

June 18, 2015

Mark and Linda Kates  
2307 N. Fifth St.  
Champaign, IL 61822

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STATE OF ILLINOIS  
Pollution Control Board

Office of the Clerk  
Pollution Control Board  
James R. Thompson Center  
100 W. Randolph St., Suite 11-500  
Chicago, IL 60601

PC#5

R14-22

RE: In the Matter of Proposal of Clifford-Jacobs Forging Co. for an Amendment to the Site-Specific Rule at 35 Ill. Admin. Code 901.119

Dear Sir or Madam,

Please allow this letter to serve as a public comment and our objection to the proposed amendment cited above. Initially we would note that our home is located at 2307 North Fifth Street directly across and approximately one block to the south of the Clifford-Jacob Forging facility. We did not receive physical notice from Clifford-Jacobs as you required of them. Instead we received this notice from family members who live several blocks within the interior of the Wilber Heights community. As noted by Dr. Shomer's testimony the effects of noise from the facility within the interior of the community are attenuated by the exterior row of houses facing the facility and shielding the interior row of houses. 2307 North Fifth St. is one of the most directly impacted properties. This property is visible from Clifford-Jacobs' offices yet as stated has received no notice regarding this matter.

We make this comment regarding lack of notice by Clifford-Jacobs to suggest to the board that Clifford-Jacobs is not making a good faith effort to contact the residences that are affected most by their operations and thereby hindering those residents from participating in the comment portion of the proposed amendment. In so doing Clifford-Jacobs is circumventing the spirit of the comment period and merely paying lip service to the concern of the board (as stated on page 23 of the Opinion and Order of the Board) that "persons residing near the facility receive notice of the proposed changes because they would have to live with sound emissions during the proposed expanded hours." It is for these stated reasons that we request notice from you of any future comment periods or hearings. Please contact me at my cellular telephone number of (217) 359-6488. If I am unable to answer please leave a message in my voice mailbox.

With the above concern noted we next address the issue of sound emissions. As stated above Dr. Shomer notes that the forging process generates impulsive sounds propagating a "boom" sound. This sonic boom also generates a wave that shakes the foundation of the homes closest to the facility. It is unclear whether the decibel levels currently in place for daytime and nighttime operations are related to the sonic boom or the "shis" sound. However, Section 901.105 specifically addresses Allowable Highly-Impulsive Sound Levels in paragraphs (b) and (c). It is the sonic boom created by these highly-impulsive sounds that concerns us regarding any overnight operations.

The board notes that allowing the proposed 24/7 operational amendment could result in unwarranted annoyance and speech and sleep interference. It further notes that the lack of noise complaints by the affected residents regarding the facility's current operations may indicate a lack of annoyance. We assert that it is solely due to the current operational limitations that such a lack of complaints exist. Should the sonic boom generated by the facility's operations extend into the overnight hours it will most assuredly cause the exact sleep deprivation and other concerns already noted by the board. Many people work during the day and generally extend their nighttime activities to 11:00 p.m. or shortly thereof. Therefore, the current level of operation, while at times annoying, does not generally affect sleep patterns. It is this current state of operations that, while at times are annoying, makes the properties affected still livable.

It is agreed that Clifford-Jacobs was in operation when some, if not all, of the current residents purchased their property. However, as stated above, the assurance of the existing limitations on Clifford-Jacob's operations was a major inducement not only to purchase the property but to continue to maintain and improve upon the properties within the limits set by the zoning board. Attached are photos of one such property. This property has been owned by the same owner since 1992. As you can see these owners value their property and can attest that the other noises mentioned by Clifford-Jacobs and Dr. Shomer, including the noises created by the railroad, in no way match the duration nor the pronouncement of the sonic boom created in the forging process. The undersigned residents further attest that once in operation the sonic boom is continuous at approximately 5 second intervals for several hours at a time. As noted above these current operations are acceptable in that they do not generally interfere with the sleeping hours.

It is important to note that Clifford-Jacobs' statement that current zoning laws does not allow rebuilding or improvements to existing homes is out of date and in error. Due to articles like the 2010 article the board has relied upon entitled "Wilber Heights: Neighborhood hangs on against the odds" the county has actually amended its zoning ordinances to now allow residents to rebuild and improve on their properties up to 1500 square feet and allow expansion of accessory buildings. The new zoning also eliminates the 10% of property restriction and allows residents make repairs and alterations to existing properties in excess of 10% of the property's value. The recent changes as noted in the zoning board's committee notes reflect an awareness that due to the current zoning restriction property values in Wilber Heights have severely declined. Allowing the amendments as requested by Clifford-Jacobs would further decrease property values and be in direct opposition to addressing a situation that the County of Champaign is attempting to rectify.

The board notes that the character of the neighborhood has changed in part that has led to a gradual reduction in the number of houses used as residences. However, the board has determined its analysis of the proposed amendment to focus on the effect such amendments have on Class A receivers in Wilber Heights. Pursuant to paragraph (e) of Section 901.105 such land use classification remains intact regardless of actual subsequent changes in land use unless such actual changes would impose less restrictive limitations on the impact forging operations. Paragraph (e) is mentioned because the board seems to focus on the existence of the railroad in considering to allow the proposed amendment. It is noted that the railroad was in existence at

the time the current rules were put into place. As such it is not a "change" that would allow for less restrictive limitations on the existing forging operation.

Further noted is the testimony by Clifford-Jacobs that the other noise sources in the area are much more widely dispersed, pronounced and prolonged by the impulsive sounds generated by Clifford-Jacobs within building 4. Clifford-Jacobs does not identify the other noise sources but we assume those sources are those identified by its hired expert, Dr. Shomer. Dr. Shomer states that he noted changes from his "last visit" was increased truck traffic, including tractor trailers and a "big" garbage truck. We can state that no noise within the area is more pronounced than the sonic boom generated by Clifford-Jacobs. This includes the railroad yard. No other noise generates a pulse that shakes the foundation of the house and said other noises are generally brief in duration. Clifford-Jacobs has provided only one family to testify before the board, Mr. and Mrs. Gaines. Mr. and Mrs. Gaines state that the noises from Clifford-Jacobs do not bother them any more than the noises that other companies and nearby traffic make. Mr. and Mrs. Gaines live on Market Street. This residence is the furthest from Clifford-Jacobs of all residences in Wilber Heights. As noted in its report the sonic wave created by Clifford-Jacobs that rocks the foundations of the homes nearest to it will be attenuated the farther the home is from it. Therefore, Mr. and Mrs. Gaines' testimony is not dispositive of the noise issue with related sleep deprivation and other accompanying health issues that most concerns this board. Of course Mr. and Mrs. Gaines are more affected by traffic and other noises coming from Market Street because by the time the sonic wave generated by Clifford-Jacobs reaches them it has mostly dissipated.

Finally, it is noted that paragraph (d)(2)(F) of Section 901.105 sets out fairly specific requirements before any modification can be considered. Without committee comments we can only surmise that these requirements are set out as a balancing test between the rights of the residents affected by the change and the economic considerations of the company. As discussed above allowing the company to operate its hammers 24/7 would present a significant hardship to the surrounding residents. As noted by the board these hardships include sleep deprivation and other related health risks that arise from sleep deprivation and sound emissions. Therefore, we would assert that the economic need of Clifford-Jacobs must be immediate and compelling before such a modification is considered and allowed. In its testimony Clifford-Jacobs asserts a vague notion that it has need of flexibility in case it should ever get more business. Thus, it is our contention that the need is not in any sense immediate. Further, as noted in the opinion the testimony of Mr. Jason Ray who could not "specify why the facility was unable to meet customer demand at that time or in other years, but did state that "there was a need to run a third shift." We believe that Section 901.105 requires more than such an assertion without proper foundation for that assertion. The testimony is that Clifford-Jacobs' ability to operate its hammers simultaneously within the current operational parameters is limited due to the lack of hammer-trained crews. They have stated that adding a third shift would enable them to hire 72 additional workers. They have not explained why they cannot incorporate the workers within their existing shifts. Thus, Clifford-Jacobs has not demonstrated an economic necessity within the requirements of 901.105.

It is also important to note that as of this time Clifford-Jacobs does not operate even a second shift. Further, Clifford-Jacobs has laid off those people who used to operate its second shift and

has recently laid off an additional seven employees. This reality is a striking opposition to the threats made by Clifford-Jacobs as noted on page 8 of the board's opinion that if the company does not get its amendments: 1) it may have to relocate thus costing the area jobs; 2) it would not be able to employ additional people; and 3) the well-paying jobs and revenues the area currently enjoys will go away. As the board notes on page 8 Clifford-Jacob does not explain why it cannot meet customer demand with its current restrictions in place. We agree. If Clifford-Jacobs needs to expand its operations then why is not currently operating a second shift? If Clifford-Jacobs is providing the community with such employment then why not recall the workers it has laid off?

In conclusion, it is our opinion that Dr. Shomer has greatly exaggerated the current noise levels and has misstated the overall character of the surrounding area, that Clifford-Jacobs has not fulfilled its obligations with respect to notice to the residents of the area, that it has under-exaggerated the effect of the current sonic boom on the residents within the area and that it has not demonstrated a current necessity for modifying its current operational status. As the board noted, Clifford-Jacobs is asking permission to operate during hours that nearly all existing forgers with site-specific rules are not permitted to operate. For all of these reasons and the reasons listed above we are requesting that the board deny Clifford-Jacob's request for modification.

Sincerely,

Residents of Wilbur Heights

Mark & Linda Kates	2307 N. 5 <sup>TH</sup> ST. Champaign IL.
J.F. Miller	413 PAUL AVE
Estelle & Cook	410 Paul Ave.
Marie J Skilling	402 Paul Ave Champaign IL
+ Janice Skilling	
Stephen Lemke	316 Paul Ave
+ Lisa Lemke	
Velma Lemke	316 Paul Ave.
Ron & Loretta Muelbauer	317 Paul Ave
Robert F. Pheris Jr.	310 Paul Ave.
Chyllis Ann Davis	2303 N. 3rd, C.
Virgil & Lena Roderick	305 Wallace Ave.
Jeffrey Bean	305B Wallace Ave.



Freda Shaffer - 311 Wallace.  
M. Nell 313 Wallace Ave.  
Kaula J. James 205 Wallace Ave.  
Champ - tel 61822

Angela Nelson 313 Paul Ave

Susie Roderick 311 Paul Ave

Susie Roderick 311 Paul Ave

Jammy Roderick 318 Wilber Ave.

Helen Pharis

411 Wallace Ave.

Cardyn Patterson ~~Cardyn Patterson~~

2406 N. 2nd St

Robert Patterson

Robert Patterson II

2406 N. 2nd St

Stella Clark 319 Paul Ave

Linda Kirby Dorsey 312 Paul Ave. Ave, Ch.



2301 N. 5th Street















