

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD

February 8, 2006

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
 PROPOSAL OF VAUGHAN & BUSHNELL) R06-11
 MANUFACTURING COMPANY OF) (Rulemaking – Noise)
 AMENDMENT TO A SITE-SPECIFIC RULE)
 35 ILL. ADM. CODE 901.121)

NOTICE OF HEARING

DATE, TIME, AND PLACE:

MARCH 7, 2006
 10:00 A.M.
 CITY HALL
 138 HAIL STREET
 BUSHNELL, ILLINOIS 61422

PURPOSE OF HEARING: Merit and Economic

ATTENDING BOARD MEMBERS: Thomas E. Johnson

HEARING OFFICER: John Knittle

HEARING OFFICER ORDER

Background

On October 20, 2005, the Board received a rulemaking proposal submitted by Vaughan & Bushnell Manufacturing Company (V&B) that seeks a site-specific rule amending a previously promulgated site-specific noise rule that would extend the allowable operational levels of its forging facility located at the intersection of Davis and Main Streets, Bushnell in McDonough County. The Board accepted the proposal for hearing on December 1, 2005.

V&B manufactures striking tools, and owns and operates a forging shop built in 1940 in Bushnell (facility). Pet. at 1,6. The facility consists of ten drop hammers capable of producing up to 2,500 lbs. of force in the production of striking tools. Pet. at 1. The facility is V&B's primary production facility, and is located in an area of Bushnell that is primarily industrial. Pet. at 1-2. V&B is the largest employer in Bushnell, currently employing two hundred and thirty people. Pet. at 6.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

V&B asserts that currently the land uses in the immediate area, in addition to industrial, are agricultural, residential, rail transportation and vacant land. Pet. at 2. V&B asserts that because the facility has received a site-specific rule with regard to sound emissions, the Board's noise regulation have generally not been applicable. *Id.* V&B contends that it is seeking an amendment to the previously promulgated rule that will establish a twenty-four hour period of operation. *Id.* V&B proposes that the site-specific rule amend the current rule at 35 Ill. Adm. Code 901.121. Pet. at 2-3.

Hearing

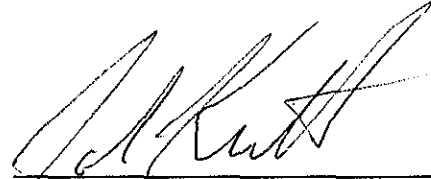
Persons wishing to testify at the hearing must prefile the testimony and any related exhibits with the Board and serve the hearing officer and all persons on the service list no later than February 14, 2006. Persons may receive a copy of the service list by contacting the hearing officer or Nancy Miller at (217) 278-3109.

The parties are directed to participate in a final pre-hearing telephone status conference on Thursday, March 2, 2006 at 10:00 a.m. The petitioner shall initiate the call. At that time, the parties must be prepared to disclose witnesses for the hearing, and address any final pre-hearing issues.

This hearing will also be held to fulfill the requirements of Section 27(b) of the Environmental Protection Act (Act). 415 ILCS 5/27(b) (2004). Section 27(b) of the Act requires the Board to request DCEO (formerly Department of Commerce and Community Affairs) to conduct an economic impact study (EcIS) on certain proposed rules prior to adoption of those rules. If DCEO chooses to conduct the EcIS, they have 30 to 45 days after such request to produce a study of the economic impact of the proposed rules. The Board must then make the EcIS, or DCEO's explanation for not conducting the study, available to the public at least 20 days before a public hearing on the economic impact of the proposed rules.

On January 24, 2006, the Board requested that DCEO conduct an economic impact study for the above-referenced rulemakings. In a letter dated April 17, 2003, DCEO stated that it does not have the financial resources to perform such analyses or contract a private vendor for their completion. DCEO offered the April 17, 2003 letter as its formal response to all current and future proposed Board rulemakings and DCEO's statutory obligation to perform an ECIS. Both letters are available for review at the Board's Chicago Office, James R. Thompson Center, 100 West Randolph, Suite 11-500, Chicago, Illinois.

IT IS SO ORDERED.



John Knittle
Hearing Officer
Illinois Pollution Control Board
2125 South First Street
Champaign, Illinois 61820
(217) 278-3111

to fulfill the requirements of 415 B.C.S. 5.27(3) (2004), S
Illinois Department of General Services (IDGS) an certain proposed rule
under the Act, they have not yet
of the proposed rule
conducting the study
of the proposed rule

and requested that
in a letter
form submitted
13, 2004
IDGS

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415 B.C.S.
Illinois Department
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CERTIFICATION OF SERVICE

It is hereby certified that a true copy of the foregoing order was mailed, first class, to each of the following on February 8, 2006:

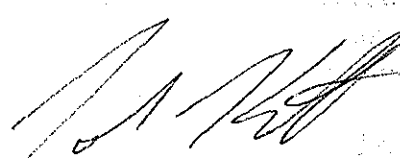
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John Knittle
Hearing Officer
Illinois Pollution Control Board