

ILLINOIS POLLUTION CONTROL BOARD

June 19, 2014

IN THE MATTER OF:)
)
PROPOSAL OF CLIFFORD-JACOBS) R14-22
FORGING CO. FOR AN AMENDMENT TO) (Rulemaking - Noise)
THE SITE-SPECIFIC RULE AT 35 ILL.)
ADM. CODE 901.119)

ORDER OF THE BOARD (by D. Glosser):

On June 2, 2014, Clifford-Jacobs Forging Company (Clifford-Jacobs) filed a rulemaking proposal (Pet.) to amend a previously promulgated site-specific noise rule to extend the allowable operational levels for its forging facility located in unincorporated Champaign County. Clifford-Jacobs asks the Board to incorporate the record from its prior site-specific rulemaking in this proceeding, R83-25, Clifford-Jacobs Forging Co. Petition for a Site-Specific Operation Pursuant to 35 Ill. Adm. Code 901.105(d).

Clifford-Jacobs states that its forging facility contains ten steam-driven forging hammers weighing 1,500 to 25,000 lbs. Pet. at 1, 4. Operation of the forging hammers is limited by Section 901.119 of the Board’s noise regulations (35 Ill. Adm. Code 901.119), which specifies the maximum number of hammers that may be operated at a given time and, as relevant here, permissible hours of operation—6 a.m. to 11 p.m., Monday through Saturday. *Id.* at 1-2. The proposal would amend Section 901.119 to increase by seven hours a day the permissible hours of operation, allowing for up to three shifts and tailoring of hours of operation to accommodate fluctuations in demand and enhance the safety of its 108 employees during warm summer days. *Id.* at 1, 3.

Clifford-Jacobs states that it has three options to remain viable in a “wildly fluctuating competitive market”: add hammer mills at a new location; outsource production to suppliers, many of which are located in other countries; or expand production at the existing plant. Pet. at 6. Citing quality assurance and other concerns relating to the first two options, Clifford-Jacobs notes its preference for the third alternative. Clifford-Jacobs states that by allowing it to employ a third shift, the proposed amendment would enable the facility to operate up to 24 hours a day, six days a week, leading to the hiring of approximately 72 additional workers. *Id.* Moreover, Clifford-Jacobs adds, the amendment would allow it to “enhance worker safety and comfort” on hot summer days by altering starting and ending hours of each shift to avoid the hottest hours of the day. *Id.*

Clifford-Jacobs further states that most of the property surrounding its facility is zoned for heavy industry and is occupied by farmland, a freight switching yard, and industrial property. Pet. at 4. Southwest of the facility is a small residential area that developed several years after

Clifford- Jacobs' facility started operating; the existing residences became "grandfathered" non-conforming uses when the area was re-zoned entirely for industrial uses decades later. *Id.* at 4-5.

According to Clifford-Jacobs, the forging building's design provides for natural ventilation through windows and doors on the ground level and ventilators on the roof, which dissipates heat generated by the facility's sixteen furnaces. *Pet.* at 7. Such ventilation requires the plant to keep its ground-level windows and doors open for much of the year, particularly during summer. *Id.* at 7.

Accompanying the proposal is a report by an outside consultant assessing the current and anticipated noise impact of the facility's operation and evaluating various sound control options. *Pet.* at 8 & Exh. D. According to Clifford-Jacobs, the report concludes that there are no economically reasonable, technically feasible noise control measures that would substantially reduce noise emissions from the facility. *Id.* at 8. Clifford-Jacobs adds that it has never received a noise complaint from any of its neighbors, including local residents. *Id.* at 9. The proposal includes "expressions of support" from legislators and others. *Id.* at 10 & Exh. E.

Clifford-Jacobs concludes by first noting that it intends to call five witnesses at hearing, including the lead consultant, and briefly describes the matters on which they will testify. *Pet.* at 10-11. Second, Clifford-Jacobs notes that it did not rely on any published study or research report in developing the proposed rule amendment except to the "limited extent referenced or incorporated" in the consultant's report. *Pet.* at 11. Finally, Clifford-Jacobs states that no applicable federal laws limit the Board's authority to adopt the proposed amendments. *Id.*

With its proposal, Clifford-Jacobs submitted a motion to waive the signature requirement (*Mot.*). Clifford-Jacobs states that, with fewer than 55 residences in the nearby residential area, it is "doubtful" that 200 persons live there. *Mot.* at 1. Clifford-Jacobs adds that the Board has previously waived the signature requirement in similar site-specific rulemaking proceedings. *Id.* The Board grants the motion and waives the requirement to submit a petition signed by at least 200 persons. *See, e.g., Proposal of Vaughan & Bushnell Manufacturing Co. of Amendment to a Site-Specific Rule 35 Ill. Adm. 901.121, R06-11, slip op. at 2 (Dec. 1, 2005).*

The Board finds that Clifford-Jacobs has satisfied the content requirements of Sections 102.202 and 102.210 of the procedural rules (35 Ill. Adm. Code 102.202, 102.210), and therefore accepts Clifford-Jacobs' proposal for hearing. The Board directs its assigned hearing officer to schedule and proceed to hearing under the rulemaking provisions of the Environmental Protection Act (415 ILCS 5/27, 28 (2012)) and the Board's procedural rules (35 Ill. Adm. Code 102). The Board, through orders of its own or of its hearing officer, may direct Clifford-Jacobs to provide additional information concerning its proposal.

IT IS SO ORDERED.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on June 19, 2014, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish extending to the right.

John T. Therriault, Clerk
Illinois Pollution Control Board