

STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

GOOSE CREEK WIND, LLC
APPLICATION FOR A SPECIAL USE PERMIT

December 20, 2022
6:00 p.m. to 10:00 p.m.
Held at the Community Building, Monticello, IL

PIATT COUNTY ZONING OFFICER:
Ms. Keri Nusbaum

HEARING FACILITATOR:
Mr. Scott Kains, Esq.

PIATT COUNTY ZONING BOARD MEMBERS:
Mr. Loyd Wax, Chairman
Mr. Jim Harrington, Vice Chairman
Mr. Dan Larson
Mr. Kyle Lovin
Mr. William Chambers
Mr. Paul Foran

PIATT COUNTY BOARD MEMBERS:
Todd Henricks
Jerry Edwards
Kathleen Piatt
Michael Beem

COUNSEL FOR THE PIATT COUNTY BOARD:
Mr. Andrew J. Keyt, Esq.

COUNSEL FOR THE APPLICANT:
Mr. Ben Jacobi, Esq.

COUNSEL FOR THE OBJECTORS:
MR. Phillip A. Luetkehans, Esq.

COURT REPORTER:
Ms. Jamie J. Mumm, CSR,
Official Court Reporter
Piatt County Courthouse
101 W. Washington
Monticello, IL 61856
(217) 762-5861/jmummreports@gmail.com

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5. LORI STALTER.....

6. COLLEEN KIDD.....

7. CALVIN TEUBEL.....

8. KELLY VETTER.....

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25

1 MR. WAX: Good evening, let's call the
2 meeting to order. We'll do roll call first.

3 MS. NUSBAUM: Mr. Larson?

4 MR. LARSON: Here.

5 MS. NUSBAUM: Mr. Harrington?

6 MR. HARRINGTON: Here.

7 MS. NUSBAUM: Mr. Lovin?

8 MR. LOVIN: Here.

9 MS. NUSBAUM: Mr. Wax?

10 MR. WAX: Here.

11 MS. NUSBAUM: Mr. Chambers?

12 MR. CHAMBERS: Here.

13 MS. NUSBAUM: Mr. Foran?

14 MR. FORAN: Here.

15 MS. NUSBAUM: State's Attorney Perry?

16 MR. WAX: County Board Members?

17 MS. NUSBAUM: Yes. Mr. Henricks?

18 MR. HENRICKS: Here.

19 MS. NUSBAUM: Mr. Edwards?

20 MR. EDWARDS: Here.

21 MS. NUSBAUM: Mr. Beem?

22 MR. BEEM: Here.

23 MS. NUSBAUM: Miss Jones? Miss Piatt?

24 MS. PIATT: Here.

25 MS. NUSBAUM: Thank you.

1 MR. KAINS: Thank you, Keri. Good evening,
2 folks. We will hear from citizens who are in opposition
3 and neutral on the Application for Special Use Permit
4 that's been filed by Goose Creek Wind, but first the
5 Board has retained an Engineer to give an independent
6 analysis of this issue, and I'm going to turn the
7 questioning of the witness over to Mr. Andy Keyt.

8 MR. KEYT: Okay. Thank you. The County would
9 call Matt Minder of Patrick Engineering.

10

11 **(WITNESS SWORN.)**

12 M A T T M I N D E R

13 called as a witness in the above-entitled cause, having
14 been first duly sworn, was examined and testified as
15 follows:

16 MR. KAINS: Sir, can you please state your
17 name, spelling your first and last names for the record.

18 MR. MINDER: My name is Matt Minder,
19 M-A-T-T, M-I-N-D-E-R.

20 MR. KAINS: Mr. Keyt, you may proceed.

21

22

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1 EXAMINATION BY

2 MR. KEYT:

3
4 Q. Mr. Minder, can you give us your professional
5 address for the record, please?

6 A. Patrick Engineering, 300 W. Edwards Street,
7 Springfield, Illinois.

8 Q. Mr. Minder, I understand you are an Engineer
9 there with Patrick Engineering. Can you give the Board
10 here a flavor for your background and professional
11 experience?

12 A. Yes. In brief, I have 25 years of experience in
13 the civil and environmental engineering. I have
14 performed review of several wind farm projects here in
15 the State of Illinois in other counties. I've also
16 provided construction support for the Big Sky Wind
17 project in Bureau and Lee Counties.

18 Q. And Mr. Minder, you indicated that you've done
19 reviews of wind farm projects in the past, I assume on
20 behalf of counties who retained you; is that true?

21 A. That's correct.

22 Q. Could you tell us just generally approximately
23 how many you've done reviews for?

24 A. I believe it's on the order of six or seven
25 different wind projects.

1 Q. At this time the County will tender Mr. Minder as
2 an expert in his field.

3 MR. LUETKEHANS: No objection.

4 MR. JACOBI: No objection.

5 MR. KAINS: He will be received as an expert
6 witness. Go ahead, Mr. Keyt.

7 MR. KEYT: Mr. Minder, I understand you've
8 prepared a power point to walk through with the Board
9 for your review of the application that you've seen; is
10 that true?

11 A. That's correct.

12 Q. Why don't you go ahead and proceed and I'll stop
13 asking questions.

14 A. Thank you. As you have in front of you, the Board
15 has in front of them, the attorneys, here on the wall
16 here is the presentation. Again it's just another
17 re-statement of my qualifications, and I'm a Registered
18 Professional Engineer in the State of Illinois. Again,
19 the projects I have reviewed were in Livingston,
20 Woodford, Logan, Pike, Mason and Morgan Counties,
21 multiple projects in a couple of those counties. As a
22 firm, Patrick has provided a number of different
23 engineering services for projects, wind farm projects in
24 multiple U.S. states as well as Canada.

25 MR. KAINS: Mr. Minder, at this time I'm

1 going to interrupt you. I'm going to get a microphone
2 so you'll be able to speak into it and look at your --
3 or look at the wall. It might make it easier on you,
4 rather than having your head on a swivel.

5 A. I appreciate that. Thank you. So the work we
6 performed for the County in review of the Special Use
7 Permit Application, our scope covered a general
8 technical review of the projects, which basically is a
9 review of the full Application submitted by Goose Creek
10 Wind, excuse me, except for Appendix A which was a lot
11 of the landowner information, agreements and such.

12 We also performed a sound and compliance review.
13 Basically we specifically reviewed the sound modeling
14 report prepared that was in the Application and did our
15 own, kind of an independent review and modeling of that
16 as well.

17 We also performed a decommissioning plan review,
18 a review of the decommissioning plan prepared by
19 Westwood, again also located in the Appendix of the
20 Application.

21 As far as our findings go for the general
22 technical review, our review, we kind of generally saw
23 that the Application appeared to comply with all the
24 required conditions of the County's ordinance or
25 indicated the intent to be in compliance with those --

1 with the ordinance requirements, you know, for those --
2 the information that would have to be completed
3 following siting approval such as construction permits,
4 etc.

5 The design, installation, operation information
6 contained within the Application appeared to be
7 consistent with the requirements of the ordinance.

8 The bird studies and mitigation measures appeared
9 to be consistent with the requirements of the ordinance.

10 And the setbacks, the multiple setbacks involved
11 from the list of items from corporate limits, primary
12 residences, public roads, rights-of-way, third-party
13 power lines, communication towers, and adjacent
14 properties, they appeared to be met or the required
15 waivers were contained within the Application.

16 Sound compliance review. Just to summarize, I
17 know this has been gone over in the past, the report
18 concluded there were no receptors in the vicinity of the
19 project that would be adversely impacted in excess of
20 the Illinois regulatory requirements for noise.

21 We actually performed a separate noise analysis,
22 different simpler model. We looked at six receptors in
23 the project area, identified in the RSG report,
24 including specifically four locations from the RSG
25 report itself just to provide kind of a like-to-like

1 comparison.

2 Our noise model was in agreement with the RSG
3 modeling, specifically we did not see that any receptors
4 would be impacted by noise from the project in excess of
5 the Illinois regulatory limits.

6 We did note the one receptor, R1104, which is
7 located east of the proposed substation and
8 down-gradient of several of the wind turbines appeared
9 to be the one that was most susceptible to any
10 sensitivity in the model results. As you know, the
11 model results would only look at specific conditions. So
12 you know with the possibility that increased noise
13 transmission, or I should say sound transmission, could
14 occur under different environmental factors. It was our
15 opinion that the Applicants should consider some
16 possible mitigation options to reduce the potential for
17 excess noise at that location, or any other receptors
18 that may be very close to the limits.

19 We also performed the decommissioning -- review
20 the decommissioning plan. Specifically what we were
21 looking at was the report for Westwood Consultants for
22 the fifty turbines that are involved in the project. As
23 you can see in summary, the estimate shows over nine
24 million dollars for the cost of decommissioning,
25 approximately a hundred eighty-three thousand dollars

1 per turbine. Estimate of about seven million dollars to
2 salvage those fifty turbines for a hundred forty
3 thousand per turbine, so then your net decommissioning
4 costs in that case would be approximately forty-three
5 thousand dollars per turbine.

6 It was our opinion, after review of the plan,
7 that there may be additional factors that the County and
8 the Applicants should consider in the plan prior to
9 being finalized.

10 We noted that the report indicated removal of
11 items below grade, a four-foot depth. We pointed out
12 that the Illinois Department of Agriculture's
13 Agricultural Impact Mitigation Agreement, or AIMA,
14 requires that that go to a five-foot depth. There may be
15 some additional costs that would be required for that.

16 Costs of re-process. Any aggregate material
17 that's picked up from access roadways to the turbines,
18 that information should be factored into those road
19 removal costs. It was unclear from our review if that
20 was done.

21 We were also unclear as to whether or not the
22 Applicant had provided sufficient area as the turbines
23 are being brought down, sufficient area at the base of
24 the turbine, to do the processing that would be required
25 to get the material scrapped and loaded onto trucks and

1 removed from the site. Typically what we've seen in
2 other applications is an area of roughly two acres per
3 turbine, although that may vary. I would point out that
4 these turbines are generally a little bit larger than
5 what we had seen in projects in the past. I think these
6 turbines are about a six megawatt turbine as opposed to
7 some of the ones previously we looked at that are only
8 two or three or four megawatts per turbine.

9 We also suggest that the Applicant did provide a
10 ten percent contingency in their cost estimate. We
11 suggested perhaps a fifteen percent contingency, maybe
12 more, maybe suggested as just opposed to ten percent,
13 just due to the uncertainties involved in wind farm
14 decommissioning. Generally a lot of wind farms have gone
15 up all across the United States, but very few have come
16 down, and because of that lack of knowledge and
17 experience in taking these projects down, there's not a
18 lot of information out there in terms of, you know,
19 whether or not the costs that are being estimated for
20 these projects, how comparable they may be to what the
21 costs actually wind up being.

22 Then some of the information is just more of a
23 review and points more toward providing just having a
24 little bit larger level of detail or more granularity in
25 the decommissioning cost estimate itself. It was

1 unclear, you know, as far as crop loss costs that were
2 involved, how much of that is due to crane paths and the
3 crane paths generally tend to be the path that the
4 cranes take as they move from turbine to turbine to
5 disassemble and take down the wind turbine itself,
6 because those are a very large weight as they run across
7 they will compact the soil, and if there are any crops
8 in the field those would have to be, of course,
9 accounted for in terms of crop damage.

10 As far as the public roads and improvements,
11 there was not information in the plan itself for us to
12 verify how many miles of public roads there are. So it's
13 unclear for us to identify in the estimate whether or
14 not the number provided would be a good number.

15 Similarly, without a good accounting of the
16 number of linear feet of access roads, again, it's just
17 difficult to assess whether or not the cost estimate is
18 giving a reasonable number for that.

19 Electrical system restoration costs. Since there
20 is a substation on site, there is a transmission line to
21 tie into the utility, and then there are also
22 underground collection lines bringing power to the
23 substation from each individual turbine. We just need
24 to see -- wanted to see an accounting of that to verify
25 if those costs are actually accounted for.

1 In terms of salvage value for the project, we did
2 note the Applicant included steel costs that were fairly
3 close to the peak scrap market value that occurred in
4 earlier this year. Typically what we have seen and
5 recommend in that case is a longer term average of that
6 scrap value be considered for the project, because
7 obviously the scrap market is very volatile and there
8 are, you know, many highs and lows going through the
9 projects. We often consider that a long term average
10 may be more applicable when assessing those costs.

11 Finally, the scrap pricing, we wanted to make
12 sure that that cost did include transportation costs to
13 remove all the scrap material. It is a very large
14 amount, that there would be sufficient costs -- excuse
15 me -- that there would be sufficient transportation
16 costs accounted for to get the material to a large
17 enough processor that could handle the volume of scrap
18 that is required.

19 That's the extent of our summary of findings.

20 MR. KAINS: Thank you, Mr. Minder. Mr. Keyt,
21 do you have any additional questions for the witness?

22 Q. Yes, very briefly. Mr. Minder, the power point
23 that you prepared constitutes your review of the
24 project. Is that essentially fair?

25 A. That is fair to say, yes.

1 Q. Fair that it's your report to the Board on your
2 review at this juncture in time; is that right?

3 A. Yes.

4 Q. You and I have worked in the past. Often times,
5 if at some point in time there is an approval that
6 comes, often times we negotiate back and forth with the
7 developer, if I understand you correctly, you probably
8 reserve any final discussions regarding what scrap value
9 prices are, how much road, or any other types of review
10 of that decommissioning plan for that time where we're
11 actually having that discussion with the developer. Is
12 that fair?

13 A. That is fair, yes.

14 Q. And at this time I would tender Mr. Minder's
15 report as County Exhibit Number 1 for the record,
16 please.

17 MR. KAINS: It will be received. We will take
18 the up the admissibility of it either at the end of this
19 evening or tomorrow evening.

20 MR. KEYT: I have nothing further.

21 MR. KAINS: Very good. Questions for
22 Mr. Minder from Members of the Piatt County Zoning Board
23 of Appeals? Mr. Chambers?

24

25

1 EXAMINATION BY

2 MR. CHAMBERS:

3
4 Q. Some questions I would have in regard to scrap
5 value and how the numbers are come up -- how you come up
6 with the numbers for that because we're talking about a
7 future scrap market, and that doesn't really -- it
8 exists, but it doesn't exist at scale yet. The example I
9 think of in my head is, you know, when you have a newer
10 car at market, and say one gets totaled, the scrap value
11 of that is going to be much higher because there's not a
12 lot of those parts out there, but when that becomes more
13 mass produced like a Toyota Corolla or something really
14 common, that scrap value comes down significantly, just
15 due to the common nature of it. So, how does that
16 factor in to determining scrap value for turbines in the
17 future as there's going to be more and more of them that
18 would be decommissioned around the same time?

19 A. Generally the way the scrap value is factored in,
20 is basically looking at just the base metal components,
21 so for instance the steel, the aluminum, copper, so it's
22 not necessarily, as per your question, that it's a
23 particular, you know, model of turbine. It's primarily
24 just based on the base material of the turbines
25 themselves. So again, you know as there are more and

1 more, as you know obviously the market will change as
2 more scrap material comes back in, but again, it's
3 difficult to say with any certainty what the market's
4 going to look like, you know, in years.

5 Q. Sure. So the values that we have here are
6 basically one hundred percent on the scrap material
7 value, not on any sort of estimate of any component
8 value?

9 A. I believe that is correct for the most part, yes.

10 Q. Another question I would have is on the
11 transportation side of things. So say there's that
12 scrap element for the decommissioning, and that all has
13 to be transported somewhere, do you actually look at our
14 location and the nearest suitable facility to manage
15 that, or do you -- how do you bring those numbers in for
16 transportation?

17 A. Generally what we want to see is that the
18 Applicant is looking at, you know, a regional market,
19 you know, there may be a small processor, you know, ten
20 miles down the road, and someone who may not be able to
21 accept, you know, these large volumes of material that's
22 coming in, you know, to base the transportation costs on
23 that is, you know, unlikely to be very accurate in the
24 long run. So what we -- again, that was one of the
25 points we brought up was, you know, we wanted to verify

1 that the Applicant is truly looking at, for the volume
2 of steel and other components, that are going to be
3 recycled, if they're looking at a reasonably-sized, you
4 know, what we would call a regional recycler as opposed
5 to something that's small scale, and your regional
6 recyclers that may be located somewhere near Peoria or
7 up near Chicago. So the transportation costs alone may
8 be higher in that regard.

9 Q. The last question I have. You talked about the
10 five-foot depth for restoration here. Can you tell me
11 again where that's based out of?

12 A. That is based out of the Illinois Department of
13 Agriculture's Agricultural Impact Mitigation Agreement.
14 That is part of the Application as well. I don't recall
15 which Appendix that would be in, but that is -- that
16 agreement is required of projects that are in the State
17 of Illinois, an agreement between the Department of
18 Agriculture and the Applicant, that the requirements of
19 that agreement are carried out, and one of those
20 requirements is to take materials out to five feet below
21 grade in cropland areas.

22 MR. KAINS: Thank you, Mr. Chambers. Mr. Wax?

23 MR. WAX: Yes.

24

25

1 EXAMINATION BY

2 MR. WAX:

3
4 Q. Thank you for your presentation. I'd like to go
5 to the sound situation. What are the -- what, in your
6 experience, are the examples of how the sound can be
7 mitigated from the towers that are very very close to
8 the edge of the limit?

9 A. You know, I don't have the specific experience in
10 that regard. I did speak with our modeler, you know,
11 just some general things that we talked about were, you
12 know, the model is based on a total of 71 turbines, you
13 know. One example would be if they were to remove maybe
14 one or two of those turbines that are closely
15 up-gradient to that site, if that would make sense, that
16 could reduce the sound level. At the substation there
17 could be some sort of noise barrier such as a fence or
18 something to that regard that could help to block noise
19 traveling in that direction. Those are just some very
20 simple examples of ways in which noise could be
21 mitigated.

22 Q. Okay, thank you. Switch to the decommissioning.
23 In your experience, does the proposal and the amount of
24 dollars and the way they are handling this here, is this
25 relatively consistent with other projects that you've

1 been involved with?

2 A. Yes. It is relatively consistent. I would say in
3 some of the projects we've seen a little bit more -- a
4 little bit greater level of detail in the cost estimate,
5 which we did not see in this project as yet, but again
6 sometimes, as Mr. Keyt has alluded to, sometimes that's
7 -- I don't want to say negotiated. As the process goes
8 along, the estimate is revised to account for some of
9 the issues that were brought up in the initial review.

10 Q. Thank you. You have mentioned a number of
11 particular items that should be addressed. Do you feel
12 that these are all fairly important, or would you put
13 some sort of a priority on these things?

14 A. I think generally they're all important, you
15 know, as to -- some may not be as much of a priority in
16 terms of dollar amounts, but I think all of them are
17 important to at least provide a little bit more level of
18 detail that the County could feel more comfortable with,
19 the total amount of -- (individuals talking over one
20 another).

21 Q. So they need more detail?

22 A. Correct.

23 MR. WAX: Thank you.

24 MR. KAINS: Mr. Harrington?

25 MR. HARRINGTON: Thank you, sir.

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EXAMINATION BY

MR. HARRINGTON:

Q. On the sound portion you reference R1104. If I gave you a map, could you show me maybe where it was? It sounded like it was close to the substation. Is that accurate?

A. Yes. If I recall correctly, I think it's the nearest receptor to the east of the substation.

Q. Okay.

MR. LUETKEHANS: Mr. Harrington, I don't know if you noted from yesterday, I think that was Mr. Gantz. That is 1104.

MR. HARRINGTON: I assumed that it was. I was just trying to clarify, but I get where you're goin'.

Q. I guess in regards to that, is there anything else you can tell us about, is it a combination of the noise of the substation with the turbines to the west of that, or is it just the fact that the substation is where it is and you have a residence that close, or...

A. That's not my area of expertise. I think generally it is those factors. It's the combination of the noise sources, the turbines, and the substation.

Q. Okay. I appreciate that. On your decommissioning

1 screen shot, your slide?

2 A. Uh-huh.

3 Q. Am I looking at this right, if I say that a
4 hundred eighty-three thousand per turbine, a hundred
5 forty thousand even of salvage, is that separated out of
6 the hundred and eighty-three? Is that what we're saying
7 here?

8 A. The one hundred eighty-three is the per turbine
9 cost based on all the costs that were calculated by the
10 Applicant. Then separately, the salvage value for all
11 the turbines divided, you know, on a per turbine basis
12 is the hundred and forty thousand dollars.

13 Q. I getcha. So is it fair to say that if you figure
14 out the actual costs of tearing it down is taking the
15 hundred and forty thousand away from the one eighty,
16 leaving us with forty-three thousand?

17 A. That's if you take that full salvage value and
18 apply it too. So that would be taking the turbine down,
19 processing it for scraps. That would be once all that
20 work is done, that would be your net costs.

21 Q. Right, and to your point you're saying, you know,
22 in this particular scenario, the scrap was calculated at
23 current time relatively high due to market value, is the
24 impression I get?

25 A. That's -- that was our opinion from our view.

1 Q. I understand that. I guess even at this
2 forty-three thousand or fifty thousand or sixty
3 thousand, pick a number, do we think that's enough to
4 tear one down? And is that today's costs, or is that
5 thirty years from now?

6 A. The costs that were presented, were presented in
7 today's dollars.

8 Q. Uh-huh.

9 A. So if we were just to say we have one, if we were
10 to say that there's one up right now and it would have
11 to be torn down, the total costs involved to do that
12 work would be the one hundred eighty-three thousand
13 dollars, and then based on processing that, selling
14 everything for scrap at the particular values that were
15 estimated by the Applicant, that would garner you a
16 hundred and forty thousand dollars back.

17 Q. Right. I guess what I'm driving at, even at
18 today's costs, it seems that forty-three thousand just
19 to tear it down seems a little slim. I mean that's not
20 even a new pick-up. Is that a fair statement?

21 A. I don't know what the values of a pick-up are
22 these days, (laughter in the room)...

23 Q. I understand.

24 A. Yeah, I understand your -- I think I understand
25 your question. I'm not entirely sure how I can --

1 Q. No, I know. You're under oath, you don't want to
2 state something you're not certain of. I'm just trying
3 to drive at the costs of actually tearing it down. I see
4 what you're saying about the comment in regards to
5 five-foot depth. Illinois Department of Agriculture,
6 AIMA, and your reasoning for that, I imagine, is due to,
7 what would be done with that property in the future,
8 right? You would want to make sure there was nothing
9 there that you would intercept with the utilities or
10 future buildings?

11 A. I think that's the reasoning that the Department
12 of Agriculture had when they put that together.

13 Q. And another item that caught my eye was the 15%
14 contingency for the costs, estimate due to uncertainties
15 with the size of this project, right? And I guess to
16 that note, that's something I have concerns about is
17 we've never seen a wind turbine or farm of this size be
18 decommissioned. Is that fair? Do you know of any?

19 A. I think I'm only aware of one that was recently
20 decommissioned, and to be honest, I couldn't tell you
21 where, and I do recall it was a fairly small number of
22 turbines, I think on the order of a dozen. So, you know,
23 there's a scale of that project compared to this one
24 that's, you know, there's obviously a four times
25 difference, so there's going to be some differences

1 involved there. But again, there isn't a publicly
2 available cost data associated with that project that
3 I'm aware of to make a direct comparison.

4 Q. Right. And I would assume, based on what sounds
5 to be the progression of the technologies, I'm just
6 guessing those would be shorter turbines also in height?

7 A. More than likely, just due to the increase in
8 size that the turbines have experienced over the course
9 of years.

10 Q. Right. And I got your point about the number of
11 miles of public road improvements. You felt there was
12 not any detail, not even a number of miles listed,
13 correct? Is that correct?

14 A. That's correct. I think there's just a line item
15 with that cost without much detail associated with it.

16 Q. Right. And then as Chairman Wax pointed out, in
17 general, just a lack of detail is -- what we're looking
18 for is more detail. Is that true?

19 A. Correct. That's our main concern with the report.

20 MR. HARRINGTON: Very good. Thank you so
21 much.

22 MR. KAINS: Any other questions from Members
23 of the Piatt County Zoning Board of Appeals?

24

25

1 FURTHER EXAMINATION BY

2 MR. CHAMBERS:

3
4 Q. I have one more, just to clarify something here
5 on the transportation costs for scrap. So you note
6 here, scrap pricing should include transportation costs
7 required to deliver the materials to a large scale
8 facility. So, the current numbers that we're dealing
9 with here do not include that transportation cost; is
10 that correct?

11 A. It's not clear from what we've seen in the
12 Application that it is. So we just need to be sure that
13 that number is accounted for in the estimate.

14 MR. CHAMBERS: Okay. Thank you.

15 MR. KAINS: Any other questions for
16 Mr. Minder? Mr. Harrington.

17
18 FURTHER EXAMINATION BY

19 MR. HARRINGTON:

20
21 Q. This is sort of not covered in line item, but
22 maybe you can tell us. What do they actually do with
23 the -- I believe the fiberglass blades? What do they do
24 with that?

25 A. Generally at this point in time the fiberglass

1 blades, they're somewhat of a composite material. So
2 right now there's not really a market for recycling
3 those. Typically it's assumed that those have to be
4 scrapped and disposed of.

5 Q. Right. I guess that's the heart of my question
6 is how do you scrap that? Do we even know of anybody
7 that would take that?

8 A. I think generally it would be a material that
9 would have to go to the landfill. It would have to be
10 processed down to a size where the landfill would take
11 it.

12 MR. HARRINGTON: Thank you.

13 MR. KAINS: Any further questions from the
14 Zoning Board? Questions from for Mr. Minder from members
15 of units of local government including school districts?
16 Questions from interested parties represented by
17 licensed attorneys? Mr. Jacobi.

18

19 EXAMINATION BY

20 MR. JACOBI:

21

22 Q. Thank you. Thank you, Mr. Minder. A few things I
23 think, just a couple of points of clarification. First
24 you're an independence witness, an independent engineer
25 hired by the County, correct?

1 A. That is correct.

2 Q. You're giving your opinion without influence from
3 either side. Accurate?

4 A. That is accurate.

5 Q. In fact, I don't think we've ever met me, and I
6 don't think you've met my colleague Mark Gershon who was
7 sitting here before. He unfortunately got the flu. But
8 you've never met us before, right?

9 A. Not to my knowledge.

10 Q. On decommissioning, the ordinance requires an
11 updated decommissioning plan every five years; is that
12 accurate?

13 A. That is -- yeah that's what I recall.

14 Q. And in fact the ordinance doesn't require a draft
15 decommissioning plan with the Application. It only
16 requires a final decommissioning plan prior to building
17 permits. Is that your recollection?

18 A. I believe that's correct, yes.

19 Q. And you would expect for the County and the
20 Applicant to negotiate that final decommissioning plan
21 prior to the issuance of building permits?

22 A. That's generally been my experience on other
23 projects I've worked on, yes.

24 Q. That final decommissioning plan could, and likely
25 would, include a number of the suggestions that you

1 make. That would be a possibility, right?

2 A. That is possible. Yes.

3 Q. Some of these things are dependent on later a
4 number of items. For example, the number of roads,
5 number of miles of public road and linear feet of access
6 roads. That's going to depend on whatever road use
7 agreements are entered into, correct, with the County
8 and the road districts?

9 A. There is some uncertainty in that because
10 currently the Applicant does have a total of seventy-one
11 locations identified, but they only plan on utilizing
12 fifty of those locations. So because there is that
13 uncertainty there, yes.

14 Q. To your knowledge, the Applicant hasn't entered
15 into a road use agreement with the County yet? They
16 haven't identified what roads they're going to use, and
17 they haven't identified -- or negotiated with the
18 County, you know, on how those roads would be managed
19 during construction. Is that accurate?

20 A. I'm not aware of a road use agreement at this
21 time.

22 Q. And you mentioned that, you know, seventy-one
23 turbines were noted in the report, and that fifty will
24 be built. I think actually seventy-one were modeled for
25 sound, which we will get to in a second. Sixty were

1 applied for in the Application, and fifty will be built.
2 But long story short, we're still determining where the
3 actual turbines, where those fifty final will be, and
4 once those are sited with final engineering then a road
5 use agreement can be entered into because we'll know
6 exactly what roads we'll need or how to get to them. Is
7 that a fair representation?

8 A. Yes. I think that's a fair assessment.

9 Q. And once -- I know that was a mouthful. But once
10 we get to that stage, and we have a road use agreement
11 and we know how long the roads are going to be because
12 we're going to know which roads we're using, then we can
13 start filling in some of those line items for the final
14 decommissioning plan that will be required prior to
15 building permits. Is that how it's usually done?

16 A. I wouldn't say that's how it's usually done, only
17 in the sense that typically the Applicant has a little
18 bit firmer plan in place in terms of the number of
19 turbines and where those turbines are going to be
20 located. But there is still that process of providing
21 an initial plan and going through the process of
22 revising the plan back and forth based on discussions
23 between the two parties.

24 Q. Okay. So the negotiation of the decommissioning
25 plan, in your experience, is ongoing through the

1 application phase up to building permit when the site
2 gets firmed up and the project is better defined with
3 engineering micro siting and the specifics that go along
4 with that. Is that fair?

5 A. I would generally say yeah. The process -- the
6 decommissioning plan that's provided in the application
7 is typically not the same that winds up being approved
8 prior to the construction being performed.

9 Q. If the final decommissioning plan included all
10 your recommendations here, is that a decommissioning
11 plan that you would recommend?

12 MR. KEYT: Hold on one second. I'm just going
13 to object. I think he's already answered the essence of
14 that question, but in the sense that if the question is,
15 if all those issues are addressed, is it being one that
16 he would recommend, I think it's a question of it could
17 be several years before we get to that point. I'm not
18 necessarily going to object to the question, but I think
19 it has been asked and answered.

20 MR. JACOBI: That's fair. I'll restate it.

21 MR. KAINS: Yes, Mr. Jacobi, if you could
22 restate the question and get to the heart of this,
23 please.

24 MR. JACOBI: Right.

25 MR. KAINS: Thank you.

1 (Continued Examination by Mr. Jacobi).

2 Q. So, I think the point was made. I have a question
3 about the scrap value that you discussed. So you note
4 that the scrap value of steel used in the draft
5 decommissioning plan was the mere peak scrap value in
6 2022, and you recommend a long-term average be used; is
7 that accurate?

8 A. Yes.

9 Q. If the plan is updated every five years, that
10 long term scrap value average is going to be updated
11 every five years? Is that what you would recommend?

12 A. Ideally we would like to see the scrap value
13 updated, yes.

14 Q. The four feet versus five feet issue, bullet
15 point number one. I have a quick question about that.
16 AIMA allows the landowners to negotiate terms different
17 from those included in the AIMA; is that accurate? The
18 standard form AIMA --

19 A. I don't think I know enough about the agreement
20 to answer that.

21 Q. Okay. If a landowner has agreed to removal down
22 to four feet instead of five feet, and assume with me
23 that the AIMA allows the landowner to do that, would you
24 object to that or criticize that portion of the
25 decommissioning plan?

1 A. It if it was something that was agreed to between
2 the landowner and the applicant, and if that were
3 something that the AIMA agreement allows, yes.

4 Q. A couple questions about sound. Sorry, I had to
5 gather my thoughts. So you reviewed the sound report
6 generated by RSG in the application?

7 A. Yes, we did review those -- or I should say we
8 reviewed that report.

9 Q. You understood that that modeling by RSG assumed
10 a number of conservative -- or included a number of
11 conservative elements or assumptions to its model,
12 including it added automatically an extra two decibels
13 to the turbine sound profile. It assumes all receptors
14 were down wind. It assumes no vegetative screening or
15 other screening throughout the project area. It assumes
16 71 turbines out of the 50 that will ultimately be built.
17 You would agree that those conservative assumptions --
18 you would assume that those conservative assumptions
19 were accounted for by the RSG model?

20 A. I don't recall all of the assumptions that were
21 included, but yes, I do recall there were a number of
22 assumptions in the model that were intended to make it a
23 conservative model, yes.

24 Q. Okay. And your ultimate conclusion, was that the
25 project complied with all of the IPCB regulatory limits

1 for all of the receptors?

2 A. Yes.

3 Q. I want to ask you, so you note in your power
4 point that you specifically looked at receptors 18, 115,
5 846 and 1104, right?

6 A. Yes.

7 Q. You selected those because they were sort of
8 highlighted in the RSG report?

9 A. I believe that's correct.

10 Q. And you conducted your own separate noise model
11 for six receptors and validated the accuracy of the RSG
12 model; is that accurate?

13 A. That's correct. We generally saw the same results
14 as what the RSG model predicted.

15 Q. Do I understand that you validated specifically
16 those four receptors and two others, but those four, 18,
17 115, 846 and 1104?

18 A. Specifically those four, yes.

19 Q. Okay. I have a demonstrative exhibit.

20 Permission to appropriate?

21 MR. KAINS: Yes. Mr. Keyt, what are we
22 calling this exhibit?

23 MR. KEYT: I think you're on 43; is that
24 right?

25 MR. JACOBI: I'll have to take your word for

1 it. I think so.

2 MR. KEYT: I don't have my list here.

3 MR. LUETKEHANS: Yeah, that's right.

4 MR. KEYT: Applicant's Exhibit Number 43.

5 MR. KAINS: All right, 43. Thank you. Go
6 right ahead, Mr. Jacobi.

7 Q. Thank you, sir. Applicant's Exhibit 43 is two
8 pages. For the record, it's a demonstrative exhibit.
9 It's a blow-up of and a zoom-in of the data and the maps
10 that were presented in Appendix F-5, which is the RSG
11 sound report. These two pages are demonstrative of the
12 sound measurements specifically for receptor 1104, and
13 you can see, Mr. Minder, that the first page is at the
14 five hundred hertz frequency, and the second page is at
15 the one kilohertz frequency. Are you following?

16 A. Yes.

17 Q. You can see that the dotted line here is the IPCB
18 limit that is coming from the transformer from the lower
19 left-hand page, or the lower left-hand section of the
20 page. Do you see that?

21 A. I do.

22 Q. This exhibit demonstrates that the receptor 1104
23 is outside of those IPCB limits. Do you see that?

24 MR. LUETKEHANS: Objection, foundation. I
25 don't know how this witness is supposed to understand

1 what this is, and how this interplays. It's not his
2 exhibit.

3 MR. KAINS: I'm going to sustain it. If you
4 could ask him specifically if he has knowledge of this
5 particular exhibit and the things it depicts.

6 Q. Okay. Mr. Minder, you testified that you
7 validated the sound for receptor 1104?

8 A. We did model that, yes.

9 Q. Did your modelling generate results consistent
10 with what this exhibit shows?

11 A. Obviously our modeling did not generate this
12 similar type of output, but in general I think what
13 you're asking is that our model did indicate receptor R
14 1104 was outside, or I should say it was within the
15 sound limits, the IPCB sound limits as we indicated in
16 the presentation.

17 Q. Consistent with the IPCB sound limits?

18 A. Yes.

19 Q. Okay. This demonstrative exhibit, which is a
20 blow-up from our sound modeling, is consistent then with
21 your results?

22 MR. LUETKEHANS: Objection.

23 MR. KAINS: I'm going to overrule. If you
24 know, is this consistent with what you guys modeled?

25 A. I guess what I can say is that our modeling also

1 showed that receptor R 1104 was within the sound limits.
2 Obviously we didn't generate a similar type of model to
3 exactly compare those two.

4 Q. Right. When you say within the sound limits, I
5 want to make sure we know what you mean. You mean
6 compliant with the IPCB sound limits?

7 A. Correct. Consistent with the IPCB sound limits,
8 yes.

9 Q. I'd like to ask you the same questions about the
10 other three receptors. I have demonstrative exhibits
11 with regard to those as well. Maybe I'll just pass them
12 out at the same time.

13 MR. LUETKEHANS: I don't know why we're
14 dealing with these demonstratives. He's already
15 answered that all three of these other ones he thinks
16 are compliant with the IPCB limits.

17 MR. KAINS: I think that's the case.

18 MR. LUETKEHANS: I don't know what we're
19 going on something that he can't identify.

20 MR. JACOBI: Well, what I'd like to do is
21 demonstrate through these exhibits that his modeling has
22 validated those results.

23 MR. KAINS: Who don't you just ask him that
24 and then we can go -- move on.

25 MR. JACOBI: But I'd like to show him --

1 (Multiple individuals speaking at the same time.)

2 MR. LUETKEHANS: -- but what you're trying to
3 do is put back door into evidence something that has no
4 support in the record.

5 MR. JACOBI: It's already in evidence --

6 MR. LUETKEHANS: -- no, it's not. No one can
7 read your report and see this. That's the problem.

8 MR. KAINS: All right, gentlemen. I think
9 for our purposes, and what this witness can testify to,
10 ask him specifically with respect to the other three
11 receptors. You can ask each one, is their modeling
12 result consistent -- or does their modeling result show
13 that it is compliant with Illinois Pollution and Control
14 Board Sound Regulations.

15 MR. JACOBI: I will ask that question. May
16 I be allowed to use my demonstrative exhibit to do so?

17 MR. LUETKEHANS: I'm going to object because
18 no one is here to lay a foundation for them, and he sure
19 can't --

20 MR. JACOBI: They're demonstrative and not
21 --

22 MR. KAINS: We'll let them in for the
23 purpose of what they show, but I think we just need to
24 get to the point whether it's compliant or not.

25 MR. KEYT: I'm going to clarify an objection

1 for the record, just so it's clear, I think the maps
2 that the applicant's attorney is showing, has references
3 to, I guess, lines which show a boundary of what some
4 sound might be. I don't think it's fair to ask the
5 witness whether this comports with the same as what he's
6 done, because it's not his map that he's been generated,
7 but subject to that...

8 MR. KAINS: I'm going to sustain that
9 objection. Specifically if Mr. Minder knows what this
10 map shows, he can testify to it, but I think it's been
11 established that Mr. Minder modeled, or his company
12 modeled, the sound levels of these four receptors, and
13 his testimony should be about that. But go ahead,
14 Mr. Jacobi. We've got exhibits coming 44, 45 and 46? Is
15 that correct? Very good. This is when you need
16 Mr. Rayford here.

17 MR. JACOBI: I know. Everybody has the flu.
18 Mr. Keyt, which one are you marking 44?

19 MR. KEYT: I was going to mark 44 as R 18,
20 and then 45 would be the one that has receptors 115 and
21 815. And 46 would be the one showing receptor R 846.

22 Q. Did you catch that, Mr. Minder?

23 A. Yes. I have them in order.

24 Q. Mr. Minder, did your modeling validate the
25 results demonstrated on Applicant's Demonstrative

1 Exhibit Number 44, that receptor 18 is outside or --

2 MR. LUETKEHANS: I ob --

3 MR. JACOBI: -- pliant with the IPCB sound
4 limits?

5 MR. LUETKEHANS: -- ject to the form of the
6 question. If he wants to ask whether it's outside that's
7 one thing, but to conform with this, he has no idea.
8 He's already said that a number of times, and Mr. Keyt's
9 actually objected to it, and I think it was sustained.

10 MR. KAINS: Yeah, I'm going to sustain that.

11 Q. Did your modeling validate the results of the RSG
12 study that receptor 118 is compliant with IPCB
13 regulations?

14 A. Yes.

15 Q. Okay. Did your modeling validate the results of
16 the RSG study that receptors 115 and 815 are compliant
17 with the IPCB regulations?

18 A. Yes.

19 Q. Did your study validate the results of the RSG
20 study that receptor 846 is compliant with the IPCB
21 regulations?

22 A. Yes.

23 Q. I won't pass these out. Did your study validate
24 the results of the RSG -- strike that. Did your modeling
25 validate the result of the RSG study that receptor 120

1 is compliant with the IPCB regulations?

2 A. Our study -- I prefer not to go through this for
3 each receptor.

4 Q. I only have two more.

5 A. I would have to say yes, because although I don't
6 recall the specific location for the receptor that you
7 mentioned, our study did conclude that the RSG model
8 which showed that all the receptors were compliant with
9 the IPCB regulations with regard to the project.

10 Q. Your model validated that all receptors are
11 compliant, that all receptors modeled through the RSG
12 study are compliant including 120 and receptor 631?

13 MR. KEYT: I'm just going to object. I think
14 this issue has been resolved at this point.

15 MR. KAINS: Yeah. It's been asked and
16 answered and the answer is, yes, it's compliant.

17 Q. All right. I was trying to get that last one in,
18 631, but that's okay. You discussed mitigation efforts
19 earlier. I think you mentioned building a fence would be
20 one mitigation effort?

21 A. Those were examples, correct.

22 Q. Would another example be like a vegetative buffer
23 of evergreens or a tree buffer? Would that help
24 mitigate sound?

25 A. I'm not an expert on that, but I believe that

1 would serve similar to a barrier.

2 MR. JACOBI: Thank you. I don't have
3 anything further.

4 MR. KAINS: Thank you, Mr. Jacobi. Mr.
5 Luetkehans, questions for the witness?

6

7

EXAMINATION BY

8

MR. LUETKEHANS:

9

10 Q. You didn't do a deep dive into this application,
11 correct? I mean you have a lot of appears to be,
12 appears to be consistent, appears to be met. You didn't
13 go through with a fine tooth comb and try to determine
14 that all the provisions were met in this application,
15 did you?

16 A. We did try to do that, yes, but specifically
17 myself, I did not. I am relying on the work of others.

18 Q. But you have a lot of the appears to be met?

19 A. Yes.

20 Q. And a lot of appears to be consistent, correct?

21 A. Correct.

22 Q. So let's talk about the sound. One thing you say
23 is no receptors would be impacted by noise coming from
24 project turbines, correct? That's the exact words in
25 your power point, the page before?

1 A. Can you repeat the question?

2 Q. Yeah. One of the things you say is quote, no
3 receptors would be impacted by noise coming from project
4 turbines in substation in excess of Illinois regulatory
5 limits, correct?

6 A. Yes.

7 Q. And those receptors are a point on a map.
8 Correct?

9 A. Correct.

10 Q. That's where you modeled. Nowhere else, correct?

11 A. Correct.

12 Q. Because those were the measurements given to you
13 by RSG in the report. Correct?

14 A. Yes. We relied on their report, yes.

15 Q. You did this -- I think you said you did this
16 same type of analysis in Livingston County, correct?
17 Same type of review. Not this particular analysis, but
18 you did an overall review in Livingston County,
19 something similar to what you've done here?

20 A. I believe in Livingston we looked at a few
21 specific portions of the -- portions of the application,
22 and I believe sound was one of those. Yes.

23 Q. Okay. And I didn't mean to limit it to sound.
24 But you did a whole report in Livingston County,
25 correct?

1 A. Yes.

2 MR. KAINS: Mr. Keyt, what number is this?

3 MR. LUETKEHANS: I've shown the witness what
4 has been listed as Objectors' Exhibit 15. One of those,
5 Andy, I may have given some of those the wrong ones.
6 Anybody that gets a highlighted one, yell at me, would
7 you? Maybe I have them. Don't worry about it. I do
8 have it. Thank you. Sorry. Okay. Showing you what's
9 marked as Objectors' Exhibit Number 15. Do you recognize
10 this?

11 A. I do recognize this as being a report that
12 Patrick prepared, yes.

13 Q. In fact you signed it, correct, on page 15?

14 A. I did, yes.

15 Q. And did you do the presentation for Livingston? I
16 think you did, correct? Or was that Chris Burner who
17 did that?

18 A. I believe -- it was not me.

19 Q. Okay. But this is Patrick Engineering's report
20 related to its review of decommissioning costs in
21 particular as it related to the Livingston County
22 project in 2015, correct?

23 A. Yes.

24 Q. Okay. I think a quick review of my firm's web
25 site would tell everybody that I have represented, and

1 often times do represent Patrick Engineering; however, I
2 don't know that you and I have ever met before tonight,
3 correct?

4 A. Correct.

5 Q. And did you know when you were preparing this
6 report that I had any involvement in this hearing?

7 A. I was aware that you were involved in this
8 hearing. Yes, I did.

9 Q. Okay. It did not affect your opinions one way or
10 the other thought, correct?

11 A. No.

12 Q. Okay. Have you and I ever previously discussed
13 this opinion of yours related to this project?

14 A. No.

15 Q. One of the items that you mentioned here is that
16 the aggregate -- related to the aggregate used for
17 access roads, correct? In your report in this case --
18 I'm sorry. Not in that case. We won't talk about that
19 for a while. We'll stay on this case.

20 A. Okay.

21 Q. One of the things that you mentioned here in your
22 power point is the aggregate used for access roads,
23 correct?

24 A. Yes.

25 Q. And the number of feet of access roads is, I've

1 heard tonight for the first time, is still to be
2 determined. Is that how you heard it?

3 A. Correct.

4 Q. And this is under the Applicant's power, how many
5 feet of access roads they have, correct?

6 A. Correct.

7 Q. And access roads, just so we're all on the same
8 page, is that area between the public road and the wind
9 turbine, correct?

10 A. Yes.

11 Q. Okay. The other night, I have to admit,
12 Mr. Carlson said the access roads locations were already
13 determined. So I'm a little confused tonight. You said,
14 or I think, the Applicant normally has this location of
15 access roads usually in place at this stage, correct?

16 A. They usually have them placed out pretty well.

17 Q. Okay.

18 A. Yes.

19 Q. I also noticed some hesitancy, and I'm not trying
20 to put words into your mouth, but you were asked about
21 when the decommissioning plan was acquired, whether it
22 was not or at the building permit stage under the Piatt
23 County ordinance. I noticed some hesitancy. Are you sure
24 one way or another?

25 A. I don't recall specifically.

1 Q. And that's fine. I just wanted to make sure that
2 you, um -- okay. Let's go back to the access roads. Do
3 you recall that section 3.1.5 of the decommissioning
4 plan, that the Applicant submitted, discusses reusing
5 the aggregate on public roads. Do you remember that?

6 A. Yes, I do.

7 Q. You may not remember the section, but the comment
8 per say or in particular. We heard earlier in the
9 hearing that this aggregate would be CA6. That would
10 make sense, correct?

11 A. CA6 is the typical used for a road base, yes.

12 Q. I think we would agree that that's normal. We
13 heard that in the hearing with Mr. Carlson. That's the
14 normal kind of gravel, CA5, CA6, that would be used,
15 correct?

16 A. CA6, yes.

17 Q. CA6 refers to the size, the six refers to the
18 size of the gravel?

19 A. The CA6 is -- refers to IDOT's designation for
20 that particular size of gravel.

21 Q. And let's talk about IDOT specs for a second. You
22 cannot use dirty IDOT specs -- or dirty CA6 under the
23 IDOT specs, correct? It has to be clean?

24 A. Generally, yes. It is intended to be clean in
25 most cases, yeah.

1 Q. And you talk about reprocessing or disposal costs
2 should be included in the removal costs for that exact
3 reason, right? I mean you wouldn't put dirty CA6 back on
4 a public road.

5 A. Correct. You would generally want to have it, as
6 you say, be a clean material that meets the spec,
7 because when it's laid down, over the course of time,
8 other dirt material's going to get in there, and as you
9 pull it out it's not going to be the same material as it
10 was when the it was laid down.

11 Q. And you're familiar with the fact that IDOT
12 actually has people who go to the plant, the material
13 plants, and say -- and actually review the CA6 to make
14 sure it's compliant before it leaves the site?

15 A. Typically, there is testing involved to make sure
16 that the aggregate meets IDOT specification.

17 Q. IDOT certifies it before it goes out in that
18 essence?

19 A. As I understand, yes.

20 Q. That's my understanding too. So what we don't
21 know today is, we cannot tell, can we, if those
22 reprocessing costs or the costs to haul away the CA6 are
23 more expensive than the actual value of the CA6 sold?
24 We don't know that, do we?

25 A. No, we don't know.

1 Q. Also in order to determine the costs to haul or
2 reprocess the aggregate from the access roads, another
3 thing you need to know is the length of the access
4 roads, correct? That's why you pointed it out?

5 A. Yes.

6 Q. And transportation costs often times are one of
7 the heaviest costs related to -- or excuse me, one of
8 the greatest costs related to aggregate. How far do I
9 have to take it? Often times it's much more expensive
10 than the ton of aggregate, correct?

11 A. I'm not sure I follow.

12 Q. That was an awful question. So let's move on from
13 that. Let's try it again. The costs of CA6 itself, is
14 somewhere five, six, seven -- times six, seven dollars a
15 ton. Is that a fair statement, or somewhere in that
16 range?

17 A. I can't say.

18 Q. But often times, let's assume it's six, seven,
19 ten. Often times the costs to transport that may be
20 equal to or more than the costs of the tonnage,
21 depending on how far you have to go?

22 A. That depends.

23 Q. If I have to travel a hundred miles to get rid of
24 it, it's going to cost more than it would to -- more
25 than it's worth to sell. Would that be fair to say or

1 no?

2 A. Again, I'm not sure I follow.

3 Q. Okay. Forget it. It's not that important. The
4 point is, what we don't know right now is, whether this
5 aggregate has a value, or whether it's a cost by what
6 you have in front of you, correct?

7 A. Yeah. What we don't understand at this point is
8 how much material we're talking about and how far it
9 would need to be moved.

10 Q. And those are the two things you need to know, to
11 know whether there's a value or not to the aggregate
12 when it's pulled up and all those things that go with
13 it?

14 A. Yes.

15 Q. And one of the other things when you pull up
16 aggregate besides if you're cleaning it, you've got to
17 have a bulldozer to pull it up, you have to have that
18 loaded into a truck, correct?

19 A. Yes.

20 Q. Also, I think you said, we can't tell whether the
21 scrap metal price includes transportation costs, can we,
22 by what we have in front of us in the decommissioning
23 plan?

24 A. Yes, it was unclear to us.

25 Q. Again, the costs to haul the scrap metal may even

1 exceed the amount paid for the scrap depending on how
2 far you have to transport?

3 A. Correct, yes. The costs of transportation will
4 vary.

5 Q. Yeah. And do you know what a union truck driver
6 is charging -- costing these days to an aggregate
7 hauler?

8 A. I do not.

9 Q. But we don't know either by the face of this
10 report, correct?

11 A. Correct.

12 Q. Would you agree that with the detail given here,
13 there's not enough information provided to determine to
14 a reasonable degree of engineering certainty whether the
15 cost estimates on the last page provided in the
16 decommissioning plan is going to be sufficient to
17 actually cover the costs of decommissioning?

18 A. I think that's a true statement.

19 Q. I want to go to your decommissioning report,
20 Objector 15, if you can go to it real quick. I'll just
21 point to a couple pages.

22 A. This here?

23 Q. Yeah, the one from 2015.

24 MR. JACOBI: I object. What's the relevance
25 of reviewing the Livingston County report for a project

1 that was vastly different, from seven years ago?

2 MR. KAINS: Mr. Luetkehans?

3 MR. LUETKEHANS: The point is, this is the
4 kind of detail -- if we had this detail, we would be
5 able to make the kind of determinations made in
6 Livingston County, and we're gonna show in about three
7 questions how off one is if one sees that detail that
8 one can receive.

9 MR. JACOBI: The Livingston County ordinance
10 is different from the Piatt County ordinance. The Piatt
11 County ordinance doesn't require a building
12 decommissioning plan at this state. It doesn't require
13 one until the building permits. So to try to
14 demonstrate that the decommissioning plan here is
15 insufficient is irrelevant to the determination in the
16 first place --

17 MR. LUETKEHANS: And I don't think it's been
18 determined, at least to my satisfaction, when the
19 decommissioning plan is to be filed. I have a different
20 opinion which we'll talk about in closing as to when the
21 decommissioning plan's required.

22 MR. JACOBI: Well it's certainly required
23 after this stage.

24 MR. KAINS: I'm going to overrule the
25 objection. Mr. Luetkehans, you said you had

1 approximately three questions with respect to the
2 seven-year-old Livingston County situation.

3 Q. Yeah, it'll be quick. If you can go to page
4 twelve, the second paragraph, in the summary, in that
5 report you found the actual costs to be 71% higher than
6 the decommissioning estimate provided by the wind
7 company in that case, correct?

8 A. Yes.

9 Q. Okay, in looking at page thirteen, that estimate
10 only included removing, if you look down at the bottom
11 the third, I guess it's the fourth asterisk at the
12 bottom, the fourth note.

13 A. Okay.

14 Q. That plan estimate only included removing 50% of
15 the access roads, correct?

16 A. Our estimate did.

17 Q. And that was -- I don't know if you recall this,
18 but it came out in the testimony that that was because
19 Livingston County asked you to just do 50%. Do you
20 recall that?

21 A. I don't recall.

22 Q. Okay. But this was just based only on a 50%
23 removal of access roads, right?

24 A. It appears to be, yes.

25 Q. One second, but I don't think I have anything

1 else. Nothing further. Thank you.

2 MR. KAINS: Very good. Thank you,
3 Mr. Luetkehans. Mr. Minder has been on the hot seat for
4 over an hour. You get half a water.

5 (Laughter in the room.)

6 A. Thank you very much.

7 MR. KAINS: Are there questions for this
8 witness from members of the -- I need to ask if there
9 are any other licensed attorneys in the room with
10 questions for Mr. Minder. Questions from other
11 interested parties, members of the public, whatever side
12 you're on, or if you're not on a side, are there any
13 questions for this witness with respect to his testimony
14 this evening? Very good. Questions from Piatt County
15 staff and consultants? Re-direct, Mr. Keyt?

16 MR. KEYT: Nothing further.

17 MR. KAINS: Nothing. Very good. Final
18 questions come from members of the Zoning Board of
19 Appeals.

20 MR. JACOBI: Mr. Kains, I did have one. Can
21 I be allowed one follow-up?

22 MR. KAINS: Okay. You can have one
23 follow-up clarification of something that Mr. Luetkehans
24 raised. Yes.

25

1 FURTHER EXAMINATION BY

2 MR. JACOBI:

3

4 Q. Mr. Minder, would reviewing the Piatt County WECS
5 ordinance help refresh your recollection as to when the
6 decommissioning plan is required in this county, if I
7 showed it to you?

8 A. I'm sorry. Could you repeat that please?

9 Q. If I showed you the WECS ordinance provision
10 relevant to when the decommissioning plan is required in
11 this County, would that refresh your recollection?

12 A. I believe so.

13 Q. Okay.

14 MR. KAINS: Go right ahead. I think we all
15 want to know.

16 (Laughter in the room.)

17 A. First paragraph says, WECS project must provide a
18 decommissioning plan to ensure that the WECS equipment
19 is removed and land is restored to its previous use upon
20 the end of the project's life before a construction
21 permit is issued.

22 Q. Thank you. Mr. Minder, does that refresh your
23 recollection that the decommissioning plan is required
24 before a construction permit is issued?

25 A. Yes.

1 Q. Would you agree with that statement?

2 A. Yes.

3 MR. JACOBI: Thank you. No further
4 questions.

5 MR. KAINS: Mr. Luetkehans, anything else?

6 MR. LUETKEHANS: No.

7 MR. KAINS: Board? Very good. Mr. Minder,
8 thank you very much. You may step down and you are
9 excused. We appreciate your testimony.

10 (WITNESS EXCUSED.)

11

12 MR. KAINS: Now the Piatt County Zoning
13 Board of Appeals had requested the opportunity to recall
14 certain witnesses who have previously testified. The
15 following three witnesses will be called. They have
16 already been -- they've already given their
17 presentation. They've already testified. They've been
18 cross-examined thoroughly by counsel, by the Board, by
19 the folks in the room. Now they're being recalled for
20 the purpose of having questions received by them from
21 Members of the Zoning Board of Appeals. And the first
22 witness that will be called is Dr. David Loomis.
23 Dr. Loomis, where would you like to be? Do you want to
24 be at the table?

25 DR. LOOMIS: Sure.

1 MR. KAINS: That's fine. Dr. Loomis, would
2 you raise your right hand and be sworn.

3 **(WITNESS SWORN.)**

4
5 D A V I D L O O M I S
6 recalled as a witness in the above-entitled matter,
7 having been first duly sworn, was examined and testified
8 as follows:

9
10 MR. KAINS: And you are David Loomis,
11 correct?

12 A. Correct.

13 MR. KAINS: Remind us again of your
14 expertise just in a nutshell.

15 A. I have a Ph.D. in Economics. I've been a
16 Professor at Illinois State University in the Economics
17 Department for 25, 26 years, and I have been involved in
18 renewable energy, wind energy for at least the last
19 fifteen, twenty years.

20 MR. KAINS: And Dr. Loomis, you gave
21 testimony on November 22nd, 2022 with respect to an
22 economic analysis report that you prepared?

23 A. That's correct.

24 MR. KAINS: Very good. All right. Members of
25 the Board, questions for Dr. Loomis. Mr. Harrington.

1 EXAMINATION BY

2 MR. HARRINGTON:

3
4 Q. Unfortunately I wasn't here the evening you
5 presented, but something I had an interest in was how
6 far did your study or findings get into the tax base of
7 this proposed wind farm?

8 A. Pretty extensive in terms of the property taxes
9 that would be collected.

10 Q. To that effect, could you maybe walk through say
11 one turbine as to how you calculated that?

12 A. Sure. So there is a State law that provides a
13 valuation on a per megawatt basis. So it will depend on,
14 you know, the size of the turbine here. I did it in
15 aggregate, and then broke it out by taxing jurisdiction.
16 So it was by county, by township, by school district,
17 and so forth, those numbers. So I don't have them on a
18 per turbine basis, but in general what I did was take
19 that megawatt of equalized assessed value, and then I
20 used the current tax rates for each of the taxing
21 jurisdictions. In order to be conservative in terms of
22 that tax revenue, I didn't assume that the millage rate
23 increased, so I kept the millage rate constant over the
24 life of the project. And I also used what I considered
25 to be a conservative assumption in terms of inflation,

1 because the formula that's given by the State mandates a
2 depreciation schedule which is 4% a year, but also takes
3 into account inflation over time, so I needed to have a
4 future forecast of inflation, and I used 2.8% as my
5 forecasted inflation, and assumed that that was constant
6 throughout the time period of the project.

7 Q. I understand. So if I'm hearing you right if the
8 State mandates 4% depreciation annually, and you're
9 applying a 2.8% inflation rate, is it fair to say that
10 the value of the structure drops annually?

11 A. That's correct, and that was shown both on the
12 slides that I presented initially, or in the previous
13 time, as well as in the report, and that's why I like to
14 step out each year so that it's not just, you know, say
15 the starting value, but I also provided kind of the
16 total over the thirty years, and an estimated annual
17 average. I will say with the depreciation it's 4% a year
18 until the project has 70% depreciation. So in other
19 words, 30% of its original value so it doesn't
20 depreciate all the way down to zero where it would have
21 no value. There's a limit to how much depreciation they
22 take. And so what happens is you see a declining value
23 until it hits that maximum, and then you start seeing
24 the taxable value increase after that point, because you
25 still have inflation, but you've taken the maximum

1 amount of depreciation that you can.

2 Q. Good to know. So it bottoms out at 70%, correct?

3 A. Yeah, you can take more than 70% or 30% of the
4 original value has to be the value that's retained at
5 it's bottom.

6 Q. Correct me, it sounds like your study looked at
7 the entire farm's productivity of tax, not an individual
8 tower, correct?

9 A. Correct. Although so when we did the analysis, we
10 took -- in the final version it was taking the exact
11 turbine locations with the fifty primary locations in
12 the analysis. So we looked at the exact location of that
13 turbine, what the taxing districts would be for that
14 turbine, but then we aggregated it up to say how many
15 turbines are in this school district, how many turbines
16 are in that school district in order to get an estimate
17 for each year.

18 Q. Very good. So that being said, you can't give me
19 an annual accrual for one turbine because you didn't
20 figure it that way. I understand.

21 A. Right.

22 Q. I guess the only other thing I would have with
23 regard to tax is, I was curious if any of these accrued
24 property taxes for this particular project displace any
25 other federal or state funding to these taxing bodies?

1 A. Yes. So the one -- the only one that I am aware
2 of that has the potential kind of -- to kind of crowd
3 out, as you say, other funding sources, is with school
4 districts. So as we look at school districts, the State
5 aid formula does take into account the local area taxing
6 base, when it considers the State aid. But in this
7 particular situation, given the school districts that
8 are involved in this project, and given the school
9 funding formula, it will not impact their State aid,
10 given the current circumstances and funding formula. So
11 these school districts won't experience that kind of
12 crowding out. They won't get less in terms of State aid
13 for the fact that the wind farm comes into existence.

14 Q. Why is that?

15 A. Because each of the school districts that we have
16 in this situation are what's called Tier 4 school
17 districts, meaning that in the school district the
18 school funding formula, they have four tiers, depending
19 on their local resource adequacy. So they look at their
20 tax base and they look at their student population and
21 go into detailed calculations of, you know, how many of
22 the student population are English language learners and
23 what's your daily attendance, all of those kind of
24 factors to build this up to say this is what it takes to
25 educate this student population, here's your local

1 resource, and how much is it adequacy. And so the Tier
2 1 gets cut off at 68% adequacy. Tier 2 is 90%. Tier 3
3 is 100%, and Tier 4 is greater than 100%. So according
4 to the State formula, I know the school superintendents
5 wouldn't agree with this assessment necessarily, but
6 according to this formula, they have adequate local
7 resources to educate the population.

8 Q. I see. You said the current situation. Is there
9 something about that that leads me to believe it could
10 change?

11 A. Well, I think it was -- it's been at least four
12 years, five years since we're under this new funding
13 program. So when I was starting to look at these, we had
14 a different funding formula, and that was a big deal for
15 the State to change the way we're going to take State
16 revenues to fund school districts. So I have no
17 knowledge of plans to, you know, change anything, but
18 there was kind of a major shift in the funding formula.
19 So what had happened say under the old formula that was
20 in effect five, six years ago is different than what's
21 in effect in the current funding formula.

22 Q. I see. Who is it by chance at the State level
23 that determines Tier 1, Tier 2, Tier 3, Tier 4?

24 A. So, the Illinois State Board of Education, ISBE,
25 puts together a spread sheet that you can go out and

1 down load that has their, you know, all the statistics
2 for every school district in the State, and then their
3 funding formula with all the details, you know, by
4 school district and say what's their local resource
5 adequacy, and what did they get in new monies that are
6 allocated or potentially allocated by the State
7 legislature and so forth. So that's available. So the
8 funding formula is in law, but the State Board of
9 Education, you know, is the one responsible for
10 gathering all of the statistics and putting all of the
11 numbers together.

12 Q. So essentially the State association that
13 assesses or gives each school district this tear rating?

14 A. That's right.

15 Q. So in your example where apparently other school
16 districts have, as you described it, crowding out, could
17 you maybe go a little further and tell me, it simply
18 displaces free appropriated funds? Or how does that
19 work?

20 A. So, in the law there is a provision that's called
21 the hold harmless agreement, a provision that says no
22 school district gets less funding than they got the
23 previous year. So there's not, under this law, a
24 decrease. So you don't have a crowding out ever, saying
25 I got, you know, nine million last year and now I'm only

1 getting eight million. That never happens. If you got
2 nine million this year, the minimum you're gonna get is
3 nine million and into the future. The issue comes with
4 new money. So this is over and above. It would be the
5 State legislature allocates in the State budget
6 additional money over and above what the Board of
7 Education had gotten to distribute, and there was
8 supposed to be ten million dollars of new money each
9 year for ten years so that we would have an additional
10 hundred million dollars over time allocated to school
11 districts. That new money is what gets
12 disproportionately allocated to the poorest school
13 districts. So everybody gets something of the new money.
14 Nobody gets nothing. But the Tier 4 school districts get
15 a very low percentage. It's less than 1% of the new
16 money. It may even been one tenth of a percent, but I
17 don't recall that for sure, but it's definitely less
18 than one percent. And so everybody gets a piece of the
19 pie of this new money out, but the Tier 4 school
20 districts that already have adequate resources get a
21 very very slim piece of the pie, and the tear districts
22 that were the poorest, the Tier 1 at 68%, they get on
23 the order of about half of the money, of this new money,
24 and Tier 2 gets about half of the money, and there's
25 fewer Tier 2 ones. So it goes less around. Tier 3

1 which is the 100% cut-off gets on the order of about 1%
2 and the Tier 4 get a tenth of a percent. So it's really
3 going to say we want this new money to go toward the
4 poorest school districts in the State.

5 Q. So would it be fair to say that in regards to the
6 new money or additional appropriations, there's where
7 the additional tax base could crowd that out or
8 basically take its place; is that correct?

9 A. Well, in this case, if you're a Tier 4 school
10 district, you don't have any crowding out. You're just
11 more of a Tier 4 school district, you know, your
12 resource adequacy goes from a hundred and four percent
13 say of that to a hundred and eight percent or a hundred
14 and ten percent. So you're still getting a really thin
15 slice of the pie. So there's no crowding out. You
16 still get a thin slice of the pie. So that's why I said
17 it's pretty definitive in this case that there's no
18 crowding out, because they're already in the highest
19 tier. The example might be if you were in a Tier 4
20 school district with low resource adequacy and the wind
21 farm comes in, or Tier 1, yeah Tier 1, the lowest level,
22 if you then had more local resources, you might not --
23 you might experience crowding out, but in this case
24 you're not -- it's definitive that you're not going to
25 experience that.

1 Q. I understand they're not applicable. In regards
2 to the taxing assessment by the State. If by chance a
3 wind farm would change the size of that turbine, meaning
4 the megawatt, I assume it refers to it on the main
5 blade, if they would change that, does that change the
6 value of it?

7 A. So it's based -- excuse me, it's based on
8 megawatt capacity. They can't, in a sense, change the
9 megawatt rating of a turbine. It will be what it is. But
10 there have been cases of re-powering in the State where
11 they would take and replace turbines and put up larger
12 turbines. In that case, they would then be subject to
13 higher taxation because they have higher megawatt
14 turbines and the wind farm would be having to pay more
15 taxes.

16 MR. HARRINGTON: Very good. That's all I
17 have.

18 MR. KAINS: Very good. Thank you,
19 Mr. Harrington. Mr. Chambers?

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1 EXAMINATION BY

2 MR. CHAMBERS:

3
4 Q. Mr. Loomis, -- Dr. Loomis, sorry. Some of the
5 questions I have are in relation to the employment
6 impact part of your report, on page 14, and then
7 following that, the total earnings impact, on page 16.
8 So this is part of the report that I've tried to get my
9 mind around the numbers here, so just to review a little
10 bit of the numbers here. So this is, of course, using
11 what's referred to as the JEDI model here to model these
12 numbers. But for Piatt County, in the construction
13 phase, the projection of new local jobs during
14 construction in total is five hundred eighty-five, and
15 then for the long-term outlook, excluding construction,
16 the total job impact is modeled at thirty local jobs
17 with only eight of those being a permanent employee on
18 site. So with my knowledge of Piatt County, basically
19 just the thinking about the population, population
20 density, this is where I had trouble with these numbers,
21 Mansfield's population is somewhere between nine hundred
22 and a thousand. Deland's population is under five
23 hundred. Then you have, you know, sparse population in
24 the surrounding rural area which, you know, I can't
25 really guess to what that population would be, but I

1 have a hard time believing that there's enough places in
2 the area for that five hundred eighty-five jobs to go
3 to, because that's a very significant percentage of the
4 population as a whole for this area of the County. So
5 the questions I would have for you are, is there any --
6 for the modeling for the JEDI model specifically, is
7 there any sort of validation process for that where you
8 get -- you get different reports and post, you know,
9 post modeling survey done that can speak to the, you
10 know, that mix there of those employment estimates?

11 A. Yeah, there's not kind of a post model survey
12 there that provides that validation of the results. The
13 numbers are Piatt County specific, that come even though
14 it's the JEDI model that's coming from IMPLAN which
15 provides county specific numbers that look at all the,
16 you know, industry inner relationships and so forth, and
17 those do get updated, um, so there's updated statistics
18 that come out annually for those numbers, um, associated
19 with that. So those get regularly updated, but it's not
20 kind of project specific to, you know, to this project
21 or to this wind farm.

22 Q. I guess a question for you, with this modeling
23 data and the population of the County and it being more
24 sparsely populated, more rural, do you view that these
25 estimates in here as, you know, for example the 585

1 Piatt County jobs during construction and the thirty
2 permanent long-term jobs during construction, do you
3 view that as a high estimate compared to what you would
4 just assume by examining the demographics of the County?

5 A. I think I acknowledged, you know, when I did the
6 presentation, and it's in, um, in my report earlier that
7 shows kind of the, you know, employment by industry.
8 It's on page eight that, um, you know, this would be,
9 um, large employment numbers by County employment
10 standards for Piatt County, um, that are there, and even
11 if we look at, um, you know, the current employment in
12 construction for Piatt County, in that table, is, um
13 356. So you'd have to see an increase in construction
14 employment, um, to be able to fulfill the number of
15 positions that would be here. I will note though that
16 all of those 585 jobs are not all construction jobs as
17 we think about those. That would really be the 239 jobs
18 that would be primarily, um, you know, on-site labor
19 that we would think of as construction jobs, and so the
20 other jobs aren't necessarily in the construction
21 sector, but they would be in -- they could be in some
22 construction lines, but could be in other industry
23 segments.

24 Q. Okay, thank you. Follow-up questions to what we
25 talked about, you know, let's assume for a moment that

1 that 585 is high, and thirty long-term is high compared
2 to, uh, whatever -- whatever would really occur. Do the
3 numbers in the total earnings report, are they
4 correlated to -- to the results in table three? So in
5 other words, are the total economic impact numbers based
6 on the bodies that would be represented by the
7 employment numbers in table three?

8 A. Yeah, table three and table four are related to
9 each other, are linked together, so those earnings in
10 aggregate would correspond with that number of jobs.

11 Q. So if one goes up or down, the other goes up or
12 down?

13 A. Yes.

14 MR. CHAMBERS: Okay. That's all I've got.
15 Thank you.

16 MR. KAINS: Very good. Thank you,
17 Mr. Chambers. Any other questions for Dr. Loomis from
18 the Zoning Board of Appeals? Doctor Loomis, thank you
19 for coming back and testifying. You're excused.

20 A. Thank you.

21 MR. KAINS: We're going to take a break.
22 After the break, Adam Carlson will testify, then Scott
23 Koziar, and then we will get back to folks who are
24 opposed to the supplemental use permit application.
25 It's 7:43, I believe. Let's come back at 7:53.

1 Mr. Jacobi?

2 MR. JACOBI: Is Dr. Loomis released?

3 MR. KAINS: Yes. Let's come back at 7:53,
4 please.

5 (RECESS TAKEN.)

6 MR. KAINS: Okay folks, if you could find
7 your seats, please. All right. Jamie, we're back on
8 the record. The Piatt County Zoning Board of Appeals has
9 requested that a Mr. Adam Carlson, Construction Project
10 Manager be recalled for questions from the Zoning Board.
11 Mr. Carlson previously testified on December the 6th of
12 2022, was subject to -- he gave presentation, and was
13 subject to cross-examination by a number of interested
14 parties and also by the Board. The Board has additional
15 questions. Mr. Carlson, could you please raise your
16 right hand and be sworn.

17 (WITNESS SWORN.)

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1 A D A M C A R L S O N

2 recalled as a witness in the above-entitled cause,
3 having been first duly sworn, was examined and testified
4 as follows:

5

6 MR. KAINS: Would you please state your name,
7 spelling your first and last names for the record.

8 MR. CARLSON: Adam Carlson. A-D-A-M,
9 C-A-R-L-S-O-N.

10 MR. KAINS: And you are employed by Apex; is
11 that correct?

12 MR. CARLSON: Correct.

13 MR. KAINS: And what is your title?

14 MR. CARLSON: Project manager.

15 MR. KAINS: And are you going to be the
16 project Manager on this particular project?

17 MR. CARLSON: Yes, sir.

18 MR. KAINS: Very good. Questions for
19 Mr. Carlson from the Piatt County Zoning Board of
20 Appeals? Go ahead, Mr. Harrington.

21

22

23

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25

1 EXAMINATION BY

2 MR. HARRINGTON:

3
4 Q. So at last when you presented, one of the items
5 of concern for us was the agreeance of local and
6 effective drainage districts?

7 A. Yes.

8 Q. And written consent.

9 A. Yes.

10 Q. Have you made any progress or do you know of any
11 further additional information there?

12 A. Yes, we've made progress since I last testified.
13 We have the drainage agreements that were supplied by
14 Deland and Trenkle Slough completed, all of the exhibits
15 completed, and have been in communication with Amy
16 Rupiper on submitting all that electronically and hard
17 copies. The thing we were waiting for the was the next
18 draw for our checks for the permit application fees.
19 That goes out on Thursday of this week. So those are the
20 two largest districts. We know exactly where the
21 crossings are, and -- well and the same for all the
22 other drainage districts. We know where all the
23 crossings are located, and I've been in contact with all
24 the drainage commissioners for the locations of where
25 our collection line crosses. We've actually made access

1 road changes to minimize any going over district
2 drainage tile. There's only one location where we
3 couldn't do that, but that is, um -- we have
4 communicated with the drainage district on that
5 location. Um, so for the Goose Creek Districts, we've
6 supplied our drainage district agreement. Their lawyers
7 have that. What I'm expecting is once we submit
8 everything to all of the drainage districts come this
9 Thursday, we'll be getting more correspondence back from
10 all of the drainage districts.

11 Q. So if I understand you right, you have submitted
12 your proposal to these districts. You haven't gained
13 written consent from them yet?

14 A. We have not gained written consent for any
15 districts.

16 Q. That's what I was looking for. I getcha. I
17 getcha. Right. You've communicated with them, but you
18 haven't heard back?

19 A. Yes.

20 MR. HARRINGTON: I gotcha. That's all I've
21 got.

22 MR. KAINS: Any other questions for
23 Mr. Carlson from Members of the Zoning Board of Appeals?
24 Mr. Chambers?

25

1 EXAMINATION BY

2 MR. CHAMBERS:

3
4 Q. The question I would have, since we've talked
5 today about the depth for restoration, that four foot
6 versus five foot discussion there. On the construction
7 side or deconstruction side of things, how much more
8 difficult is it to restore to five foot on those bases
9 rather than four foot?

10 A. It depends on the specific foundation design and
11 how deep the pedestal is, but I can't answer that
12 question right now.

13 Q. So you're not sure specifically how deep the
14 pedestal is as designed now, if that would be five foot?

15 A. No. The foundation design will be completed the
16 second week of January, and then that will be submitted
17 with the stamped license from the State of Illinois as
18 part of the building permit. So every one will be able
19 to see that. Yes.

20 MR. CHAMBERS: Thank you.

21 MR. KAINS: Any other questions for
22 Mr. Carlson? Yes, Mr. Harrington.

23

24

25

1 FURTHER EXAMINATION BY

2 MR. HARRINGTON:

3
4 Q. In regards to your proposed map, you have
5 multiple locations, and your underground connection
6 line, right? Collection line may be how you referred to
7 them. We were wondering: (A) you are taking that into
8 account in regards to the drainage I assume?

9 A. Yes. That's the main consideration, because we
10 have to bore under district drain tile. That's what
11 we're proposing to do to minimize effectiveness.

12 Q. Another question in hand there in regards to
13 that, the last time we talked, I had asked a few
14 questions about that map, and you said well you know
15 this and that wasn't necessarily set in stone. As that
16 changes, how are you communicating to those drainage
17 districts?

18 A. Yes. That's a good point. I think it's
19 communication with several different groups. So first
20 working with the drainage districts letting them know
21 that there's a change and incorporating that into
22 design. So then I'd be communicating that with our
23 engineering teams and while at least developing the
24 collection system design. But I already went through one
25 round of that here. Once we -- we had to make a minor

1 change as to our collection cable crossing U.S. 150,
2 just combining all of those collection cables into one
3 run, and there was going to be some IDOT work going on
4 in the future there that the IDOT group had communicated
5 to us. So that was one example where, you know, we made
6 that change, incorporated for that ditch that just runs
7 south of there, parallels U.S. 150, just south of there.

8 Q. Uh-huh.

9 A. So, we updated that, updated our exhibits, and
10 that will be a location that we will be submitting on
11 Thursday.

12 Q. Another item in regards to those collection
13 lines, the question had been asked, so when you install
14 those -- go ahead, Kyle, what was it you wanted to know
15 if they pulled the cable, or if they buried it, direct
16 burial.

17 MR. LOVIN: Are you pulling it through
18 conduit or is it just one big cable going in the ground?

19 A. It would be a triplex bundle, so you have the
20 three collection cables and then there's a fiber that's
21 there too, so that would be the fourth cable. Unless
22 you're going underneath like a railroad or pipe line or
23 into like a county road, then you wouldn't have a
24 conduit or a sheath to the collection cable.

25

1 (Continued Examination by Mr. Harrington.)

2 Q. What's your estimated depth?

3 A. It's sixty inches, so five feet. That's the
4 minimum depth across the board and then we bore deeper
5 than that usually.

6 MR. LOVIN: So if this is all said and done,
7 say there is a decommissioning, are you pulling that all
8 back out of the ground or are you cutting wire and
9 that's it?

10 A. The intention would not to be taking that out of
11 the ground because of the depth requirement from AIMA
12 and the ordinance, so five feet or deeper you can leave
13 the collection cable in the ground. Now I wouldn't say
14 that that would minimize the agricultural impact. If
15 you're taking it out, you could be impacting drainage
16 tile and you could impact farming operations. So it
17 would be prudent to leave it in the ground. The
18 decommissioning plan explains that and says that. Just
19 the fact that the cable's in the ground, it's not going
20 to be impacting the soil for the long term.

21 MR. LOVIN: Another question that pops in my
22 head is, this is in the ground, um, somebody wants to
23 tile their property, um, I have to work with you
24 obviously. Do they have to have on-site people there as
25 the project's going on so that way you have an inspector

1 there all the time?

2 A. So this would be, if -- that's a really good
3 question. I actually just had a discussion with a tenant
4 farmer yesterday, about two days ago about this, because
5 they have plans for future drainage, they're asking me
6 the exact same thing. So if there's no restrictions for
7 a farmer or a tenant farmer to be building new drainage
8 tile around our collection cable, but we need to
9 communicate and go through the proper channels. So
10 working with the site team at the operations and
11 maintenance building, calling in Julie tickets, because
12 we'll want to have tickets prior to digging because
13 we're going to have to de-energize that line for the
14 safety of everybody around. So more than likely there
15 would be a site rep from Apex out there talking with
16 everybody while they're -- it's not necessarily
17 overseeing work. It's just overseeing in the terms of
18 safety, making sure that no one's hurt.

19

20 (Continued Examination by Mr. Harrington)

21 Q. A good question. How would a future, we don't
22 know who, will put tile in the future, how would they
23 contact anybody? How would they know who to get ahold
24 of?

25 A. That would be at the operations and maintenance

1 building. Anybody can go by there and...

2 Q. Do we know -- have you settled on that yet? Do
3 we know where that's gonna be?

4 A. Yes, that's the same parcel as the substation,
5 just north of the substation.

6 Q. So it's gonna be -- (two individuals talking at
7 the same time)

8 A. -- not right now --

9 Q. -- right. You say the substation. So I assume
10 that's where your high line comes out and is gonna head
11 east to the peaker plant?

12 A. Yes.

13 Q. So you're sticking with that for now?

14 A. Yes.

15 MR. KAINS: Any other questions for
16 Mr. Carlson? Yes, Mr. Foran.

17

18 EXAMINATION BY

19 MR. FORAN:

20

21 Q. We've heard the term re-power used?

22 A. Yes.

23 Q. Can you walk us through what that would look like
24 potentially?

25 A. I haven't been -- I haven't been in a project

1 where we completed a re-power. I can't answer much on
2 that or walk you through it. It just seems like a more
3 likely situation than decommissioning. Do you mean like
4 how -- like if we would disassemble a turbine and then
5 reconstruct a turbine? Is that your question?

6 Q. I guess what parts would we re-use, which parts
7 would be scrapped?

8 A. That's a really good question. There's too many
9 variables and it's too far out for me to be able to
10 explain it. Scott Koziar is next and could answer that
11 as well.

12 MR. KAINS: Any other questions for
13 Mr. Carlson from the Board? Yes, Mr. Lovin.

14

15 EXAMINATION BY

16 MR. LOVIN:

17

18 Q. I might have missed this, but the preliminary
19 ADLS tower, can you describe what that's all about? I
20 know it's for the lights, but what size and all that
21 kind of stuff?

22 A. So, it's a one hundred foot tall lattice tower,
23 and there's a radar that spins on the top. We have it --
24 the setback is two hundred feet from the road, I think
25 it's 2400 N. There's a little pink diamond --

1 MR. CHAMBERS: On 2750 East -- Sorry, 27 E.
2 2750 N. Road.

3 Q. That's where it's going, or do we know?

4 A. That's where it will be, yes. So there's fiber
5 that runs to the nearest turbine that connects to the
6 rest of the collection cable.

7 MR. KAINS: Mr. Harrington.

8

9 FURTHER EXAMINATION BY

10 MR. HARRINGTON:

11

12 Q. In regards to the -- is it ADMS or ADLS?

13 A. ADLS.

14 Q. We heard from other night from a neighboring
15 county that their ADLS malfunctions or doesn't operate
16 properly, for quite some time. What assures can you give
17 these folks that yours is gonna work, and also how many
18 lights are there on yours? Is it one or two?

19 A. That's a good question. So there's two lights
20 per tower and -- or per turbine. Due to the height, FAA
21 requirements, one assurance I can give you, we have a
22 different manufacturer for this ADLS system. That's
23 something. That's the only assurance I can give you.

24 MR. HARRINGTON: All right.

25

1 FURTHER EXAMINATION BY

2 MR. LOVIN:

3
4 Q. Do they come on -- is there a different color
5 during the day than white, or is there no --

6 A. It's the same color.

7 Q. Same color?

8 A. Yeah.

9 Q. Does weather factors, fog, anything like that,
10 determine if they should be on? Or is it just aircraft?

11 A. It's just aircraft. Just what the radar is
12 picking up.

13 MR. KAINS: Very good. Any other questions
14 for Mr. Carlson from the Board? Mr. Larson.

15
16 EXAMINATION BY

17 MR. LARSON:

18
19 Q. Are these just two lights right next to each
20 other type thing, or why -- I don't get why there's two
21 instead of one bigger one, or is it one up here
22 (indicating) and one a little further down?

23 A. It's two on the top of the turbine.

24 Q. Right next to each other?

25 A. Yes.

1 Q. What's the purpose? Just so it's more visible?

2 A. I don't know the exact purpose. I can look it up
3 after. I have an assumption, but I maybe don't want to
4 state that assumption.

5 MR. LARSON: Okay. Thanks.

6

7 FURTHER EXAMINATION BY

8 MR. CHAMBERS:

9

10 Q. You may not know this either, but if there are
11 two lights, are those alternating flashes, or are they
12 on the same frequency, same strobe?

13 A. It would usually be on the same strobe like you'd
14 see on any other wind farm around central Illinois. It's
15 usually just one.

16 Q. So it's not more frequency, it flashes --

17 A. Both of those lights connect to one lighting
18 control module. They wouldn't connect to two separate
19 ones.

20 MR. CHAMBERS: Okay.

21 MR. KAINS: Anything else for Mr. Carlson
22 from the Board? Very good. Thank you, Mr. Carlson. You
23 are excused.

24 (WITNESS EXCUSED.)

25 MR. KAINS: Mr. Kozlar. And again, Mr.

1 Kozair testified under oath on December 8th of 2022. He
2 is a Senior Vice-president with Apex, and he was
3 cross-examined by the Board and by a member of the
4 public, and he has been recalled by the Board to offer
5 additional testimony. Actually I believe, and
6 Mr. Koziar can correct me if I am wrong, he is Mr. Alan
7 Moore's boss, and Mr. Moore was not able to be here, so
8 Mr. Koziar's here in his stead. Sir, can you please
9 raise your right hand and be sworn.

10 (WITNESS SWORN.)

11
12 S C O T T K O Z I A R
13 recalled as a witness in the above-entitled cause,
14 having been first duly sworn, was examined and testified
15 as follows:

16 MR. KAINS: Sir, could you please state your
17 name, spelling first and last names for record?

18 MR. KOZIAR: Scott Koziar, S-C-O-T-T,
19 Koziar, K-O-Z-I-A-R.

20 MR. KAINS: And was I correct that you are a
21 Senior Vice-president of Apex?

22 MR. KOZIAR: You are correct, yes.

23 MR. KAINS: And Mr. Moore's supervisor?

24 MR. KOZIAR: Yes. And he's on a family
25 vacation.

1 MR. KAINS: Probably well deserved. All
2 right. Mr. Koziar, questions from Chairman Wax.

3

4

EXAMINATION BY

5

MR. WAX:

6

7 Q. Yes. Mr. Koziar, thank you for being here. We
8 talked earlier about the sound situation in a certain
9 receptor. There seemed to be a general agreement that
10 the sound from this receptor 1104 was still -- is close
11 to, but under the Illinois Pollution Control Board.
12 Should you decide that it's closer than you'd like it to
13 be and you want to play it safe, what kind of measures
14 could you take to mitigate the sound?

15 A. Yeah. That's a good question. So I will start
16 that I think there was, you know, either four or five
17 receptors that were called out by either Patrick
18 Engineering or by previous testimony from some of the
19 public or Mr. Luetkehans. So in those situations, I
20 mean the first thing is, and I think every one has
21 clarified, but to clarify, the study that they did was
22 based on 71 turbines. So all 71 were running at the same
23 time, you know, there was not any kind of environmental
24 like trees or cover taken into consideration.

25

So first of all we believe it's an extremely

1 conservative view of the sound levels. Beyond that, our
2 application, so when we first did the project, we looked
3 at 71 sites. As we got through the process and we
4 actually submitted our application, we said let's narrow
5 that down to 60. So immediately right there you're going
6 to lose 11 turbines from that study that's coming on, so
7 there are going to be sound levels that are going to be
8 reduced. There are specifically -- one of the receptors
9 on that list of four or five, the sound that was being
10 caused that was close to that property, three of those
11 turbines were ten of -- of one of the ten that we are
12 removing. So that was receptor 120. So if you look at
13 receptor 120, there was three turbine sites, a part of
14 the 71 that were in the study, that we didn't even apply
15 for in our application that couldn't even be built
16 because we didn't apply for those locations. Getting
17 further into your question, take receptor 1104 that you
18 talked about that was closer to the substation and had
19 some other turbines around it. So as we get to the
20 final 50 that will actually be built, we will re-run,
21 and this is something that we have volunteered to do, we
22 will re-run the final analysis at 50 and present that.
23 We expect that some of those levels will drop. If that
24 specific receptor is still at a certain level, there are
25 things that we can do. One of those was, you know, we

1 would be willing to do basically a post-construction
2 survey for that site. So basically after the project is
3 built, we put a receptor out there for a certain period
4 of time, and we can tell, you know, are we meeting the
5 standard or are we not meeting that standard. If it gets
6 to that point where we say hey this receptor is somehow
7 in violation, then that's a discussion that we would
8 most likely to somehow curtail that turbine, you know,
9 during that time, if it's a two-week or a three-week
10 receptor study, they can tell us, you know, what's the
11 wind direction, what's the wind speed that's causing the
12 violation, and you can curtail a turbine during that
13 time to reduce that noise.

14 Further things were talked about specifically
15 about that receptor, but on the substation, you know, we
16 talked about is there things like tree cover or a fence,
17 you know, an earthen berm or things like that, that can
18 actually reduce the potential of that, and I think that
19 those would be all mitigation options that we would
20 have, if it got to the point that, you know, we did that
21 post-construction monitoring and it was showing
22 violation. I will say that we expect that it won't. It
23 will be dropping even further below what our model is
24 saying once we get to the 50 versus the 71, but that's
25 the process we would go through.

1 MR. WAX: Okay. Thank you. I had another
2 question. I looked at the web site of the company that
3 makes your turbines, and I see there are several options
4 listed. I'm curious if you would explain the Vestas
5 shadow flicker control system. What's that consist of?

6 A. Yeah, that's a question -- so the turbine --
7 turbine manufacturer has several different options that
8 they provide to, you know, potential owners. One of them
9 is like a cold weather package, so anything that's north
10 of a certain latitude/longitude line, you're going to
11 have a cold weather package. There are things that you
12 can do with the blades, you know, for speed and for -- I
13 don't want to say alerts, but for sensors that can tell
14 you what's going on. One of the things that Vestas has
15 been looking at is basically kind of like a third -- I
16 don't want to say a third party, but an off-site, which
17 means it's not on a turbine sensor, that you can try and
18 actually measure real time, what shadow flicker may be,
19 you know, they have produced these, you know, in the
20 U.S. I don't think any have been installed, to my
21 knowledge. Typically, they will put them on the turbine
22 them self. They may put one or two on either side of
23 like the entire wind farm, and that will give you like a
24 model that you can predict and say, you know, what's the
25 shadow flicker occurring, you know, then you can

1 interpret that across the entire wind farm.

2 Q. Okay. I notice one other thing on this thing
3 that's kind of interesting. They claim to have a Vestas
4 bat protection system. How did that work?

5 A. That's a good question. They -- there is, again,
6 I would assume one of these more earlier stages, I think
7 when we talked last, and there are some new technologies
8 that are coming out, I would put this at an earlier --
9 earlier version of that, but there are certain like
10 sounds and things that can be emitted from the turbine
11 itself to try and, you know, detract a bat from being,
12 you know, in the area, or getting into the wind swept
13 area.

14 MR. WAX: Okay. Thank you.

15 MR. KAINS: Very good. Thank you, Chairman
16 Wax. Additional questions? Yes, Mr. Larson.

17

18 EXAMINATION BY

19 MR. LARSON:

20

21 Q. Say post-construction and post-operation or
22 whatever, during operation, say someone close has a
23 problem, say they're getting sick or what not, and you
24 put a receptor out there. And it still came in less than
25 the allowed, you know, the maximum, do you guys have any

1 plans to try to appease these people? Or is it just
2 tough luck, we're still within limits, or...

3 A. Yeah, so I'll answer that, that we want to do
4 what is right by the community. Um, if we go out and we
5 build it, and there is an issue that someone is
6 complaining about it or has, we will go out and
7 investigate that. If it's specifically to a sound issue,
8 typically the Illinois Board of Control will get
9 involved as well. So if there's a claim that hey this is
10 not meeting the sound limits, typically those reports
11 are going to be involved with them. Um, if it's found
12 that those noise limits are still within the acceptable
13 limit, yes, I mean I would say we will still work with
14 that person, that family to try and figure something out
15 that would work.

16 Q. Like before, there's a way to kind of manipulate
17 the turbine that would maybe --

18 A. There is, yeah. If someone's saying hey it's
19 occurring at seven o'clock in the morning, you know, I'm
20 having this issue with the sound or something, you know,
21 there's ways that maybe we try for a week and say, hey
22 look we're going to shut that turbine down for an hour
23 at seven a.m. for that week, and you know let's see if
24 that resolves the issue.

25 Q. So there is plans in place that kind of help

1 that?

2 A. Yeah, and it would be, you know, Adam spoke a
3 little bit about it. If we do set up, there's going to
4 be basically an eight hundred number. It's probably a
5 local number, you know. If people don't want to come
6 necessarily into the operation and maintenance building,
7 they can certainly call and then, you know, that gets
8 logged into our system of here's what's going on, you
9 know, someone on site will come out, talk to that
10 landowner, and we will try and resolve that issue.

11 MR. LARSON: Okay, thanks.

12 MR. KAINS: Thank you, Mr. Harrington. I
13 don't think you were in the sound engineers' union out
14 of Decatur like Kenny and Sara over there (laughter in
15 the room). All right. Are there additional questions
16 for Mr. Koziar? Yes, Mr. Harrington.

17

18 EXAMINATION BY

19 MR. HARRINGTON:

20

21 Q. One quick reference, Mr. Luetkehans, did you tell
22 me earlier that 1104 is Mr. and Mrs. Gantz?

23 MR. LUETKEHANS: Yes, sir.

24 Q. So a little bit playing off of Dan's question
25 here. So we can identify from your current map that you

1 have substation and proposed high line coming out of
2 there that will be relatively close to their property.

3 A. Uh-huh.

4 Q. I don't know how far to take this, but would you
5 be willing to communicate with them directly and to
6 figure out a different route in regards to that since
7 this is their primary residence?

8 A. Um, so to answer your question, yes, we would be
9 more than happy to sit down with them and talk about it.
10 As far as like any visual effects dealing with that
11 line, right? So I think it measured like point 27 or
12 point 28 miles from their house to the corner of where
13 that line takes us to the corner. Yeah, I mean we would
14 be happy to sit down, look at options. Is it as simple
15 as, you know, a planting of a tree buffer that would
16 work. If it's not, is it sitting down and trying to
17 re-route the line? We could certainly do that. There's
18 quite a bit more involvement in that. I think the Board
19 knows that this project is a 100% volunteer. We don't
20 have eminent domain rights, so we can only go on
21 property that is participating, you know, and so looking
22 at how we come out and come down, yes, we are willing to
23 look at all those options.

24 Q. That's good to hear. I guess the reason I ask is
25 when I look at your map I'm sure there's multiple

1 dynamics to this layout, but I would question for no
2 more information that I have, maybe you can just go a
3 different direction and not go in front of their home.

4 A. Yeah, I mean so we do look at that, and one of
5 the considerations is AIMA. And so AIMA specifically
6 asks us to be on property lines, you know, to not impact
7 farming, you know, to use models. So when we design it
8 and we look at it, it's basically running down the
9 middle of a quarter section instead of going against a
10 road or what you would typically see out there. The
11 other consideration is Ameren itself, like where we can
12 cross their line. Obviously their line being there
13 probably since the 70's, you know, whenever it was
14 built, you know, we have to work with them to cross at a
15 certain location. So there's a lot of complexities, but
16 yes we are willing to sit down and look at it. Going to
17 the west, you know, it's the same consideration, are
18 there homes there, are there other environmental issues
19 that we want to avoid. But yes, I would certainly like
20 to sit down with them and see if we can come up with a
21 solution.

22 MR. HARRINGTON: Very good. That's all I've
23 got for now.

24 MR. KAINS: Mr. Chambers.
25

1 EXAMINATION BY

2 MR. CHAMBERS:

3
4 Q. A question I have for you in relation to sound
5 levels and final siting, which I know you can't tell us
6 where you're at with final siting, but my question is,
7 is that what factors you're using in determining that
8 final siting, and are sound levels part of that, say the
9 receptors that are on the higher end of the spectrum in
10 the report?

11 A. Sure.

12 Q. Would you be looking at final siting and maybe
13 eliminating some of those problem areas?

14 A. Sure. That's a good question. So final siting,
15 you know, like I say, you can see when we originally we
16 started this, this was like 71. We went through whether
17 it's land, when I say land issues I mean like leases and
18 things like that, like with the private landowners there
19 are certain requirements we have that we can meter or
20 can't meter, we can put facilities on or can't put
21 facilities on. So that knocks out, you know ten. We
22 get down to like 60 locations that we actually applied
23 for. The final 50, yes, I mean, I would say that it
24 does, you know, sound, shadow, a big one is, you know,
25 final geotech. So we can go out and we do geotech on all

1 of our sites, but anyone in construction knows that
2 until you actually go out there and dig the entire area
3 that you're removing, you don't know necessarily what
4 you're going to get, right? You may dig down and it may
5 fill in with water and you can't use it. So that's why
6 we apply for 60 even though we're only going to build
7 50. So in that case, yes, there would be some
8 consideration of, you know, we look at it and say these
9 are the 50 best sites, you know, for wind production,
10 for, you know, cost of everything, and then we'll look
11 at it and say hey, this is one receptor, can we drop
12 that one and, you know, if that's one of the ones
13 that's, you know, causing an issue. So yes, it is a
14 part that of that process.

15 Q. So is the primary consideration more of a cost
16 analysis, or is it -- (multiple people speaking at the
17 same time.)

18 A. No. The --

19 Q. -- leaning more that way than it is the other
20 factors?

21 A. The largest factor is geotech just because it has
22 to be constructible. But beyond that I would say it's
23 all the same.

24 MR. CHAMBERS: Okay. That's all I've got.

25 MR. KAINS: Very good. Thank you,

1 Mr. Chambers. Questions from the Zoning Board?

2 Mr. Foran.

3

4

EXAMINATION BY

5

MR. FORAN:

6

7

Q. Could you speak to re-power?

8

A. Yes. So re-powering, I guess how it would work
9 is typically at the end of a life of the project, and
10 that is typically around 30 years. So I would say
11 probably in year 25, 26, 27, we would start working with
12 landowners, one because our leases may need to be
13 amended or changed. We would then work with our
14 engineering company to say here is our, you know, 50
15 turbines that we have, here's the foundations, design.
16 Can we re-power this, and they may say you can re-power
17 with these two or three models because when you put that
18 new nacelle on top with new blades obviously there is a
19 certain weight, there are certain things they have to
20 take into consideration for the foundation. So they will
21 go through a full engineering review and plan
22 certification. And when we would do that, we would then
23 have to come back to the Board, obviously that is a new
24 permit that is a new, you know, I guess project, and
25 typically when that happens, you know, if we have 50

1 turbines today at six megawatts, you know, more than
2 likely down the road maybe it's eight megawatts or ten
3 megawatts say, so you're going to drop from 50 turbines
4 maybe down to 40 or 35, and so a certain segment of
5 those would then be fully decommissioned, and then the
6 remaining ones typically, you know, you're taking down
7 the nacelle, you're taking down the blades, and that's
8 what's being replaced. In some of the older wind farms
9 where maybe the turbines are, you know, five hundred
10 feet or around five hundred feet, they can actually add
11 a new section and then put the new nacelle and blades
12 on. So there's a couple different options. The driving
13 force though is the engineering on the foundation to
14 make sure, you know, engineering-wise that it actually
15 can be built for the new re-power.

16 Q. And that is a good point just for clarification
17 too. Our permit would be for 50 turbines up to three
18 hundred megawatts. We also have an injection limit on
19 the inner connection system, so if it was re-powered so
20 would you have to be -- you would have to come back
21 anyway to the Board to get a new approval for that
22 re-power.

23 MR. KAINS: Any other questions from the
24 Board? Yes, Mr. Larson.

25

1 FURTHER EXAMINATION BY

2 MR. LARSON:

3
4 Q. So if you did come to another thing, I mean you
5 would probably just apply for a bigger megawatts system
6 and put the best you could, right?

7 A. Yeah, I would -- I mean there's obviously going
8 to be a limit at some point --

9 Q. Right.

10 A. -- but I mean common sense tells you that the
11 industry has been going larger.

12 Q. Okay.

13 A. There obviously will be a certain height
14 limitation at some point. Honestly, you know, the
15 things that are now, which are slowing down the growth
16 of turbines is the blade size and being able to get that
17 blade, you know, through roads and turning radiuses, you
18 know, you get to a certain limit and you just can't make
19 the radius itself. Industry is looking at, do we do
20 like two-part turbine blades so that you can bring them
21 in this two sections and then put them together, but
22 yeah, in theory you're going to have a larger turbine
23 and fewer of them.

24 MR. LARSON: Okay.

25

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EXAMINATION BY

MR. LOVIN:

Q. So are you going to have to run more transmission lines under ground --

A. Yeah, in that case, no.

MR. LOVIN: -- push to higher megawatts?

A. No. So each circuit, it's kind of like, you know your house, or a string of Christmas lights, you can -- typically you're allowed thirty megawatts per circuit. So in that case if we re-power -- so today if we have five turbines of six megawatts, then that's thirty megawatts on that circuit. If we come back with say a ten-megawatt turbine, you're gonna have three turbines on that circuit, so two of them, in that case, are decommissioned off that circuit.

MR. KAINS: Anything else for this witness from the Board? Very good. Thank you, Mr. Koziar, you're excused.

(WITNESS EXCUSED.)

MR. KAINS: And that concludes the recalled witnesses, witnesses recalled by the Zoning Board of Appeals.

Now on to our next witnesses. Witnesses in opposition to the Application for Special Use Permit.

1 Miss Lori Stalter. Miss Stalter, are you going to want
2 to testify, or just a three-minute public comment?

3 A. It's more than three minutes.

4 COURT REPORTER: How are you spelling Lori?

5 MS. STALTER: L-O-R-I.

6 MR. KAINS: Yes, ma'am. Then could you
7 please raise your right hand and be sworn.

8

9 (WITNESS SWORN.)

10

11 L O R I S T A L T E R

12 called as a witness in the above-entitled cause, having
13 been first duly sworn, was examined and testified as
14 follows:

15

16 MR. KAINS: Ms. Stalter, you already spelled
17 Lori. How do you spell Stalter?

18 MR. STALTER: S-T-A-L-T-E-R.

19 MR. KAINS: Very good. Ms. Stalter, what is
20 your address?

21 MS. STALTER: Mansfield, Illinois. 30
22 Shoreline in Mansfield, Illinois, Piatt County.

23 MR. KAINS: That lies in Piatt County,
24 that's the question, and you gave the answer. You have
25 45 minutes. Go ahead, please.

1 MS. STALTER: I would like to preface that I
2 am not an expert. This is my personal testimony. Before
3 I begin, I would like to dedicate my testimony to Dave
4 Oliger. Dave has been a champion in the midst of a
5 battle against Goose Creek Wind Farms. He has been
6 diligent, and I for one am grateful for all that he has
7 invested in Piatt County.

8 I would also like to show my appreciation for
9 Mr. Kains and Mr. Keyt, for their oversight of these
10 many meetings. I have been impressed with there decorum
11 and concern for all parties involved.

12 And I would be remiss if I did not thank Chairman
13 Wax and all the Members of the Zoning Board. It has been
14 obvious to me that you have done your due diligence in
15 reading the reports and charts and asking pertinent
16 questions. And thank you to our court reporters. You
17 have been troopers. And speaking of troopers, thank you
18 to the members of our law enforcement. I can't help but
19 be grateful that we live in a safe place, safe enough
20 that you could be here and not out patrolling the
21 streets and roads. Thank you all very much.

22 How did I get involved with this issue? Last
23 April my friend and neighbor Sandy Coil attended the
24 monthly Village Board meeting in Mansfield. At that
25 meeting, she first heard of Apex and the Goose Creek

1 Wind Farm, and learned that Apex requested a variance
2 that would allow them to place wind turbines within the
3 one and a half mile restriction. We live in a
4 neighborhood that is surrounded by farm land, and she
5 realized that this could mean wind turbines in our back
6 yard. Sandy and I talked, and expressed our concern to
7 each other, and then realized that our neighbors
8 probably were not aware of the situation as we were not.
9 We acquired petitions that we could present to our
10 neighbors for their signatures. As we had thought, they
11 were unaware of the variance Apex had filed and were
12 more than willing to sign the petition and even appear
13 at the next Village Board meeting to express their
14 concerns. We are fortunate in that Apex withdrew their
15 request indicating they had enough sites without having
16 to invade Mansfield.

17 What about the rest of northern Piatt County? We
18 were unaware of the location of the proposed wind
19 turbines. Were other residents also unaware? Sandy and
20 I made fliers and petitions and went to the neighborhood
21 of Sand Lake. We went door-to-door asking if the
22 residents there would be interested in signing a
23 petition against the wind farm. At least ten to one
24 signed our petition. It was at that time I first heard
25 about the corn mill and that Piatt County was willing to

1 extend a variance for. The residents of Sand Lake
2 fought it diligently because it would have been impacted
3 the quality of life in their neighborhood. The noise,
4 the truck traffic, the noise, the smell. Fortunately
5 for them, the company withdrew the request when they
6 realized their prospective neighbors were so strongly
7 opposed to it. We could only hope for that in this
8 case.

9 A few weeks after visiting Sand Lake, Sandy and I
10 took petitions to the Mansfield Homecoming celebration.
11 We were impressed with the response there. Again, the
12 vast majority of the people we asked to sign our
13 petition were more than happy to sign it. In September
14 we attended the White Heath celebration, and again, most
15 of the people we approached signed our petition. I have
16 brought copies of these petitions tonight along with
17 signatures on petitions others have collected. I will
18 submit them, the originals, to the County Board when
19 they meet to vote on whether or not Apex will be allowed
20 to construct the wind farm.

21 With my interest in the wind turbine issue, I
22 began to attend not only my Village Board meetings, but
23 also the County Board meetings. I must say I have been
24 impressed with our County Board. At the August meeting
25 the Zoning Board brought several variance requests for

1 properties in the County. One of those requests was
2 regarding an apple orchard. I appreciated the denial of
3 the apple orchard variance due to an ordinance passed
4 several years ago protecting the farm land of Piatt
5 County, as we've heard, some of the most productive farm
6 land in the State, if not the nation. The twenty-acre
7 restriction keeps that farm land in production. Their
8 decision to deny a subdivision of less than twenty acres
9 demonstrates their integrity in upholding current
10 ordinances.

11 Another issue that was brought up before the
12 Zoning Board and the County Board was the proposed solar
13 farm near Cerro Gordo, which was brought up again last
14 night. I was impressed by the attention to detail both
15 the Zoning Board and the County Board considered in
16 making their decision.

17 Piatt County has rich soil. It has a beautiful,
18 peaceful landscape. Even Laura Bragg said as much at
19 the December 7th Zoning Board meeting. Her husband
20 Braxton stated that she doesn't want to live in
21 Champaign or Urbana. She loves living in the country. I
22 do too. But what happens to our beautiful peaceful
23 countryside when it's impacted wind turbines? I
24 appreciated Sarah Livesay's testimony also on the 7th.
25 Sarah stated that she represents Grand Prairie Friends,

1 an organization that received Apex grants and works to
2 restore the prairie lands of Illinois back to their
3 original beauty. That's commendable. Her example was a
4 prairie in an old cemetery. An old cemetery in an
5 obscure corner of Ford County.

6 Others gave testimony regarding their family
7 history. My family has a farming history, as well. My
8 great great grandparents came across the prairie lands
9 of Illinois and settled in Ford County north of Gibson
10 City. I have the actual ox yoke they used when they came
11 across. The stories I have heard of their journey
12 includes how marshy the ground was, how tall the grasses
13 were, and I could take you to the barn they built using
14 the boulders from the fields for the foundation.
15 Boulders. They dug drainage ditches, they tilled the
16 land, they cut the grasses, they planted crops that had
17 never before grown there. They changed the land. Was
18 this a good thing or a bad thing? I'm sure all the
19 farmers here would say it was good. My ancestors farmed
20 that land for over a hundred years. If we still owned
21 it, it would be a hundred and fifty years. Now that
22 there is a wind farm up there close to that farm, it
23 will never look the same to me. It has been changed in
24 my opinion, and not for the good.

25 Sandy Coil brought up the topic of phone lines

1 that are buried under ground today, as is fiberoptic
2 cable. When I drive in the country and scan the
3 landscape, I see grain elevators and water towers, I see
4 power lines and cell towers and other towers used for
5 radio transmission and such. Speaking for myself, I
6 consider these things essential for our daily lives.
7 Farmers have to have a place to store their crops, after
8 all the soil is very productive. I really want to be
9 able to use my phone and my radio, and I cannot live
10 without power and water, but I'm pretty sure that if
11 Piatt County says no to an industrial wind company, I
12 will still be able to turn on my lights and heat my
13 home.

14 My point, thirty, forty, fifty years from now I
15 don't want someone like Sarah Livesay to be trying to
16 recreate the prairie, the fertile fields and rolling
17 hills of Piatt County back to how it was before wind
18 turbines invaded us. Please let us keep the beauty of
19 our County for the generations to come.

20 Another concern I have is regarding the wildlife
21 of northern Piatt County. I live on a lake and have
22 enjoyed the birds that are attracted to the lake. We
23 have geese, of course, but ducks, blue herons,
24 kingfishers, seagulls and hawks, swallows, hummingbirds,
25 and gold finches and all of the other common variety of

1 birds in this area. We even get migrating fowl every
2 year. Loons, snow geese, even swans occasionally. Will
3 they come if the turbines are there? We have also been
4 visited by eagles. I understand that they would probably
5 avoid flying into a turbine blade, but what if one was
6 killed? What a tremendous loss that would be to this
7 area. They mate for life, so there would be no eaglets
8 in the nest, and would another pair set up nest near the
9 turbines? I doubt it.

10 I drive north of Mansfield toward Bellflower once
11 a week, headed to Gibson City, and twice a week I drive
12 west to Bloomington. I'm appalled at the number of
13 turbines erected in McLean County. They are as far as
14 the eye can see and too numerous to count. McLean County
15 has the most wind turbines of any county in Illinois.
16 John Jordan made that point on the 15th. At this point,
17 let them have them all.

18 Mr. Jordan commented about McLean County and all
19 the money that has gone to the schools in Bloomington
20 Normal because of the wind turbines. I have a family
21 members whose children attend Normal schools and she
22 works in the school district. I asked her if she has
23 seen improvements in her schools, new resources, more
24 supplies, additional staff, an increase in her salary.
25 Her answer was no. In fact, she recently visited another

1 school building in the Bloomington district and the
2 administrator she spoke with showed her a new technology
3 program they had just received. Of course she asked how
4 they got it. He told her it was with a ten
5 thousand-dollar grant he had written and filed with the
6 State. A State grant, not wind farm money. Also the
7 Normal School District put a twelve million-dollar
8 referendum on the ballot last month. It failed. Maybe
9 that's because property taxes in Bloomington and Normal
10 went up this year, and that might be attributed to a
11 thirteen point four million-dollar tax levy in
12 Bloomington to fund the pensions of emergency personnel.
13 Where has all the wind farm money gone?

14 I also have concerns about the -- Oh, I wanted to
15 make one point as the expert regarding economics. I
16 asked him about the tiers, the one, two, three, four
17 tiers, and Blue Ridge, Deland-Weldon, and Monticello
18 Schools are in Tier 1, which would also include schools
19 such as Buffalo Grove, Lake Forest, and Highland Park.
20 We are in the same tier as those school districts. I was
21 appalled, but that was me.

22 I also have concerns about the decommissioning of
23 these turbines. It has been brought up tonight. When I
24 drive through the country I'm always seeing old silos
25 and corn cribs and barns and out buildings that look a

1 bit scary, leaning a bit. Why are they still standing?
2 Could it be the costs of tearing them down? When I'm
3 told that these turbines will work for twenty to thirty
4 years I ask myself, who's going to take them down. We
5 know how expensive they are to put them up. I doubt
6 taking them down would be less expensive than taking
7 down an old silo. We are told there will be money in a
8 trust to pay for the decommissioning. Apex has already
9 sold the Ford County Wind Farm that they started up just
10 this past spring. How long will that company hold title
11 to the turbines? How many times could Goose Creek Wind
12 Farm be sold in twenty to thirty years? Who will be
13 overseeing the trust for the decommissioning, and will
14 that money actually cover the costs of today's prices
15 compared to prices in thirty years? Will there be a
16 place where these old turbines can go? Another question
17 I have, will they have to use big cranes to take them
18 down? I think we've heard that tonight. Will the cranes
19 break the field tiles again? Will the roads, the great
20 roads Apex has fixed have to be fixed again? Will the
21 cranes compact the soil? Will they remove the top soil
22 before the cranes come in? Will the soil ever be the
23 same? The amazing fertile soil of Piatt County.

24 At the County Board meeting in June, Eric
25 Sebring, our Road Commissioner was questioned regarding

1 the engineering of the County and Township roads for
2 this project. I love the phrase that he used. He said,
3 and I quote, "a project of this magnitude". Yes, this
4 is huge, and it will impact us for the rest of our
5 lives. And for what? A small percentage of energy we
6 use each day? What is the point of putting these
7 monstrosities up? Several years ago the University of
8 Illinois decided to go green. They put in a solar field.
9 They contracted to buy wind energy from Tazewell and
10 Logan Counties, but they still have their coal fired
11 plant. I read just recently that they have fired up the
12 coal plant because of the financial benefit of selling
13 energy. Wow.

14 You know, if we need more clean energy, this is
15 my opinion, let's build another nuclear power plant. At
16 least they would be able to generate enough electricity
17 to actually pay for the costs of building one. The
18 energy.gov website states that nuclear energy is the
19 workhorse of our power grid providing one half of clean
20 energy produced in the United States, and it works all
21 the time, not just on windy and sunny days. And the
22 amount of nuclear waste is miniscule in comparison to
23 the amount of waste when one, just one of these turbines
24 is decommissioned. And there is a disposal site for
25 nuclear waste.

1 And let's look at the jobs. When Clinton Nuclear
2 Plant was built, it took over ten years. Good paying
3 union jobs for ten years, not eight months, and I'm not
4 sure but I would say that there are a lot more permanent
5 jobs at Clinton than the eight jobs Goose Creek will
6 provide.

7 And let's consider the conservation issue. Is
8 there a better conservation area in this part of
9 Illinois than Clinton Lake? It provides boating,
10 fishing, swimming, hunting, camping, hiking, wildlife
11 and a beautiful natural landscape. And it's in our back
12 yard. To me, that is much more preferable than a wind
13 turbine in my back yard. But, we're not here to talk
14 about nuclear energy.

15 Most of the people who have spoken in favor of
16 the wind farm were landowners and union workers. Most of
17 the arguments for Goose Creek involve money. Look at the
18 money it will bring to Piatt County, to our schools, to
19 our economy, the nursing home, the fire and police
20 departments. Look at all the money that has already gone
21 to the non-profits. Why? Apex has been here in Piatt
22 County for four years sharing the wealth they've already
23 acquired from other projects completed and sold and
24 let's not forget, the government subsidies. It appears
25 to me that they have been trying to buy votes. There

1 are ways to support our non-profits in our County. Tom
2 Scott shared his testimony on December 7th, and referred
3 to his involvement with the Railroad Museum. My good
4 friend Tim Crouch was a volunteer with the museum also.
5 Tim spearheaded a project that has provided a
6 considerable amount of money to support the museum. He
7 and other members laid several miles of railroad track
8 that has been used to store rail cars that are not in
9 use. Companies like ADM rent that space for a fee. It's
10 been a great money maker for the museum, and there are
11 other creative ways for organizations to raise money.

12 Denny Jordan also spoke for the wind farms on
13 December 7th. He is the land agent for Apex, and
14 probably met with a lot of the landowners here in Piatt
15 County. I have known Denny Jordan for many years. He's a
16 good man. Our mothers were cousins. He rented the farm
17 land my family owned north of Gibson City. I was
18 surprised to see him at our Zoning Board meeting. It had
19 been a lot of years since I saw him last, but I enjoyed
20 talking with him and hearing about his experience with
21 Apex. Denny mentioned the conversation he had with Apex
22 when they offered him the job. He indicated he wasn't
23 interested in working for a company, he had a farm to
24 run. But when they mentioned the money he would make,
25 how could I turn that down, he said.

1 I wish I had the money that Apex has. The last
2 time the lottery went over a billion dollars I made my
3 husband promise that if we won we would give Piatt
4 County five million dollars with no strings attached to
5 counter Apex's offer. No, we did not win, and no we do
6 not have money to give like Apex, but all I could give
7 you would be a bag of homemade caramels. But I can give
8 my time. I can attend board meetings and take petitions
9 throughout the county and express my humble opinion on
10 matters such as this, and I can hope and pray that my
11 message is heard and measured with the same
12 consideration as Apex and their deep pockets.

13 I believe I have expressed my concerns about
14 Goose Creek Wind Farm, the lasting change it will make
15 to the landscape of Piatt County, the potential impact
16 on our fertile soil, potential impact on birds,
17 waterfowl and bats, the inefficiency of wind power,
18 possible health effects. I know there are those who
19 already have health issues just from living in dread of
20 the turbines coming; also, the lack of oversight by
21 Apex. They are going to sell these turbines. But I am
22 also concerned about the impact the wind farms could
23 have on the value of our home. We are retired, living
24 on a fixed income, watching retirement investments go
25 south because of our economy and the markets. Our home

1 is a huge part of our investment. Losing twenty to
2 thirty percent of its value would be very hard to
3 swallow. Perception does equal value as we learned from
4 Mr. Morose. I do not want to live across the street from
5 a blue house or a purple house or a wind turbine. And I
6 suspect a future buyer of our home would feel the same
7 way.

8 Please help us keep the beauty of our county for
9 the generations yet to come. Thank you forgiving me this
10 opportunity to speak, and I would like to give the Board
11 copies of the signed petitions I have in my possession.

12 MR. KAINS: Mr. Keyt, what we going to mark
13 this?

14 MR. KEYT: These are all one copy of all of
15 the signatures you've gathered?

16 MS. STALTER: Yes.

17 MR. KEYT: So I don't have any repeats in
18 here?

19 MS. STALTER: No. And we're going to give
20 the originals to the County, to Jennifer Harper.

21 MR. KEYT: Okay. Fair enough. Why don't we
22 label them Stalter Group Exhibit Number 1.

23 MR. KAINS: Very good. Stalter Group
24 Exhibit 1 has been received. We'll take up the
25 admissibility of it tomorrow night. Questions for Miss

1 Stalter from Members the Piatt County Zoning Board of
2 Appeals? Very good. Questions for Miss Stalter from
3 members of units of local government including school
4 districts? Questions from licensed attorneys?
5 Mr. Jacobi?

6 MR. JACOBI: Thank you, Miss Stalter. No.

7 MR. KAINS: Very good. Thank you. Questions
8 from other interested parties, members of the public in
9 support of or neutral on the Application for Special Use
10 Permit? Questions from Piatt County staff and
11 consultants? Very good, Miss Stalter. Thank you.

12 (WITNESS EXCUSED.)

13

14 MR. KAINS: The next witness is Colleen
15 Kidd.

16 (No swearing requesting by Mr. Kains.)

17 C O L L E E N K I D D

18 presented public comment in the above-entitled matter
19 as follows:

20

21 MR. KAINS: Good evening, Miss Kidd. Are you
22 planning on giving a three-minute public comment?

23 MS. KIDD: Yes.

24 MR. KAINS: Three-minute public comment. Very
25 good. Could you please state your name spelling your

1 first and last names for the court reporter?

2 MS. KIDD: Sure. My name is Colleen Kidd.
3 C-O-L-L-E-E-N, last name Kidd, K-I-D-D.

4 MR. KAINS: All right. Very good, ma'am.

5 MS. KIDD: My address is 925 N.E. 3rd Street
6 in Deland, Illinois, Piatt County.

7 MR. KAINS: Yes, ma'am. And would you like
8 three minutes?

9 MS. KIDD: Yes.

10 MR. KAINS: Go right ahead.

11 MS. KIDD: Thank you. I first want to
12 address the Zoning Board as the Administrator of the
13 Piatt -- Mahomet Valley Water Authority. Sorry, I'm
14 nervous. I'm not used to getting up in front of people.
15 Mr. Carlson was being questioned by Amy Rupiper, the
16 attorney for the Mahomet Valley Water Authority, and she
17 had asked him if they had contacted me personally about
18 the wells that needed to be drilled, and he said he had
19 not contacted me, but that someone from his team had.
20 And I just want you to know that I have not talked to
21 anybody from Apex or from the wind farm people.

22 So my second thing that I would like to address
23 is, as a resident of Goose Creek Township, and the
24 Village of Deland, unlike Mansfield, the Deland Board
25 voted to let Apex within three quarters of a mile of the

1 Village. That's better than the quarter of a mile that
2 they had originally asked for, but it's not the mile and
3 a half that was recommended. This was done with the
4 promises to the Board that there would be money there to
5 fix the water plant and there would be money in their
6 pockets when the wind farm wind on line. From the maps
7 that I have seen, the wind turbines, if they're
8 approved, I will have them on the north, east and south
9 sides of my home, and the view out my picture window
10 will be a wind turbine. I will probably hear the noise
11 from the patio on the back side of my house. I also own
12 a home at 2620 N. 1200 E. Road in Mansfield, and my son
13 lives there, and I believe from the maps that I've seen
14 that he will have wind turbines on all four sides of
15 him. Some of them -- a couple of them look like they're
16 going to be pretty close. So I just would ask the Board
17 to respectfully consider rejecting the Special Use
18 Permit. Thank you.

19 MR. KAINS: Thank you, Miss Kidd. We
20 appreciate your comments. Mr. Calvin Teubel.
21 Mr. Teubel, are you wishing to speak to testify or a
22 three-minute public comment?

23 MR. TEUBEL: Testify.

24 MR. KAINS: All right. Very good. If you
25 could please raise your right hand and be sworn.

1 (WITNESS SWORN.)

2
3 C A L V I N T E U B E L

4 called as a witness in the above-entitled cause, having
5 been first duly sworn, was examined and testified as
6 follows:

7 MR. KAINS: Would you state your name,
8 spelling your first and last names for the record.

9 MR. TEUBEL: C-A-L-V-I-N, T-E-U-B-E-L.

10 MR. KAINS: Where do you reside?

11 MR. TEUBEL: 3234 N. 1300 E. Road,
12 Mansfield, Piatt County.

13 MR. KAINS: Piatt County. Very good. If
14 you'd like, you may have 45 minutes under the Board
15 rules. Go right ahead.

16 MR. TEUBEL: To start off, I want to echo
17 what so many have said, the appreciation for the Board
18 and the way that this has been conducted. I think the
19 humility and the resources that you've gathered around
20 you for this process is exceptional. It takes some
21 reflection and planning for that. So I really want to
22 say thanks. For the questions you've asked, the
23 objectivity that you're going about this with to
24 consider all of your constituents and their input. The
25 public comment opportunity time period is very generous.

1 In your shoes I'm not sure if I would go the 45 minutes,
2 but I want to say thank you. I think that really goes a
3 long way that you're not wanting to ramrod it through,
4 and I think that goes a long way for everybody.

5 We live a quarter of a mile from T 7, just to the
6 southwest. I know Mr. Harrington has asked that on
7 several folks, so I figure I would say that.

8 MR. HARRINGTON: Good job.

9 MR. TEUBEL: I've been neutral throughout
10 the evenings. I've really enjoyed it, I've gone home
11 energized and had a lot of discussions with my wife.
12 I've learned a lot. There are many perceptions,
13 assumptions and conflections that have been dispelled
14 for me through the process from Apex, from the
15 opposition, and it's been very informative, and am very
16 thankful for how those things have been brought out.

17 The EBF system, the changing in education
18 funding, I did not know that. We have six young kids so
19 that's very impactful, and had I not attended and taken
20 the investment for the many nights of being away from my
21 family to learn that. So, I'm thankful.

22 The ADLS option. The lessons learned from
23 the S. Dakota farm and the impact of an organized local
24 constituency and involved Board. Very helpful.

25 Learning that Illinois has a very robust

1 forum for wind development with the set appraisal and
2 depreciation scheduled and noise pollution rating
3 system. Very helpful. Tip the hat to Illinois for
4 those pieces that have reduced some of the concerns and
5 conflixtions that I had heard and been informed of.

6 While there's no documented local macro negative
7 impact, and I would say reasonable demonstration of at
8 least some increased contribution to the local economy
9 outside of taxes.

10 That local value of Piatt County jobs does
11 seem to be overstated and perhaps should be called
12 revenue versus value.

13 With the requirement of using unions, and no
14 qualifying unions being in Piatt County for any of the
15 work, it would seem that there would be truncated local
16 value.

17 It was stated that there were no plans to
18 sell the project once completed, and I believe Apex.
19 Even though the web page of Apex says that six thousand
20 megawatts of production is in the current management, it
21 says it's also financed eight thousand megawatts. We
22 heard about the sale from Ford County. No company plans
23 to sell, shut down, go bankrupt, merge, et cetera until
24 they do. When that happens, going from eight folks
25 managing the towers, that seems like a lot. I sure hope

1 they don't need that much management, but maybe the new
2 company would say we need one person. Maybe the new
3 company will be stationed out of Ohio and will send
4 somebody when there's a need. There's opportunity for
5 that value that's even intended to be removed pretty
6 quickly, especially if a sale happens in less than a
7 year. Then if that happens, those shadow jobs may also
8 disappear to reduce that local value that would be
9 presented, all say in good faith, from the outset.

10 The best legal language can't foresee the future,
11 and maybe while well intentioned changes occur, such as
12 the LyondellBasell Equistar Chemical plant in Douglas
13 County, Illinois, had similar (inaudible) that work
14 there say they've been shutting that plant down. They
15 had similar deconstruction requirements that they signed
16 with Douglas County, fifty, sixty years ago. That was
17 before many of the FDA regulation changes, the strong
18 inflation, and the numerous changing of ownership hands
19 that made the decommissioning really untenable.

20 The surest economic piece is the temporary tax
21 revenue generation, but all that glitters is not gold. I
22 think that's where I transitioned in the recent past in
23 my position. With the position that the County is in,
24 in the median income, the number of factors that we have
25 locally, I don't think we need the tax revenue. It's

1 tempting to see this as an opportunity to fund items
2 that we can't or don't currently prioritize to offer in
3 our local schools or local communities. With EDF
4 changes it further reduces the concerns of needing
5 additional reliable funding sources if the State is
6 going to abide by the laws that they currently have in
7 place. The road specs that we have today. Can we have
8 better roads? We have roads that meet our needs for
9 today. If we build better roads for the turbines, that
10 exceeds the needs of what we have today, so we wouldn't
11 necessarily need the improved roads. Funds don't hurt,
12 but when it isn't needed it puts the County in a
13 stronger position to clearly evaluate the local impact
14 and real value versus revenue. It took me a while to
15 parse out the presentation from Apex's pitch to the
16 Board from the full county impact maybe I'll say,
17 including those, you know, in town with much larger
18 setbacks than those in the country, but the opposition
19 really presented a case from those most impacted and who
20 will see the least or no value. With the town setbacks,
21 if I lived in town I probably wouldn't really see the
22 turbines and definitely wouldn't hear them. It would be
23 mostly outside. For those living in the middle of the
24 turbines, they would not see real significant positive
25 impact. They would experience all the outlier impact -

1 more noise, nuisance and flicker than they experience
2 today. This minority impact isn't denied by Apex or
3 their experts, but it's stated as statistically
4 insignificant.

5 Those living in the country have chosen to do so
6 intentionally and specifically: as it is. As my wife
7 and I know with our now six children and our zoo of
8 animals. I thought it interesting that the average home
9 ownership in the US is about eight years, but rural
10 communities see much higher ownership over renting and
11 outright ownership without mortgages and a longer tenure
12 of living in those locations. We heard about a lot of
13 generational folks. How will this rootedness we've heard
14 from several generational folks here with a local
15 community and county culture of rural folks, farmers and
16 non farmers be weighted juxtaposed to the constituents
17 the higher urban transience? To be clear, those most
18 disparately impacted are those who have been here and
19 will be here for a long time. The increased land value
20 for the ground with a turbine reduces the capability for
21 local land ownership if that is of value to our
22 community.

23 Initially I had thoughts of sharing how our local
24 resource of wind could be better exploited to be better
25 negotiated. If possible, in the recommendation from the

1 ZBA to the County Board, leveraging our position to
2 negotiate the terms for better local value to all
3 constituents, participating and non-participating alike.
4 Potentially soliciting other companies such as a
5 bladeless turbine company like Vortex, or perhaps
6 discussions with applicable power suppliers to broker a
7 measure of power to stay local --

8
9 (Court Reporter verbally requests speaker to slow down.)
10

11 MR. TEUBEL: Potentially soliciting other
12 companies, such as a bladeless turbine company like
13 Vortex, or perhaps discussions with the applicable power
14 suppliers to broker a measure of power to stay local in
15 order to reduce power costs for all those in the local
16 area with a term rate lock, maybe explore negotiating
17 which of the sites would be the primary ones of
18 avoidance, partnering with a local internet carrier to
19 place better service receptors on a turbine in northern
20 Piatt County since there is a strong direct correlation
21 with population health and employment with internet and
22 cell coverage. But instead, I've landed on the
23 following: If increased local funding is desired, we
24 could choose other methods as a county for doing those
25 things with some of the items mentioned from others that

1 have come up (inaudible due to coughing in room)
2 consideration and approval.

3 While Apex joined the local Rotary Club and
4 put forward an appearance of interest in local
5 community, I largely took them in good faith at face
6 value.

7 I read about Apex on the web site that Apex
8 is focused about utility priorities -- start that over.
9 Apex focuses on what utilities prioritize most including
10 access to transmission, exceptional wind resources, and
11 strong relationships with landowners and surrounding
12 communities. Under our core values, Apex lists
13 professionalism, no matter what we are doing, we need to
14 do it right. Integrity. Apex is always up front with
15 its partners and investors, even if the news isn't the
16 most positive. This transparency and trust ensures that
17 our business becomes a repeat business.

18 I would say I lost that good faith in learning
19 about the communications and grant practices that Apex
20 has engaged in, which would seem to be utilitarian
21 ethics versus deontological ethics which I think is more
22 appreciated from the local constituents, which would
23 seem to directly belie the above values.

24 Rural folks who like peace and quiet may not have
25 a town name like Mansfield, but we are a community. We

1 may not meet when parking our car in the front of our
2 apartment or grilling on our back patio, but we meet
3 when buying hay from each other, or talking over taking
4 our wandering animals back to their rightful owner.

5 While not all here are farmers, I think the
6 unadulterated rural life desired and enjoyed by the
7 opposition is echoed in a quote that I'll read from Leo
8 Tolstoy: "All the sages and the poets of the world have
9 always placed the ideal of human happiness amid
10 conditions of agricultural work. All the workers whose
11 habits are unperverted have always preferred, and still
12 prefer agrarian labor to any other."

13 If we think this is a strong local value, not
14 revenue, then let's do it. But if not, let's not cause
15 harm to the conditions and locations where long-term
16 residents have chosen to live for reasons that will be
17 impacted with the implementation of Goose Creek.
18 Thank you.

19 MR. KAINS: Thank you, Mr. Teubel. Questions
20 for Mr. Teubel from Members of the Zoning Board of
21 Appeals? Very good. Questions from members of local
22 government including school districts? Licensed
23 attorneys. Mr. Jacobi?

24 MR. JACOBI: Thank you. No questions.

25 MR. KAINS: Thank you. Other interested

1 parties, persons in the public in support of or neutral
2 on the Application? Piatt County staff and consultants?
3 Very good. Mr. Teubel, thank you.

4 (WITNESS EXCUSED.)

5 MR. KAINS: We're going to do one more.
6 Miss Kelly Vetter. I take it from the technology, Miss
7 Gallagher is getting ready to use, that you're wishing
8 to speak for more than three minutes? Could you please
9 raise your right hand and be sworn by the court
10 reporter.

11 (WITNESS SWORN.)

12 MR. KAINS: Jamie, do you want to take a
13 ten-minute break?

14 (RECESS TAKEN.)

15
16 MR. KAINS: Okay, folks. Let's find our
17 seats, and your sleeping bags. (Laughter in the room.)

18 MR. KAINS: That was not directed at you,
19 Miss Vetter. That was directed at the whole kit and
20 caboodle. Folks, we will have Miss Vetter testify, and
21 then I think there's going to be a couple of folks. Mr.
22 Reed, are you wishing to testify tomorrow?

23 MR. REED: Yes, I signed up under the
24 neutral list.

25 MR. KAINS: Yes. I've got you and

1 Mr. McKanic tomorrow night. Mr. McKanic explained to me
2 that there is a possibility he might a few minutes late,
3 so Mr. Reed, you might be going right at six o'clock
4 even though you are neutral and Mr. McKanic is in
5 opposition. We're going to make the best use of our
6 time. So, you two gentlemen will testify tomorrow and
7 then we will get into the lawyering up here with the
8 admission of exhibits, discussion on that, and counsel,
9 if you could rather than going exhibit by exhibit by
10 exhibit, if you could just raise -- be prepared to raise
11 whatever objections you have to any exhibits, then we
12 can take it that way. And then, I will be reading
13 correspondence submitted, the written comments that have
14 been submitted to Miss Nusbaum in the Zoning
15 Administrator's office. I will be reading those into the
16 record, and then we'll have any Piatt County staff
17 reports or comments, and then we will have closing
18 statements from the Applicant and from Mr. Luetkehans on
19 behalf of his clients in opposition, and then there will
20 be also a time for a rebuttal, brief rebuttal closing
21 statement from the Applicant's counsel. Mr. Jacobi, it
22 looks like you've got something to say.

23 MR. JACOBI: I might have missed it, but did
24 you say you're reading in the statements?

25 MR. KAINS: I am going to read in the

1 statements.

2 MR. JACOBI: Okay.

3 MR. KAINS: And I will take a page from Mr.
4 Teubel's book and slow down, because I read just as fast
5 as you, Calvin. (Laughter in the room). I sound an
6 like an auctioneer half the time. All right.

7 MR. JACOBI: We might have more to submit
8 then tomorrow. We were going to submit them anyway, but
9 I just don't want -- I want you to be able to judge your
10 time accordingly.

11 MR. KAINS: Yeah. I'll read them in. You're
12 not going to have twenty or thirty more, are you?

13 MS. NUSBAUM: I received several today.

14 MR. KAINS: Yeah, we have about twenty in
15 support, fifteen or twenty in support, about the same
16 amount in opposition.

17 MR. JABRIXIO: I don't think we'll have more
18 than ten.

19 MR. KAINS: Okay. Very good. And what is
20 your name, sir?

21 MR. JABRIXIO: Sorry. I'm Max Jabrixio.
22 I'm employed with Apex.

23 MR. KAINS: Spell your last name for the
24 court reporter.

25 MR. JABRIXIO: J-A-B-R-I-X-I-O.

1 MR. KAINS: Thank you, sir. So, yeah, if
2 you haven't testified, and wish to testify, there's
3 still the opportunity, but I want to stress that folks
4 can submit written comments tonight and tomorrow night,
5 via e-mail to the Zoning Administrator, Miss Nusbaum.
6 All right. So that's the road map for tomorrow night.
7 And now the final hitter in the batting order, Miss
8 Vetter.

10 K E L L Y V E T T E R
11 called as a witness in the above-entitled cause, having
12 been first duly sworn, was examined and testified as
13 follows:

15 MS. VETTER: Kelly Vetter. Do I need to
16 spell that for you?

17 MR. KAINS: First raise your right hand and
18 be sworn.

19 MS. VETTER: I already did that.

20 MR. KAINS: Oh, you've already been sworn.

21 MS. VETTER: Do I need to be sworn twice?

22 MR. KAINS: I just don't want you to swear
23 at me twice. (Laughter in the room).

24 MS. VETTER: Okay.

25 MR. KAINS: V-E-T-T-E-R. And ma'am, where

1 do you reside?

2 MS. VETTER: Near the down town, Monticello.

3 MR. KAINS: Piatt County?

4 MS. VETTER: Yes, sir.

5 MR. KAINS: Then you have 45 minutes.

6 MS. VETTER: Okay.

7 MR. KAINS: You may proceed.

8 MS. VETTER: First of all, I do want to
9 thank the Board. I understand what it takes to do this
10 kind of thing, because my husband and I were both
11 elders, not elders, aldermen in Homer, and we served
12 four years there. We had to fight because our community
13 wanted us to fight against a landfill, that Champaign
14 wanted to put out by us. We did a lot of work to make
15 that happen, and I commend you for what you're doing and
16 I understand it.

17 Okay. I also am very thankful for the testimony
18 and the comments from our rural neighbors, because the
19 Board has the chance to see the faces of the folks who
20 are losing their way of life and to hear their cry for
21 help. Some can lose everything and be forced to move,
22 and I speak to that, because I am fighting in Champaign
23 County because my daughter has a two-and-a-half acre
24 farm in neighboring Champaign County, and they're
25 putting -- NextEra is putting in there, and she has

1 photosensitive epilepsy and we will have to sell the
2 family farm and move. So I totally understand you could
3 lose everything.

4 It's kind of a David against Goliath story. They
5 have all the money, the lawyers, the time, the
6 resources, and lots of people paying to do the work for
7 them. We have scraped together, some their life
8 savings, to have one lawyer. Phil, you're good, but,
9 you know, I feel bad for you. (Laughter) We also have
10 given our time to attend meetings and done research on
11 our own, and we're trying bring people back together. I
12 hope that the Zoning Board understands the gravity of
13 their decisions. I'm sure they do.

14 Okay. Now on to what I have behind me. This
15 question was asked tonight, so I was really excited that
16 I am addressing this. This proposed project that Apex
17 will be inserting a hundred fifty blades, that's 50
18 turbines, the average turbine blade weight is 5,200
19 pounds, for a blade that measures between 78 and 128
20 feet. This number increases exponentially, I guess I've
21 got to stay here, as the side of the blade increases.
22 And we know these turbines are much bigger. But suppose
23 that this is a two-ton blade, that's 50 turbines, that's
24 at least a hundred tons off to the landfill. And that
25 might happen twice in the life of one turbine, because

1 after twenty years unless they have beefed up the
2 technology, they have to replace the blades. This waste
3 is also not just any waste, but toxic waste. The wind
4 turbine blades are amalgam of unique composites like
5 fiberglass, epoxy, polyvinyl chloride foam, polyethylene
6 terephthalate foam, balsa wood, and polyurethane
7 coatings. So basically, there is just too much plastic
8 composite-composite-epoxy crapola that isn't worth
9 recycling. Even though there are a few small recycling
10 centers for wind turbine blades, it isn't economical to
11 do it on a large scale. The numbers of turbines are
12 increasing enormously. When will we say this is enough?
13 Okay. Do we want to be a part of this? Okay, next
14 slide.

15 I wonder where this is going. So excuse me while
16 I move my papers. There are two main causes of wind
17 turbine failures. Fires in the gear box, and blade
18 failures. Catastrophic failure of wind turbines are not
19 new and they are not rare. In 2007, Spiegel Online
20 published The Dangers o Wind Power, where the authors
21 cited the thousands of mishaps and accidents involving
22 wind turbines and opined that facilities may not be as
23 reliable and durable as producers claim.

24 In 2011, the LA Times published The Dark Side of
25 Solar and Wind Power Projects, in which reporter Tiffany

1 Hsu explained how turbine accidents were surging. Recent
2 experience shows not much has changed in the ensuing
3 years.

4 According to Fire Trace International: Blade
5 failure, they talk about, as the demand for renewable
6 energy grows, the wind industry is finding ways to boost
7 the energy output of wind turbines. One way to increase
8 energy from turbines is to increase the size of the
9 rotor blades. Larger blades produce more power. Rotor
10 blade arcs are now reaching up to 262 feet or 90 meters.
11 With the sizes of blades increasing, it can put
12 additional pressure on the structure and other
13 components in the turbine. It is estimated that there
14 are 3,800 incidents of blade failure each year. Common
15 flaws to look for include debonding, joint failure,
16 splitting along fibers, gel coat cracks and erosion.
17 Contributing factors for blade failures include a
18 lightning strike, which you see behind you, oh wait a
19 minute. Do I have to go on to another one? Yeah, there
20 you are. I have to keep on track here. Material or
21 power regulator failures, damage from foreign objects.
22 I wonder if a bird would classify as a foreign object.
23 And poor design. Blade failure is the most common
24 failure in wind turbines and can lead to costly repairs
25 and revenue loss from being shut down, which means

1 they've got to bring in more blades.

2 2. Generator Failure. The generator in a wind
3 turbine is responsible for creating the electricity by
4 converting mechanical energy into electrical energy.
5 When the generator fails, no power is produced, costing
6 the wind farm operator valuable revenue. There are
7 several reasons why generators can fail, including wind
8 loading, weather extremes, and thermal cycling.
9 Mechanical or electrical failure of the bearings,
10 excessive vibration, voltage irregularities, and cooling
11 system failures can lead to excessive heat and fire.
12 Lastly, manufacturing or design faults, improper
13 installation, lubricant contamination, and inadequate
14 electrical insulation can also cause the generator to
15 fail. A comprehensive maintenance and repair program
16 will improve the reliability and longevity of the
17 generator avoiding costly shutdowns and unexpected
18 repairs.

19 The third one is, gear box failure. While gear
20 boxes are designed to meet the harsh operational
21 conditions, most do not make it past ten years, falling
22 short of their twenty-year design live span. Each year
23 they are approximately 1,200 gear box failures. The
24 bearings and gears make up 96% of the failing components
25 within the gear box. Some contributing factors of

1 failure include, dirty or water-contaminated
2 lubrication, improper bearing settings, significant
3 temperature fluctuations, which I think we're going to
4 have this weekend. Improper or infrequent maintenance
5 and servicing, and transient loads leading to sudden
6 accelerations and load-zone reversals. When a gear box
7 fails, it is a costly incident. The gear box is 13% of
8 the overall cost of the turbine and is an expensive
9 component to replace. Also, during replacement the
10 turbine will be taken offline for as little as a few
11 days, or it could be a couple of months, based on the
12 availability of parts, and don't forget all the hiccups
13 we have right now in the supply chain, and I think
14 they're only going to get worse. Any time the turbine is
15 not spinning means it is not generating revenue. And
16 remember, I'm not the expert here, just in case you're
17 wondering.

18 Efforts to establish safety setbacks distances
19 beyond the industry's preferred 1.1x turbine height to
20 neighboring property lines have faced costly legal
21 challenges with the industry claiming larger setbacks
22 are nothing more than veiled attempts to stop projects
23 from being built. So they're trying to sue us for
24 making ordinances that protect our people, but with each
25 smoldering tower and shredded blade, communities are

1 less willing to accept Big Wind's definition of safe.

2 I don't probably need to remind the County Board
3 of tornadoes, high winds, icing, snow blizzards. If
4 just one of these turbines catches fire, we will have a
5 serious prairie fire, and we will need an evacuation
6 plan for staying out of the path of toxic smoke. Common
7 sense should rule the day on that one.

8 I won't address infra sounds and shadow
9 flickering and the health and issues to neighbors and
10 their family and farm animals that's been touched on
11 quite a bit. I won't even touch on the miles and miles
12 of high power lines below and above the ground and how
13 it will affect farm animals, unless you request it from
14 me in the future, and I will be glad to give you some
15 more information. All right.

16 So, Deena Carico said he saw two eagles in the
17 field north of Route 10 on the west side of the road
18 just last week. Brian Anderson seen this fall Piatt
19 County line just north of I-74 and the project in his
20 back yard. Josh Beck, he saw four eagles on Saturday,
21 just south of Route 10, but he could only get two in the
22 picture. I have a picture there. And these last two
23 pictures of the eagles in the field were seen by Melissa
24 Goodbee who's also near some of these sightings. And my
25 friend came last night and sat beside me, lives in town

1 here, she was driving off the highway on Bridge Street,
2 and just as she got into town there was an eagle, a bald
3 eagle, sitting in a tree. Apex has assured us there are
4 no eagles in the vicinity of the proposed wind farm. Ha!
5 Maybe, they're just talking about eagles' nests. I
6 don't know. But do we believe our neighbors or a
7 corporation like Apex whose only interest is money.

8 So this is a picture, if you can't identify, of a
9 bunch of eagles in bags. Since 1995, over 66,000 eagle
10 carcasses have been secretly shipped off to Denver Eagle
11 Repository. About 3,000 are shipped each year and their
12 origin remains a green secret. Most collected from wind
13 farms.

14 The Smithsonian Magazine reports -- that's my
15 last picture. Um, so, The Smithsonian Magazine, it's a
16 wind energy magazine -- I mean, not wind energy, sorry.
17 They report that the wind energy company ESI Energy,
18 Inc. is a subsidiary of NextEra Energy, Inc. NextEra
19 Energy is the company wanting to come into Champaign
20 County where my daughter's hobby farm is. They have to
21 pay more than eight million in fines and restitution and
22 serve a five-year probation after pleading guilty to
23 violating the Migratory Bird Treaty Act, according to a
24 statement released by the United States Department of
25 Justice. The company deliberately elected not to apply

1 for proper permits for any unavoidable takes of eagles
2 in Wyoming and New Mexico, per the DOJ. This is what
3 they require. Under the Migratory Bird Treaty Act, the
4 killing, capturing, selling, trading and transport of
5 protected migratory bird species without prior
6 authorization by the Department of the Interior US Fish
7 and Wildlife Service is prohibited. The company
8 acknowledged the deaths of at least a hundred fifty bald
9 and golden eagles, at fifty of its one hundred and
10 fifty-four wind energy facilities since 2012. Of those
11 deaths, one hundred and thirty-six were attributed to
12 the eagle being struck by a turbine blade. This is what
13 they have to do, they just apply for a take with the
14 Department of Interior Fish and Wildlife Service. Again
15 I say, Apex assured us that there are no eagles in the
16 vicinity of the proposed wind farms. Do we believe
17 them, or do we believe our neighbors?

18 I do want to bring your attention to the future
19 of wind turbines as they are currently made. The wind
20 turbines have failed Germany, and I tell you why I bring
21 you to this, in an insanely costly debacle. German
22 power prices have rocketed, blackouts and load shedding
23 are the norm, and idyllic rural communities are now
24 industrial wastelands. I speak of Germany because they
25 were the front runners in this race and they had hoped

1 to prove that it could be done right. Reported August
2 13th, 2018. Germany provided the perfect opportunity to
3 prove that a modern, industrial economy could run on
4 sunshine and breezes and, therefore, ditch fossil fuels
5 altogether. However, the wind and solar industries are
6 shrinking as subsidies are slashed. Old coal-fired power
7 plants are being refurbished and dozens of new
8 coal-fired power plants are being built. Hundreds of
9 billions of euros have been squandered on subsidies to
10 wind and solar, all in an effort to reduce carbon
11 dioxide emissions. However, that objective has failed
12 too. CO2 emissions continue to rise. There is -- I can
13 provide you with the paper that speaks to the woes of
14 the tale that they have in Germany at a later date, so
15 you don't have to do it as evidence.

16 Okay. I also wanted to talk about the situation
17 that they call in Germany as paradoxical, because they
18 are at the point where they are moving from this, what
19 they consider clean energy, to coal energy, and they
20 just can't sustain it. So three coal-fired lignite
21 units that were previously on standby were returned to
22 the electricity market schedule in October.

23 Somehow from all of this I feel like we are the
24 human experiment on a grand scale. Just put those
25 turbines out there, bigger and lots of them across the

1 countryside. The companies are willing to risk multiple
2 side effects even if it costs them money because after
3 all, part of it's the taxpayer money that helps them
4 stay in business.

5 First the wind industry needs to get their act
6 together before planting a giant wind turbine in our
7 back yards. They need to be way more environmentally
8 friendly, as we saw with our first slide, not use our
9 tax dollars, but the entrepreneurial spirit our country
10 strives on. We are tired of big corporations getting
11 their foot in the door and then selling off many times
12 and more often than not to foreign companies who then
13 eventually own these farms. Foreign companies of foreign
14 lands, some of them not our allies, right here in our
15 back yard.

16 American citizens are looking for a way to
17 decentralize their energy, not pay out to more
18 corporations. We are on the horizon of many new
19 innovations. Just the other day, cold fusion was brought
20 out and pushed into the limelight of how this energy can
21 keep us with cheap and reliable energy and an
22 alternative with no repercussions. This is as green as
23 it gets. Yes it's a little more time before it's ready,
24 but guess what, we still have oil and gas that has been
25 a stable commodity, and it's not about coal here.

1 Investors Business Daily reports in 2015. Ever since M
2 King Hubbert in the 50s convinced a lot of people with
3 his peak oil theory that production would collapse and
4 we'd eventually exhaust our crude supplies, well I guess
5 the clock has been running and running, and it will
6 continue to run for some time, as technology and new
7 discoveries show that there's still an ocean of oil
8 under our feet.

9 Engineering and Technology Magazine reported this week
10 that BP, the company that once wanted to be known as
11 Beyond Petroleum rather than British Petroleum, I don't
12 why I had to say that, but anyway, is saying that the
13 world is no longer at the risk of running out of
14 resources. Thanks to investment into supercomputers,
15 robotics and the use of chemicals to extract the maximum
16 from available reservoirs, the accessible oil and gas
17 reserves will almost double by 2050. Engineering and
18 Technology also said that a BP official told the
19 magazine that energy resources are plentiful. Concerns
20 of running out of oil and gas have disappeared. Things
21 are so good, in fact, that Engineering and Technology
22 says, the use -- with the use of innovative
23 technologies, available fossil fuel resources could
24 increase from the current 2.9 trillion barrels of oil
25 equivalent to 4.8 trillion by 2050, which is almost

1 twice as much as the protected global demand. That
2 number could even reach 7.5 trillion barrels if
3 technology can exploration techniques advance faster.
4 This information backs up the idea that the earth is
5 actually an oil-producing machine. We call energy
6 sources such as crude oil and natural gas fossil fuels
7 based on the assumption that they are the products of
8 decaying organisms, maybe even dinosaurs themselves, but
9 the label is a misnomer. Research from the last decade
10 found that hydrocarbons are synthesized abiotically.

11 In other words, as Science Magazine has reported,
12 the data implies that hydrocarbons are produced
13 chemically from carbon found in the earth's mantle.
14 Nature Magazine calls the product of this process an
15 unexpected bounty of natural gas, building blocks of oil
16 products as well.

17 So, don't feel guilty about exploiting this
18 bounty. There seems to be plenty to go around, and
19 there will probably still be a lot left when technology,
20 not hurried by government mandates and subsidies but
21 guided by market forces, produces practical and
22 affordable renewable energy. But for now, enjoy our
23 cheap, abundant, and efficient fossil fuel. They call
24 them fossil fuels.

25 So I say, should we believe we have time to make

1 new discoveries before big corporations come in and
2 force their way upon our land, use our tax dollars, and
3 commit atrocities to the animal kingdom and our rural
4 neighbors? We should protect our farmlands against
5 purveyors of lies. We need to band together and know
6 there is a better future. Stop the special use permit.
7 Re-write the ordinances to protect our land and our
8 people. We have a right and the time to wait for better
9 options to come along. Why should we be in a hurry to
10 sign on for thirty to fifty years when technology can
11 change tomorrow and we are stuck for generations. Think
12 about what kind of legacy this Board will leave behind.
13 We are counting on you to do the right thing. Thanks.

14 MR. KAINS: Thank you, Ms. Vetter. Questions
15 for Ms. Vetter from the Zoning Board of Appeals? Very
16 good. Questions from members of units of local
17 government including school districts? Questions from
18 licensed attorneys. Mr. Jacobi?

19 MR. JACOBI: Thank you, Miss Vetter. I do
20 not have any questions.

21 MR. KAINS: Very good. Questions from other
22 interested parties, members of the public in support of
23 or neutral on the Application? Questions from Piatt
24 County staff and consultants? Very good. Thank you,
25 Miss Vetter. You are excused.

(WITNESS EXCUSED.)

MR. KAINS: And again, tomorrow night we will have Mr. McKanic and Mr. Reed in some order, and if there's anybody else with a burning desire to sign in, in opposition or neutral to testify, we will consider that as well. And then the attorneys will take up the matter of the admission of exhibits, reading of written comments and closing statements from the attorneys in this matter. The Board is in recess until six o'clock tomorrow night in this very building, in this very room.

(PROCEEDINGS CONCLUDED THIS DATE.)

1 I, Jamie J. Mumm, an Official Court Reporter and 146
2 Certified Shorthand Reporter in and for the Sixth
3 Judicial Circuit of the State of Illinois, do hereby
4 certify that I transcribed from shorthand notes the
5 foregoing proceedings and that the foregoing is a true
6 and correct transcript to the best of my ability.

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10
11 A handwritten signature in blue ink, reading "Jamie J. Mumm". The signature is cursive and fluid, with the first name "Jamie" and last name "Mumm" clearly legible.

12
13 Jamie J. Mumm, CSR
14 Official Court Reporter
15 CSR #084-002330.
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