

ILLINOIS POLLUTION CONTROL BOARD
August 15, 1988

MODERN DROP FORGE COMPANY,)
)
 Petitioner,)
)
 v.) PCB 88-125
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon the August 12, 1988 receipt of an Agency Recommendation filed by the Illinois Environmental Protection Agency (Agency).

On August 18, 1988 the Agency received a request for provisional variance from Petitioner, Modern Drop Forge Company. The requested provisional variance sought permission to allow exceedence of site-specific operational noise levels by operating forging hammers throughout the night, six nights per week, during the current period of extremely hot weather.

Petitioner's current Site-Specific Operational Levels are as follows:

- "2) Modern Drop Forge Company located at 139th Street and Western Avenue in blue Island, Illinois Shall:
 - A) Operate only twenty-one forging hammers at any one time; and
 - B) Operate its forging hammers only during the hours of 6:00 a.m. through midnight. Mondays through Fridays, and 6:30 a.m. until 7:30 p.m. on Saturdays."

The Agency recommendation notes that owing to the extreme temperatures experienced this summer, some employees have fainted from the high temperatures occurring during day-time hours. Other employees have "walked off the job and refused to work during periods of extreme heat." Petitioner has stated they are faced with the prospect of either, operating during nighttime hours during periods of extreme heat, or completely shutting down

operations during those times. Petitioner has already received requests from the employees' union to reschedule operations for cooler nighttime hours.

There are approximately 1,600 residences potentially exposed to noise in the immediate vicinity of the company's operation.

The Agency Recommendation states that the IEPA agrees with Petitioner that refusal to grant the requested variance would place an arbitrary and unreasonable hardship upon Petitioner. The Agency concurs that there is no known technology providing an economical or technically feasible means of reducing noise emissions.

In reviewing the Petition the Agency considered the following mitigating factors as asserted by Petitioner:

"First, the Petitioner currently operates until midnight, six nights a week. Thus, by definition, the Petitioner currently operates its forging hammers during nighttime hours. Second, the Petitioner proposed that it be authorized to operate throughout the night for a 45 day period when local weather forecasts call for daytime temperatures in excess of 90°F. Thus, nighttime operations will be limited to those times when forecasted daytime temperatures are excessive. Third, in 1981 when the company filed its Petition for a Site-Specific Operational Level authorizing nighttime operations, a petition was circulated throughout the community surveying the nearby residents and found only one person who at that time objected to the sound emanating from the Petitioner's nighttime operations. In addition, the Petitioner will monitor local public reaction to the provisional variance and report back to the Agency concerning public reaction within fifteen days of the effective date."

The Agency recommendation urges this Board to grant the requested provisional variance from current Site-Specific Operational Levels; the Board concurs.

Modern Drop Forge Company is hereby granted a provisional variance from its Site-Specific Operational Level limits subject to the following conditions:

- a. This variance shall commence on the date of the Board Order and continue for 45 days.

- b. During the variance period, the Petitioner is authorized to operate up to twenty-one forging hammers on:

Mondays between the hours of 4:00 a.m. and 12:30 p.m. and also between the hours of 6:30 p.m. and midnight.

Tuesdays through Fridays between the hours of midnight and 12:30 p.m. and also between the hours of 6:30 p.m. and midnight.

Saturdays between the hours of midnight and 12:30 a.m.

Sundays no forging hammers are to operated.

- c. The Petitioner shall only schedule nighttime operations for any week following the five day National Weather Service Forecast on Wednesdays predicting temperatures in excess of 90°F, for any Friday, Saturday, or Sunday, during this five day forecast, for the City of Chicago.
- d. The Petitioner shall, after issuance of this provisional variance, notify the surrounding residential community (consisting of approximately 1600 residents) via First Class U.S. Mail of the reason for and temporary change in hours for nighttime operations. In addition, the Petitioner shall include in the letter its phone number and explain that every fifteen days commencing with the date of this provisional variance, it must report any effects (complaints) concerning these temporary nighttime operations to the Illinois Environmental Protection Agency.
- e. The Petitioner shall make a written record of all phone calls received regarding these temporary nighttime operations noting the callers: name, address, phone number and comments. Any anonymous calls would only require a record of the comments made. At the conclusion of each fifteen day period this provisional variance is in effect, the Petitioner shall send this written record to the following address:

Illinois Environmental Protection Agency
Division of Land Pollution Control
Noise Technical Advisor
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

- f. Within 10 days of the date of this Order, Petitioner shall execute a Certificate of Acceptance and Agreement which shall be sent to the address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), Modern Drop Forge Company, having read the Order of the Illinois Pollution Control Board, in PCB 88-125, dated August 15, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 15th day of August, 1988 by a vote of 4-0.

Dorothy M. Gunn, p.a.
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board