



ILLINOIS POLLUTION CONTROL BOARD

January 24, 2006

GOVERNOR

Rod R. Blagojevich

CHAIRMAN

G. Tanner Girard, Ph.D.

Jack Lavin, Director
Department of Commerce and Economic Opportunity
620 East Adams Street, S-6
Springfield, Illinois 62704

Re: Request for Economic Impact Study for: **Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to A Site-Specific Rule 35 Ill. Adm. Code 901.121 (R06-11)**

Dear Director Lavin:

The Pollution Control Board (Board) received a site-specific rulemaking proposal filed by the Vaughan & Bushnell Manufacturing Company (V&B). V&B's October 20, 2005 proposal seeks to amend the noise regulation the Board adopted for the company in 1985, codified at 35 Ill. Adm. Code 901.121. The current rule limits V & B's operating hours, and the company wants to add a third shift and begin around-the-clock operation..

V&B is a manufacturer of striking tools at a forging shop built in 1940 that is located at the intersection of Davis and Main Streets, Bushnell in McDonough County. V&B states that its facility consists of ten drop hammers capable of producing up to 2,500 lbs. of force. The facility is V&B's primary production facility, and is located in an area of Bushnell that is primarily industrial. V&B states it is the largest employer in Bushnell, currently employing two hundred and thirty people.

I am writing to request that your Department conduct an economic impact study concerning this proposal.

Since 1998, Section 27 (b) of the Environmental Protection Act has required the Board to:

1. "request that the Department of Commerce and Economic Opportunity (formerly the Department of Commerce and Community Affairs) conduct a study of the economic impact of the proposed rules. The Department may within 30 to 45 days of such request produce a study of the economic impact of the proposed rules. At a minimum, the economic impact study shall address a) economic, environmental, and public health benefits that may be achieved through compliance with the proposed rules, b) the effects of the proposed rules on employment levels, commercial productivity, the economic growth of small businesses with 100 or less employees, and the State's overall economy, and c) the cost per unit of pollution reduced and the

SPRINGFIELD OFFICE

1021 North Grand Ave. East
P.O. Box 19274
Springfield, IL
62794-9274
217-524-8500
FAX 217-524-8508

CHICAGO OFFICE

James R. Thompson Center
100 West Randolph
Suite 11-500
Chicago, IL 60601
312-814-3620
FAX 312-814-3669
TTY 312-814-6032

WEB SITE

www.ipcb.state.il.us



PRINTED ON RECYCLED PAPER

variability of company revenues expected to be used to implement the proposed rules; and

2. conduct at least one public hearing on the economic impact of those rules. At least 20 days before the hearing, the Board shall notify the public of the hearing and make the economic impact study, or the Department of Commerce and Economic Opportunity's explanation for not producing an economic impact study, available to the public. Such public hearing may be held simultaneously or as a part of any Board hearing considering such new rules." 415 ILCS 5/27(b) (2002).

The Board is in the process of scheduling a hearing in this rulemaking. I would greatly appreciate a response from you concerning DCEO's position on whether it will perform the economic impact study. V&B requested that the Board expedite its handling of this rule; the Board would like to handle both economic and merit issues in a single hearing. So, the Board as well as the company would appreciate your early response to this request.

The Board appreciates DCEO's recent timely and considered response to similar requests we have made concerning other pending rulemakings. The Board appreciates that fiscal constraints may prevent DCEO from conducting economic studies in every rulemaking. But, as I have pointed out before, a review of Board rulemaking opinions and orders since then would reveal that the Department's decision not to perform economic impact studies has not been questioned at any Board hearing.

If I, or my staff, can provide you with any additional information, please let me know. While the Board can proceed to hold hearings while awaiting your decision, the Environmental Protection Act does not allow the Board to complete its rulemaking process without your Department's input.

Thank you for your early response.

Sincerely,



G. Tanner Girard
Acting Chairman, Pollution Control Board

Cc: Dorothy M. Gunn, Clerk
Erin Conley, Rules Coordinator