day field survey results reveals that there exists significant noise within and around the Shop even when the Shop is not operating and is shut down. As the results indicate, the sound emissions from the Shop are not the only emissions in the area and in fact the Shop adds very little to the overall noise in the area. Thus, it is likely that Vaughan's implementation of a third shift would be unnoticed by the Bushnell community.

Sound Level Measurements Under the Proposed Amendment

For comparative purposes, on September 1, 2005 Vaughan performed a field sound survey during the hours of operation proposed by this amendment. At the time tested (proposed hours of operation), several of the above noises were not present. The result is that measurements were taken at a period of time to be covered or permitted by the proposed amendment and several, but not all, extraneous noises were excluded. Survey measurements quantified the sound decibel level from all localized sound sources at various locations and points near the Shop. *See Attachment C.* Vaughan performed the field sound survey using a Radio Shack Dosimeter (Model 33-2055 with a frequency response range of 500 to 10,000 hertz). Measurements were made under representative community conditions on September 1, 2005 at 5:00 a.m. The sound levels measured are recorded in

the following table.

Date	Time	Location - See Map	Noise Source	Maximum Noise Reading
9/1/05	5:00 am	Location 1 - corner of Barnes & W. Main St.	Vaughan Drop Hammers	55 dBA
9/1/05	5:00 am	Location 2 - corner of Dean & Barnes St.	FS Grain Elevator - Drying Fan / Motor	53 dBA
9/1/05	5:00 am	Location 3 - corner of Dean & Davis St.	FS Grain Elevator - Drying Fan / Motor	59 dBA
9/1/05	5:00 am	Location 4 - House west of Silver Fox Tavern	FS Elevator Drying Fan / Motor & Vaughan Machines (not drop Hammers)	58 dBA
9/1/05	5:00 am	Location 5 - corner of W. Main & Davis St.	Vaughan Drop Hammers	66 dBA
9/1/05	5:00 am	Location 6 - in front of Forging Department near railroad	Vaughan Drop Hammers	67 dBA
9/1/05	5:00 am	Location 7 - Vacant house next to sub station	Vaughan Drop Hammers & ADM noise	61 dBA
9/1/05	5:00 am	Location 8 - Dean St next to the Mobile Home	FS Elevator - Drying Fan/ Motor	62 dBA
9/1/05	5:00 am	Location 9 - On sidewalk outside of Forge Shop	Vaughan Drop Hammers	over 90 dBA

Examination of these September 1st field survey results reveals that Vaughan can in fact operate its shop during the proposed hours of operation without significant environmental impact. As the results indicate, the sound emissions from the Shop may be within the limitations required by the Board pursuant to 35 Ill. Adm. Code Section 901 *et seq.* at many locations in the area surrounding the Shop. When factoring in the Burlington Northern Railroad and the Keokuk Junction Railway Company, as well as the sounds emitted by the other surrounding industry, Vaughan's implementation of a third shift will likely be unnoticed in the Bushnell community.

COMMUNITY SUPPORT OF PROPOSED AMENDMENT

On October 3, 2005, Vaughan provided the Bushnell Economic Development Corporation, a corporation established to promote the economic growth and vitality of the Bushnell community, a copy of this proposal. Following its review of the proposal, the Bushnell Economic Development

Corporation resolved to “fully support the Vaughan & Bushnell Manufacturing Company proposal of amendment to site-specific rule, said proposal being presented to the Illinois Pollution Control Board, whereby Vaughan & Bushnell would be allowed to operate its forging shop as specifically set forth in said proposal, i.e., for three shifts on a 24 hour per day basis.” *See Attachment D: Resolution of Bushnell Economic Development Corporation.* In its resolution, the Bushnell Economic Development Corporation noted the commercial nature of the properties surrounding Vaughan (as indicated above) as well as the great value the granting of the proposal would have on the Bushnell community.

On October 17, 2005, Vaughan provided the City of Bushnell a copy of this proposal. Following its review of the proposal, the City of Bushnell, through its Mayor, resolved to fully support the Vaughan & Bushnell Manufacturing Company proposal of amendment to site-specific rule. *See Attachment E: Resolution of City of Bushnell.* In its resolution, the City of Bushnell also noted the commercial nature of the properties surrounding Vaughan (as indicated above) and further noted that the proposed amendment “will not have any negative impact on the citizens of Bushnell.”

PROCEDURAL MATTERS IN SUPPORT OF PROPOSAL

Synopsis of Testimony to be Presented at Hearing (35 Ill. Adm. Code Section 102.202(c))

Vaughan will introduce several individuals to testify in support of the facts set forth in this proposed amendment to a site-specific rule and the requested relief. Those witnesses will testify and be available for questions about the following topics:

1. William Mourning, Process Development Engineer, Vaughan & Bushnell Manufacturing Company, will testify regarding the current noise reduction technology in place and its

cost as well as the cost of the new technology.

2. Dan Chambers, Director of Quality Assurance, Vaughan & Bushnell Manufacturing Company, will testify regarding the Shop's operation; the community impact of the current rule; the economic impact of the proposed amendment to a site-specific rule; and the community impact of the proposed amendment to a site-specific rule.
3. Mike Havens, Manufacturing Technician, Vaughan & Bushnell Manufacturing Company, will testify regarding the current noise reduction technology in place; the sound level surveys; and the technical feasibility of the current rule.

Statement of Most Recent Version of Rule
(35 Ill. Adm. Code Section 102.202(i))

To the best of Vaughan's knowledge, the proposed amendment amends the most recent version of the rule as published on the Board's web site and as maintained by the Clerk. **However, as indicated above, the Board is currently considering the scrivener's error in recording the current version of Section 901.121 in Title 35 of the Illinois Administrative Code.**

Consistency with Federal Law
(35 Ill. Adm. Code Section 102.210(e))

There are no federal limitations on the Boards' adoption of the proposed amendment. Therefore, such a demonstration is not applicable to this proposal.

Attachments to Proposal

The following attachments are included by Vaughan in support of the amendment to the site-specific rule, and are hereby made a part of this proposal:

Attachment A: Bushnell City Map
Attachment B: Map of Existing Land Uses
Attachment C: Map of Sound Level Test Areas
Attachment D: Resolution of Bushnell Economic Development Corporation
Attachment E: Resolution of City of Bushnell

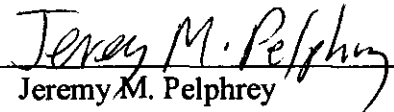
Proposal Signature Requirement
(45 ILCS 5/28 and 35 Ill. Adm. Code Section 102-202(g))

In a separate Motion filed simultaneously with this Proposal, Vaughan respectfully requests that the Board waive the signature requirement applicable to proposals of amendment to site-specific rules.

WHEREFORE, Vaughan respectfully requests that the Board adopt the proposed amendment as proposed and supported by this proposal.

Respectfully submitted,

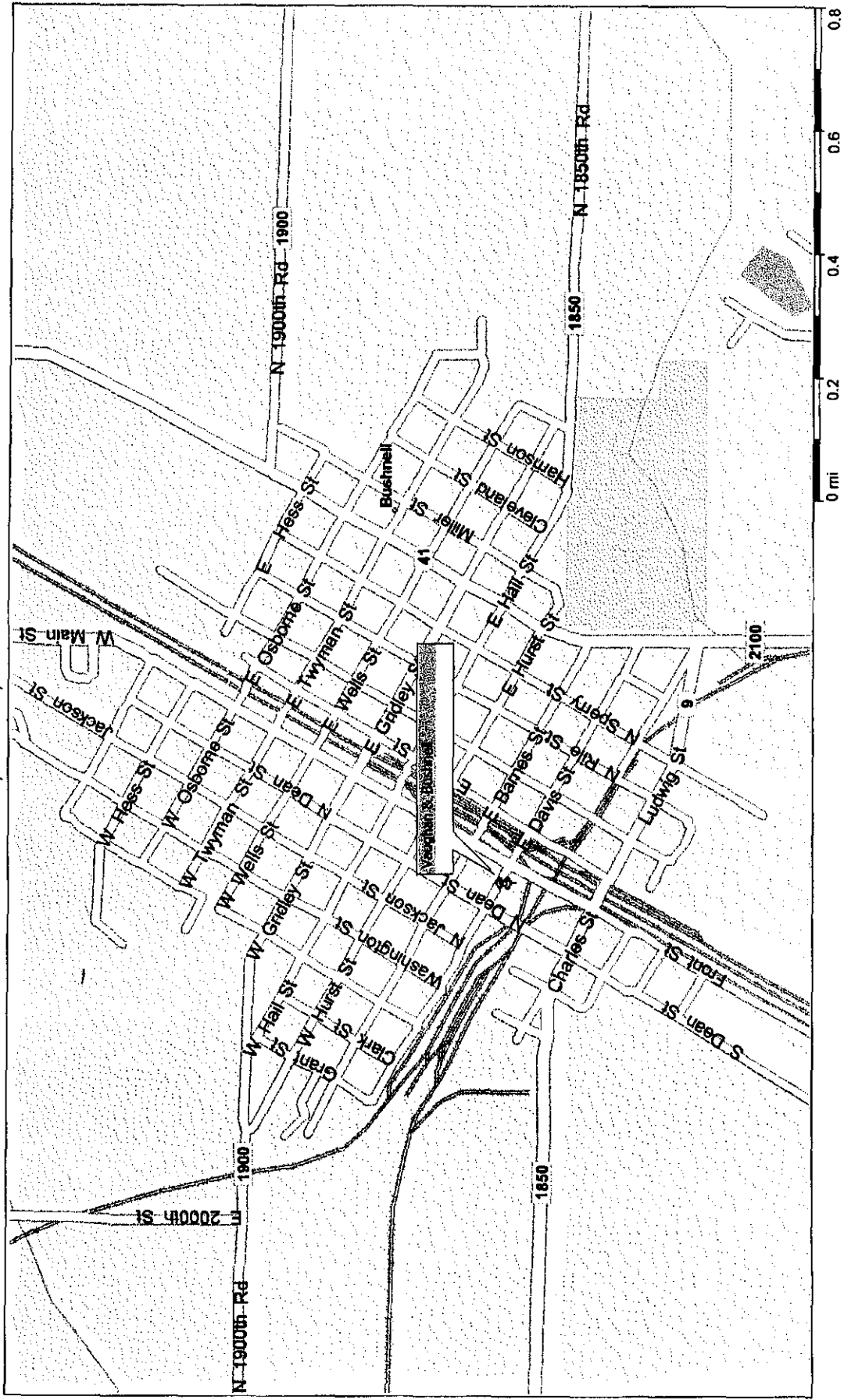
VAUGHAN & BUSHNELL MANUFACTURING
COMPANY

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Exhibit A

Bushnell, Illinois, United States



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 © Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada (Statistica Canada and/or Geomatics Canada). All rights reserved.

Exhibit B

Exhibit C

Exhibit D

**RESOLUTION
IN SUPPORT OF
VAUGHAN & BUSHNELL MANUFACTURING COMPANY
AMENDMENT TO SITE-SPECIFIC RULE**

WHEREAS the Bushnell Economic Development Corporation has been established to promote the economic growth and vitality of the community of Bushnell, Illinois, and its environs; and

WHEREAS, a central goal of the Bushnell Economic Development Corporation is the retention and growth of Bushnell's existing businesses, and particularly its manufacturing businesses; and

WHEREAS, Vaughan & Bushnell Manufacturing Company is the largest employer in the City of Bushnell, and is crucial to the economic well being of the City of Bushnell and its citizens;

NOW THEREFORE, the Bushnell Economic Development Corporation hereby resolves as follows:

"The corporation fully supports the Vaughan & Bushnell Manufacturing Company proposal of amendment to site-specific rule, said proposal being presented to the Illinois Pollution Control Board, whereby Vaughan & Bushnell would be allowed to operate its forging shop as specifically set forth in said proposal, i.e., for three shifts on a 24 hour per day basis."

By supporting said proposal, the Bushnell Economic Development Corporation believes that the addition of employment opportunities to the community by the granting of said proposal will be of great value to the community and will allow

Vaughan & Bushnell to grow and compete in the present day world markets, and thus retain their manufacturing facility in the City of Bushnell.

FURTHER, the Bushnell Economic Development Corporation recognizes the commercial nature of the properties surrounding Vaughan & Bushnell, and further recognizes the unique mix of industry and railroads that are located in the heart of Bushnell, Illinois.

THEREFORE, the Resolution as set forth above is adopted this 3rd day of October, 2005, by the directors of the Bushnell Economic Development Corporation, being President Stephen Holland, Secretary and Director Michael G. Steelman, Director Mark Rauschert, and Director Donald Swartzbaugh, at its meeting held in Bushnell, Illinois on October 3, 2005.


Stephen E. Holland, President

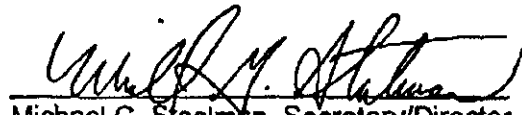

Michael G. Steelman, Secretary/Director

Exhibit E



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Steve Russell, Mayor

Dan Cortelyou, City Treasurer

Donna Coates, City Clerk

Steve Holland, City Attorney

**CITY OF BUSHNELL, ILLINOIS
RESOLUTION IN SUPPORT OF
VAUGHAN & BUSHNELL MANUFACTURING COMPANY
PROPOSED AMENDMENT TO SITE-SPECIFIC RULE**

WHEREAS, Vaughan & Bushnell Manufacturing Company has been a long time employer in the City of Bushnell, Illinois, and

WHEREAS, Vaughan & Bushnell Manufacturing Company has submitted a proposal with the Illinois Pollution Control Board, requesting that Vaughan & Bushnell be allowed to operate its forging shop for three shifts on a 24-hour per day basis, and

WHEREAS, to compete in today's global economy producing American made products, Vaughan & Bushnell needs to expand its manufacturing output, and

WHEREAS, significant economical benefit to the City of Bushnell would be lost if Vaughan & Bushnell Manufacturing Company were to out source forgings overseas as Vaughan & Bushnell is the largest employer in the City of Bushnell.

NOW THEREFORE, the Mayor and City Council of the City of Bushnell, Illinois hereby resolve as follows:

"The City of Bushnell, Illinois fully supports the Vaughan & Bushnell Manufacturing Company Proposal of Amendment to Site-Specific Rule, said proposal being presented to the Illinois Pollution Control Board, whereby Vaughan & Bushnell Manufacturing Company would be allowed to operate its forging shop as specifically set forth in said proposal, i.e., for three shifts on a 24-hour per day basis."



BUSHNELL CITY HALL
138 E. HAIL STREET
BUSHNELL, ILLINOIS
Phone (309) 772-2521 Fax (309) 772-9981
E-Mail city@bushnell.net

Steve Russell, Mayor
Donna Coates, City Clerk

Dan Cortelyou, City Treasurer
Steve Holland, City Attorney

By supporting said proposal, the City of Bushnell, Illinois believes that the addition of employment opportunities to the community by the granting of said proposal will be of great value to the City of Bushnell, Illinois and will allow Vaughan & Bushnell Manufacturing Company to grow and compete in today's global economy. and thus retain their manufacturing facility in the City of Bushnell, Illinois.

FURTHER, the City of Bushnell, Illinois recognizes the commercial nature of the properties surrounding Vaughan & Bushnell Manufacturing Company and further recognizes the unique mix of industry and railroads that are located in the vicinity of Vaughan & Bushnell Manufacturing Company and believes that the approval of the proposed Amendment to Site-Specific Rule will not have any negative impact on the citizens of Bushnell, Illinois.

THEREFORE, the Resolution as set forth above is adopted this 17th day of October, 2005 by the Mayor and City Council of the City of Bushnell, Illinois at its regular meeting held in Bushnell, Illinois on October 17, 2005.

CITY OF BUSHNELL, ILLINOIS

By: Steve Russell
Steve Russell, its Mayor

ATTEST

By: Donna Coates
Donna Coates, its City Clerk

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)
)
PROPOSAL OF VAUGHAN & BUSHNELL)
MANUFACTURING COMPANY OF)
AMENDMENT TO A SITE-SPECIFIC RULE)
35 ILL. ADM. CODE 901.121)

6-011
R2008-

RECEIVED
CLERK'S OFFICE
OCT 20 2005
STATE OF ILLINOIS
Pollution Control Board

MOTION FOR EXPEDITED CONSIDERATION

Vaughan & Bushnell Manufacturing Company ("Vaughan"), by and through its attorneys, Davis & Campbell L.L.C. respectfully requests that the Illinois Pollution Control Board ("Board") consider this Proposal of Amendment to a Site-Specific Rule on an expedited basis. In support of this motion, Vaughan provides:

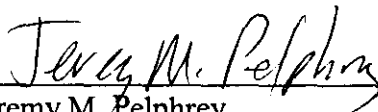
1. Vaughan is the world leader in the manufacture of striking tools. Vaughan owns and operates a forging shop ("Shop") in the city of Bushnell, Illinois. The Shop is the subject of the Proposal of Amendment to a Site-Specific Rule filed by Vaughan in this matter ("Proposal").
2. The Shop is currently in compliance with the applicable Site-Specific Rule found at 35 Ill. Adm. Code Section 901.121.
3. Vaughan is facing increased competition from its competitors who have moved their operations overseas at a lower production cost and with relaxed noise and hours of operation limitations.
4. Due to the increased competition and the limited hours of operation imposed on Vaughan pursuant to 35 Ill. Adm. Code Section 901.121, Vaughan believes that it may not be able to maintain its current status as the leader in the manufacture of striking tools. To maintain its competitive advantage, Vaughan may: operate a third shift (*i.e.*, a change in the hours of operation), outsource its forging operation to China, or purchase additional equipment to assist in the forging operation. However, as provided in the Proposal, the latter option is not economically reasonable and outsourcing its forging operation to China would have a detrimental impact on the Bushnell community.
5. Due to the proposed change in its hours of operation, Vaughan believes that it will not be able to comply with the Board's limitation on the hours of operation set forth in 35 Ill. Adm. Code Section 901.121(b).
6. Vaughan seeks to have the proposed amendment to a site-specific rule adopted as soon as possible to insure compliance with state law.

7. Vaughan requests that the Board proceed to First Notice under the Illinois Administrative Procedure Act by adopting the language proposed in Vaughan's Proposal only for purposes of First Notice.
8. Vaughan also requests that the requisite public hearing be scheduled as soon as possible in accordance with Section 28(a) of the Environmental Protection Act, 415 ILCS 5/28(a), and that such a hearing serve also as the hearing that may be required during First Notice under Section 5-40(b) of the Illinois Administrative Act, 5 ILCS 100/5-40(b).
9. Vaughan believes that the information necessary for the Board to proceed to First Notice of this amendment and schedule a public hearing is contained in Vaughan's Proposal. If more information is needed, Vaughan will fully cooperate to expeditiously provide the same to the Board and its hearing officer.

WHEREFORE, Vaughan respectfully requests that the Board grant this motion and expedite consideration of this amendment to a site-specific rule by setting this matter for hearing and adopting the proposed amendment to a site-specific rule for First Notice as soon as possible.

Dated October 19, 2005.

Respectfully submitted,



Jeremy M. Pelphrey

Jeremy M. Pelphrey
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MANUFACTURING COMPANY
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

RECEIVED
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OCT 20 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSAL OF VAUGHAN & BUSHNELL)
MANUFACTURING COMPANY OF)
AMENDMENT TO A SITE-SPECIFIC RULE)
35 ILL. ADM. CODE 901.121)

6-011
R2005-

MOTION TO WAIVE REQUIREMENT TO SUBMIT 200 SIGNATURES

Now comes Vaughan & Bushnell Manufacturing Company ("Vaughan"), by and through its attorneys, Davis & Campbell L.L.C. and requests that the Illinois Pollution Control Board ("Board") waive the requirement under 45 ILCS 5/28 and 35 Ill. Adm. Code Section 102.202(g) to submit 200 signatures with its Proposal of Amendment to a Site-Specific Rule. In support hereof, Vaughan states:

1. Vaughan owns and operates a forging shop located at the intersection of Davis and Main Streets in the City of Bushnell, Illinois for which it seeks an amendment to a site-specific rule prohibiting the operation of its drop hammers during the hours of 1:30 a.m. and 6:00 a.m.
2. The Board has waived signature requirements for site-specific matters in the past, including recently, *In re Proposed Site Specific Regulation Applicable to Ameren Energy Generating Company, For Site Specific Noise Emission Limitations under 35 Ill. Adm. Code Part 901, R04-11*; *In the matter of: Petition of Central Illinois Light Company for a Site Specific Air Rule: 35 Ill. Adm. Code 214.141, R02-21*; and *In the Matter of: Petition of the City of Effingham, Blue Beacon International Inc. and Truckomat Corporation for a Site Specific Water Pollution Regulation: 35 Ill. Adm. Code 304.105, R03-11*.
3. Vaughan asks that the Board exercise its discretion and waive the 200 signature requirement, as it has done in the past for others.

Wherefore, Vaughan, through its attorneys, respectfully requests that the Board waive the requirement to submit 200 signatures in support of this Proposal of Amendment to a Site-Specific Rule.

Respectfully submitted,

VAUGHAN & BUSHNELL MANUFACTURING
COMPANY

Dated October 19, 2005

Jeremy M. Pelphey
DAVIS & CAMPBELL L.L.C.
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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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OCT 20 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
PROPOSAL OF VAUGHAN & BUSHNELL)
MANUFACTURING COMPANY OF)
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6-011
R2005-

CERTIFICATE OF SERVICE

The undersigned certifies that he served a copy of the Proposal of Amendment to a Site-Specific Rule, Motion for Expedited Consideration, and a Motion to Waive Requirement to Submit 200 Signatures in the above matter upon the following attorneys by depositing a copy of the same in an envelope addressed as follows:

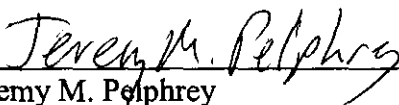
Clerk of the Illinois Pollution Control Board
100 W. Randolph Street, Suite 11-500
Chicago, Illinois 60601

Division Chief of Environmental Enforcements
Office of Attorney General
188 W. Randolph Street, 20th Floor
Chicago, Illinois 60601

Office of Legal Services
Chief, Legal Division
Illinois Department of Natural Resources
524 South Second Street
Springfield, Illinois 62701

Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794

and by depositing the envelope in the United States mail with first-class postage fully prepaid in Peoria, Illinois on this 17th day of October, 2005.



Jeremy M. Pelphrey

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