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ILLINOIS POLLUTION CONTROL BOARD

MARCH 7, 2006

IN THE MATTER OF: )  
 )  
AMENDMENTS TO 35 ILL. ADM. )  
CODE 205, EMISSIONS REDUCTION ) R05-11  
MARKET SYSTEM, and 35 ILL. ADM.)  
CODE 211 )

TRANSCRIPT OF PROCEEDINGS held in the  
hearing of the above-entitled matter, taken  
stenographically by Maria E. Shockey, CSR, before  
JOHN KNITTLE, Hearing Officer, at Bushnell City  
Hall, 138 E. Hail Street, Bushnell, Illinois, on the  
7th day of March, A.D., 2006, scheduled to  
commencing at 10:00 a.m.

1 A P P E A R A N C E S :

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ILLINOIS POLLUTION CONTROL BOARD  
2125 South First Street  
Champaign, Illinois 61820  
(217) 278-3111

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BY: MR. JOHN KNITTLE, HEARING OFFICER  
MR. THOMAS E. JOHNSON  
MR. G. TANNER GIRARD  
MR. ANAND RAO

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DAVIS & CAMPBELL, L.L.C.,  
401 Main Street  
Suite 1600  
Peoria, Illinois 61602-1241  
(309) 673-1681

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BY: MR. JEREMY M. PELPHREY

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12

Appeared on behalf of the Vaughan &  
Bushnell;

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 782-5544

15

16

BY: MR. MARK V. GURNIK

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18

Appeared on behalf of the Environmental  
Protection Agency.

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1                   HEARING OFFICER KNITTLE: We're on the  
2                   record. My name is John Knittle. I'm the  
3                   hearing officer for this matter, which is  
4                   entitled R06-11 in the matter of Proposal  
5                   of Vaughan & Bushnell Manufacturing Company  
6                   of amendment to site a specific rule found  
7                   at 35 Illinois Administrative Code, 901.121.

8                   We have board personnel present  
9                   with us today. I, as I said, am John  
10                  Knittle. We have a member of our technical  
11                  unit, Anand Rao. We have two board members,  
12                  Chairman Girard and Board Member Tom Johnson,  
13                  who is the assigned board member presiding  
14                  over this case.

15                 Tom, do you have any comments you  
16                 want to make before we get started?

17                 MR. JOHNSON: I will briefly, and I  
18                 don't want to stand up and face the bulk of  
19                 you. I want to, first of all, thank you all  
20                 for coming and let you know how much we  
21                 appreciate your willingness to be here. It's  
22                 always easier to let somebody else do it.

23                 But it's through these public  
24                 hearings that we're able to fill in gaps that

1 we might have in the record to answer our  
2 questions and most importantly, I think, to  
3 get a feel for the community and the people.

4 It's also important because it  
5 provides a forum for folks who might not know  
6 anything about prefiled testimony, but will  
7 be affected by the decisions we make. So  
8 with that I assure you that the Board will  
9 give this careful consideration and we will  
10 attempt to get it done in as quick a manner  
11 as possible. Thanks.

12 HEARING OFFICER KNITTLE: Thank you,  
13 Board Member Johnson.

14 Chairman Girard, do you have  
15 anything you wanted to add?

16 CHAIRMAN GIRARD: Just to say that I  
17 think Member Johnson said it well. I'm very  
18 pleased to see such a good turnout. It's  
19 great to see so many come out to a public  
20 hearing and take time off from work and so  
21 we're pleased with that and we look forward  
22 to a good hearing today. Thank you.

23 HEARING OFFICER KNITTLE: Thank you,  
24 sir.

1                   We also have, just so everybody  
2                   knows, this is Mark Gurnik from the Illinois  
3                   Environmental Protection Agency and I'll give  
4                   him a chance to speak later, and we have  
5                   the attorney for petitioner over there,  
6                   Mr. Jeremy Pelphrey.

7                   I'm going to give a little  
8                   background. You guys probably don't need  
9                   this, but for the record we want to give a  
10                  little background on the proposal and the  
11                  situation. Essentially, the petitioner is  
12                  seeking a site-specific rule amending a  
13                  previously Board promulgated site-specific  
14                  rule.

15                  This one would extend the  
16                  allowable operation levels of its forging  
17                  facility, which, as you know, is located at  
18                  the intersection of Davis and Main Streets  
19                  between Bushnell and McDonough County.

20                  The company asserts that because  
21                  the facility has received a site-specific  
22                  rule with regard to sound emissions, the  
23                  noise regulations have not generally been  
24                  applicable in the past and may contend that

1           it's seeking an amendment to the previously  
2           promulgated rule to establish a 24-hour  
3           period of operation, and Vaughan & Bushnell  
4           proposes the site-specific rule amended the  
5           current rules -- the current rule found, as I  
6           said, 35 Illinois Administrative Code  
7           901.121.

8                           Just so you know, we have  
9           procedurally on October 20th of 2005, the  
10          petition was filed. The Board accepted the  
11          petition on December 1st. In that order, we  
12          also granted petitioner's motion to waive a  
13          signature requirement and directed Vaughan &  
14          Bushnell to address Section 102.210(c), which  
15          is the public study requirement in writing.

16                           They have done that and they did  
17          that on January 27th, and on February 15th  
18          the petitioner filed some prefiled testimony  
19          and that's going to be essentially what we  
20          hear today.

21                           On January 24th, the Board  
22          requested that the Department of Commerce and  
23          Economic Opportunity conduct an economic  
24          impact study for rulemaking. We haven't

1 received a response yet, so we're going to be  
2 holding off on that portion of the hearing.

3 Just so everybody knows, the  
4 Department of Commerce and Economic  
5 Opportunity has to file -- we have to ask  
6 them to conduct a study on any state  
7 rulemaking and they're supposed to conduct an  
8 economic impact study to show how it's going  
9 to impact the state economic essentially or  
10 they have to provide a response saying that  
11 they're not going to do that.

12 They generally don't provide these  
13 studies. Either way we have to wait for  
14 their response and allow members of the  
15 public to take a look at it and have a  
16 hearing on that. So we have to have that in  
17 the record 20 days before the hearing; that  
18 didn't happen, so we're going to have another  
19 hearing in this matter strictly on that issue  
20 in Springfield. It won't be any of the  
21 substantive issues that we're going to talk  
22 about today.

23 MR. JOHNSON: And it will be  
24 ten minutes more than likely, so --

1 HEARING OFFICER KNITTLE: Assuming  
2 that nobody shows up and wants to comment on  
3 the --

4 MR. JOHNSON: Yeah, I'd hate to see  
5 this room pack up and head there expecting to  
6 see anything other than that.

7 HEARING OFFICER KNITTLE: As I said,  
8 it's strictly on the study that the  
9 Department of Commerce and Economic  
10 Opportunity will or will not perform. And  
11 correct me if I'm wrong, gentleman, but I  
12 don't think we've seen a study in the last  
13 four or five years, so --

14 CHAIRMAN GIRARD: I think that's  
15 correct.

16 HEARING OFFICER KNITTLE: So I  
17 wouldn't anticipate any study for this  
18 rulemaking either.

19 All board proceedings have notice  
20 and service lists. Those on the notice list  
21 receive only board opinions and orders and  
22 hearing officer orders and those on the  
23 service lists will receive documents, plus  
24 some other filings like public comments.



1                   These lists are updated throughout  
2                   the course of the proceeding, and if anybody  
3                   here wants to be put on either list, please  
4                   contact me at one of the breaks or after the  
5                   hearing and I'll get your information and  
6                   we'll make sure you get on that list.

7                   Besides the witnesses that  
8                   Mr. Pelphrey is going to put on, if anybody  
9                   wishes to talk today or testify today, let me  
10                  know and we'll take your name and your  
11                  information and we'll swear you in -- the  
12                  court reporter will swear you in and we'll  
13                  proceed with that testimony after Jeremy is  
14                  done with his witnesses.

15                  We're also going to set a written  
16                  public comment period after the hearing, so  
17                  if anybody has any public comments and you  
18                  don't feel comfortable for whatever reason or  
19                  don't want to testify today, you'll have the  
20                  opportunity to send that in to the Board's  
21                  offices in Chicago and the Board will listen  
22                  to that and weigh that accordingly.

23                  And just so you know, public  
24                  comments, we always want to see them and

1 we're interested in hearing what they have to  
2 say. We don't give them quite as much weight  
3 as a comment that you give today with the  
4 court reporter because you won't be sworn in  
5 if you're filing a public comment. But with  
6 that being said, we still consider those and  
7 that's an option as well for you.

8 Part 102 of the Board's procedural  
9 rules govern this hearing. All information  
10 that is relevant, relevant, relevant, and not  
11 repetitious or privileged will be admitted.  
12 All witnesses will be sworn and subject to  
13 cross-examination.

14 After the testimony is complete,  
15 like I said, we'll allow the parties, which  
16 is Mr. Gurnik and Mr. Pelphrey, to make any  
17 closing statements if they would like.  
18 Anybody here can ask any question of any  
19 witnesses, I would just ask that you do it in  
20 an orderly manner. So maybe you can raise  
21 your hand and we can all pretend we're back  
22 in school and you can let me know and we'll  
23 listen to what you have to say and you'll be  
24 able to ask questions if you want to.

1                   The only other thing is if you  
2                   have any questions, please speak clearly and  
3                   one at a time so the court reporter can pick  
4                   you up and I'm sure she'd concur with that,  
5                   and that's pretty much all I have. I do  
6                   want to note that any questions that the  
7                   Board asks of any witnesses is just intended  
8                   to help build a good record for this  
9                   rulemaking.

10                   We're not trying to give any  
11                   preconceived notion or bias that we haven't  
12                   reached any decision yet and the Board is  
13                   strictly trying to develop a good record so  
14                   that the remainder of the board, which is not  
15                   here -- there's two other members of this  
16                   Board who will be making this decision -- so  
17                   they have a good transcript and a good record  
18                   to base their decision on.

19                   That's all I have. I want to  
20                   introduce Mr. Pelphrey. If you can introduce  
21                   yourself and any other witnesses you have  
22                   with you today.

23                   MR. PELPHREY: Sure.

24                   Good morning, members of the

1 Board, members of the public. My name is  
2 Jeremy Pelphrey. I'm with the law firm of  
3 Davis & Campbell. I'm here on behalf of the  
4 Vaughan & Bushnell Manufacturing Company.  
5 We're here today to present factual testimony  
6 to all of you so that Vaughan & Bushnell may  
7 be granted a site-specific regulation or an  
8 amendment to their current site-specific  
9 regulation or order to operate a third shift  
10 and run around the clock 24 hours a day.

11 Today I'm going to present  
12 testimony from three individuals primarily  
13 and then I'm going to follow that testimony  
14 with testimony from several members of the  
15 audience. But first off, we're going to  
16 present testimony from the director of  
17 quality assurance for Vaughan & Bushnell.

18 Dan Chambers is going to testify  
19 as to the structure of Vaughan & Bushnell,  
20 the structure of the community, of the city  
21 of Bushnell, and he's also going to testify  
22 as to changes in the demand for production  
23 over the past several years and how that's  
24 going to impact -- or how that does impact

1           our need for a third shift operation.

2                         We're also going to present  
3           testimony of the process development engineer  
4           at Vaughan & Bushnell, Butch Mourning. He's  
5           going to testify as to the current technology  
6           that Vaughan & Bushnell has in place in order  
7           to suppress noise pollution, how that works  
8           as well as any technological advances that  
9           may be available in the method of the  
10          suppression of noise pollution.

11                        Finally, we're going to present  
12          testimony of another process engineer at  
13          Vaughan & Bushnell, Mike Havens, who  
14          conducted a sound level measurement survey in  
15          the community surrounding the Vaughan &  
16          Bushnell drop forge facility and he's going  
17          to describe the survey that he conducted and  
18          the audio effect on the community that  
19          Vaughan & Bushnell's manufacturing operation  
20          has.

21                        And as I said, following those  
22          three individuals, there's at least six of  
23          you in the audience today who will be  
24          presenting testimony from your prefiled

1 testimony that you will give more or less the  
2 community impact of the Vaughan & Bushnell  
3 Manufacturing operation and how it affects  
4 you and the community.

5 With that said, I'd like to call  
6 my first witness.

7 HEARING OFFICER KNITTLE: And we will  
8 definitely let you do that.

9 Mr. Gurnik, do you have anything  
10 you want to add?

11 MR. GURNIK: No, we don't have an  
12 opening statement.

13 HEARING OFFICER KNITTLE: Please  
14 proceed.

15 MR. PELPHREY: With that said, I'd  
16 like to call my first witness and that's  
17 Dan Chambers, director of quality assurance.

18 HEARING OFFICER KNITTLE: Can you  
19 swear him in?

20 (Witness sworn.)

21 MR. CHAMBERS: My name is Dan  
22 Chambers. I'm the manager of quality  
23 assurance at Vaughan & Bushnell. Vaughan &  
24 Bushnell was founded in 1869 by Alexander

1           Vaughan who started in Peoria and then moved  
2           to Chicago.

3                         The company was incorporated in  
4           1892. In 1897, Vaughan began supplying  
5           hammers to Sears & Roebuck. Since that time  
6           we have more than tripled our plant size by  
7           adding on or purchasing other properties. At  
8           this facility we produce hammers, hatchets,  
9           heavy striking tools, and pry bars.

10                        We purchase bar steel and cut it  
11           to length. The steel is heated to 2100 to  
12           2200 degrees. It's placed in between two  
13           dyes and drop-forged to make the shape of the  
14           hammer. The drop forge process takes between  
15           five to eight blows depending on the size of  
16           the drop hammer and the size of the steel.

17                        After the forging operation, the  
18           hammerheads are taken to the grind department  
19           for machining, grinding, and heat treatment.  
20           And then after the inspection to the heads,  
21           they are taken to the polish department for  
22           painting, polishing, and brand-stamping.

23                        And then they are taken to the  
24           handle and pack department for handle,

1 assembly, labeling, and packaging. Over the  
2 years we have tried to modernize some of the  
3 processes. We have automated grinding and  
4 polishing machines, laser marking machines  
5 and robots to polish hammers.

6 In the forge shop, we have added a  
7 forging press that can produce twice as many  
8 forgings a day as a drop hammer. Right now  
9 we are designing as many parts to run on this  
10 operation as possible. As of February, we  
11 have 263 employees and we need to add at  
12 least five more people right now.

13 We are the largest employer in  
14 Bushnell, a town of approximately 3300  
15 people. We have a gross annual payroll of  
16 \$8.4 million. We paid the city of Bushnell  
17 \$137,000,000 last year for water, gas, and  
18 electricity. We paid \$39,000 last year in  
19 property taxes.

20 We have always and will continue  
21 to donate money to the community. We give  
22 hammers for fundraisers. We have donated to  
23 the local swimming pool, recreation programs,  
24 and school systems. We are one of only two



1 U.S. hammer manufactures and the world's  
2 largest.

3 Right now we produce between  
4 13,000 and 15,000 pieces a day. Last year  
5 our orders increased by approximately 15  
6 percent. This caused or finished good stock  
7 to be depleted. So far this year our orders  
8 are about the same as last year at this time.

9 When our customers place orders,  
10 they expect product to be shipped. We are  
11 fined or penalized if we do not ship on time.  
12 Sears fines us five percent of the value of  
13 the item not shipped. Lowe's and Home Depot,  
14 we cannot back-order. We must cancel the  
15 item on that shipment.

16 If a particular item is canceled  
17 too often, it's dropped from the store.  
18 Menards fines us five percent for every item  
19 back ordered. True Value fines us  
20 five percent of the entire order if something  
21 on that order is back ordered. So if we can  
22 not fulfill an order, we lose sales and  
23 money. If sales go down, then your need to  
24 produce goes down and that, in turn, means

1 less jobs.

2 To keep up with demand, we must  
3 increase the amount of hammers we produce.  
4 Since the forging operation is the first  
5 operation, we have to start there. We have  
6 ten drop hammers that ran two shifts. To add  
7 another drop hammer, we would need to build  
8 an additional building. Something like that  
9 would be very costly. The most economic way  
10 is to run the forge shop three shifts.

11 Since the forge furnaces run at  
12 2200 degrees, you can imagine how hot it gets  
13 in the summertime. We have a drop off in  
14 production in the summer because of the heat.  
15 By adding a third shift, we can increase  
16 production and not have to increase the  
17 workload of our employees.

18 It was determined in November that  
19 to meet the demand for our orders we had to  
20 add a third shift in the forge shop. We are  
21 right now catching up with orders and  
22 starting to build some stock. Since we have  
23 added the third shift, we have added  
24 30 employees.

1                   We need to be able to continue to  
2                   do this to retain these jobs and possibly add  
3                   more. Since we have done this, we have not  
4                   heard any complaints from any citizens in  
5                   Bushnell.

6                   MR. PELPHREY: Does that complete your  
7                   testimony, Dan?

8                   MR. CHAMBERS: Yes.

9                   HEARING OFFICER KNITTLE: Do you have  
10                  any additional questions, Mr. Pelphrey?

11                  MR. PELPHREY: I don't have any  
12                  additional questions. I do have to add if  
13                  you would like copies of -- written copies of  
14                  his testimony, I can provide that to you  
15                  today or I can follow it up after today with  
16                  a filing.

17                  HEARING OFFICER KNITTLE: Does anybody  
18                  here have any questions of this witness?

19                  MR. JOHNSON: Do you prefer to take  
20                  questions after you get all your testimony in  
21                  as a panel or --

22                  MR. PELPHREY: Actually, I would  
23                  prefer individually, but if somebody thinks  
24                  of a question later on --

1 HEARING OFFICER KNITTLE: Yeah. If we  
2 have something that he can answer later, he  
3 would still be sworn in and able to answer  
4 questions.

5 Are you going to stay through the  
6 pendency of the hearing?

7 MR. CHAMBERS: Yes.

8 CHAIRMAN GIRARD: Do you want to take  
9 questions now?

10 MR. JOHNSON: Yeah, that's fine.

11 CHAIRMAN GIRARD: I have a question.

12 The drop forge shop, according to  
13 your proposal here, was founded in 1940.

14 MR. CHAMBERS: That's when it was  
15 moved to Bushnell, yes.

16 CHAIRMAN GIRARD: Okay. Did you ever  
17 run three shifts any time before these rules  
18 were put in place?

19 MR. CHAMBERS: Not to my knowledge.

20 CHAIRMAN GIRARD: Thank you.

21 MR. JOHNSON: Are you running a third  
22 shift now?

23 MR. CHAMBERS: Yes.

24 HEARING OFFICER KNITTLE: How long has

1           that been going on?

2                   MR. CHAMBERS:  Since November of 2005.

3                   MR. JOHNSON:  Essentially you've  
4           increased your production hours by four and a  
5           half hours because your previous  
6           site-specific rule allowed you to be in  
7           production from 6:00 a.m. until 1:30 in the  
8           morning?

9                   MR. CHAMBERS:  Yes.

10                  MR. JOHNSON:  And what kind of  
11           increase in production has it enabled you to  
12           achieve?

13                  MR. CHAMBERS:  Like I said, last year  
14           our orders increased by 15 percent and when  
15           we got to the last quarter of the year our  
16           stock had been depleted, so we had to do  
17           something.  So by doing this, we were -- that  
18           enabled us to meet orders, meet demand and we  
19           are just now starting to build stock back.

20                         So as far as the percentage, I  
21           would have to say it's probably close to  
22           15 percent.

23                  MR. RAO:  And as a follow-up to that,  
24           when you talk about increase in 15 percent,

1           are you talking about -- you know, you  
2           mentioned that per day production is like  
3           10,000 to 15,000 hampers, so --

4                     MR. CHAMBERS:   Between 13,000 and  
5           15,000 a day is what we produce right now.

6                     MR. RAO:   And before this third shift  
7           it was 15 percent lower than this range?

8                     MR. CHAMBERS:   Yes.

9                     HEARING OFFICER KNITTLE:   Off the  
10          record.

11                                     (Whereupon, a discussion  
12                                     was had off the record.)

13                     MR. RAO:   Also, Mr. Chambers, you  
14          mentioned that the other alternative to  
15          running a third shift was to add an  
16          additional hammer and maybe that may incur,  
17          you know, building a new building for that  
18          outfit.  In the proposal, you know, there was  
19          this cost figure that was provided and the  
20          cost of an additional hammer would be like  
21          \$500,000?

22                     MR. CHAMBERS:   Uh-huh.

23                     MR. RAO:   Does that --

24                     MR. PELPHREY:   Just to stop you and

1 correct you, actually \$500,000 is the cost of  
2 the ventilation system, each one of the  
3 ventilation systems.

4 MR. RAO: Actually, that is the cost  
5 for hammers too.

6 MR. PELPHREY: Okay. I wanted to  
7 clarify that.

8 MR. RAO: We are talking about -- let  
9 me see, at Page 9 of the proposal.

10 MR. PELPHREY: Yeah.

11 MR. RAO: So does this \$500,000 refer  
12 to just the cost of the additional single --  
13 you know, additional drop hammer or does it  
14 also include the cost of building and  
15 everything that goes with it?

16 MR. CHAMBERS: That gets into  
17 Mr. Mourning's testimony.

18 MR. RAO: Okay. I was not sure. I'll  
19 save that question.

20 MR. PELPHREY: Okay. That's testimony  
21 that Mr. Mourning was going to provide.

22 MR. JOHNSON: That's why sometimes  
23 these -- you have three experts testifying on  
24 three different things. A lot of our

1           questions will probably -- we'll need to have  
2           three of them discuss it among themselves.

3                   MR. PELPHREY:   That's fine.

4                   HEARING OFFICER KNITTLE:   We can do it  
5           this way and then, like I said, we'll have  
6           questions at the end and he'll still be sworn  
7           in if his specific expertise is needed.

8                   CHAIRMAN GIRARD:   Well, I have some  
9           questions about the hours of operation in the  
10          summary.  You indicated that because of  
11          probably because of ambient temperatures  
12          increasing in the afternoon and having these  
13          very hot furnaces operating that maybe you  
14          aren't able to run two full shifts in the  
15          summertime.  Can you maybe clarify and --

16                   MR. CHAMBERS:   A normal shift is  
17          eight hours, but because of demand, we ask  
18          the people to work ten hours.  So we go from  
19          6:00 o'clock in the morning until 1:30 in the  
20          morning.  By going the three shifts, we can  
21          have the individuals -- increase the  
22          individuals and then we just have them work  
23          eight-hour shifts, three eight-hour shifts  
24          around the clock.



1 HEARING OFFICER KNITTLE: As opposed  
2 to ten-hour shifts?

3 MR. CHAMBERS: As opposed to ten-hour  
4 shifts or nine-hour shifts.

5 CHAIRMAN GIRARD: What is the  
6 temperature for the workers in the forge area  
7 in the summertime in the most extreme  
8 conditions?

9 MR. CHAMBERS: About 125 degrees.

10 CHAIRMAN GIRARD: So by running a  
11 nighttime shift, you can probably reduce that  
12 somewhat; is that correct?

13 MR. CHAMBERS: It would be cooler at  
14 night, yes.

15 CHAIRMAN GIRARD: And in the  
16 wintertime with the colder outside  
17 temperature, you don't have that same  
18 125-degree temperature in --

19 MR. CHAMBERS: No, not at all. These  
20 employees are standing in front of a furnace  
21 that's 220 degrees taking hot bars out of it  
22 and it gets pretty warm in the summer.

23 CHAIRMAN GIRARD: So the wintertime is  
24 the only time you can catch up with three

1 full operating shifts?

2 MR. CHAMBERS: Uh-huh. It works out  
3 good in the wintertime because the guys don't  
4 mind it, the heat.

5 CHAIRMAN GIRARD: Thank you.

6 MR. RAO: And one last question: Also  
7 in the proposal you had mentioned that  
8 Vaughan is getting a lot of competition from  
9 overseas, outsourcing and things like that.  
10 Does Vaughan produce all its, you know,  
11 hammers here at the Bushnell facility or do  
12 you also get hammers from overseas, from  
13 China or something?

14 MR. CHAMBERS: We purchase some bars,  
15 pry bars from Japan, but other than that,  
16 everything is produced right here in  
17 Bushnell.

18 MR. RAO: Okay. Thank you.

19 HEARING OFFICER KNITTLE: Anything  
20 further from anybody? Why don't you step  
21 down and thank you very much for your  
22 testimony.

23 MR. CHAMBERS: Thank you.

24 HEARING OFFICER KNITTLE: Okay.

1 Mr. Pelphrey, do you have another witness?

2 MR. PELPHREY: Yes. My second witness  
3 is Butch Mourning. He goes by the name of  
4 William Mourning in the proposal, but he goes  
5 by Butch. We're going to use his usual name.

6 If you would like to take a seat  
7 and provide the public and the Board members  
8 with your name, your position at Vaughan &  
9 Bushnell and your testimony.

10 HEARING OFFICER KNITTLE: Can she  
11 swear you in first sir?

12 (Witness sworn.)

13 MR. MOURNING: My name is William H.  
14 Mourning and I'm process engineer for Vaughan  
15 & Bushnell, have for a number of years. I go  
16 by the nickname of Butch, so anyone that  
17 comes up with that, it's Butch. I want to go  
18 over here by the map to kind of start out  
19 here and --

20 HEARING OFFICER KNITTLE: Have at the  
21 map.

22 MR. MOURNING: Okay. If I get in the  
23 way, say so because it's going to be a little  
24 hard here at times.

1                   What I'd like to do is set a  
2                   little ground work here as to where Vaughan &  
3                   Bushnell is located versus the town. And I  
4                   don't know -- a lot of you are not familiar  
5                   with this, but we have one map here as to --  
6                   the manufacturing facility, the total  
7                   facility is this white area --

8                   HEARING OFFICER KNITTLE: I hate to  
9                   interrupt you just as you're getting started.

10                  MR. MOURNING: That's fine.

11                  HEARING OFFICER KNITTLE: Okay.

12                  Mr. Pelphrey, are you going to be submitting  
13                  that map as an exhibit or a smaller one?

14                  MR. PELPHREY: This map is actually in  
15                  your proposal. It should be Exhibit C in the  
16                  proposal.

17                  HEARING OFFICER KNITTLE: Okay. So  
18                  that's Exhibit C in the proposal. We want to  
19                  get that on the record.

20                  MR. PELPHREY: Correct. Butch is also  
21                  going to give testimony on this second  
22                  exhibit that I will be --

23                  HEARING OFFICER KNITTLE: Which is?

24                  MR. PELPHREY: It is a topographical

1 map of the shop itself.

2 HEARING OFFICER KNITTLE: Okay. Is  
3 that also in the proposal?

4 MR. PELPHREY: I have an exhibit right  
5 now that I present.

6 HEARING OFFICER KNITTLE: No. When  
7 you're ready. I just wanted to make sure  
8 that when we're reading the transcript we'll  
9 know what he's referring to. So right now  
10 he's referring to Exhibit C in the proposal.

11 MR. PELPHREY: Exhibit C, correct.

12 MR. MOURNING: What we have here in  
13 the white area along with the blue area is  
14 the main manufacturing facility for Vaughan &  
15 Bushnell. When we started looking at this  
16 area -- our forge shop is just the blue area  
17 right here and what I want to point out a  
18 little bit here is what we have in the  
19 vicinity around this plant area.

20 And we do have businesses and if  
21 we start going over this you'll notice that  
22 we have more businesses by a long ways than  
23 we do residents. Directly across the  
24 railroad tracks, we have Archer Daniels over

1           here, which is a business that is making  
2           agricultural feed. Located to the south of  
3           this is another building which we occupy  
4           ourselves, so this is our location  
5           (indicating).

6                        The city power company has got a  
7           substation that's located here and then they  
8           also have a facility where they generate  
9           electricity which is this complete area down  
10          here (indicating). Directly to the north of  
11          this we have a property which belongs to us,  
12          which is this whole city block located in  
13          here (indicating).

14                      HEARING OFFICER KNITTLE: Which is  
15          indicated with a number one, correct?

16                      MR. MOURNING: Right. This is one  
17          here which takes in this whole city block  
18          (indicating). There is a liquor store or a  
19          tavern located directly to the north and  
20          slightly to the west here.

21                      MR. PELPHREY: What number is that  
22          indicated as?

23                      MR. MOURNING: There's no number on  
24          that.

1                   MR. PELPHREY: What's the closest  
2                   number?

3                   MR. MOURNING: The closest number is  
4                   four.

5                   MR. PELPHREY: Okay.

6                   MR. MOURNING: And then directly to  
7                   the west of us is Norforge Manufacturing,  
8                   which they have also drop hammers located in  
9                   their forging operation.

10                  MR. PELPHREY: What number is attached  
11                  to --

12                  MR. MOURNING: That would be the  
13                  closest to -- the corner is on three of one  
14                  of them and ten on the other.

15                  MR. PELPHREY: Okay.

16                  MR. MOURNING: This pretty much covers  
17                  the business portion of it. And what we have  
18                  here as far as residential are the green  
19                  boxes and to the north and -- would be to the  
20                  west of the actual forge shop that we're  
21                  speaking of are two houses here that are  
22                  three and four are the actual designation of  
23                  those.

24                                 Directly to the south there is a

1           vacant house down here that has not been  
2           occupied for a number of years (indicating).

3                   MR. PELPHREY:  What number identifies  
4           that?

5                   MR. MOURNING:  And that is number  
6           seven.  And then to the southwest we would  
7           have a number of -- there's a mobile home,  
8           there's homes here and this whole area here  
9           is pretty much residential and that's  
10          designated as an eight in that total block  
11          area here (indicating).

12                   We do have a few residences, but  
13          they are much father to the northwest here,  
14          which it really doesn't have a number  
15          designation; the closest is number two.  
16          There is a water tower, and the city water  
17          plant is located directly to the east of  
18          those.  But these are -- if you took a circle  
19          from here, you've got quite a distance from  
20          the actual forge shop there (indicating).

21                   HEARING OFFICER KNITTLE:  Is there a  
22          scale on the exhibit?

23                   MR. PELPHREY:  No, there actually is  
24          not.



1           MR. MOURNING:  These would be a normal  
2           city block, which would be --

3           MR. NORTON:  It would be 300 feet from  
4           corner to -- the middle of the road to the  
5           middle road.

6           HEARING OFFICER KNITTLE:  Can you  
7           identify yourself, sir?

8           MR. NORTON:  Dave Norton, Alderman.

9           MR. RAO:  Mr. Mourning, while you're  
10          looking at the map, in the proposal it said  
11          the nearest residence is 300 feet from the  
12          shop.  Would that be the one marked four?

13          MR. MOURNING:  This would be four,  
14          yes.

15          MR. JOHNSON:  And let me ask you what  
16          you referred to in the pleadings as the  
17          natural ventilation system, which was leaving  
18          the doors open.  I love that.  Where are the  
19          doors?

20          MR. MOURNING:  We're going to get into  
21          that.  This is the next step.

22          MR. JOHNSON:  Okay.

23          MR. MOURNING:  We'll give you a good  
24          description of the building itself.

1 HEARING OFFICER KNITTLE: You said  
2 it's 300 feet from the shop to that first  
3 residence?

4 MR. MOURNING: This one here, yes  
5 (indicating).

6 HEARING OFFICER KNITTLE: And that's  
7 measuring from what part of the shop, the  
8 center of the shop?

9 MR. MOURNING: That would be in just  
10 the forge area itself.

11 HEARING OFFICER KNITTLE. Okay.

12 CHAIRMAN GIRARD: Can I ask a quick  
13 question on the Bushnell Power Plant? Is  
14 that a coal-fired plant?

15 MR. MOURNING: No. They use pretty  
16 much oil for generation of electricity. I  
17 think they can at certain times maybe use  
18 natural gas, but I think the majority of  
19 times it is just fuel oil that they use for  
20 that, no coal-fired.

21 MR. RAO: How far do you think is the  
22 distance between the forge shop and the  
23 mobile homes, a rough estimate?

24 MR. MOURNING: Over here (indicating)?

1 MR. RAO: Yeah.

2 MR. PELPHREY: He's pointing to what's  
3 marked as number eight.

4 MR. MOURNING: You mean number eight  
5 here?

6 MR. HAVENS: I have down  
7 about 180 yards.

8 MR. MOURNING: One hundred and eighty  
9 yards?

10 MR. HAVENS: And that was done with  
11 measuring with a Microsoft streets in terms  
12 of program.

13 MR. MOURNING: The numbers on this  
14 chart here also goes with the next witness  
15 here.

16 HEARING OFFICER KNITTLE: That is the  
17 person who's talking right now?

18 MR. PELPHREY: Yes. That's Mike  
19 Havens.

20 HEARING OFFICER KNITTLE: I think  
21 we're good.

22 MR. MOURNING: Any other questions on  
23 the map because now we're going to go to --  
24 one thing we do have here that we want to

1 bear in mind which we don't want to give it a  
2 lot of credence is the railroad tracks is  
3 located here to the east of us and there was  
4 also a railroad track to the south of us  
5 here, so we know we're in between here  
6 (indicating).

7 MR. PELPHREY: And, Butch, can you  
8 describe -- because I know you're going to be  
9 going to this second diagram. Can you  
10 describe the transition between the map you  
11 have right now, which is Exhibit C in the  
12 proposal, can you describe the transition  
13 into the topographical map?

14 MR. MOURNING: The map I'm going to go  
15 to next is this blue area that we see here  
16 (indicating).

17 MR. PELPHREY: And that is identified  
18 as number --

19 MR. MOURNING: That is nine.

20 MR. PELPHREY: Okay.

21 MR. MOURNING: And this is our main  
22 manufacturing facility, which is a complete  
23 brick structure, this portion of it, and also  
24 it is brick on this wall and this wall

1 (indicating). This is an interior brick wall  
2 to the manufacturing facility.

3 Now, when I go to the next map  
4 we're not going to be showing the main plant  
5 area. All we're going to have will be just  
6 the actual forge department, so if there's  
7 any questions at this point about where this  
8 is located with respect to the main plant, we  
9 better answer them right now.

10 MR. JOHNSON: Where are the drop  
11 hammers, are they in --

12 MR. MOURNING: That's where we're  
13 going next.

14 MR. JOHNSON: Okay. They're in the  
15 blue section.

16 MR. MOURNING: They're in the blue  
17 portion. They're all located in the blue  
18 here.

19 MR. PELPHREY: Before Butch continues,  
20 I would like to introduce the next exhibit  
21 that Butch is going to be discussing into the  
22 record, it's a diagram of the shop floor.

23 HEARING OFFICER KNITTLE: Is there any  
24 objection from anybody to the shop diagram

1           being entered as Exhibit 1, I take it,  
2           Mr. Pelphrey?

3                     MR. PELPHREY:  Yes.

4                     HEARING OFFICER KNITTLE:  Seeing none,  
5           we'll admit this.

6                     MR. MOURNING:  Okay.  The actual forge  
7           shop that we have that we're in discussion  
8           about at this point is 118 feet by 77 feet,  
9           which we're actually talking right at  
10          9,000 square feet as the total forge shop  
11          area.  This is where the drop hammers are  
12          located that is in question as far as the  
13          noise associated with them here (indicating).

14                    And as we go around this diagram  
15          you'll notice we've got them pretty well  
16          labeled on your exhibit that you have as to a  
17          furnace, it has a press that's located here  
18          and also a drop hammer that's located here  
19          (indicating).  These are pretty much made up  
20          of individual units which are comprised of  
21          those three items, a drop hammer, a furnace,  
22          and a press.  These are throughout this whole  
23          plant area.

24                    And here, again, the structure --

1 and you can see here this is a brick  
2 structure interior wall. It has a small  
3 walk-through passage here and there's a small  
4 opening here. This is an outside wall to the  
5 south and this is an outside wall to the east  
6 (indicating), so it doesn't --

7 HEARING OFFICER KNITTLE: I'm sorry to  
8 interrupt you again. It doesn't say on here  
9 north, south, east, and west, but it would be  
10 the general --

11 MR. MOURNING: North is just --

12 HEARING OFFICER KNITTLE: North is to  
13 the top of the page?

14 MR. MOURNING: Right.

15 HEARING OFFICER KNITTLE: You can  
16 proceed. I'm sorry.

17 MR. MOURNING: The opening here is  
18 a very large opening. This opening is  
19 12 foot wide by 14 feet high, which is large  
20 enough to get equipment in and out that has  
21 to be -- if we had to move any one of the  
22 presses or any parts to a drop hammer, that  
23 has to get in and out of the door  
24 (indicating). We have another door located

1           here. This one here is used a lot for  
2           removal of scrap (indicating).

3                   HEARING OFFICER KNITTLE: That's the  
4           door on the south side?

5                   MR. PELPHREY: The southwest side,  
6           right?

7                   HEARING OFFICER KNITTLE: The larger  
8           door on the southwest side, right? There's  
9           two of them it looks like.

10                  MR. MOURNING: Pardon me?

11                  HEARING OFFICER KNITTLE: It looks  
12           like there's two openings on that southwest  
13           side.

14                  MR. MOURNING: This is a small opening  
15           here. This does not show it, but right at  
16           this point there is another building located  
17           here (indicating).

18                  HEARING OFFICER KNITTLE: Okay.

19                  MR. MOURNING: This is a metal  
20           building, this goes into it. There's also an  
21           opening through here. That is just more of a  
22           walk-through type opening and it's very  
23           small.

24                  HEARING OFFICER KNITTLE: So the scrap



1 goes in and out of the larger opening on the  
2 south side.

3 MR. MOURNING: It's taken out through  
4 here (indicating).

5 HEARING OFFICER KNITTLE: Through the  
6 eastern --

7 MR. MOURNING: Through the east one  
8 here and also here. Some of the scrap comes  
9 out here (indicating).

10 HEARING OFFICER KNITTLE: Through the  
11 south, the larger side?

12 MR. PELPHREY: But where's the  
13 majority of it?

14 MR. MOURNING: The majority goes out  
15 the east here (indicating) because it can --  
16 we move our material with the fork truck, we  
17 have it coming and going with a fork truck.  
18 It's also used to bring in the material and  
19 also to take the scrap out here.

20 MR. PELPHREY: That big door in the  
21 east side of the building, where does it lead  
22 to?

23 MR. MOURNING: The big door on the  
24 outside is very close to the street here and

1 if we look on --

2 MR. PELPHREY: Previously filed  
3 Exhibit C.

4 MR. MOURNING: -- a previous map, this  
5 end wall right here is what you're looking at  
6 right here and it opens right on to this west  
7 Main Street, so it's in very close proximity.  
8 There's a sidewalk that would be ten, 12 foot  
9 wide and then you're right on the street. So  
10 there's not a lot of distance between that  
11 opening and the street.

12 MR. PELPHREY: How often is that door  
13 opened?

14 MR. MOURNING: That door is opened and  
15 closed very often, it depends. In the  
16 summertime, that door is also used for  
17 ventilation, but at the present time --  
18 because that's one of the means that we get  
19 outside fresh air into this building is  
20 through this door and through this opening  
21 here (indicating).

22 MR. PELPHREY: Through the eastern  
23 door and the southern door?

24 MR. MOURNING: Right. So during the

1           time that the outside temperature gets  
2           up to between 40 and 50 degrees, these doors  
3           are left open just from a ventilation  
4           standpoint because --

5           MR. RAO: How wide is the door on the  
6           south wall?

7           MR. MOURNING: On the south wall --  
8           this door here is about 12 foot wide and it's  
9           like 12 foot high. This door is 12 foot  
10          wide, but it's 14 high.

11          MR. PELPHREY: And that's the eastern  
12          door.

13          CHAIRMAN GIRARD: In the summertime,  
14          do you use fans in those doorways to pull air  
15          in and out or does natural ventilation do it?

16          MR. MOURNING: Not necessarily right  
17          in the doorway, but this building having  
18          brick construction on the side walls with the  
19          roof of this building is wood and then it has  
20          a build up roof on top of that. It would  
21          have some fiber insulation and then it would  
22          have like rural roofing type material on  
23          that.

24                           The roof is built as such so that

1           there is a portion that is fairly wide and  
2           then in the center it goes on up vertically  
3           for about another six or eight feet and in  
4           that straight vertical part are some fans  
5           that exhaust outward and we're trying to take  
6           the heat out of this area out through what's  
7           called a cupola.

8                         There are fans that they set maybe  
9           in this door where they don't use it in and  
10          out. This door they can't put fans in it  
11          because there's so much traffic back and  
12          forth through this door (indicating). You  
13          can't bring in fresh air there, but we've  
14          tried to exhaust what we can for fresh air  
15          out through the cupola part of it.

16                        CHAIRMAN GIRARD: Okay. So with the  
17          fans up on the roof venting out, the air is  
18          actually coming in through those doorways.

19                        MR. MOURNING: Right. So it puts a  
20          negative pressure on this building  
21          (indicating).

22                        MR. RAO: So for the forge shop these  
23          are -- the one on the east and one on the  
24          south, those are the only two openings that

1 open out, you know, to the atmosphere. The  
2 rest are all openings to other buildings?

3 MR. MOURNING: There are some windows  
4 that are not shown here, but there are about  
5 three windows that are fairly small that are  
6 just sliding type windows, but without any  
7 size to speak of. So basically the only  
8 place we've got to get any kind of air would  
9 be through here from the rest of the shop, a  
10 small opening here and then these here  
11 (indicating).

12 HEARING OFFICER KNITTLE: But the  
13 openings -- I think Mr. Rao was talking about  
14 on the north and the west side that you just  
15 referred to both open up into another  
16 building?

17 MR. MOURNING: Yes. These open up  
18 into our manufacturing facility here  
19 (indicating).

20 HEARING OFFICER KNITTLE: And those  
21 windows that you indicated on the southeast  
22 side open outside, but they're small sliding  
23 windows?

24 MR. MOURNING: But they're not very

1 large.

2 MR. PELPHREY: What sort of  
3 sound-dampening technology does Vaughan &  
4 Bushnell use right now?

5 MR. MOURNING: At the present time,  
6 our basic sound technology that we have, some  
7 of it is natural. Due to the brick structure  
8 there's no metal involved on the side walls,  
9 it's all brick. The roof is wood-exposed to  
10 the forge area. And each one of these  
11 hammers that's listed on that map you have is  
12 put in according to the manufacturer's  
13 recommendation to try to cut down on the  
14 amount of vibration and the amount of noise.

15 These units range all the way from  
16 1500 pounds in capacity up to a 2500-pound  
17 capacity. And according to what the capacity  
18 of that hammer is determines how large the  
19 actual base of that hammer is. And those  
20 will be -- if this is 1500 pounds, that base  
21 will be 20 times heavier than that. That's  
22 just the rule of thumb.

23 The base of the actual hammer  
24 itself starts down in the ground about, oh,

1           anywhere from 15 to 18 feet depending on the  
2           soil which is concrete, reinforced concrete.  
3           On top of that depending on the size of the  
4           hammer it will run from eight to maybe  
5           16 inches of oak. These are timbers that are  
6           crossed back and forth.

7                         Then on top of that we put  
8           anywhere from one inch to two inches of  
9           fabrica and this fabrica is a very, very  
10          dense rubber-type material and it's to absorb  
11          noise and vibration, then the base of the  
12          hammer sits on this total structure that we  
13          have here (indicating).

14                        MR. PELPHREY: Does Vaughan & Bushnell  
15          use any other form of sound-dampening  
16          technology?

17                        MR. MOURNING: No, we don't.

18                        MR. PELPHREY: Do you know if  
19          Norforge, another drop forge facility in the  
20          town of Bushnell, do they implement a similar  
21          technology?

22                        MR. MOURNING: Norforge in the past  
23          years I've checked with them and they had a  
24          spray-on type foam material that they

1 installed on the walls in their forge shop.

2 MR. PELPHREY: Which Vaughan &  
3 Bushnell does not?

4 MR. MOURNING: Which we do not have  
5 any foam on our walls at all. Over the  
6 period of time they've discussed that this  
7 has had a tendency to come off because of the  
8 heat and because of the shocks and so forth  
9 in the facility, so basically that's about  
10 all they have.

11 Now, I've been in another forge  
12 shop, which is Klein Tool, they make a lot of  
13 pliers, a lot of lineman stuff for  
14 electricians, also for the power line people,  
15 they were located up in the Chicago area and  
16 a number of years ago they were having quite  
17 a time with noise and being able to comply  
18 with the noise requirements.

19 Their forge shop -- they closed it  
20 up, moved it to Kansas in a very rural area  
21 and what they did with it there -- it was  
22 closed in in the Chicago area to the point  
23 where they couldn't do it there. They put  
24 this out of town, it's not in town, it's in a



1 rural area, but they used an earthen berm out  
2 in front of any openings they had.

3 If there was a large door,  
4 windows, anyplace that there would be a sound  
5 coming out of it, they had made an earthen  
6 berm to try to absorb this. So their only  
7 choice was to get out into a rural area and  
8 be able to do that.

9 MR. PELPHREY: I just want to bring  
10 three things you just discussed together:  
11 You've talked about the Vaughan & Bushnell  
12 facility, how they have a large door on the  
13 eastern side that's necessary to be open to  
14 bring new product in as well as take finished  
15 product out, you've talked about Norforge  
16 having similar technology as Vaughan &  
17 Bushnell has, the only other difference is  
18 they've employed some sound-dampening foam,  
19 but that's in -- in your belief and in your  
20 experience you don't think that's very  
21 effective because it tends to fall apart.

22 I get the impression -- or it's my  
23 understanding that this Norforge facility  
24 also has to have a large door on a certain

1 part of its building to input new materials  
2 as well as to take finished product out; is  
3 that true?

4 MR. MOURNING: That is correct.

5 MR. PELPHREY: And finally, Klein  
6 Tool, which you discussed previously -- and I  
7 believe that's spelled K-L-E-I-N -- they  
8 moved from the Chicago area to Kansas and  
9 they ended up building a large berm around  
10 the building presumably because just like  
11 Vaughan & Bushnell and Norforge, they had to  
12 have a large door that would be constantly  
13 open to bring new product and in and to take  
14 finished product out; is that correct?

15 MR. MOURNING: That's correct.

16 MR. PELPHREY: So it sounds like no  
17 matter what technology -- any of those three  
18 facilities employed, there was still going to  
19 be some form of a noise issue with them and  
20 that Klein Tool was only able to reduce the  
21 amount of emissions that they produced by  
22 building a big berm around their facility --

23 MR. MOURNING: Correct.

24 MR. PELPHREY: -- to deflect noise?

1                   Can Vaughan & Bushnell do that?

2                   MR. MOURNING: No, we can't because of  
3                   the situation here. We are very close to the  
4                   street. If we tried to put some type of --  
5                   just a barrier within this 12 foot area to  
6                   the street, we can't get around it to get  
7                   material in and out. What we have -- when we  
8                   bring the material in, our stock will run  
9                   anywhere from five-eighths round to five foot  
10                  long bar stock and these will be on racks  
11                  that are handled with a forklift.

12                  It will go up as high as an inch  
13                  and three-quarters to an inch and  
14                  seven-eighths in diameter and that could be  
15                  around three feet long, that material. Let's  
16                  go through here just a little bit to kind of  
17                  describe what's actually happening here.

18                  This material, when it is in the  
19                  form of just a bar stock, and let's just take  
20                  a five-foot bar, for example, we take this  
21                  bar and it's inserted into one of these  
22                  furnaces that we have labeled here, which at  
23                  every one of these places we have a drop  
24                  hammer, we have a furnace.

1                   Now, these furnaces have a burner  
2                   in each end of them and they can produce up  
3                   around two million BTUs, each one of them, so  
4                   there's a tremendous amount of heat generated  
5                   here. The front of that furnace has a slot  
6                   that is -- it's adjusted by how big a stock  
7                   we run in it, but that furnace could have an  
8                   opening that is approximately three inches  
9                   tall.

10                  MR. PELPHREY: Butch, if I could stop  
11                  you just for a second. How long does it take  
12                  to start up a furnace, one of these furnaces  
13                  because it sounds to me like it could be a  
14                  lengthy process to get it up to 2,000 or over  
15                  2,000 degrees?

16                  MR. MOURNING: We operate the furnace  
17                  around 2,350. And normally, we light the  
18                  furnaces about an hour prior to production  
19                  time. If it's over a weekend and it has been  
20                  shut down, then this would have to be a  
21                  little bit longer because of the cool-down of  
22                  the interior in the furnace.

23                  MR. PELPHREY: So without the -- if  
24                  the third shift was not granted, then it

1           sounds to me like if you run one and two  
2           shifts, you have to shut the furnaces down  
3           each night at the end of the second shift and  
4           then you would have to send somebody or else  
5           you would have to start up the furnaces at  
6           the beginning of the first shift and it would  
7           take an hour-plus to start that back up?

8                     MR. MOURNING: To get it back up, yes.

9                     MR. PELPHREY: An inefficient process  
10           then?

11                    MR. MOURNING: Right.

12                    MR. PELPHREY: Okay.

13                    MR. MOURNING: Now, if we did go  
14           three shifts here, we could maintain that  
15           temperature and there would be no heat-up  
16           time involved here.

17                    When the bar socket is put in this  
18           furnace, it will have anywhere from maybe 30,  
19           34 of these bars laying down horizontally  
20           sticking in the furnace and we heat the end  
21           of that bar. Once that's up to that  
22           temperature, which is approximately 2,350 on  
23           the outside, which would only be about 2,200,  
24           something like that on the inside, that's

1           taken out of that furnace, that bar, and the  
2           operator takes it over to this drop hammer  
3           (indicating).

4                         And this drop hammer has dyes in  
5           it that has a half impression of a hammer and  
6           you have a bottom dye, which is stationary,  
7           it does not move, and it has the impression  
8           of half a hammer in this. The upper dye,  
9           which is attached to a ram, which is where we  
10          get this number of 1500 pounds, that ram  
11          weighs 1500 pounds in addition to that dye  
12          that's there.

13                        When he gets a bar in, the first  
14          impression, he trips it and that ram comes  
15          down and it's just a gravity fall, that's all  
16          it is, it's just gravity, and it hits that  
17          bar and then it goes right back up into a  
18          starting position again and he can trip it  
19          again and it will come down and hit it again.

20                        Depending on that impression, how  
21          many times it takes to get the shape to what  
22          it is in that impression, he may hit it one  
23          lick, he may hit it two, it depends on how  
24          much steel has to be moved, then he will move

1           it to a next impression in that dye.

2                         And what it's doing -- each  
3           impression is making it a little closer to  
4           the shape of that hammer head. And that  
5           impression may take two blows, it may take  
6           three to get it to where he wants it, then  
7           he'll move it to the third impression and  
8           this would be what you call a finisher.

9                         And in the finish it pretty well  
10          is going to look like a hammer when he's done  
11          with it and he'll hit it maybe two blows in  
12          the finisher, pulls it out. He has that  
13          hammer head on the end of this five-foot bar.

14                        He takes it over to this press,  
15          which in that press he could put the end of  
16          the bar with the forging on it in there, and  
17          from there on it will either pierce the hole  
18          where the handling fits into it or it will  
19          trim the flesh off of the outer portion of it  
20          because when this is hammered down, you're  
21          going to have -- excess material will flesh  
22          out and just leave a flat web around the  
23          outside of this head.

24                        MR. PELPHREY: And that hammering down

1 creates the noise?

2 MR. MOURNING: Yes. When this hammers  
3 down, this is where you get that impact  
4 noise. It's not a constant noise, it's an  
5 impact-type noise.

6 Once he trims it, then he cuts the  
7 flesh off the end of the bar and that end is  
8 put back in the furnace again and that's  
9 reheated again and then he picks the next bar  
10 that's already up to heat. So this just  
11 becomes a cycle over and over again as he  
12 moves around through there.

13 I've looked in to the possibility  
14 -- your first thought would be, okay, if he  
15 can't put something out here, then maybe if  
16 we close this whole building up, then this  
17 will keep the sound inside. When you do  
18 that, this becomes very, very costly because  
19 what we've got involved here, we have  
20 furnaces that are generating a tremendous  
21 amount of heat.

22 There's also heat involved with  
23 that bar. When he takes it out of that drop  
24 hammer, it's out in the open. And with the



1 heat involved here and the air that's  
2 involved for the furnaces to be able to get  
3 air for them to burn, we have to exhaust the  
4 heat out of that area and we have to bring  
5 fresh air back into that area. So this  
6 starts becoming a tremendous amount of cubic  
7 feet per minute of air that we have to go  
8 through here.

9 I've got a budgetary price on what  
10 it would cost if we could seal this building  
11 up, and to go through brining fresh air in,  
12 exhausting the hot air out of this  
13 building -- I'm going to go down through this  
14 and I'm not going to drag it out too awfully  
15 long here --

16 MR. PELPHREY: I'm just going to stop  
17 you right there real quick, Butch.

18 I have what will be Exhibit No. 2.  
19 He's going to be reading from an analysis  
20 that was requested of Carroll Industrial  
21 Ventilation, Incorporated and presenting some  
22 of the facts from that report.

23 HEARING OFFICER KNITTLE: Thank you.  
24 Are you offering this?

1                   MR. PELPHREY: Yes, I am offering this  
2 as evidence.

3                   HEARING OFFICER KNITTLE: Mr. Gurnik,  
4 any objection or any objection from anybody?

5                   MR. GURNIK: No objection.

6                   HEARING OFFICER KNITTLE: It will be  
7 admitted.

8                   MR. MOURNING: I'm not going to  
9 totally read this thing through. I'm just  
10 going to try to briefly tell you a little bit  
11 about each section of this. It's broken down  
12 into a number of the different areas here as  
13 to what the cost would be for this.

14                                 This would be the size of the  
15 building that we have here, the number of  
16 furnaces, the number of hammers that we have  
17 located in here. Basically, the engineering  
18 that we start out on this is \$150,000 just as  
19 the initial engineering, but this takes in  
20 everything. This has to do with how much air  
21 has to be exhausted, how much has to come in.

22                                 There's a lot of other things that  
23 are involved in this, what size duct work,  
24 what the roof can stand as far as its

1 structure. There's going to have to be air  
2 handling equipment on the roof, there's going  
3 to have to be air handling on the floor level  
4 and that's just basically the total  
5 engineering cost here.

6 For the actual ventilation  
7 equipment, which would include the fans, any  
8 makeup air, anything that we have involved  
9 there is this \$228,000 number. The concrete  
10 site where we would have for larger air  
11 handling equipment for the removal and for  
12 the installation of that would be \$36,000.

13 The roof is very old on this  
14 building and it will not support the  
15 additional fan load that we're going to have  
16 on that roof, so there's going to have to be  
17 roof removal here and then reinstallation and  
18 that's where the \$186,000 comes from.

19 Mechanical installation, this has  
20 to do with installing the fans, the blowers,  
21 the duct work. Anything that's actually  
22 mechanical involved here is \$214,000. The  
23 electrical installation has to do with the  
24 wiring.

1                   If we do work to the roof, there's  
2                   wiring up in the roof area and it's going to  
3                   have to be replaced, redone. The wiring to  
4                   the fans and all that is \$129,000. This is a  
5                   sprinkler system in the forge shop at this  
6                   time and it's right up near the roof, so  
7                   there's going to have to be work done with  
8                   that and that figures out at \$51,000.

9                   And the total for this comes to  
10                  \$994,000 just as a budget number here and the  
11                  \$100,000 on that is just anything that comes  
12                  up that was not anticipated at that time.

13                  But here, again, if we seal the  
14                  building up, we still have this problem of  
15                  getting in and out of it. We haven't  
16                  answered the problem. We can seal it up,  
17                  keep the noise inside, but we still have to  
18                  open this door and open this door for getting  
19                  scrap in and getting scrap out.

20                  MR. PELPHREY: If you seal the  
21                  building up, how often do you think that door  
22                  would need to be open?

23                  MR. MOURNING: That door, if we seal  
24                  the building up totally it's going to look

1           like that door is going to be probably opened  
2           about between 55 and 60 percent of the  
3           time --

4                     MR. PELPHREY:   Okay.

5                     MR. MOURNING:  -- just to get  
6           materials in and out.  There's other things  
7           that have to be gotten in and out besides  
8           scrap and steel.  You have lubricants, you  
9           have boards for the hammers, you have other  
10          maintenance items that have to be brought in  
11          and out there too, so there's a lot of  
12          traffic through that door right there.

13                    MR. RAO:  Mr. Mourning, I had a  
14          question.  In the proposal, you know, you  
15          talked about ventilation systems and there's  
16          a cost of a half a million dollars.  The  
17          proposal mentioned that you would require two  
18          such systems for the building.  Is that  
19          different from what you're describing now?

20                    MR. MOURNING:  No, not necessarily.

21                    MR. PELPHREY:  Yeah, it was -- the  
22          answer to that is no.  The proposal states  
23          that we would probably need two fans at  
24          least.  I don't think Butch's testimony today

1 is different from that. We simply broke down  
2 in the proposal what it would cost per fan,  
3 what we believe it would be per fan.

4 MR. RAO: Okay. This is a more  
5 detailed estimate, okay. And all the costs  
6 that you've mentioned in Exhibit 2, that's  
7 the initial capital cost for putting the  
8 system up, right, there may be operating  
9 costs involved with that kind of system?

10 MR. MOURNING: There's nothing in  
11 there from an operating cost.

12 MR. RAO: Right, but there would be?

13 MR. MOURNING: There would be.  
14 There's going to be electric, there's going  
15 to be maintenance on the equipment that's  
16 there because you've got a fan that's going  
17 to have motors, belts, what have you on it,  
18 so this does not take in any upkeep, any  
19 energy involved for it.

20 MR. RAO: Okay.

21 MR. JOHNSON: As long as we're  
22 interrupting you, you talked about the -- you  
23 testified about Klein and building the  
24 earthen and berm. Obviously you can't do

1           that on Main Street, but you talked about the  
2           use of sound barriers and how they cut down  
3           the air flow and would have a minimal impact.  
4           Can you elaborate a little bit on that?

5                       MR. MOURNING:  When we're talking  
6           about sound barriers, we're talking about  
7           trying to put something on the outside of  
8           this door so that the sound does not come out  
9           through here.  If we put that in there, to do  
10          it any good we're going to have to keep it  
11          close to that door, and in so doing, we can't  
12          get in past it here to get the material in  
13          and out.

14                      That's what I'm talking about  
15          there as far as a barrier here or down here.  
16          It could have to be something that could be  
17          removable or roll-away type of thing, and for  
18          the number of times we're going in and out of  
19          here, to be that type of barrier just isn't  
20          going to be feasible.

21                      MR. PELPHREY:  Does that answer your  
22          question, Mr. Johnson?

23                      MR. JOHNSON:  It does.  Thank you.

24                      MR. RAO:  And also -- sorry to

1 interrupt you again.

2 MR. MOURNING: Go ahead.

3 MR. RAO: Is it feasible to move raw  
4 material in and out through any of the other  
5 openings that lead to other buildings or is  
6 that not feasible?

7 MR. MOURNING: Not really. Like in  
8 here do you mean (indicating)?

9 MR. RAO: Yes.

10 MR. MOURNING: Is that what you have  
11 in mind?

12 MR. RAO: Yes.

13 HEARING OFFICER KNITTLE: You're  
14 indicating, just for the record, on the north  
15 side of the door -- the opening on the north  
16 side of the building, right?

17 MR. MOURNING: That goes into our  
18 other manufacturing facility. And due to our  
19 available floor space in here, we don't have  
20 room for this type of traffic to come through  
21 here.

22 MR. PELPHREY: That's a small door,  
23 it's like the entry door that we just walked  
24 through to get into this room?



1           MR. MOURNING: Yes. And to increase  
2           the size of the door, we would probably have  
3           to remove on both sides of it here so we have  
4           room and we're going to be getting into these  
5           units here (indicating). The same way down  
6           here, this is a small door opening here.  
7           Here, again, it's so far from the outside to  
8           be able to transport stock in and out  
9           (indicating).

10           MR. PELPHREY: For the record, that's  
11           on the west side of the building that he's  
12           pointing to.

13           MR. MOURNING: There are other ways to  
14           forge. You can do it with a press, you can  
15           do it with what they call a forging press.  
16           The noise involved here is not tremendously  
17           loud; it's very quiet compared to a drop  
18           hammer. But when you start getting into a  
19           forging press, the cost of the equipment goes  
20           up tremendously.

21                        Just the press alone of one that  
22           would be large enough to do, say, what we  
23           have here in the 2,500-pound range, you're  
24           going to be talking the press itself is going

1 to be well over \$850,000 just for the press.

2 MR. PELPHREY: Just for one press?

3 MR. MOURNING: For one. That does not  
4 include the trim press that would be  
5 associated with it. Also, with that you're  
6 going to have to go with what they call  
7 induction heating where it electrically heats  
8 the billet.

9 Another thing that happens, you  
10 have to run with billets, they have to be  
11 sheared somewhere, so you're going to  
12 easily -- by the time you get that up along  
13 with someplace to put it you're going to be  
14 close to a million dollars when you're done  
15 with it per unit.

16 MR. PELPHREY: And Vaughan & Bushnell  
17 currently has ten drop hammers?

18 MR. MOURNING: We have ten drop  
19 hammers.

20 MR. PELPHREY: So you would presumably  
21 need, in order to keep with production, ten  
22 presses, correct?

23 MR. MOURNING: Close to it. If I can  
24 get by with one or two less, then --

1                   MR. PELPHREY: I think we can do the  
2 math on the total cost of that.

3                   MR. RAO: And, Mr. Mourning, going  
4 back to the cost of the ventilation system,  
5 if it's possible for you to estimate the  
6 operating cost and you can provide that in  
7 the final comments just to add to the capital  
8 costs?

9                   MR. MOURNING: Okay.

10                  MR. RAO: That would be helpful.

11                  MR. PELPHREY: Do you have anything  
12 additional --

13                  HEARING OFFICER KNITTLE: Yeah, I have  
14 a question. I noted you said when you come  
15 in after the weekend, it takes an hour to  
16 heat up the forges again. Do you currently  
17 not run through the weekend?

18                  MR. MOURNING: No, we do not run on  
19 Sunday.

20                  HEARING OFFICER KNITTLE: Okay. So  
21 you run on Saturday, but you don't run on  
22 Sunday?

23                  MR. MOURNING: Right.

24                  HEARING OFFICER KNITTLE: And just

1           curiosity, how many impacts, have you ever  
2           estimated or can you estimate how many  
3           impacts you have per hour or per day? You  
4           were talking about how you have to come down  
5           once or twice and --

6                   MR. MOURNING: Right. Probably on the  
7           average forging, we would be talking closest  
8           to five -- it would take about five impacts.  
9           You can probably do these five in about 12  
10          seconds.

11                   MR. PELPHREY: So you're talking about  
12          \$75,000 in a 24-hour shift?

13                   HEARING OFFICER KNITTLE: Seventy-five  
14          thousand impacts in a 24-hour shift for the  
15          whole forge shop?

16                   MR. MOURNING: Yes, that would be all  
17          over.

18                   HEARING OFFICER KNITTLE: That's all I  
19          have.

20                   MR. RAO: Okay. I have a few more.  
21          Mr. Mourning, about these ten drop hammers  
22          that you have now, have these hammers been in  
23          place for quite a while now or do you replace  
24          them on an ongoing basis or --

1                   MR. MOURNING: We replace them from  
2                   time to time. Sometimes you'll have this  
3                   base that we're talking about, which the  
4                   columns on the sides of it attach to, you may  
5                   have a crack in that or it may be cracked to  
6                   a point where you can't machine it anymore  
7                   and you have to remove that.

8                   Over the years we have replaced  
9                   some of these hammers with older ones. Now,  
10                  the ones that we have aren't new, but these  
11                  were much, much older; they were smaller  
12                  units. As time has gone on one thing we've  
13                  found is we keep getting into bigger and  
14                  bigger hammers.

15                  It used to be a 16-ounce nail  
16                  hammer was kind of the run of the mill hammer  
17                  and now a 20 to a 22-ounce hammer is more of  
18                  the average that we're running into and we do  
19                  make them larger than that as far as -- for  
20                  framing, that type of thing.

21                  MR. RAO: And you also described how  
22                  the base of these hammers are designed to  
23                  minimize vibrations and sound levels. Have  
24                  you seen any, you know, changes in the design

1           and things like that over the years, you  
2           know, have those designs improved to minimize  
3           sound?

4                   MR. MOURNING:  The only one that I  
5           have really seen or heard about that has much  
6           of an impact on this is instead of putting --  
7           you still have the concrete involved here,  
8           but instead of putting the wooden timbers of  
9           oak in there they put springs in there, coil  
10          springs.  And they'll put a number of these  
11          and then set the base on the coil springs, so  
12          the whole thing is really spring-supported.

13                   It does make some difference in  
14          the noise, it still does have the impact  
15          noise; it's hard to get away from that metal  
16          against metal.  When you're first hit at the  
17          first lick, the noise is not near the impact  
18          because you have that red, hot bar in there.  
19          The dyes don't quite touch, but the next time  
20          that they go to hit, they pretty much just  
21          come together because by that time if they do  
22          just come together, now you've got that  
23          impression, that size you want so you move to  
24          the next one.

1                   And there are some bows there that  
2                   aren't as high an impact noise as when they  
3                   hit them another lick and you have this  
4                   secondary and you're starting to get metal to  
5                   metal at that point.

6                   MR. RAO:    So the placement of these  
7                   coils or springs are more to minimize the  
8                   vibrations rather than --

9                   MR. MOURNING:  Vibration.  But they  
10                  will -- you can notice a difference in the  
11                  sound level too with that, but they're very  
12                  costly and also, maintenance is a problem  
13                  because it's like any spring that you keep  
14                  flexing.  They too replace these periodically  
15                  because you have broken turbs in them.

16                  MR. PELPHREY:  And you would have  
17                  additional costs of pulling out your current  
18                  hammer and --

19                  MR. MOURNING:  You would have to  
20                  dismantle the unit, lift it off of it.  
21                  There's not an easy way to replace those  
22                  springs in them.

23                  MR. RAO:    Mr. Mourning, were you with  
24                  Vaughan & Bushnell when they got their

1 site-specific rule back in the '80s or --

2 MR. MOURNING: Yes, I was. I started  
3 with Vaughan & Bushnell in 1970.

4 MR. RAO: Wow. That's good to know  
5 because, you know, I just had some questions  
6 that relate back to that earlier rulemaking  
7 because at that time Vaughan submitted this  
8 report prepared by -- I think the  
9 organization is called Forging Industry  
10 Educational Research Foundation.

11 They prepared a report saying  
12 that, you know, it's economically  
13 unreasonable or technically not feasible to  
14 have sound control, you know, in excess of  
15 what you're doing right now, and I was just  
16 wondering if -- you know, that study was  
17 prepared back in 1977, so has there been an  
18 update to that study or whatever that was in  
19 that study that still, you know, is valid?

20 MR. MOURNING: Not that I'm aware of.  
21 I was not directly involved with this study  
22 when we did it the first time around. I know  
23 they were doing it, but I was not involved  
24 with it at that time.



1                   HEARING OFFICER KNITTLE: Any studies  
2                   in the interim or contrary studies since that  
3                   time that you're aware of?

4                   MR. MOURNING: No.

5                   HEARING OFFICER KNITTLE: And maybe  
6                   this is a good time --

7                   MR. RAO: Yeah.

8                   HEARING OFFICER KNITTLE: We had  
9                   talked with Mr. Pelphrey earlier off the  
10                  record about the possibility of incorporating  
11                  the record of R83-32, which is the previous  
12                  site-specific rulemaking we're talking about,  
13                  into this record. Have you given any  
14                  thoughts to that or would you have any  
15                  objection to this if the Board decided to do  
16                  that?

17                  MR. PELPHREY: My only concern would  
18                  be whether or not the shop has substantially  
19                  changed since that prior rulemaking, and I  
20                  would have to leave that up to Ron and  
21                  Dan Chambers and Mike and Butch to determine  
22                  whether or not it's changed significantly  
23                  thereby making that previous study not  
24                  necessarily --

1 HEARING OFFICER KNITTLE: And we're  
2 not just talking specifically about the study  
3 at this point. We're talking about the  
4 record.

5 MR. PELPHREY: Yeah, the record I  
6 don't think we're going to have a problem  
7 incorporating that into our current proposal.

8 MR. RAO: Because the study itself is  
9 supportive of what you're asking for now just  
10 to make that clear?

11 MR. PELPHREY: Right.

12 HEARING OFFICER KNITTLE: The record  
13 would also be supportive since the previous  
14 site-specific rule was granted. It would  
15 help the Board, as Mr. Rao pointed out  
16 earlier, for a number of reasons.

17 Mr. Rao, do you want to go over  
18 that now?

19 MR. RAO: Yeah. It's basically, you  
20 know, in that record expert testimony was  
21 presented. I think the noise consultant's  
22 name was George Campermann. He testified and  
23 provided a very detailed, you know, noise  
24 measurement survey and also his expert

1 opinion about what can be done and what  
2 cannot be done in terms of noise control at  
3 your facility.

4 And my feeling was if things are  
5 not significantly changed since the last  
6 20 years in terms of the way you're operating  
7 your hammers and, you know, the building that  
8 houses that, we should be able to rely on  
9 some of that information in this rulemaking.

10 MR. PELPHREY: Yes, I agree.

11 MR. RAO: So we have some questions  
12 along those lines. One other question I had  
13 was --

14 MR. MOURNING: It's been in place, but  
15 it's just been kind of -- because it's been  
16 an old piece of equipment and we just  
17 replaced something that is -- a later piece  
18 of equipment like it we have not gone to  
19 anything different. They are all board  
20 hammers, just a different manufacturer.

21 HEARING OFFICER KNITTLE: So the  
22 operations haven't significantly changed  
23 since that point in time?

24 MR. MOURNING: The only thing that

1           would probably be is I would imagine we're  
2           probably getting a few more parts out per  
3           hour than we were back then.

4           MR. JOHNSON:  What about the  
5           neighborhood, the surrounding neighborhood,  
6           is it essentially the same now as it was  
7           then?

8           MR. MOURNING:  I would say that the  
9           neighborhood as far as it being residential  
10          has become less and less.

11          MR. RAO:  If I can recall, I think in  
12          that rulemaking you had mentioned close to  
13          50 residences in the vicinity and it seems  
14          like they're --

15          MR. PELPHREY:  Less and less.

16          MR. RAO:  Yeah.

17          HEARING OFFICER KNITTLE:  Personal  
18          recollection, Mr. Rao?

19          MR. RAO:  No.  On the record.

20          HEARING OFFICER KNITTLE:  You weren't  
21          on the Board in 1977?

22          MR. RAO:  No, I was not here.

23                                 (Laughter.)

24          MR. PELPHREY:  And I think Mr. Morning

1 has also told you that it doesn't sound like  
2 the technology has advanced substantially  
3 since that previous report and previous study  
4 in a manner that makes it anymore  
5 economically feasible or technically  
6 reasonable for Vaughan & Bushnell to  
7 implement the new technology.

8 MR. RAO: Okay. So like Mr. Knittle  
9 was saying, if you have no objections, that  
10 information will be helpful to the Board.

11 MR. PELPHREY: No objections.

12 MR. GURNIK: No objections.

13 HEARING OFFICER KNITTLE: Anything  
14 else, Mr. Rao, for this witness?

15 MR. RAO: No.

16 HEARING OFFICER KNITTLE: Let's go off  
17 the record for a second.

18 (Whereupon, a discussion  
19 was had off the record.)

20 MR. PELPHREY: As my last witness, I'd  
21 like to present Mike Havens. He's the  
22 process engineer for Vaughan & Bushnell.

23 Mike, if you will take a seat and  
24 be sworn in and provide the testimony you've

1 prepared today.

2 (Witness sworn.)

3 MR. HAVENS: I want to use the map  
4 and --

5 HEARING OFFICER KNITTLE: Let's note  
6 that he's going for the first map.

7 MR. PELPHREY: Yes, which was Exhibit  
8 C to the proposal.

9 MR. HAVENS: Butch did a pretty good  
10 job of explaining the surrounding area, that  
11 we're primarily in an industrial area of the  
12 city. I want to talk about some locations,  
13 the residents around the plant, the ones  
14 closest to the plant and we got into that a  
15 little bit when he was doing his testimony.

16 Location three is a house and  
17 that's approximately 130 yards from the forge  
18 shop. Location four is a house that's  
19 approximately 100 yards from the forge shop.  
20 Location seven is approximately 130 yards  
21 from the forge shop and we believe that to be  
22 vacant. Location eight is here and that's  
23 approximately 180 yards from the forge shop  
24 (indicating). So those are the four closest

1 houses to the forge shop.

2 In 2005, I performed several sound  
3 tests to determine the effects of adding a  
4 third shift and what it would have on the  
5 surrounding areas around the forge shop. On  
6 July 13th, 2005 at 11:00 a.m., and again on  
7 September 1, 2005 at 5:00 p.m. and 3:00 p.m.,  
8 sound levels were taken with a sound meter,  
9 just like this meter I have here  
10 (indicating).

11 This is a Radio Shack sound level  
12 meter, Model 332055. Readings were taken in  
13 decibels and the meter can measure from 50  
14 decibels to 126 decibels. Readings were  
15 taken on the A scale, fast response. A  
16 waiting means that it mainly responds to  
17 frequencies from 500 to 10,000 hertz, which  
18 is the human ear's most sensitive range.

19 Right now it's reading 55 to 60  
20 decibels, so if anyone wants to look at that.

21 MR. PELPHREY: Mike, are you a  
22 qualified expert on sound-gathering?

23 MR. HAVENS: No, I'm not. We have  
24 done some sound testing from an OSHA

1           standpoint within the facility and I worked  
2           with some people in regard to that.  But no,  
3           I'm not an expert.

4                     MR. PELPHREY:  Okay.

5                     MR. HAVENS:  Sound levels were taken  
6           at the locations -- all locations marked on  
7           the maps and you guys have that information.  
8           I checked the houses closest to the forge  
9           shop to see the effect the residents closest  
10          to the forge shop were experiencing from  
11          noise.

12                    I used a meter to record the  
13          maximum reading at each location and  
14          identified the source of the noise, so I  
15          would just look at the meter and watch it and  
16          see what the maximum level was and then  
17          listen to see if I could identify what the  
18          noise was coming from.

19                    Some of the examples -- I'm sorry.  
20          In many areas the main source of the noise  
21          was not from the Vaughan & Bushnell forge  
22          shop drop hammers.  Some examples of this, on  
23          7-13 at 11:00 a.m., at location two, which is  
24          here (indicating), it was 57 decibels, was



1 the maximum, and that was coming from the  
2 Norforge drop hammers, not the Vaughan &  
3 Bushnell drop hammers.

4 Location eight, which is here  
5 (indicating), was 75 decibels and this was on  
6 7-13-05 at 11:00 a.m. also. And that was  
7 coming from our polished dust collectors and  
8 our polish department is in this area  
9 (indicating) and also the Norforge drop  
10 hammers because they have openings on this  
11 side that faces this home.

12 At location eleven, which is here  
13 (indicating), about 150 feet from the train  
14 tracks, when the train whistle blew, this was  
15 on 7-13 at 11:00 a.m., it was about  
16 98 decibels, and the train engine itself  
17 without the whistle was about 82 decibels.

18 MR. PELPHREY: I'd like to stop you  
19 for a second. The Board probably will ask  
20 the question how did you verify or how did  
21 you know that the noise you were picking up  
22 was the noise you were actually claiming it  
23 to be?

24 MR. HAVENS: Like with the train, when

1           the whistle blew, you watch the meter and it  
2           would jump up from 80 decibels to, you know,  
3           98 decibels, so you knew that it was coming  
4           from the train, it was fairly obvious.

5                     MR. PELPHREY: Okay.

6                     MR. HAVENS: We talked about this  
7           earlier, but I want to talk a little bit  
8           about our hours of operation because this is  
9           coming into my point on my next issue I want  
10          to make here. Normally we run 6:00 a.m. to  
11          1:30 a.m. and that's nine hours a day, which  
12          Dan had talked about, in most areas. So  
13          there's only a few areas we don't actually  
14          run the full manufacturing areas of the  
15          plant.

16                    But we do run some third shifts  
17          and heat treat, grind and handle and pack at  
18          most times. And as needed we often at times  
19          will start at 5:00 a.m. in the morning, if  
20          needed, and work extra hours to meet  
21          production needs. And we're currently  
22          operating a third shift in the forge shop.

23                    This is some additional testing I  
24          did and I want to talk about this a little

1 bit. Location three, which is this house  
2 here (indicating), on 7-13 of '05 at  
3 11:00 a.m., normal operation, forge shop  
4 running, all of our other departments were  
5 running, I got on the sidewalk in front of  
6 that house, 69 decibels, and I attribute the  
7 noise source for that reading coming from  
8 Norforge drop hammers and Vaughan &  
9 Bushnell's grind and dust collectors, which  
10 are located about in this area from our  
11 grinding department (indicating).

12 On 9-1-05 at 3:00 p.m. in the  
13 afternoon, we shut the forge shop down.  
14 We're not operating our forge shop,  
15 everything else is running. I went back here  
16 again and I got 73 decibels and I attribute  
17 that from the Norforge drop hammers.

18 MR. RAO: May I interrupt just for a  
19 minute?

20 MR. HAVENS: Yes.

21 MR. RAO: This location three  
22 measurement you mentioned, that was not part  
23 of the proposal, was it?

24 MR. HAVENS: It should be on the maps.

1 MR. PELPHREY: You may be correct.

2 MR. RAO: Yeah, because it was missing  
3 in the proposal on Page 11.

4 MR. PELPHREY: It's missing in the --  
5 correct, you are right.

6 MR. RAO: So it was an oversight that  
7 it was added in here or --

8 MR. PELPHREY: No. If anything, it  
9 would be an oversight that it was not  
10 included in the proposal.

11 MR. RAO: Okay. Sorry for  
12 interrupting. I just wanted to make sure.

13 HEARING OFFICER KNITTLE: That was  
14 location number three?

15 MR. PELPHREY: Yes, on the first test  
16 on Page 11 of the proposal.

17 HEARING OFFICER KNITTLE: That's when  
18 you went out without the forge shop running,  
19 correct?

20 MR. HAVENS: Yes, the forge shop was  
21 not operating. Vaughan & Bushnell, the rest  
22 of the facility was running; Norforge was  
23 running. Again, on 9-1 of '05 at 5:00 a.m.  
24 with our forge shop running approximately

1           nine drop hammers at the time, Norforge was  
2           not running their drop hammers and all our  
3           machines, equipment in our facility, since  
4           their dust collectors were not in operation.

5                        I tested here at this house and I  
6           tested 59 decibels, considerably lower than  
7           the other ones. And the noise I was picking  
8           up at that time, I think I was picking up  
9           what I believe to be the FS freight elevator,  
10          the drying fan or the drying motor from that  
11          elevator is what I could hear the loudest.

12                       Location four, which is this house  
13          here (indicating), I tested on 7-13-05 at  
14          11:00 a.m., normal operation, everything in  
15          the area was operating, including our forge  
16          shop, 75 decibels, and I attribute the noise  
17          from the Vaughan dust collectors from the  
18          grind department, which is in this vicinity,  
19          this area here (indicating).

20                       On 9-1 of '05, 3:00 p.m., we shut  
21          down the forge shop and 76 decibels was my  
22          reading, again, from the grind dust  
23          collectors. 9-1 of '05 at 5:00 a.m., the  
24          forge shop only, none of the other plant was

1 operating, Norforge was shut down, 58  
2 decibels and, again, that was from the FS  
3 freight elevator and partially picking up  
4 some of the motor and machines operating in  
5 Vaughan, maybe some fans or something in the  
6 wall or something for ventilation that we had  
7 at that time running.

8 MR. PELPHREY: Just to stop you for a  
9 second, Mike --

10 MR. HAVENS: Sure.

11 MR. PELPHREY: The testing at  
12 5:00 o'clock in the morning on 9-1 for the  
13 last two locations, location three and  
14 location four, that would be an hour of  
15 operation that would fall under the proposed  
16 amendment to the site-specific rule which  
17 would permit us to operate for a 24-hour  
18 period and these are the readings that he  
19 received with the shop running at that time.

20 And I also wanted to point out  
21 that he mentioned the noise source and the  
22 location of Vaughan & Bushnell's grind and  
23 dust collectors, I just wanted to verify --  
24 put it on the record that those dust

1 collectors are not subject -- or are not part  
2 of the current site-specific regulations that  
3 Vaughan & Bushnell -- as that regulation  
4 applies only to the drop forge facility and  
5 not the drop forge hammers -- or rather not  
6 the dust collectors.

7 MR. HAVENS: Okay. Now, the location  
8 I want to talk about is location eight right  
9 here (indicating). On 7-13 of '05 at  
10 11:00 a.m., normal operation of the forge  
11 shop and the rest of the machines in our  
12 factory were operating, 75 decibels. And I  
13 attribute the noise to those decibel readings  
14 coming from our polish dust collector, which  
15 is located about here (indicating) and the  
16 Norforge drop hammers.

17 At 9-1 of '05 at 3:00 p.m., the  
18 forge shop was shut down again. The rest of  
19 the plant was operating. I had a reading of  
20 72 decibels from the polish dust collector  
21 and the Bushnell power plant, which is here  
22 (indicating). And then at 9-1-05 at  
23 5:00 a.m. with the forge shop only, again,  
24 like before I had a readings of 63 decibels,

1           which I believe to be coming from the FS  
2           elevator, from their drying fans and their  
3           motor.

4                   MR. PELPHREY:  And what did you say  
5           the decibel level was in here, in the room  
6           right now if I keep talking I guess?

7                   MR. HAVENS:  Sixty-six, 58, 65, 58,  
8           54.

9                   MR. PELPHREY:  Okay.  Have you  
10          received any complaints from the public for  
11          the sound levels or noise pollution?

12                   MR. HAVENS:  Not to the best of my  
13          knowledge, no.

14                   MR. PELPHREY:  Do you have any  
15          additional testimony?

16                   MR. HAVENS:  No.  I think that's it.

17                   MR. PELPHREY:  Are there any  
18          questions?

19                   MR. RAO:  I have a few questions.  You  
20          mentioned earlier that, you know, you're not  
21          trained to monitor sound other than that, you  
22          know, what you have done in-house.  Just for  
23          the record, did you follow all the  
24          manufacturer's instructions, whatever that



1           may be, associated with that Radio Shack  
2           meter?

3                   MR. HAVENS:  Yes, I've read the manual  
4           several times.  There's two ratings, a C and  
5           an A and it's set at an A, so that's what I  
6           did.  And you can have a fast response or a  
7           slow response and it's just how quickly it  
8           picks up the sound.  There's not much to it  
9           as far as operating the meter.

10                   MR. PELPHREY:  He just wanted to make  
11           sure you followed the instructions in  
12           collecting sound as per the manufacturer's  
13           directions.  Did you do that?

14                   MR. HAVENS:  Yes.

15                   MR. RAO:  Okay.  And are you familiar  
16           with the Board regulations and any of the  
17           procedures that we have in our regulations as  
18           to how sounds should be measured from sources  
19           such as your forge shop?

20                   MR. HAVENS:  For the most part, no.  
21           I've read a little bit about it, but no.

22                   MR. RAO:  Okay.  When you were  
23           referring to the sound levels that were  
24           measured on September 1 at 5:00 a.m., you

1           were attributing some of the sound levels to  
2           different noise sources.

3                        When you were out in the field  
4           measuring -- or taking the sounds  
5           measurements, did you make this -- you know,  
6           decide where the sound was coming from based  
7           on what you were hearing also in addition  
8           to -- you know, if you didn't hear the forge  
9           shop, then you would see where else the sound  
10          was coming from?

11                      MR. HAVENS: Correct.

12                      MR. RAO: Okay. Now, this is just a  
13          general question. Already he has said that  
14          he is not familiar with the Board  
15          regulations. In your previous filings within  
16          the Docket R83-32, the noise consultant  
17          testified about his familiarity with the  
18          Board regulations and what he thought the  
19          sound levels from the forging shop meant in  
20          comparison to the Board's standards and  
21          measurements, procedures, and things of that  
22          nature.

23                      So if it's possible for you to  
24          take a look at it and address it in your

1 final comments, if you think that those  
2 statements are still valid, it would be  
3 helpful to the Board.

4 MR. PELPHREY: Yes, because obviously  
5 I cannot testify or present any evidence as  
6 to whether or not he was telling the truth at  
7 that time or not or whether or not the  
8 individual can be located, but I will do my  
9 best to verify the accuracy of his statements  
10 as well as the previous survey in the final  
11 comments.

12 MR. RAO: All right.

13 HEARING OFFICER KNITTLE: Mr. Gurnik?

14 MR. GURNIK: No questions.

15 HEARING OFFICER KNITTLE: Thank you.

16 Let's go off the record for a sec.

17 (Whereupon, a discussion  
18 was had off the record.)

19 HEARING OFFICER KNITTLE: We'll take a  
20 ten-minute break. I did have a question,  
21 though, before we go off -- I thought you had  
22 more questions.

23 Vaughan & Bushnell versus  
24 Norforge, are they similar-sized operations,

1 does anybody know that?

2 MR. RUSSELL: Norforge has 42  
3 employees.

4 HEARING OFFICER KNITTLE: How many  
5 drop hammers do they have, do you know?

6 MR. PELPHREY: Norforge is actually  
7 permitted under their site-specific  
8 regulation for 11 drop hammers.

9 HEARING OFFICER KNITTLE: I was just  
10 curious in terms of the size of the two  
11 operations since they're across the street  
12 from each other.

13 MR. PELPHREY: Norforge's  
14 site-specific regulation, they can operate  
15 11 drop hammers for similar hours of  
16 operation as Vaughan & Bushnell can right  
17 now.

18 HEARING OFFICER KNITTLE: And the  
19 residents at these properties that we've  
20 talked about that are near -- there may be  
21 one vacant -- are they aware about the  
22 proposed plant change?

23 MR. PELPHREY: Several of them are in  
24 the audience today.

1                   HEARING OFFICER KNITTLE: All right.  
2                   But has Vaughan & Bushnell taken any steps  
3                   to make sure that everybody is aware or is it  
4                   the size of the community such that everyone  
5                   is aware regardless if you take steps or not.

6                   MR. PELPHREY: I think the latter is  
7                   probably more accurate.

8                   HEARING OFFICER KNITTLE: Okay. Those  
9                   are the two that I was curious about. Okay.  
10                  Thanks.

11                  Let's take a ten-minute break for  
12                  me, not even, five minutes.

13                  (Whereupon a short break was  
14                  taken, after which the following  
15                  proceedings were had:)

16                  HEARING OFFICER KNITTLE: The Board is  
17                  essentially done with their questions. I did  
18                  have one thing that we wanted to point out.  
19                  As Mr. Rao suggested earlier referring to  
20                  that earlier rulemaking, which we are most  
21                  likely going to incorporate by reference into  
22                  this record, specifically he was concerned  
23                  about Mr. Campermann's testimony that there  
24                  be no adverse impact to the community from

1 sound levels up to 65 decibels, so I'd just  
2 specifically take a look at that in that in  
3 the worst case scenario the sound levels from  
4 the facility would be -- he testified that in  
5 the worst case, the sound levels from the  
6 facility, they were 65 decibels.

7 So you've got him testifying that  
8 it wouldn't be anymore than 65 decibels and  
9 that would not be an adverse impact on the  
10 community, which I think was important to the  
11 Board back in the rulemaking from my reading  
12 of the transcript and the record.

13 So we wanted to know whether you  
14 believe Mr. Campermann's testimony is still  
15 valid. And I think in terms of the  
16 community -- was it Mr. Mourning?

17 MR. MOURNING: Yes.

18 HEARING OFFICER KNITTLE: (Continuing)  
19 -- testified to that effect. And also  
20 whether you believe that the sound levels  
21 from Vaughan are below the 65 decibel  
22 threshold and I think we did get testimony to  
23 that effect, but do you at least want to  
24 comment on that in your post hearing comments

1 or if you feel --

2 MR. PELPHREY: I would like to present  
3 the testimony of the public on the impact to  
4 the community.

5 HEARING OFFICER KNITTLE: Well, let's  
6 do that then.

7 MR. PELPHREY: I think that's what we  
8 were trying to address with that previous  
9 65 decibel level.

10 MR. RAO: Just as a clarification,  
11 this 65 decibel level that Mr. Campermann  
12 testified to has to do more with the adverse  
13 health impacts, you know, which may not be  
14 discernible to the community at large, but  
15 that was the number he picked when he  
16 testified.

17 So that's the reason we just  
18 wanted to know, you know, if those -- if his  
19 testimony is still valid for this facility  
20 right now.

21 MR. PELPHREY: Okay. I can address  
22 that in my final comment.

23 HEARING OFFICER KNITTLE: Okay. You  
24 said you wanted to present --

1                   CHAIRMAN GIRARD: I have a quick  
2 question on the trains.

3                   HEARING OFFICER KNITTLE: I'm sorry.

4                   MR. PELPHREY: I had a question on the  
5 trains too, but you go first. Did you hear  
6 it go by?

7                   CHAIRMAN GIRARD: We did, yes.

8                   MR. RUSSELL: Forty-five to 50 of them  
9 a day.

10                  CHAIRMAN GIRARD: In the proposal it  
11 talks about an average of 35 trains a day.  
12 Is that an accurate figure or is that --

13                  MR. RUSSELL: It has increased, I  
14 think.

15                  MR. PELPHREY: And your name?

16                  MR. RUSSELL: Steve Russell. I'm the  
17 mayor for Bushnell.

18                  CHAIRMAN GIRARD: Should he be sworn  
19 in if he's giving --

20                  HEARING OFFICER KNITTLE: Were you  
21 going to testify, Mr. Mayor?

22                  MR. RUSSELL: Yes, I am.

23                  HEARING OFFICER KNITTLE: Do you want  
24 to come up now so you can --



1           MR. PELPHREY: Yeah, he was actually  
2 going to be my first witness. In addition to  
3 the mayor, Vaughan & Bushnell actually  
4 contacted Northern Burlington Railroad, which  
5 is one of the trains that goes through this  
6 town of Bushnell, and we were told a number  
7 of 35.

8           HEARING OFFICER KNITTLE: Okay. But  
9 the mayor says it's -- let's swear you in.  
10 I'm sorry, sir.

11           Could you swear him in, please?

12           THE REPORTER: Sure.

13           HEARING OFFICER KNITTLE: Not that the  
14 mayor of Bushnell doesn't say anything but  
15 the truth.

16                           (Laughter.)

17                           (Witness sworn.)

18           MR. RUSSELL: Now, to get your  
19 question, we just talked -- they had talked  
20 about closing a crossing here, so we just had  
21 a conference with them and we talked and  
22 that, but average time, I think, 35 to 40,  
23 but it seems like they're running now more  
24 like up in the 45 range.

1                   CHAIRMAN GIRARD: How many of those  
2                   trains come through, say, between midnight  
3                   and 6:00 a.m.?

4                   MR. RUSSELL: It seems like every one  
5                   of them.

6   (Laughter.)

7                   We were just commenting we've got  
8                   one guy that I think hits it at about  
9                   3:00 o'clock and he lays on that horn from  
10                  down there when he -- we have about five  
11                  crossings and I don't think he ever takes his  
12                  hand off of it, he just keeps on blowing it  
13                  until he gets outside of town.

14                  I have relatives that come down  
15                  from Chicago and they aren't used to it. And  
16                  I live about a block and a half away from the  
17                  tracks and they -- I guess their expression  
18                  was I thought it was coming right through the  
19                  window, you know. They jumped up -- startles  
20                  them if you're not used to it. It's one of  
21                  those things you try to get used to the best  
22                  you can.

23                  The worse time is springtime, you  
24                  open the windows and you're watching T.V. and

1           that train starts in and you can't hear.  
2           You've got to do with your button to crank up  
3           the sound on your T.V. so you can hear it.  
4           So the trains are -- the noise definitely  
5           impacts Bushnell from the trains.

6                         HEARING OFFICER KNITTLE:  And they  
7           come through at night as well it sounds like?

8                         MR. RUSSELL:  Twenty-four hours a day.  
9           You know, Galesburg is one of the biggest  
10          hubs around here, so they're sending -- we  
11          have all kinds of coal trains that come  
12          through and steel.

13                        CHAIRMAN GIRARD:  Thank you.

14                        MR. PELPHREY:  Mr. Mayor, did you  
15          prepare testimony for today?

16                        MR. RUSSELL:  Yes, I did.

17                        MR. PELPHREY:  Can you present that  
18          testimony to the Board and to the public?

19                        MR. RUSSELL:  Okay.  Vaughan &  
20          Bushnell Manufacturing Company is a major  
21          employer for the city of Bushnell.  They  
22          employ, as you heard earlier testimony, close  
23          to 300 people and are looking to expand with  
24          the increase demand for their product.

1                   The city of Bushnell is in need of  
2                   job opportunities since over 50 percent of  
3                   the Bushnell Prairie City School students  
4                   qualify for free or reduced lunches. I think  
5                   the elementary was at 59, so there's a big  
6                   demand for jobs in our area.

7                   The city of Bushnell has just been  
8                   accepted into the enterprise zone in  
9                   McDonough County in hopes to have existing  
10                  businesses expand and attract new businesses.  
11                  It is our hope that Vaughan & Bushnell as  
12                  well as other manufacturers will see the  
13                  enterprise zone as an opportunity to expand  
14                  their businesses and bring more jobs to  
15                  Bushnell.

16                  We would hate to see Vaughan &  
17                  Bushnell have to move to another location  
18                  when the city of Bushnell is in need of job  
19                  opportunities. The Bushnell city council and  
20                  myself, when it was brought to our attention  
21                  at a city council meeting, unanimously were  
22                  in favor of the request of Vaughan & Bushnell  
23                  to increase their hours to meet the demands  
24                  for their products.

1 HEARING OFFICER KNITTLE: Any  
2 questions?

3 CHAIRMAN GIRARD: Have you ever had  
4 any noise complaints from any citizens about  
5 the plant?

6 MR. RUSSELL: I've been an alderman  
7 for two years and a mayor for one and have  
8 yet to have one complaint. No, I have not.

9 CHAIRMAN GIRARD: Thank you.

10 HEARING OFFICER KNITTLE: Thank you  
11 sir.

12 MR. PELPHREY: I have additional  
13 testimony of a city attorney, a state  
14 representative, a CEO of Farmers & Merchants  
15 Banks, two local residents as well as a city  
16 councilman as well as Ron Miller from Vaughan  
17 & Bushnell that I'd like to present. If you  
18 would prefer that I swore all of them in at  
19 the same time and have them provide their  
20 testimony in a joint manner, that's fine with  
21 me.

22 HEARING OFFICER KNITTLE: Okay. Let's  
23 swear everybody in. Can you guys raise your  
24 hands or something so we know who's being

1 sworn in?

2 (Witnesses sworn.)

3 MR. PELPHREY: I would like to first  
4 have Steve Holland stand up, give his name,  
5 his position, and if he has prepared  
6 testimony today, to provide that testimony.

7 MR. Holland: Yes, I have. My name is  
8 Steve Holland. I'm the president of the  
9 Bushnell Economic Development Corporation.  
10 I've also been city attorney for about  
11 30 years and I'm speaking today actually on  
12 behalf of the Bushnell Economic Development  
13 Corporation in support of the proposal of  
14 Vaughan & Bushnell to be allowed to operate  
15 its forging shop on a 24-hour per day basis.

16 What I'm going to say is  
17 redundant, I realize that, but it's a very  
18 important business for our town, you know,  
19 we're very fortunate. For a town of our size  
20 of about 3,200, we've got about 550  
21 manufacturing jobs and of those Vaughan &  
22 Bushnell is by far the largest and any  
23 reduction in their employment would have a  
24 major impact on the city of Bushnell.

1                   We do not have zoning in Bushnell,  
2                   but if you look at the map that was over  
3                   here, Exhibit C, if we had an industrial area  
4                   or industrial zoning, it would be that area,  
5                   it's all primarily manufacturing. They  
6                   talked earlier about some of the houses that  
7                   had been removed and behind two and three,  
8                   20 years ago there would have been houses  
9                   there, but now it's where our water tower is  
10                  located.

11                  We've talked about trains. I  
12                  think the numerous trains on the Burlington  
13                  Northern track with their constant whistles,  
14                  as you've heard, have a far -- bigger  
15                  negative impact on the city than what  
16                  Vaughan & Bushnell would ever do.

17                  Again, Bushnell Economic  
18                  Development totally supports the request of  
19                  the hammer factories, as we call it here in  
20                  town. Besides the number of jobs, the hammer  
21                  factory has been a great corporate citizen.  
22                  They donate to every request that comes along  
23                  and, obviously, it's very important for us to  
24                  have them as part of our community.

1 Thank you.

2 HEARING OFFICER KNITTLE: He might be  
3 a better person. In your 30 years as city  
4 attorney, have you had any complaints  
5 regarding the Vaughan & Bushnell drop forge  
6 facility?

7 MR. HOLLAND: You know, I can't  
8 remember back 30 years ago, but as a general  
9 statement, no. And my office is located just  
10 a block north of where that map stops and,  
11 you know, the bigger complaint we always have  
12 is with the trains. You know, the hammer  
13 factor, if there's a problem -- it's not a  
14 problem if it's a noise at the sound of  
15 money. I mean, it's an important part of our  
16 community.

17 HEARING OFFICER KNITTLE: Thank you  
18 sir.

19 MR. PELPHREY: I would also like to  
20 present the testimony of Richard P. Myers,  
21 state representative for the 94th legislative  
22 district.

23 MR. MYERS: Good morning, gentlemen,  
24 Mr. Knittle, acting Chairman Girard, and



1 Member Johnson, it's a pleasure to be here  
2 this morning. I am here today -- first of  
3 all, let me say I am state representative  
4 Rich Myers from Colchester. I represent the  
5 94th representative district, which includes  
6 Bushnell, and have represented Bushnell and  
7 the residents of Bushnell for the last  
8 12 years.

9 I am here today to support a  
10 proposal of the amendment to a site-specific  
11 rule by the Vaughan & Bushnell company.  
12 Vaughan & Bushnell is an integral part of the  
13 economy of Bushnell, McDonough County, and  
14 indeed the entire region. They have operated  
15 in Bushnell, Illinois for many years, as you  
16 have previously heard, and have been a good  
17 corporate citizen and neighbor to the people  
18 of Bushnell.

19 Bushnell, Illinois has a very  
20 diverse industrial base with at least five  
21 factories and several hundred employees,  
22 maybe several thousand employees. This  
23 diversity is important to maintaining the  
24 employment level and economy of the area.

1           Vaughan & Bushnell's request for an amendment  
2           will allow them to increase employment  
3           further adding to the base and stability of  
4           the economy.

5                         Recent departures by several  
6           companies in the Galesburg area have had a  
7           negative impact on Galesburg and the larger  
8           surrounding area. Other communities such as  
9           Bushnell, Macomb, and Monmouth, have seen  
10          various opportunities to counter the  
11          Galesburg situation and provide opportunities  
12          for the entire region.

13                        And to continue on with questions  
14          that have been asked before regarding  
15          complaints, in the 12 years that I've been  
16          representative of this district, as you  
17          probably well imagine, my office gets  
18          numerous complaints regarding noise, air  
19          pollution, whether it be smell or dust or  
20          various other things.

21                        I have had noise pollution  
22          complaints regarding road building, I have  
23          had noise pollution complaints regarding the  
24          power plant at Western Illinois University

1           and asphalt plant in the area, I've had air  
2           pollution complaints, but never once have I  
3           received any complaints from anybody in the  
4           Bushnell community regarding the hammer  
5           factory or any other operations within the  
6           Bushnell area.

7                         From my experience regarding  
8           Bushnell, it's a very supportive community  
9           that supports everything within it, whether  
10          it's education, museums, cultural aspects or  
11          the industrial base within Bushnell, it's  
12          very supportive and I urge you to give every  
13          consideration to their request for this  
14          amendment.

15                        HEARING OFFICER KNITTLE: Thank you,  
16           sir.

17                        MR. MYERS: Thank you.

18                        HEARING OFFICER KNITTLE: Thank you  
19           for your time.

20                        Does anybody have any questions?

21                                 (No verbal response.)

22                        MR. PELPHREY: Next I'd like to  
23           present Michael Steelman. He's CEO for the  
24           Farmers & Merchants Bank.

1                   MR. STEELMAN: Do you want me to  
2 stand, is that all right?

3                   MR. PELPHREY: That's fine.

4                   MR. STEELMAN: Very good. Thank you.

5                   Thank you so much for being here  
6 today. It is very important for our  
7 community. My name is Michael Steelman,  
8 S-T-E-E-E-L-M-A-N. I'm the chairman and CEO  
9 of Farmers & Merchants State Bank of  
10 Bushnell. We're a community bank. We've  
11 been located in Bushnell since 1913. I  
12 haven't been here that entire time.

13                   I'm also the secretary and  
14 director of the Bushnell Economic Development  
15 Corporation. I've lived here since 1955.  
16 Our bank is located about three blocks from  
17 the manufacturing plant, so we're very close.  
18 We're neighbors to Vaughan & Bushnell.

19                   We're also close to the Archer  
20 Daniels plant that was referred to earlier in  
21 the testimony and right across the street  
22 from another manufacturing plant. A central  
23 goal of the Economic Development Corporation  
24 is the retention and growth of the businesses

1           that we have in town and particularly our  
2           largest employer is the manufacturing  
3           businesses.

4                         The Bushnell Economic Development  
5           Corporation has always worked very closely  
6           with Vaughan & Bushnell Manufacturing  
7           Company. The economic well being of Vaughan  
8           & Bushnell is central to the city of Bushnell  
9           and its citizens. I'm sure you've noticed or  
10          you've learned by now that Bushnell has a  
11          unique mix of commercial and retail  
12          businesses all within about a six-block area  
13          of downtown Bushnell.

14                        The manufacturing plants are  
15          located basically in the downtown area as  
16          well as retail businesses and it's always  
17          been that way. We have no applicable zoning  
18          laws, as the city attorney pointed out,  
19          regarding the commercial retail residential  
20          areas of the city.

21                        The trains that have been referred  
22          to: The Burlington Northern Santa Fe  
23          Railroad operates two tracks that are  
24          directly through the heart of the city of

1           Bushnell, and you've already heard that there  
2           are numerous trains passing directly through  
3           the city on a daily basis.

4                         One thing I will add and that is  
5           because of two tracks that are in the city,  
6           we're really a glorified switchyard, so  
7           there's a train sitting at one end of town  
8           waiting to go through town, which means that  
9           trains go through town excruciatingly slowly,  
10          blowing the horn the entire time. And we  
11          also have the TP & W tracks that are passing  
12          through the downtown area.

13                        The bank and the Economic  
14          Development Corporation fully support the  
15          proposal for the operation of three shifts at  
16          Vaughan & Bushnell's forge shop on a 24-hour  
17          basis, and we truly believe that the  
18          operation of the forge shop is going to be  
19          much less intrusive than the enumerable  
20          trains that pass directly through the heart  
21          of our city on a daily basis.

22                        The sounds of forging, which, if  
23          ever heard and certainly rarely heard, are  
24          the economic heartbeat of this city. So we

1 fully support the proposal and I hope you  
2 will give it all due consideration. Thank  
3 you very much.

4 HEARING OFFICER KNITTLE: Thank you,  
5 sir.

6 MR. PELPHREY: Thank you, Michael.

7 Next I have the testimony of  
8 Don Swartzbaugh. He's the president of the  
9 Chamber of Commerce here at the city of  
10 Bushnell.

11 MR. SWARTZBAUGH: For the sake of not  
12 being redundant, the Chamber fully supports  
13 the proposal and the commitment and hope for  
14 your consideration.

15 HEARING OFFICER KNITTLE: Thank you,  
16 sir.

17 MR. PELPHREY: Thank you, Don.

18 Next I have the testimony of Daniel  
19 Roberts. He's actually a local resident of  
20 Bushnell. And in fact it's my understanding  
21 that Mr. Roberts is located -- his house is  
22 located at location eight on Exhibit C to the  
23 proposal.

24 MR. ROBERTS: I live in this house

1 right here (indicating).

2 MR. PELPHREY: That's the second house  
3 down --

4 MR. ROBERTS: The second house down  
5 from the mobile home, it says, on the eastern  
6 side of it.

7 MR. PELPHREY: It's the corner of  
8 Dean and -- what's that street?

9 MR. ROBERTS: There's just an alley  
10 there.

11 MR. PELPHREY: Okay.

12 MR. ROBERTS: I'm Daniel J. Roberts.  
13 I'm employed by Test, Incorporated and we  
14 operate the water and waste water treatment  
15 plants here in town. I have lived at  
16 123 South Dean Street for the past 18 years.

17 I was approached to come to this  
18 hearing and told that Vaughan was running the  
19 third shift and I hadn't noticed any  
20 additional hammer activity. They have been  
21 running it for many weeks, so I have no  
22 objection. It doesn't impact us at all.  
23 There are many other sources of sound and  
24 most of those have been covered, so that's



1 all I have.

2 HEARING OFFICER KNITTLE: Thank you,  
3 Dan.

4 MR. PELPHREY: Next we have the  
5 testimony of Mike Howell. He's a city  
6 councilman.

7 MR. HOWELL: I'm Mike Howell and, as  
8 he said, I'm an alderman here in the city of  
9 Bushnell, and fortunately, I have another  
10 opportunity, that I am employed by Vaughan &  
11 Bushnell. And I do believe that if we do not  
12 get this extra time that we can manufacture  
13 forgings that it will impair us on being able  
14 to keep the process going throughout our  
15 plant. Also, it will impair us from having a  
16 sufficient amount of shippable goods.

17 Now, Vaughan has always been, like  
18 everybody has repeated before, a good partner  
19 with Bushnell, and I think that without this  
20 manufacturing facility as a partner that it  
21 would greatly impact our economy here in  
22 Bushnell.

23 So, therefore, I would appreciate  
24 you all granting this variance for Bushnell

1 so that we can keep striving here in  
2 Bushnell. Thank you.

3 HEARING OFFICER KNITTLE: Thank you,  
4 sir.

5 MR. PELPHREY: Thank you, Mike.

6 I've also got some testimony of  
7 Justin Hood. He's a local resident of the  
8 city of Bushnell, and in fact he resides at  
9 location three on Exhibit C to the proposal,  
10 the house immediately on the corner of Davis  
11 and Dean.

12 MR. HOOD: As the man just said, I'm  
13 Justin Clark Hood. I live at location number  
14 three. I've lived there for approximately  
15 five and a half years. I have a family of  
16 four. There has been no noticeable  
17 difference in the running of the hammers  
18 since they have been.

19 We go to bed between 8:00 and  
20 10:00 consecutively every night. We get up  
21 at about 5:00, 6:00 in the morning and  
22 there's no difference of when they run and  
23 when they don't run. There's not any  
24 excessive noise that comes from the forgings.

1           There are plenty of other sources of noise in  
2           the area from the other manufacturers as well  
3           as the FS plant.

4                   MR. JOHNSON:  And four kids.

5                   MR. HOOD:  And four kids, that's  
6           right.

7                                   (Laughter.)

8                   I sleep all night and the only thing  
9           that wakes me up is, dad, I've got to go to  
10          the bathroom or I need a drink.  So other  
11          than that, I agree with everything that  
12          everybody else has said.  It is a great thing  
13          to have in town.

14                   I live right across the street and  
15          when the guys go out on break in the summer,  
16          the kids go over.  We talk to them and we  
17          interact with them.  The guys get along with  
18          us, we get along with everybody.  We even  
19          shared grilling out sometimes, so it's a good  
20          thing.  It's kind of like maybe a  
21          neighborhood security watch almost sometimes,  
22          but I believe that's it.  Thank you.

23                   MR. PELPHREY:  Thank you, Justin.

24                   And finally, I have the testimony of

1 Ron Miller from Vaughan & Bushnell. He has  
2 brought some demonstrations for you.

3 MR. MILLER: If I may just kind of sum  
4 up a little bit of why we're here, I think  
5 manufacturers in this country -- we are one  
6 obviously -- are facing tremendous  
7 challenges. Those challenges are primarily  
8 associated with third world countries,  
9 becoming much more capable of manufacturing  
10 products than they were 20 years ago, and I  
11 want to kind of tell that story a little bit  
12 with these two tools (indicating).

13 This tool is a big framing hammer,  
14 a 21-ounce head. The unique part about it  
15 for us is this curved fiberglass handle. We  
16 introduced this in 2003. We sold it to  
17 Home Depot and Lowe's and it was doing quite  
18 well. No one else had this curved handle.

19 The manufacturing process of this  
20 is a little unique and we'll go into that.  
21 But in late 2005, we were told by Lowe's and  
22 Home Depot that they were going to  
23 discontinue it and we said, why, this is  
24 selling great? They said to us that they had

1 a margin enhancement opportunity.

2 And to make a long story short,  
3 they replaced this handle with a -- they  
4 replaced this hammer with a hammer made by  
5 Stanley Tools. Stanley Tools is a competitor  
6 of ours, headquartered in Newark,  
7 Connecticut. They do not manufacture a  
8 single hand tool in the United States  
9 anymore.

10 They closed up their Shelbyville,  
11 Tennessee plant about five years ago and most  
12 of their products are coming out of Mexico,  
13 Taiwan, and China. There's no question that  
14 they can make this product cheaper than we  
15 can, but what we need to do as manufactures  
16 is be as efficient as we can in every single  
17 operation.

18 A forge plant that shuts down ten  
19 furnaces for four or five hours, restarts  
20 them prior to the next shift, heats that iron  
21 back up, is inefficient, there's no question  
22 about it. I'm sure you guys wouldn't  
23 question that. We just have to remain  
24 competitive. We have to be efficient, do

1 everything we can do.

2 We can buy this head elsewhere,  
3 bring it over here, assemble it, there's no  
4 question, but we don't want to do that. We  
5 have this little sticker on here that says:  
6 Proud to say made in USA. That's what  
7 Vaughan & Bushnell is all about.

8 This tool, one of the guys  
9 referred to it earlier, this is a Japanese  
10 pry bar. Why it is unique to Japan, I don't  
11 know, but we sold 550,000 of these last year.  
12 That is a tremendous amount of forgings. We  
13 are tooled up with this and have an  
14 opportunity to sell these to Sears.

15 Sears Craftsman only will allow a  
16 made in USA product, so we need to make these  
17 in this country for them to take it. We  
18 don't have the capacity to do that, no  
19 question. To make 550,000 of these, it would  
20 take two drop hammers on a single shift.

21 By adding a third shift, we can do  
22 it, and that is why we're here today to  
23 request your deliberation and hopefully a  
24 positive response on our request for a

1 modification to our site-specific rule.

2 HEARING OFFICER KNITTLE: Thank you,  
3 sir.

4 MR. MILLER: I have nothing more.

5 HEARING OFFICER KNITTLE: Anything  
6 further, any questions?

7 MR. JOHNSON: You are going to  
8 introduce those as evidence, right?

9 (Laughter.)

10 MR. MILLER: I can for (inaudible) --

11 HEARING OFFICER KNITTLE: Thank you.  
12 Anymore witnesses, Mr. Pelphrey?

13 MR. PELPHREY: That's it.

14 HEARING OFFICER KNITTLE: I want to  
15 note for the record that we have -- and I  
16 failed to mention this in the beginning -- a  
17 significant number of citizens here today. I  
18 think, anywhere upwards of 20 to 25 people  
19 have been at the hearing today.

20 And I do want to note from the  
21 Board's perspective that we really do  
22 appreciate everybody's time and we can see  
23 how important it is for this community, how  
24 important it is for everyone here who has

1 taken the time to come here today and show us  
2 that. So we do appreciate that and we  
3 acknowledge it and we'll take it as seriously  
4 as it is to you.

5 So I want to go off the record for  
6 just a second, can we do that?

7 THE REPORTER: Sure.

8 (Whereupon, a discussion  
9 was had off the record.)

10 HEARING OFFICER KNITTLE: We're back  
11 on the record after an off-the-record  
12 discussion. We've agreed -- the court  
13 reporter has informed us that the transcript  
14 of this proceeding will be ready on  
15 March 15th. Public comments for the  
16 proceeding will be due on April 17th.

17 As Mr. Anand Rao noted off the  
18 record, the Board does have a web site and  
19 the transcript of today's hearing as well as  
20 any other documents will be available and  
21 that's at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any previous  
22 Board order or hearing officer order will  
23 also be available at this site.

24 And if anyone has any questions



1           about it, they can call me or I would assume  
2           anyone at the Board, but I would probably be  
3           the best person to call about this. My phone  
4           number is (217) 278-3111. I want to thank  
5           everybody for their time -- before we go,  
6           Mr. Pelphrey, do you have any closing  
7           statement you want to make?

8                     MR. PELPHREY: I have not prepared a  
9           closing statement. I just wanted to open it  
10          up if there's any other comments from the  
11          public today. If they have anything else to  
12          say or add, feel free to do so.

13                    HEARING OFFICER KNITTLE: That's a  
14          fine point. If anyone has anything they want  
15          to say, we're always eager to hear it.

16                    Mr. Gurnik from the EPA, do you  
17          have anything you want to add at this point  
18          in time?

19                    MR. GURNIK: Nothing.

20                    MR. NORTON: I have a short tidbit.

21                    HEARING OFFICER KNITTLE: Sure. Can  
22          you identify yourself?

23                    MR. NORTON: Dave Norton, Alderman.  
24          I've been living in Bushnell since 1978. I

1           have a place of business that I operate here  
2           that's approximately two blocks from Vaughan.  
3           I'm across the tracks, so I'm 200 feet from  
4           the railroad track. I sit in my office on a  
5           daily basis and as trains go through town,  
6           light fixtures in my office rattle, windows  
7           rattle and you hear the whistle blow, but I  
8           never hear Vaughan's hammers, so that's it.

9                       HEARING OFFICER KNITTLE: Thank you  
10           very much.

11                      Anybody else?

12                      MR. EVANS: My name is Merlin Evans --

13                      THE REPORTER: I'm sorry, can you  
14           repeat your name?

15                      MR. EVANS: Merlin, M-E-R-L-I-N, like  
16           the magician.

17                      I live right across from number  
18           two there (indicating). I've lived there for  
19           16 years and --

20                      MR. PELPHREY: Let's swear you in.

21                      HEARING OFFICER KNITTLE: Did you  
22           raise your hand when we swore you in the  
23           first time?

24                      (Simultaneous colloquy.)

1 MR. PELPHREY: Merlin, you said your  
2 location is location two on the map?

3 MR. EVANS: Yeah, the house on the  
4 corner there right across from the --

5 MR. PELPHREY: Right. That's location  
6 two on Exhibit C to the proposal. Okay.

7 MR. EVANS: I lived there for 16  
8 years. And like everybody already said, the  
9 trains are the worst and plus I could feel  
10 the vibration of the noise from Norforge, but  
11 we can't feel any from the Vaughan &  
12 Bushnell. That's all I've got.

13 HEARING OFFICER KNITTLE: Thank you,  
14 sir.

15 MR. NORTON: Norforge has the much  
16 larger hammers running.

17 HEARING OFFICER KNITTLE: We have one  
18 more gentleman.

19 Sir, can you identify yourself?

20 MR. CAMERON: I'm Bill Cameron.

21 HEARING OFFICER KNITTLE: Were you  
22 sworn in previously?

23 MR. CAMERON: Yes.

24 HEARING OFFICER KNITTLE: Okay.

1                   MR. CAMERON:  And I live right next to  
2                   Mr. Roberts and I've lived there for  
3                   three years and I've never had any trouble  
4                   with the drop hammers.  I've lived on the  
5                   other side of the track about two blocks away  
6                   right next to ADM and I've lived there for  
7                   26 or 28 years and I've never had any  
8                   problems with any noise from the drop  
9                   hammering, vibrations or anything.

10                   HEARING OFFICER KNITTLE:  Well, thank  
11                   you very much.

12                                 Again, thank you all very much.  
13                   We appreciate your time and attention to  
14                   this.  Are there any other matters that need  
15                   to be addressed at this time?

16                                 (No verbal response.)

17                                 Seeing none, I would like to thank  
18                   everybody for participating and this hearing  
19                   is adjourned.

20                                 (Which were all the proceedings  
21                                 had in the above-entitled cause  
22                                 on this date.)

23  
24

1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF KANE )

3

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5

I, MARIA E. SHOCKEY, CSR, do

6

hereby state that I am a court reporter doing

7

business in the City of Chicago, County of Cook, and

8

State of Illinois; that I reported by means of

9

machine shorthand the proceedings held in the

10

foregoing cause, and that the foregoing is a true

11

and correct transcript of my shorthand notes so

12

taken as aforesaid.

13

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\_\_\_\_\_  
Maria E. Shockey, CSR  
Notary Public,  
Kane County, Illinois

16

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18

SUBSCRIBED AND SWORN TO

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before me this \_\_\_ day  
of \_\_\_\_\_, A.D., 2006.

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\_\_\_\_\_  
Notary Public

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