

ILLINOIS POLLUTION CONTROL BOARD
September 9, 2014

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

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STATE OF ILLINOIS
Pollution Control Board

HEARING OFFICER ORDER

On June 2, 2014, Clifford-Jacobs Forging Company (Clifford-Jacobs) filed a rulemaking proposal to amend the site-specific noise rule at 35 Ill. Adm. Code 901.119 to extend the allowable operational levels for its forging facility located in unincorporated Champaign County. On June 19, 2014, the Board accepted the Agency's proposal for hearing and granted Clifford-Jacobs' motion to waive the 200-person signature requirement. On July 8, 2014, a hearing officer order scheduled the hearing on Tuesday, September 23, 2014, in Urbana. The order also set deadlines of Tuesday, August 19, 2014, to pre-file testimony for the hearing and Tuesday, September 9, 2014, to pre-file written questions based on pre-filed testimony.

On Tuesday, August 19, 2014, Clifford-Jacobs timely pre-filed the testimony of witnesses Mr. Jason Ray, Mr. Goerge Martz, Ms. Laura Weis, and Mr. Craig Rost. In addition, Clifford-Jacobs stated that the previously filed *Noise Assessment and Feasibility Report* would serve as the pre-filed testimony of Dr. Paul Schomer.

The Board and its staff have reviewed Clifford-Jacobs' proposal, the pre-filed testimony, and Dr. Schomer's report. The Board poses questions based on those filings that are filed with this order as Attachment A. The Board directs Clifford-Jacobs to prepare to respond to them at the first hearing on September 23, 2014. The Board may raise follow-up or other questions in the course of the hearing.

IT IS SO ORDERED.



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Attachment A to Hearing Officer Order of September 9, 2014

35 Ill. Adm. Code 102.202(a): Language of Proposed Rule

1. On page 1, the petition states that the manufacturing complex currently includes 10 steam-driven hammers. The original site-specific rulemaking petition in docket R83-25 noted that the facility operated 14 steam driven forging hammers. See Clifford-Jacobs Forging Company Petition for Site-Specific Operational Level Pursuant to 35 Ill. Adm. Code 901.105(d), R83-25, slip op. at 2 (Dec. 6, 1984). This number is reflected in the rule language at Section 901.119(a) that is not being proposed to be changed in this rulemaking. The rule language at Section 901.119(a) allows the operation of “no more than fourteen hammers at any one time.” See 35 Ill. Adm. Code 901.119(a).
 - (a) Please clarify whether Clifford-Jacobs’ facility has reduced the number of hammers from 14 to 10 since the R83-25 rulemaking.
 - (b) If so, should the proposed rule language at Section 901.119(a) reflect the operation of only 10 hammers?
2. On page 4, the petition states, “It should be noted that in virtually no event are all of the hammers in the facility in operation at the same time.” Pet. at 4.
 - (a) Please clarify how many hammers are used at the same time during “normal” operations, and also the maximum number of hammers used at the same time during the last three calendar years.
 - (b) Please comment on whether the rule language should reflect the maximum number of hammers used at the same time during the last three years instead of allowing the operation of all 14 hammers at any one time, as proposed.
3. The report prepared by Schomer and Associates, Inc. (“Schomer Report”) (Pet. Exh. D) defines a “worst case scenario” as the maximum output of the three largest hammers operating simultaneously in pieces per hour. Pet. Exh. D at 5. The Schomer Report then defines a “more realistic ‘worst case’ scenario” as “when one of the three largest hammers is operating at 100% capacity while the other two largest hammers are operating at approximately 50% of capacity.” *Id.* The Schomer Report states that this is consistent with historical conditions. *Id.*
 - (a) Please address whether the more realistic worst case scenario also includes simultaneous operation of all the other hammers at the Clifford-Jacobs facility.
 - (b) Please comment on whether the operation of all 10 hammers at the facility at the same time would have a greater impact on the Wilber Heights residences than the realistic “worst case” considered in the Schomer Report.
 - (c) Please comment on whether the proposed language for the rule should be revised to limit the operations from 11:00 pm to 6:00 am to the “more realistic ‘worst

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case' scenario" defined in the Schomer Report, rather than allowing the operation of all hammers at the forging facility at any one time. In suggesting revisions to the proposed language, include the number of and type of hammers representing "worst case" operating conditions that should be allowed to operate so that the sound levels at the property line will be below 63.5 dB (A-weighted Leq).

4. The Schomer Report identifies the sound level associated with the worst case scenario at the Clifford-Jacobs property line nearest the Class A land as 63.5 dB (A-weighted Leq). Pet. Exh. D at 5. Please comment on including a numeric limitation on sound level at the property line based on the realistic "worst case" level of 63.5 dB (A-weighted Leq) from 11:00 pm to 6:00 am Monday through Saturday in the proposed site-specific rule language.
5. The Schomer Report states, "all of our predictions of CJF sound levels are based on a 1-hour maximum LEQ of 65 dB (A-weighted) at the control site." Pet. Exh. D, Annex A at A5.
 - (a) Please clarify whether the 1-hour LEQ level of 65 dB (A-weighted) at the control site represents the realistic "worst case" operating scenario, *i.e.* 3 hammers operating with full output at the largest hammer and half output at the other two hammers.
 - (b) If so, would the 1-hour LEQ level be higher if more than 3 hammers are operating at the same time? What would be the 1-hour LEQ level at the control site when 4, 5, 6, 7, 8, 9, 10 hammers operating at the forging facility at the same time?
 - (c) Please comment on whether the prediction of 24 houses being impacted above the night time standard of 53.5 dB would increase if the predictions are based on sound level higher than the 1-hour LEQ of 65 dB (A-weighted) at the control site.
 - (d) How many houses in Wilber Heights would be impacted based on sound levels corresponding to the number of hammers operating at the same time specified in Question 5(b), above?

35 Ill. Adm. Code 102.210(d): Environmental Impact of the Proposed Change

6. Figure A on page 8 of the Schomer Report shows the locations of the control site and the community sound measurement sites. Please clarify whether the control site is located at the property line of Clifford-Jacobs' facility. If not, please explain the basis for establishing the control site location.

35 Ill. Adm. Code 102.210(d): Available Treatment or Control Options

7. On page 2, the Schomer Report states, "Moreover, ordinary acoustical barriers are ineffective when the receiver is downwind of the barrier and the forge."

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- (a) Please clarify whether special types of barriers are available that may reduce the sound levels from the forging building.
 - (b) If so, please comment on the technical feasibility and economic reasonableness of using such barriers per 35 Ill. Adm. Code 102.210(b).
8. On page 3, the Schomer Report states, “we conducted measurements to the east of the forge building in order to simulate what might happen to the west of the forge building if the vents were moved to the east side.”
- (a) Please explain the rationale for taking measurements on the east side.
 - (b) Please comment on whether any benefits to the residences on the west could have been evaluated by measuring any changes in sound levels on the west side with relocation of the vents.
9. On page 4, the Schomer Report notes that “no noise wall of reasonable height would even break the line-of-sight from the vent pipes to nearby homes.”
- (a) Please clarify whether this statement refers to a sound wall constructed near the residences or the forge building.
 - (b) Please comment on whether a sound wall constructed close to the noise source that does not break the line-of-sight from the vent pipes would be able to reduce the sound levels emanating from windows and doorways of the forge building.
 - (c) If so, please discuss the technical feasibility and economic reasonableness of constructing a sound wall near the forging building as set out in 35 Ill. Adm. Code 102.210(b).

35 Ill. Adm. Code 102.422: Notice and Service Lists

10. Clifford-Jacobs submitted a motion to waive the signature requirement (Mot.) of 35 Ill. Adm. Code 102.202(g), stating that there are fewer than 55 residences in the nearby residential area and it is “doubtful” that 200 persons live there. Mot. at 1. The Board granted the motion in its June 19, 2014 order.

The Schomer Report states, “If Petitioner’s proposed operational levels go forth, 24 houses . . . used as residences will be at or in excess of the 53.5 dB (A-weighted Leq) nighttime limit . . .” Pet. Exh. D at 13.

- (a) Would Clifford-Jacobs consider providing a list to the Board of the owners and addresses of each of the 24 houses used as residences referred to in Pet. Exh. D at 13, for inclusion in the notice list in this proceeding?

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- (b) Has Clifford-Jacobs been in contact with the owners of the 24 houses referred to in Pet. Exh. D at 13 regarding its proposal? Has Clifford-Jacobs notified those owners about the September 23, 2014 hearing (separate from the notice published in *The News Gazette* on July 14, 2014)?

35 Ill. Adm. Code 901.101: Classification of Land According to Use

11. The petition states,

[m]ost of the property surrounding the Clifford-Jacobs facility is zoned for heavy industry. North and directly west of the northern portion of the facility is farmland, while east of the facility is a large freight switching yard South of the facility is industrial property Southwest of the facility is an unincorporated residential area known as Wilber [a/k/a “Wilbur”] Heights. Since at least 1973, Wilber Heights has been zoned for heavy-to-light industry Pet. at 4-5.

- (a) Setting aside the current local zoning classification, please identify the land classification of each of the surrounding properties according to use under 35 Ill. Adm. Code 901.101.
- (b) Please address whether the “more realistic ‘worst case’ scenario” identified by the Schomer Report would result in the sound emitted to any Class B land in exceedance of the allowable sound levels under 35 Ill. Adm. Code 901.105(c).

35 Ill. Adm. Code 901.105(d)(2)(B): Description for Site Specific Allowable Operational Level

12. Pursuant to 35 Ill. Adm. Code 901.105(d)(2)(B), please provide the number and size of Clifford-Jacobs’ forging hammers, the approximate number of forgings manufactured during each of the three prior calendar years, and the approximate number of hammer blows used to manufacture the forgings.