

1 ILLINOIS POLLUTION CONTROL BOARD

2 MARCH 7, 2006

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4 IN THE MATTER OF:)
5)
6 PROPOSAL OF VAUGHAN & BUSHNELL)
7 MANUFACTURING COMPANY OF) R06-11
8 AMENDMENT TO A SITE-SPECIFIC)
9 RULE 35 ILL. ADM. CODE 901.121)

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10 TRANSCRIPT OF PROCEEDINGS held in the
11 hearing of the above-entitled matter, taken
12 stenographically by Maria E. Shockey, CSR, before
13 JOHN KNITTLE, Hearing Officer, at Bushnell City
14 Hall, 138 E. Hail Street, Bushnell, Illinois, on the
15 7th day of March, A.D., 2006, scheduled to
16 commencing at 10:00 a.m.

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

7

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

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9
10 BY: MR. JEREMY M. PELPHREY

11

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

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15
16 BY: MR. MARK V. GURNIK

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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.

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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

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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

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7

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 --

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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.

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9

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

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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.

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11

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

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12

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

L.A. REPORTING (312) 419-9292

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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

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14

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

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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,

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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

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17

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

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18

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.

L.A. REPORTING (312) 419-9292

19

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 --

L.A. REPORTING (312) 419-9292

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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.

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,

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22

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

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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

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24

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.

L.A. REPORTING (312) 419-9292

25

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

L.A. REPORTING (312) 419-9292

26

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.

L.A. REPORTING (312) 419-9292

34

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)?

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35

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

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36

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

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37

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

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38

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 --

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39

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

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40

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

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41

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

L.A. REPORTING (312) 419-9292

42

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

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43

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

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44

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

L.A. REPORTING (312) 419-9292

45

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

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46

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,

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47

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

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48

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

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49

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

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50

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?

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51

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.

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52

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

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53

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

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54

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

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55

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

L.A. REPORTING (312) 419-9292

62

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

L.A. REPORTING (312) 419-9292

63

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

L.A. REPORTING (312) 419-9292

64

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?

L.A. REPORTING (312) 419-9292

65

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

L.A. REPORTING (312) 419-9292

66

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 --

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67

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

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68

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 --

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69

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

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70

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.

L.A. REPORTING (312) 419-9292

71

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

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72

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.

L.A. REPORTING (312) 419-9292

73

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 --

L.A. REPORTING (312) 419-9292

74

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

L.A. REPORTING (312) 419-9292

75

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

L.A. REPORTING (312) 419-9292

76

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

L.A. REPORTING (312) 419-9292

77

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

L.A. REPORTING (312) 419-9292

78

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

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79

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

L.A. REPORTING (312) 419-9292

80

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

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81

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

L.A. REPORTING (312) 419-9292

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

L.A. REPORTING (312) 419-9292

83

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

L.A. REPORTING (312) 419-9292

91

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,

L.A. REPORTING (312) 419-9292

92

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.

L.A. REPORTING (312) 419-9292

93

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

L.A. REPORTING (312) 419-9292

94

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

L.A. REPORTING (312) 419-9292

95

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 --

L.A. REPORTING (312) 419-9292

96

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 --

L.A. REPORTING (312) 419-9292

97

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.)

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(Witness sworn.)

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

L.A. REPORTING (312) 419-9292

98

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

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

(Laughter.)

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

I have relatives that come down 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

L.A. REPORTING (312) 419-9292

99

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.

L.A. REPORTING (312) 419-9292

100

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.

L.A. REPORTING (312) 419-9292

101

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

L.A. REPORTING (312) 419-9292

102

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.

L.A. REPORTING (312) 419-9292

103

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.

L.A. REPORTING (312) 419-9292

104

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

L.A. REPORTING (312) 419-9292

105

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.

L.A. REPORTING (312) 419-9292

106

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

L.A. REPORTING (312) 419-9292

107

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.

L.A. REPORTING (312) 419-9292

108

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

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

L.A. REPORTING (312) 419-9292

110

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

L.A. REPORTING (312) 419-9292

111

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

L.A. REPORTING (312) 419-9292

112

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 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

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119

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

L.A. REPORTING (312) 419-9292

120

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. Any previous

22 Board order or hearing officer order will
23 also be available at this site.

24 And if anyone has any questions

L.A. REPORTING (312) 419-9292

121

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

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122

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.)

L.A. REPORTING (312) 419-9292

123

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.

L.A. REPORTING (312) 419-9292

124

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

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125

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

3
4

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
14

15
16

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

17

18 SUBSCRIBED AND SWORN TO
19 before me this ___ day
20 of _____, A.D., 2006.

20

21 _____
Notary Public

22

23

24

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