

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:)	
)	
)	
PROPOSAL OF CLIFFORD-JACOBS FORGING CO.)	R2014- 22
FOR AN AMENDMENT TO THE SITE-SPECIFIC)	
RULE AT 35 ILL. ADM. CODE 901.119)	

CLIFFORD-JACOBS FORGING CO.’S POST-HEARING COMMENTS

NOW COMES Clifford-Jacobs Forging Co. (“Clifford-Jacobs” or “Petitioner”) by its attorneys, Webber & Thies, P.C., and hereby provides the Pollution Control Board (“Board”) with its post-hearing comments and responses to questions raised in the course of the September 23, 2014 hearing by the Board and its staff.

DISCUSSION OF PROPOSAL AND HEARING TESTIMONY AND QUESTIONS

Clifford-Jacobs has requested that 35 Ill. Adm. Code Section 901.119 be amended so as to allow it to extend its hours of operation by up to 7 hours each day during its 6-day work week, as shown below:

35 Ill. Adm. Section 901.119 Clifford-Jacobs Operational Level

Clifford-Jacobs Forging Company and future owners of the forging facility located at North Market Street, Champaign, Illinois, shall comply with the following site-specific operational level:

- a) Operate no more than fourteen hammers at any one time; and*
- b) Operate its forging hammers ~~only between the hours of 6:00 a.m. and 11:00 p.m.~~ up to 24 hours per day, Monday through Saturday.*

(Source: Added at 9 Ill. Reg. 7149, effective May 7, 1985; Amended at ___ Ill. Reg. _____, effective _____, 201_)

I. Clifford-Jacobs’ Responses to Specific Factual Questions

At the Board’s September 23, 2014 hearing, the Board invited follow up responses from Clifford-Jacobs as to several points. Clifford-Jacobs has summarized those issues and provided

its responses below, with pertinent portions of the hearing transcript cross-referenced for the Board's convenience.

1. Question: What kind of sound levels are going to emanate when [Petitioner] has all 14 hammers operating at the same time? [Hearing Transcript pgs. 40-41; 45; 112-113]

This question was asked in several different ways, but basically relates to the same issue: the science of how sound “accumulates” as hammers are added or subtracted. As Dr. Schomer noted during the hearing [Hearing Transcript pgs. 87-88], the decibel [dB] levels applicable to noise are a function of energy, distance and time. The higher-frequency “shis” sounds emanating from rooftop steam vents are marginally more problematical than the lower-frequency sounds emanating from the ground-level forges primarily because most of these vents are located atop the 45-foot high roof of the forging building [Building 4] and face directly to the west, in the general direction of the open farm fields north of Wilber Heights. These sounds are thus generally unmitigated except by distance until they reach the structures on Wallace Street. However, once those sounds encounter the Wallace Street properties, sound levels reaching further into Wilber Heights are sharply attenuated [see discussion on page 3 of the Schomer Report]. The attenuating effects of these structures is demonstrated by Figure F of the Schomer Report at page 13, which shows that most of the (apparently) residential structures that would be impacted above the 53.5dB (A-weighted Leq) general nighttime limit are on Wallace Street, with only a handful on Paul Street and even fewer on Wilber Street.

However, Dr. Schomer also noted that the smaller hammers at Clifford-Jacobs produce much less noise *combined* than the three largest hammers, simply because the energy driving the sounds from those three hammers is exponentially greater than the rest. [Hearing Transcript pgs. 111-112] Post-hearing, Dr. Schomer was tasked with quantifying this relationship. His conclusions are summarized below:

“The following table gives the equivalency between one single 25 klb hammer forging as compared to each of the other hammers. For example, it takes two of the 20 klb hammer forgings or 17 of the 6 klb forgings to produce the noise of one of the 25 klb hammer forgings.”

Hammer	SEL	SE	Number = 1 - 25 klb
1 - 25 klb	80.9	123,026,877.1	1
1 - 20 klb	78.9	77,624,711.66	2
1 - 12 klb	74.4	27,542,287.03	4
1 - 8 klb	70.3	10,715,193.05	11
1 - 6 klb	68.5	7,079,457.844	17
1 - 3 klb	62.5	1,778,279.41	69

As Dr. Schomer noted at the hearing [Hearing Transcript pgs. 111-112] and as is implicit in the above chart, in the event that all 14 hammers were placed in operation at the same time (including the 4 hammers currently removed from service), the incremental contribution of the 11 smaller hammers combined would only be approximately 2 dB, *i.e.*, virtually imperceptible. A further discussion of overall sound levels can be found later in these Comments, in connection with “Clifford-Jacobs’ Responses to Questions and Discussions Relating to ‘Flexibility’ and Possible Alternative Means of Articulating a Site-specific Standard for Clifford-Jacobs.”

2. **Request A: Provide a version of Hearing Exhibit C showing specific hammers by number identification and weight.** [Hearing Transcript pg. 47]

Request B: Provide the details [number Identification and weight] for the four hammers not presently in use. [Hearing Transcript pg. 56]

See **Attachment A** to these Comments, which consists of a floor map of Building 4 with printed and hand-written notations. Operating Hammers are identified with yellow highlighting; the four removed hammers and their former locations are identified with green highlighting.

3. **Request: Provide a copy of the floor map of the Forging Building [Building 4], marking the location of the doors and window openings.** [Hearing Transcript pg. 64]

See **Attachment B** to these Comments, which was supplied by Mr. George Martz and includes his hand-written notations as to the location of the doors and wall openings of the Forging Shop.

4. **Request: Provide clarification as to which silencers were purchased but not installed.** [Hearing Transcript pgs. 72-73]

See **Attachment C** to these Comments, which consists of the first page of the Riley-Beaird recommendation as to steam vent silencers, together with hand-written notations by Mr. George Martz relative to the four silencers which were installed. As noted at the hearing by Mr. Martz, these silencers were subsequently determined to be unable to withstand the pressures and vibrations associated with closed-die forging. The other silencers [those not circled by Mr. Martz] were purchased but not installed due to the failures of the installed units.

5. **Request: Provide a list of the owners and addresses of the 24 houses referred to in Exhibit D [The Schomer Report] at page 13.** [Hearing Transcript pgs. 100-101; 118-119]

See **Attachment D** of these Comments, consisting of the Champaign County Assessor's current data for properties in the 200-400 blocks of Wallace Avenue, the 300-400 blocks of Paul Avenue, and the 400 block of Wilber Avenue. These correspond roughly with the areas identified by Dr. Schomer on page 13 of his report. Note that there are 40 PIN [Permanent Index Numbers] numbers on this list, as some properties may have more than one PIN number, and the apparent 'dividing line' between adjacent properties may not correlate with the actual legal boundaries of the affected lots. Clifford-Jacobs elected to include all 40 PIN-numbered lots in order to ensure that all 24 of the apparent residences identified by Dr. Schomer are included. It is noted that the attachment may include a few properties that are slightly outside the affected area. Moreover, some lots may not be occupied and/or developed.

6. **Request: Provide a copy of the 2010 *Champaign News-Gazette* articles reporting about the Wilber Heights neighborhood. [Hearing Transcript pg. 80]**

See **Attachment E** of these Comments, which consists of copies of two articles written for the *News-Gazette* newspaper by Liz Clancy Lerner and which appeared in that newspaper on Sunday, July 25, 2010. These articles were retrieved from the newspaper's online archives.

II. Clifford-Jacobs' Responses to Questions and Discussions Relating to "Flexibility" and Possible Alternative Means of Articulating a Site-Specific Standard for Clifford-Jacobs.

Since 1985, the Board has articulated the site-specific standards applicable to all forgers in Illinois by using the "#of hammers/hours per day" protocol. In its petition, Clifford-Jacobs presumed that the Board would continue in this manner, and this is the company's preference. However, during the hearing, Clifford-Jacobs was asked by the Board and staff to consider whether its needs for flexibility could be met by the use of a site-specific rule limiting night-time operations in terms of decibels [dB] rather than hours of operation. [see, *e.g.*, Board pre-hearing question No. 4 and Hearing Transcript pgs. 38-42, 115-117].

Such a rule would constitute a sharp break from precedent and policy established by the Board over more than three decades. The site-specific rulemakings of 1983-85 (which established site-specific rules for every forging operation then in Illinois [35 Ill. Adm. Code 901 Sections 110-121]) reflected the Board's understanding that the use of a single, broad and generally applicable night-time limitation otherwise applicable [53.5 (dB) Leq] would severely damage the industry. Indeed, in every such proceeding, the Board expressly elected not to adopt a specific numerical limit. See, *e.g.*, *In the Matter of: Vaughn & Bushnell Manufacturing Petition for a Site-Specific Operational Level*, Proposed Rule. First Notice, R83-32, December 6, 1984, page 3; *In the Matter of: Clifford-Jacobs Forging Company Petition for a Site-Specific Operational Level*, Proposed Rule. First Notice, R83-25, December 6, 1984, page 3. Nor has the Board to date abandoned that approach in subsequent related rulemakings [see *In the matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule*, 35 Ill. Adm. Code 901.121, R06-011].

As discussed at the hearing, in order to achieve the positive outcomes detailed in Clifford-Jacobs' petition and testimony, the company needs maximum flexibility. [see, e.g., Hearing Transcript pgs. 24, 27-33, 38-40, 42, 46-47]. Indeed, from the perspective of Clifford-Jacobs, flexibility is key to its survival in the context of modern market realities. [Hearing Transcript pgs. 27-28]. For Clifford-Jacobs, this flexibility is more readily achieved with the method proposed; for Clifford-Jacobs as for any viable business, the market dictates which products are in demand and thus, in Clifford-Jacobs' case, what hammers are needed to meet that demand. Besides flexibility, retaining the well-established “#of hammers/hours per day” protocol for articulating the site-specific rules applicable to all forging operations promotes comprehension, consistency and stability, while protecting the environment.

Nevertheless, the Board and its staff did inquire as to the possible use of a site-specific rule limiting night-time operations in terms of decibels [dB] rather than hours of operation, and Petitioner will respond to this inquiry. In this regard, it is worth noting that in the course of the mass site-specific rulemakings of 1983-1985 in which the Board eschewed adoption of a numerical standard, the Board nevertheless expressly noted that it did “not foresee any adverse health effects from 65 [dB] Leq.” See, e.g., *In the Matter of: Vaughn & Bushnell Manufacturing Petition for a Site-Specific Operational Level*,” Proposed Rule. First Notice, R83-32, December 6, 1984, page 3; *In the Matter of: Clifford-Jacobs Forging Company Petition for a Site-Specific Operational Level*,” Proposed Rule. First Notice, R83-25, December 6, 1984, page 3. There is no reason to suspect that the Board's 1984 determination that there will be no adverse effect from a 65 [dB] Leq standard is not equally valid today. This is fully consistent with Dr. Schomer's current perspective as articulated at the hearing [Hearing Transcript pgs. 112-116] as well as his written remarks [Schomer Report, at page 5]. Hence, in the event that the Board elects to depart from well-established precedent, a 65 dB Leq standard is the lowest numerical standard supported by the record.

Post-hearing, Dr. Schomer was tasked with demonstrating how a 65 dB Leq standard could be employed at Clifford-Jacobs under various scenarios. Some of the implications of such

a standard are demonstrated by eight “Control Site Calculator” models developed by Dr. Schomer and provided as **Attachment F** of these Comments.

“Control Site Calculator No.1” begins with a simple scenario: a 65 dB Leq standard, and only the largest [25,000 lb.] hammer in operation, turning out its design limit of 60 pieces. The resulting percentage of the “reference busy hour” is 65%, meaning that the remaining 35% is available to use. Thus, referring to the Control Site Calculators for all the hammers, Clifford-Jacobs could, for instance, produce 70 pieces on the 20,000 lb. Hammer [see “Control Site Calculator No.2”], 100 pieces on the 12,000 lb. Hammer [see “Control Site Calculator No.3”], and 300 pieces on the 3,000 lb. Hammer [see “Control Site Calculator No.6”], This, of course, presumes that pieces from those three hammers are what the market is demanding at that time. If the market demands a different mix of products, as suggested in Schomer’s “Control Site Calculators” Nos. 7 and 8, Clifford-Jacobs would be “over budget” under a night-time limit of 65dB and would be unable to meet those market demands. Hence, from Clifford-Jacobs’ perspective, imposing a night-time dB-based limit once again introduces limitations and restraints on its flexibility to meet the demands of its customers, including the U.S. Army as well as worldwide commercial clients. Every such restraint is an obstacle to growth and continued viability.

Clifford-Jacobs acknowledges that it has testified that historically it has seldom had more than 6 trained crews available to operate the hammers. Inasmuch as the availability of trained crews is a limiting factor, the Board might conclude that Clifford-Jacob’s arguments for increased flexibility to enable operation of all 14 of its hammers are unrealistic. This is not so. As Clifford-Jacobs has also noted [Hearing Transcript pgs. 21-22], the forging industry is consolidating and shrinking. Clifford Jacobs is one of a very few forgers with the range of production capabilities conferred by the size and number of the hammers available to it. To retain its ability to compete, it must be freed to grow; as Mr. Ray testified at hearing, “... we'd like not to be capped with growth. We have to take advantage of the market when the market shows itself” [Hearing Transcript pg. 24]. Petitioner submits that the record provides no basis for hampering that ability.

CONCLUSION

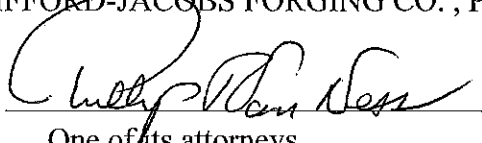
Clifford-Jacobs has demonstrated a need for the flexibility conferred by the adjusted standard it has requested, both in terms of business necessity and employee safety. It has shown that there are no economically reasonable and technically feasible alternative means of silencing its hammers. It has amply demonstrated its value to the community it serves and its important place in the economy of Champaign County, the State of Illinois and indeed the nation.

WHEREFORE, Clifford-Jacobs respectfully requests the Board to amend the site-specific rule found at 35 Ill. Adm. Code Section 901.119 regarding the Clifford-Jacobs Operational Level to authorize an increase in the maximum hours of operation as prayed herein.

Respectfully submitted,

CLIFFORD-JACOBS FORGING CO. , Petitioner

Dated: Nov. 2, 2014

By: 
One of its attorneys

Prepared by:

Phillip R. Van Ness

John E. Thies

Webber & Thies. P.C.

202 Lincoln Square, P.O. Box 189

Urbana, IL 61803-0189

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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RULE AT 35 ILL. ADM. CODE 901.119)	

CERTIFICATE OF SERVICE

I, PHILLIP R. VAN NESS do hereby certify that on November 2, 2014,

I electronically filed Clifford-Jacobs Forging Co.'s Post-Hearing Comments with the Pollution Control Board Clerk and on November 3, 2014, mailed copies of said documents by U.S. Mail to:

Office of the Attorney General
Division of Legal Counsel
69 West Washington Street, Suite 1800
Chicago, IL 60602

IEPA
Division of Legal Counsel
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

Illinois Department of Natural Resources
Office of General Counsel
One Natural Resources Way
Springfield, IL 62702-1271

Dated this 3rd day of November, 2014.

PREPARED BY
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November 2, 2014

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John Therriault, Clerk
IL Pollution Control Board
100 West Randolph
Suite 11-500
Chicago, IL 60601

-BY ELECTRONIC SUBMISSION [COOL]-

RE: Clifford-Jabobs Forging Co., Proposal for Amendment to 35
ILL. ADM. CODE 901.119 [R14-22]; Petitioner's Post-Hearing
Comments & Attachments

Dear Mr. Therriault:

"Enclosed" are the Petitioner's Post-Hearing Comments and Attachments, which I am filing electronically as per my email correspondence of October 31 with Hearing Officer Powell. Hard copies of these documents will be supplied by U.S. Mail to the Division of Legal Counsel of the Office of the Attorney General, the Division of Legal Counsel to the Illinois Environmental Protection Agency, and the Office of General Counsel of the Illinois Department of Natural Resources.

Kindly distribute notice of this submission as required, including to Hearing Officer Powell. If you determine that there is any missing or incomplete documentation, please do not hesitate to contact the undersigned.

Sincerely,



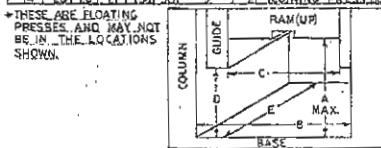
Phillip R. Van Ness
WEBBER & THIES, P.C.

Encls.

Attachment A

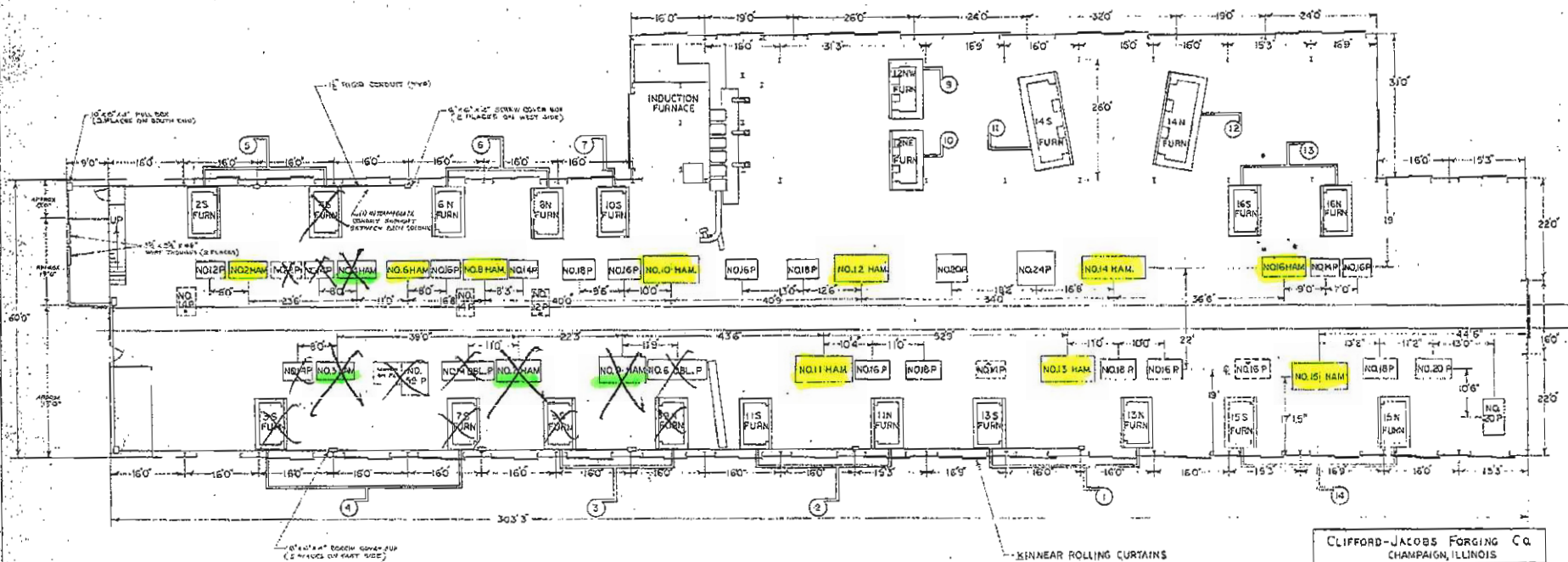
HAMMER DIMENSIONS										TRIMMING PRESSES														
HAMMER NUMBER	RATED SIZE POUNDS	CYL BORE IN.	HAM F-B IN.	BETWEEN GUIDES IN.	F-B IN.	H-C IN.	STROKE IN.	HAM TO BH. IN.	MINIMUM IN.	SOUTH					NOBY									
										SIZE NO.	A	B	C	D	E	STROKE	RAM	SIZE NO.	A	B	C	D	E	STROKE
1	2000	10	16	18	28	18	42	6	12	20	28	4	14	26	2	21	24	20	28	16	16	30	2	21
2	2000	10	16	18	28	18	42	6	12	20	28	4	14	26	2	21	24	20	28	16	16	30	2	21
3	2000	11	17	20	28	22	42	10	16	18	28	4	16	30	2	21	24	20	28	16	16	30	2	21
4	2000	11	17	20	28	22	42	10	16	18	28	4	16	30	2	21	24	20	28	16	16	30	2	21
5	2000	11	17	20	28	22	42	10	16	18	28	4	16	30	2	21	24	20	28	16	16	30	2	21
6	2000	11	17	20	28	22	42	10	16	18	28	4	16	30	2	21	24	20	28	16	16	30	2	21
7	3000	12	18	22	30	22	50	10	12	22	30	4	18	30	2	21	24	20	28	16	16	30	2	21
8	3000	12	18	22	30	22	50	10	12	22	30	4	18	30	2	21	24	20	28	16	16	30	2	21
9	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21
10	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21
11	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21
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13	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21
14	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21
15	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21
16	4000	13	19	25	35	25	50	12	10	24	35	4	20	35	2	21	24	20	28	16	16	30	2	21

BLOWER INFORMATION										
BLOWER NO.	MANUFACTURER	MODEL	NO.	CFM	H.P.	REV.	PRESSURE	FURNACE	FURN. TYPE	BURNER NO.
1	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
2	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
3	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
4	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
5	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
6	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
7	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
8	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
9	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22
10	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
11	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
12	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
13	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
14	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
15	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
16	JOHNSTON	1018	1500	10	3400			131AN	SLOT	25, 22
17	JOHNSTON	3018	3800	50	3650			131AN	SLOT	25, 22



SEE MISSISSIPPI VALLEY STRUCTURAL STEEL PRINTS FOR TRUSS DETAILS. SOME TRUSSES ARE DESIGNED TO CARRY A 3 TON LOAD OVER C OF HAMMERS.

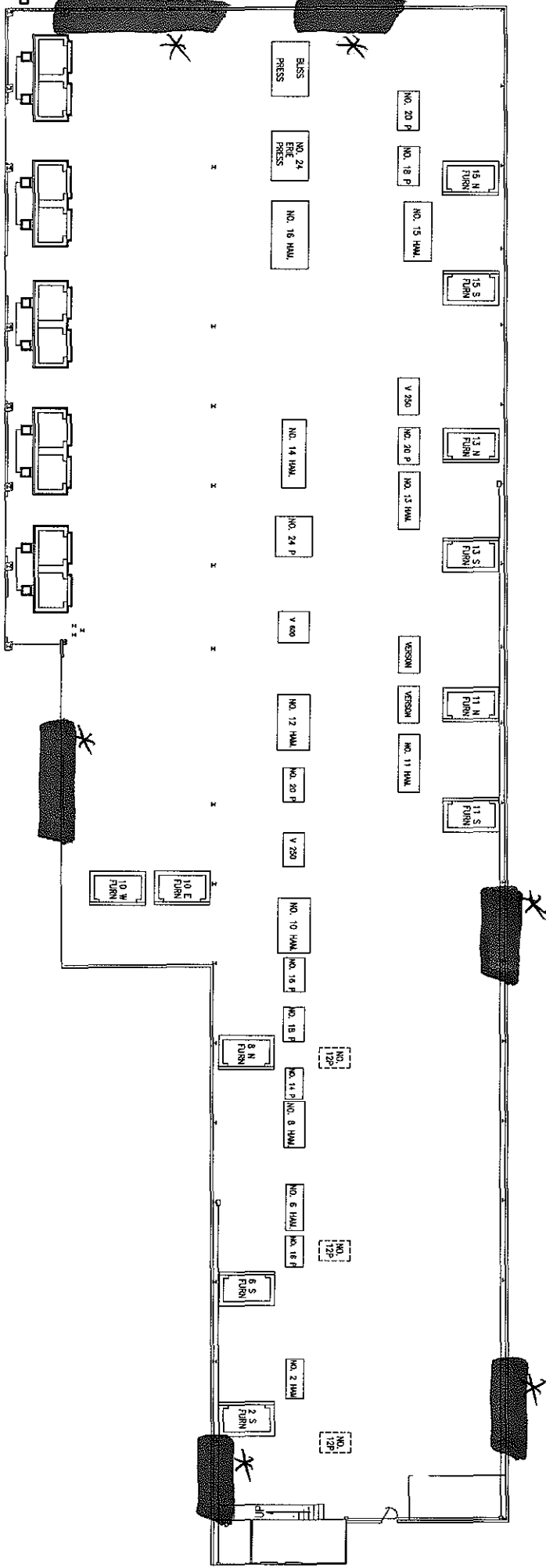
*THERE ARE 2 BURNERS PER FURNACE. BURNER NO. ARE LISTED IN THE ORDER CORRESPONDING TO THE FURNACE COLUMN.



Removed Hammers.

- #3: 2000 # Hammer
- #4: 2000 # Hammer
- #7: 3000 # Hammer
- #9: 4000 # Hammer

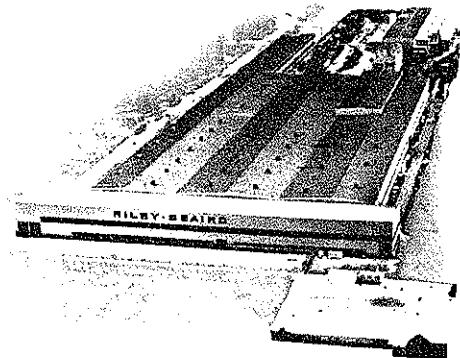
CLIFFORD-JACOBS FORGING CO.
CHAMPAIGN, ILLINOIS
FORGE SHOP
PRODUCTION EQUIPMENT
DRAWN 12474/RCE APPROVED:
SCALE: 1/4"



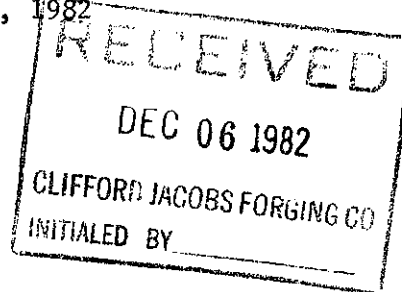
Add to detail of Forge shop door locations.



A DIVISION OF UNITED STATES RILEY CORPORATION
P O BOX 31115, SHREVEPORT, LOUISIANA 71130 • PHONE 318-865-6351



December 2, 1982



Clifford Jacobs Forging Company
P. O. Box 757
Champaign, IL 61820

Attention: Mr. George Martz

Gentlemen:

Subj: Forging Hammer Discharge Silencers

Confirming our telephone conversation, we recommend the following for use on the discharge of the forging hammers, all operating on 100 psig saturated steam:

Number 2 (Flow: 3253 lbs/hr.) & Number 4 (Flow: 4097 lbs/hr.)

Two (2) 6" MAXIM Model VT-S Vent Silencers in accordance with the enclosed bulletin 478-1001 at ----- \$412.50 net each.

Number 6 (Flow: 7166 lbs/hr.), Numbers 8 & 16 (Flow: 7028 lbs/hr. each)

Three (3) 8" MAXIM Model VT-S Vent Silencers in accordance with ✓ bulletin 478-1001 at ----- \$519.00 net each. *Installed*

Number 10 (Flow: 9882 lbs/hr.)

One (1) 10" MAXIM Model VT-S Vent Silencer in accordance with ✓ bulletin 478-1001 at ----- \$643.50 net. *Installed*

Note that this silencer has a 6" inlet so a minimum of 12" of 6" diameter pipe must be installed immediately upstream of the silencer.

Number 12 (Flow: 17,524 lbs/hr.)

One (1) 18" MAXIM Model VT-1 Vent Silencer in accordance with the enclosed bulletin 484-1001 except with a 6" plate type flanged inlet with gussets at ----- \$1161.00 net.

Champaign County Assessor Information Selection By Property Location

Select by Perm Number
 Select by Prop loc
 Select Assessment by Township
 Select Sales by Township

Previous Screen
 More Properties

House #	Dir	Street	City	Name	Twp	Permno		Property Use
201		WALLACE AV	CHAMPAIGN	TWIN CITY DEVELOPMENT CO	SOMER	25-15-31-353-001	Select	Commercial
205		WALLACE AV	CHAMPAIGN	GAINES CARLA J	SOMER	25-15-31-353-006	Select	Single Family
				GAINES CARLA J	SOMER	0000000000000000	Select	Single Family
213		WALLACE AV	CHAMPAIGN	MIKE BUSHMAN TRUCKING LLC	SOMER	25-15-31-353-015	Select	Single Family
213		WALLACE AV	CHAMPAIGN	MIKE BUSHMAN TRUCKING LLC	SOMER	25-15-31-353-016	Select	Single Family
221		WALLACE AV	CHAMPAIGN	MARTIN JOHN & VICKIE	SOMER	25-15-31-353-023	Select	Owner/Occupied Single Family
305		WALLACE AV	CHAMPAIGN	RODERICK VIRGIL E JR	SOMER	25-15-31-354-004	Select	Owner/Occupied Single Family
305		WALLACE AV	CHAMPAIGN	BEAN JEFFREY S	SOMER	25-15-31-354-005	Select	Commercial
311		WALLACE AV	CHAMPAIGN	SHOFNER FREDA	SOMER	25-15-31-354-007	Select	Owner/Occupied Single Family
313		WALLACE AV	CHAMPAIGN	NILLES RICHARD S	SOMER	25-15-31-354-008	Select	Owner/Occupied Single Family
315		WALLACE AV	CHAMPAIGN	DGS PROPERTIES LLC	SOMER	25-15-31-354-009	Select	Single Family
317		WALLACE AV	CHAMPAIGN	DGS PROPERTIES LLC	SOMER	25-15-31-354-010	Select	Commercial
407		WALLACE AV		PHERIS HELEN M	SOMER	25-15-31-376-026	Select	Single Family
411		WALLACE AV	CHAMPAIGN	PHERIS HELEN M	SOMER	25-15-31-376-028	Select	Owner/Occupied Single Family
415		WALLACE AV	CHAMPAIGN	EAGLEN TERRY G & MARY C	SOMER	25-15-31-376-027	Select	Commercial
425		WALLACE AV	CHAMPAIGN	TWIN CITY DEVELOPMENT CO	SOMER	25-15-31-376-018	Select	Commercial
425		WALLACE AV	CHAMPAIGN	TWIN CITY DEVELOPMENT CO	SOMER	25-15-31-376-019	Select	Single Family
425		WALLACE AV	CHAMPAIGN	TWIN CITY DEVELOPMENT CO	SOMER	25-15-31-376-020	Select	Single Family

425	WALLACE AV	CHAMPAIGN	TWIN CITY DEVELOPMENT CO	SOMER	25-15-31-376-021	Select	Single Family
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Champaign County Assessor Information Selection By Property Location

Select by Perm Number
Select by Prop loc
Select Assessment by Township
Select Sales by Township

Previous Screen
More Properties

House #	Dir	Street	City	Name	Twp	Permno		Property Use
306		PAUL AV		GRANT RICHARD O	SOMER	25-15-31-354-012	Select	Single Family
309		PAUL AV	CHAMPAIGN	RODERICK VIRGIL E SR	SOMER	25-15-31-357-003	Select	Single Family
310		PAUL AV	CHAMPAIGN	PHERIS ROBERT	SOMER	25-15-31-354-014	Select	Owner/Occupied Single Family
311		PAUL AV		RODERICK VIRGIL E SR	SOMER	25-15-31-357-004	Select	Owner/Occupied Single Family
312		PAUL AV	CHAMPAIGN	KIRBY HOMER	SOMER	25-15-31-354-015	Select	Owner/Occupied Single Family
313		PAUL AV		RODERICK VIRGIL E SR	SOMER	25-15-31-357-005	Select	Single Family
315		PAUL AV		RODERICK VIRGIL E & SUSIE	SOMER	25-15-31-357-006	Select	Single Family
316		PAUL AV	CHAMPAIGN	LEMKE CLARENCE T	SOMER	25-15-31-354-016	Select	Owner/Occupied Single Family
317		PAUL AV	CHAMPAIGN	MARLOWE RONALD E	SOMER	25-15-31-357-007	Select	Owner/Occupied Single Family
402		PAUL AV	CHAMPAIGN	SKILLINGS MARION	SOMER	25-15-31-376-010	Select	Owner/Occupied Single Family
403		PAUL AV	CHAMPAIGN	WEST WANDA F	SOMER	25-15-31-377-001	Select	Owner/Occupied Single Family
405		PAUL AV	CHAMPAIGN	COOK EDDIE L SR	SOMER	25-15-31-377-002	Select	Single Family
408		PAUL AV	CHAMPAIGN	HOLLAND CORA	SOMER	25-15-31-376-011	Select	Single Family
409		PAUL AV	CHAMPAIGN	HAYDEN RONALD E	SOMER	25-15-31-377-003	Select	Single Family
410		PAUL AV	CHAMPAIGN	COOK EDDIE L JR	SOMER	25-15-31-376-012	Select	Owner/Occupied Single Family
414		PAUL AV	CHAMPAIGN	EAGLEN TERRY & CINDY	SOMER	25-15-31-376-014	Select	Owner/Occupied Single Family
416		PAUL AV	CHAMPAIGN	TWIN CITY DEVELOPMENT CO	SOMER	25-15-31-376-015	Select	Single Family
418		PAUL AV	CHAMPAIGN	CLIFFORD JACOBS FORGING CO	SOMER	25-15-31-376-016	Select	Single Family
420		PAUL AV	CHAMPAIGN	CLIFFORD JACOBS FORGING CO	SOMER	25-15-31-376-009	Select	Commercial

Champaign County Assessor Information Selection By Property Location

Select by Perm Number
Select by Prop loc
Select Assessment by Township
Select Sales by Township

Previous Screen
More Properties

House #	Dir	Street	City	Name	Twp	Permno		Property Use
401		WILBUR	URBANA	SPORT REDI MIX LLC	URBANA	30-21-06-100-034	Select	Industrial
402		WILBUR AV	CHAMPAIGN	SPORT REDI MIX LLC	SOMER	25-15-31-377-025	Select	Owner/Occupied Single Family
410		WILBUR AV	CHAMPAIGN	BURTON DOROTHY A	SOMER	25-15-31-377-012	Select	Owner/Occupied Single Family

From the News-Gazette- C-U Citizen Access

Wilber Heights: Neighborhood hangs on against the odds

Sun, 07/25/2010 - 10:00am

By LIZ CLANCY LERNER/For The News-Gazette

Editor's note: This report is part of a joint project of The News-Gazette and the University of Illinois Department of Journalism, in an ongoing examination of poverty and its related issues in Champaign County. The project is funded by the Marajen Stevick Foundation, a News-Gazette foundation; a matching grant from the John S. and James L. Knight Foundation, a journalism foundation based in Miami; and contributions from the UI. The project also has a [website](#) for this and other material, including user-generated content. You can find an interactive map of Wilber Heights [on the site here](#).

It doesn't take much to get Tom Lemke fired up.

Just ask him about his neighborhood – a place he has called home for 63 years – and his frustration is evident.

"They say we're a slum – run down. That's the way we've always been treated," Lemke said as he takes a deep breath from his oxygen mask, a treatment for chronic bronchitis. "We have really been abused ... and we have really tried to take care of the area."

Lemke, 64, lives in Wilber Heights. It's a neighborhood where, according to Champaign County Planning and Zoning documents, homes "are not encouraged to survive."

Champaign County passed an ordinance in 1973 intending to turn the neighborhood into a strictly industrial region. The regulation prohibits the rebuilding of or substantial repair to any home.

However, almost 40 years later, houses and residents still remain.

In Wilber Heights, abandoned homes sit next to recycling plants, which sit next to trash-filled lots that are adjacent to mobile homes – all within 36 acres.

"This wasn't a properly thought-out thing in the first place and it's so complicated that it's difficult to resolve at any time," said John Hall, the Champaign County planning and zoning director.

It is so complicated that even the spelling of the neighborhood is controversial. Residents have always known it as "Wilbur" Heights, with a "u." County documents and a 1960 newspaper article deem the correct spelling "Wilber."

Clyde Forrest is a professor emeritus in planning and zoning at the University of Illinois and has known about the zoning issues in Wilber Heights for 30 years.

"I wouldn't categorize it as a terrible slum," said Forrest. "But it's an area that's not going to attract first-class residential development."

Residential development isn't the goal of the ordinance, which is why it contains [rules against maintaining and rebuilding homes](#) in Wilber Heights.

The restrictions

Lemke, a retired mechanic, and his wife Velma raised their three children in Wilber Heights. Their home is a well-maintained two-story structure, which at one time was the source of a lot of

trouble for them.

Eleven years ago, a driver lost control of his car, crashing into the home's front porch and destroying it. Lemke was about to rebuild his porch when the Champaign County planning and zoning department told him he couldn't.

The zoning ordinance prohibits any resident in Wilber Heights from adding on or renovating more than 10 percent of a home's square footage. (The entire zoning ordinance is [online here](#), an 853KB pdf.)

So if a fire were to burn down a house in Wilber Heights, the homeowner could not legally rebuild on his lot. And in Lemke's case, he could not legally replace his porch. So, following ordinance rules, he kept the renovation to 10 percent.

Three concrete steps now lead to the front door of his house. It's not what he wanted, but it is what the county demanded.

The restrictions also affect home prices, because residents cannot substantially improve their homes. According to a 1992 planning and zoning document from a former Champaign County zoning administrator, Frank DiNovo, "They are also unlikely to be able to realize a market value of their property very much greater than its current use value as a dwelling."

The size of the lots also prevents individuals from selling for much higher industrial property prices.

"Industrial property is typically worth five times more than residential, but the homeowners would have to sell at the same time. If they sold one at a time, that wouldn't happen," said Forrest. But lifelong residents are not likely to move at the same time.

Yet, commercial properties have not been selling as well as residential properties because – as with residential mortgages – loans for commercial properties have not been as available as they once were, said Fred McDonald, president of the Champaign County Association of Realtors.

While federal stimulus money has been used to help jump-start residential property sales, it's not been available for commercial property, McDonald said.

"Commercial (property) now is a bigger concern," he said.

Wilber Heights and the surrounding area has been a good draw for business with its proximity to Interstates 74, 57 and 72, said Matt Wavering, a real estate agent with Coldwell Banker Commercial Devonshire Realty.

Because of that transportation hub, the city has pushed for higher industrial use in the area, he said.

And as the area has developed into warehousing and industrial uses, property values have become low, Wavering said.

Houses in Wilber Heights have sold for less than \$50,000, he said.

Further, industrial property is the least valuable of commercial property, Wavering said.

Typically, industrial land in an industrial park will sell for between \$1.50 and \$2 a square foot compared to retail property, which can sell for up to \$15 a square foot, he said.

Wilber Heights and Market Street are the cutoff between retail and industrial property, Wavering

said.

"On the industrial side, values are lower," he said.

If one of the area's rental properties stops generating rental income, then "the land becomes worth more than the house," Wavering said.

Housing for workers

Wilber Heights was developed as a single-family residential neighborhood in 1928, primarily to give workers from the Clifford-Jacobs Forging Company a place to live. Its main roads, Wallace, Wilber and Paul avenues, intersect First through Fifth streets and sit just east of Champaign's Market Place Mall.

When the area was built, there was no zoning in place outside the city limits. When the county zoning ordinance was approved, in 1973, Wilber Heights was split into two categories, both industrial.

The ordinance acknowledges that some buildings already in existence didn't match the zoning – they were "non-conforming uses."

"It is the intent of this ordinance to permit these non-conformities to continue until they are removed," the ordinance says. "It is further the intent of this ordinance that such non-conforming uses ... shall not be enlarged upon, expanded, or extended."

The area east of Fourth Street is zoned for heavy industry; the area west of Fourth, for light industry.

In 1982, while millions of dollars were being poured into construction of Market Place Mall, residents of Wilber Heights watched as the county ordinance stifled the neighborhood's growth and maintenance.

While no numbers are easily available, it is estimated that at its peak, Wilber Heights was home to close to 200 residents, many of them families.

Now there are about 60 residents, most of them senior citizens.

They have called the neighborhood home, raised their children there, and formed roots in Wilber Heights for over 60 years. A few, like Otto Pruett and his wife Iverna – both in their 80s – say they're too old to move, while others say they couldn't afford to do it.

None of the residents asked for the ordinance change, and none of 14 who were interviewed for this report recalled being told it was going to happen.

Lemke remembers feeling helpless when he first heard of the ordinance just after it was passed in 1973.

"We did not know (anything) about it until it was all said and done," he said.

He's not the only one who remembers it that way. With her husband Virgil, Susie Roderick raised her three sons in Wilber Heights. She said she never received notification of the zoning change, either.

"Wouldn't you think that something that important, we would have gotten something in the mail instead of a little thing in the newspaper?" said Roderick, who has lived in Wilber Heights for more than 50 years. "We didn't know anything about it."

John Hall said the county commission did all it was supposed to do at the time.

"At a bare minimum, the county is only required to put a notice in the paper," he said. Even now, some zoning matters require only a notice to be published in the newspaper, but others require everyone living within 250 feet of a proposed change to receive a formal notice individually by mail. He added that zoning staff will keep in touch with residents who ask to be notified of any proposed change in their zoning.

While he was not the director at the time of the change, Hall agrees that the current zoning in Wilber Heights is a problem.

"Right now our ordinance is causing properties to go into disrepair and that is counter to everything in a zoning ordinance," said Hall.

Effects of the zoning

The consequences of the zoning are obvious. It began as a slow, steady deterioration of the neighborhood that continues today.

Residents began moving out, industrial businesses began moving in, and houses that weren't sold were abandoned.

The core group in the neighborhood that remains deals with far more than ordinance-restricting maintenance and rebuilding.

Lemke said it also discourages county, city and township government from maintaining their roads and listening to their complaints.

Lemke believes the local governments see the neighborhood as a lost cause because "they think we'll be out of here soon anyway, why spend the time and money?"

Other residents echo his sentiment.

As part of a group interview, 12 residents gathered in Susie Roderick's back yard to discuss their concerns.

With sounds of forging equipment pounding in the background, residents started naming the struggles they face. But the noise from the surrounding industries was not on that list.

"The noise don't bother us. We're used to it," said Mike Roderick, who is Susie's son. He was raised in Wilber Heights and now owns a home a few houses away from where grew up.

"It don't bother us as much as those big semis that drop and tear up the road," he said.

Many of the trucks that Roderick speaks of go in and out of Clifford-Jacobs, the forging company that has been in the neighborhood since 1923, five years before the residents began to build. But the addition of more industry, including a recycling company, concrete plant and portable toilet company, means more traffic.

Of the dozen intersections in the neighborhood, only a few contain stop signs.

Ken Mathis, the supervisor for Somer Township, said "By practice we don't place stop signs or speed limit signs."

He said, "it is an issue that should be discussed with the county sheriff's office."

Therein lies another major problem in Wilber Heights.

Who is responsible?

The majority of the roads in Wilber Heights are under Somer Township jurisdiction, while one of the roads is technically in the city of Champaign.

Lemke said when he has a problem, he gets "the run-around."

He said the township will say it's a county issue, the county will say it is a city issue, and back and forth it goes.

"If it takes a mediator to get between the city of Champaign and the county and the township to iron this out, then so be it," said Lemke.

Stan James is the Champaign County Board member who represents Wilber Heights. He has visited the neighborhood thinks the situation needs to be fixed.

"We owe this to these folks. We allowed this to occur in their neighborhood. We, the politicians, the one who make the decisions, are the one to blame," said James.

Though the issue has yet to be discussed at a county board meeting, James said he will continue to help find a solution.

What's next

Forrest was vocal in his concern over the ordinance change back in 1973, and today looks at the situation and sees three possibilities.

"They (the county) can regulate, they can tax and they can buy up land through eminent domain," he said. "The county could undertake a study to find the neighborhood blighted and could buy and clear the neighborhood and they could create a relocation plan, or they could do nothing."

There hasn't been much pressure to do anything in recent years.

"There are legally acceptable ways to deal with an area like this," said Forrest. "But I haven't heard of anything that is really pushing the county to specifically push this."

When asked what it would take to make progress, he said, "the neighbors coming together."

Ultimately, it is up to the county board to make changes. John Hall wants what is best for the residents and said he would be willing to change the wording in the current language on non-conforming uses to give residents the opportunity to renovate and rebuild their homes.

"Please note that the ordinance limits annual renovation to no more than 10 percent of the replacement value, but we only require permits for new construction and so we have no idea when someone is remodeling or renovating," Hall said in a recent e-mail.

He said he plans to propose a change to the ordinance at the August county board meeting.

He plans to let the residents know when this will happen so that "they can be a part of the discussion." Otherwise, "it's a waste of time" said Hall.

Between now and the August meeting, Hall said he is "still reviewing ordinances from similar counties to see what rules they have" and will ask the state's attorney what legally can be done.

Lemke is waiting for that day. He said he's sick of the strict rules and back and forth with the county and township. After 63 years, he's starting to think about living elsewhere – which means the county would be one home closer to getting its original wish.

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Also from the News-Gazette:

## **A short history of Wilber Heights**

Sun, 07/25/2010 - 10:00am | The News-Gazette

**1928:** Wilber Heights developed as a single-family residential development. No zoning in place when homes are built.

**1973:** County zoning ordinance takes effect; Wilber Heights zoning is split between light industry and heavy industry. Homes become nonconforming and limits are placed on renovation and rehabilitation.

**1977:** The zoning of the Wilber Heights neighborhood was reconsidered in a zoning map amendment case. It sought to rezone the entire neighborhood to residential. The 1977 rezoning was denied due to its impact on the numerous commercial and industrial uses in the neighborhood by rendering them nonconforming.

**1977:** The Eastern Prairie Fire Department petitions the Planning and Zoning Committee to change status of Wilbur Heights to residential. Petition was denied on all counts.

**1977:** County briefly considers and subsequently abandons an effort to find a third alternative by creating a "Transition to Industrial" zoning district. It would have legalized all existing uses in the area.

**1991:** Then-county zoning official Frank DiNovo proposes a "limited interim measure which would enhance the use value of residential property in Wilber Heights without substantially contributing to the survival of the existing nonconforming uses." That measure fails.

– LIZ CLANCY LERNER

| CONTROL SITE CALCULATOR No. 1                                   |      |           |                       |
|-----------------------------------------------------------------|------|-----------|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB        | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 63.1 | dB        |                       |
| Enter count of pieces for each hammer during the same busy hour |      | % of Hour |                       |
| #16 - 20 klb                                                    | 0    | 0%        |                       |
| #14 - 25 klb                                                    | 60   | 65%       |                       |
| #12 - 12 klb                                                    | 0    | 0%        |                       |
| #? - 8 klb                                                      | 0    | 0%        |                       |
| # 10 - 6 klb                                                    | 0    | 0%        |                       |
| # 8 - 3 klb                                                     | 0    | 0%        |                       |
| Percent of Reference Busy Hour                                  |      | 65%       |                       |

| CONTROL SITE CALCULATOR No. 2                                   |      |           |                       |
|-----------------------------------------------------------------|------|-----------|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 63.5 | dB        | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 61.8 | dB        |                       |
| Enter count of pieces for each hammer during the same busy hour |      | % of Hour |                       |
| #16 - 20 klb                                                    | 70   | 67%       |                       |
| #14 - 25 klb                                                    | 0    | 0%        |                       |
| #12 - 12 klb                                                    | 0    | 0%        |                       |
| #? - 8 klb                                                      | 0    | 0%        |                       |
| # 10 - 6 klb                                                    | 0    | 0%        |                       |
| # 8 - 3 klb                                                     | 0    | 0%        |                       |
| Percent of Reference Busy Hour                                  |      | 67%       |                       |

| CONTROL SITE CALCULATOR No. 3                                   |      |           |                       |
|-----------------------------------------------------------------|------|-----------|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB        | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 58.8 | dB        |                       |
| Enter count of pieces for each hammer during the same busy hour |      | % of Hour |                       |
| #16 - 20 klb                                                    | 0    | 0%        |                       |
| #14 - 25 klb                                                    | 0    | 0%        |                       |
| #12 - 12 klb                                                    | 100  | 24%       |                       |
| #? - 8 klb                                                      | 0    | 0%        |                       |
| # 10 - 6 klb                                                    | 0    | 0%        |                       |
| # 8 - 3 klb                                                     | 0    | 0%        |                       |
| Percent of Reference Busy Hour                                  |      | 24%       |                       |

| CONTROL SITE CALCULATOR No. 4                                   |      |           |                       |
|-----------------------------------------------------------------|------|-----------|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB        | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 56.5 | dB        |                       |
| Enter count of pieces for each hammer during the same busy hour |      | % of Hour |                       |
| #16 - 20 klb                                                    | 0    | 0%        |                       |
| #14 - 25 klb                                                    | 0    | 0%        |                       |
| #12 - 12 klb                                                    | 0    | 0%        |                       |
| #? - 8 klb                                                      | 150  | 14%       |                       |
| # 10 - 6 klb                                                    | 0    | 0%        |                       |
| # 8 - 3 klb                                                     | 0    | 0%        |                       |
| Percent of Reference Busy Hour                                  |      | 14%       |                       |



| CONTROL SITE CALCULATOR No. 5                                   |      |    |                       |
|-----------------------------------------------------------------|------|----|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 55.9 | dB |                       |
| Enter count of pieces for each hammer during the same busy hour |      |    | % of Hour             |
| #16 - 20 klb                                                    | 0    |    | 0%                    |
| #14 - 25 klb                                                    | 0    |    | 0%                    |
| #12 - 12 klb                                                    | 0    |    | 0%                    |
| #? - 8 klb                                                      | 0    |    | 0%                    |
| # 10 - 6 klb                                                    | 200  |    | 12%                   |
| # 8 - 3 klb                                                     | 0    |    | 0%                    |
| Percent of Reference Busy Hour                                  |      |    | 12%                   |

| CONTROL SITE CALCULATOR No. 6                                   |      |    |                       |
|-----------------------------------------------------------------|------|----|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 53.2 | dB |                       |
| Enter count of pieces for each hammer during the same busy hour |      |    | % of Hour             |
| #16 - 20 klb                                                    | 0    |    | 0%                    |
| #14 - 25 klb                                                    | 0    |    | 0%                    |
| #12 - 12 klb                                                    | 0    |    | 0%                    |
| #? - 8 klb                                                      | 0    |    | 0%                    |
| # 10 - 6 klb                                                    | 0    |    | 0%                    |
| # 8 - 3 klb                                                     | 300  |    | 7%                    |
| Percent of Reference Busy Hour                                  |      |    | 7%                    |

| CONTROL SITE CALCULATOR No. 7                                   |      |    |                       |
|-----------------------------------------------------------------|------|----|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 67.3 | dB |                       |
| Enter count of pieces for each hammer during the same busy hour |      |    | % of Hour             |
| #16 - 20 klb                                                    | 70   |    | 48%                   |
| #14 - 25 klb                                                    | 60   |    | 65%                   |
| #12 - 12 klb                                                    | 100  |    | 24%                   |
| #? - 8 klb                                                      | 150  |    | 14%                   |
| # 10 - 6 klb                                                    | 200  |    | 12%                   |
| # 8 - 3 klb                                                     | 300  |    | 5%                    |
| Percent of Reference Busy Hour                                  |      |    | 168%                  |

| CONTROL SITE CALCULATOR No. 8                                   |      |    |                       |
|-----------------------------------------------------------------|------|----|-----------------------|
| Enter Reference Busy Hour LEQ                                   | 65.0 | dB | (IPCB required units) |
| Resultant 1-Hour LEQ                                            | 66.9 | dB |                       |
| Enter count of pieces for each hammer during the same busy hour |      |    | % of Hour             |
| #16 - 20 klb                                                    | 70   |    | 48%                   |
| #14 - 25 klb                                                    | 60   |    | 65%                   |
| #12 - 12 klb                                                    | 100  |    | 24%                   |
| #? - 8 klb                                                      |      |    | 0%                    |
| # 10 - 6 klb                                                    | 200  |    | 12%                   |
| # 8 - 3 klb                                                     | 300  |    | 5%                    |
| Percent of Reference Busy Hour                                  |      |    | 154%                  |