

STATE OF ILLINOIS
PIATT COUNTY ZONING BOARD

PROSPERITY WIND, LLC
APPLICATION FOR A SPECIAL USE PERMIT

8/29/23
5:35 P.M. - 8:43 P.M.

PIATT COUNTY ZONING OFFICER:
Keri Nusbaum

HEARING FACILITATOR:
Scott Kains, Esq.

PIATT COUNTY ZONING BOARD MEMBERS:
Loyd Wax - Chairman
Jim Harrington

PIATT COUNTY BOARD MEMBERS
Michael Beem
Paul Foran
Todd Henricks
Gail Jones
Kathleen Piatt

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

COUNSEL FOR THE APPLICANT:
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COURT REPORTER: Courtnay Orman, CSR

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1 MR. KAINS: It is 5:35, and it is time to
2 reconvene the public hearing.

3 Mr. Chairman, I think it's your turn to request a
4 roll call.

5 MR. WAX: I think that's right.

6 Could I have a roll call, please?

7 MR. SMITH: You've got to swing it over towards
8 him.

9 MR. WAX: We're going to have a roll call.

10 Ms. Nusbaum.

11 MS. NUSBAUM: Larson?

12 Harrington.

13 MR. HARRINGTON: Here.

14 MS. NUSBAUM: Lovin.

15 Wax.

16 MR. WAX: Here.

17 MS. NUSBAUM: Chambers.

18 MR. WAX: Call the roll for the County Board,
19 please.

20 MS. NUSBAUM: Yes, please.

21 Henricks.

22 MR. HENRICKS: Yes.

23 MS. NUSBAUM: Edwards.

24 Beem.

25 MR. BEEM: Here.

1 MS. NUSBAUM: Jones.

2 MS. JONES: Here.

3 MS. NUSBAUM: Piatt.

4 MS. PIATT: Here.

5 MS. NUSBAUM: Foran.

6 MR. FORAN: Here.

7 MS. NUSBAUM: Thank you.

8 MR. WAX: Thank you. At this point in time if
9 Public Hearing Officer Kains will take over.

10 MR. KAINS: Thank you, Mr. Chairman. I was asked
11 about the Pledge of Allegiance. Again for the second
12 night in a row, we have no flag to pledge allegiance to,
13 but I think that it goes without saying that we are very
14 proud to pledge allegiance to the flag of our county, we
15 just won't do it tonight. Maybe we can get the flag
16 from Abe sometime soon. Yes, besides Kenny Smith and
17 Courtnay, our court reporter, the other person that
18 makes this happen is Abe, who lets us into the building,
19 and so we do appreciate that.

20 All right. We had three witnesses last night on
21 behalf of the Applicant Prosperity Wind, LLC, and we
22 have -- excuse me, we had an open question.
23 Mr. Harrington from the Zoning Board of Appeals had
24 asked Mr. Carlson, and, Mr. Hess, you had that
25 information, if you would proffer that for us, please.

1 MR. HESS: Yes, sir, Mr. Kains. Thank you.

2 Mr. Harrington, you had asked for the names of
3 subcontractors that will be responsible for repairing
4 drain tile. Mr. Carlson got that information for you,
5 and there are two. Queens Trucking and Construction,
6 Inc. and the second is AM Construction. The other thing
7 that Mr. Carlson tells me is that Queens Trucking and
8 Construction, Inc. is the company that repaired drain
9 tile at the Ford County project that we did.

10 Thank you, sir.

11 MR. KAINS: Thank you, Mr. Hess.

12 Prosperity Wind, LLC has the opportunity to call
13 additional witnesses.

14 Counsel, you may call your next witness.

15 MS. ANTONIOLLI: Okay. Thank you. On behalf of
16 Prosperity Wind, we'd like to call Jason Conley, manager
17 of health and safety.

18 MR. KAINS: Thank you.

19 Mr. Conley, if you could, please raise your right
20 hand to be sworn by the court reporter.

21 JASON CONLEY

22 called as a witness, being first duly sworn, was
23 examined and testified as follows:

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

1 MR. CONLEY: My name is Jason Conley, J-A-S-O-N
2 C-O-N-L-E-Y.

3 MR. KAINS: All right. Mr. Conley, you may
4 proceed with presentation or testimony.

5 MR. CONLEY: Awesome. Thank you, Counsel.

6 Board, citizens of Piatt County, good evening.
7 My name is Jason Conley. I'm the health and safety
8 manager for Apex Clean Energy. I'm a safety
9 professional by trade. I hold a CSP certification and
10 over 16 years of experience supporting the energy
11 industry with combined experience from oil and gas, as
12 well as renewals, both in construction and in
13 operations. I'm here this evening to emphasize safety
14 as it pertains to Apex Clean Energy and Prosperity Wind
15 project. Next slide.

16 Safety is a core value at Apex Clean Emergency.
17 It's not just a part of the business, but it's how we do
18 our business. The Prosperity Wind project has been
19 designed to safely operate in Piatt County. Let me
20 repeat that. Prosperity Wind has been designed to
21 safely operate in Piatt County. I'm going to talk about
22 the safe layout of the project, the safe design of the
23 equipment, the constant monitoring of the equipment, and
24 the trained professionals supporting this project, with
25 all these points coming together to underscore that

1 safety is how we do our business. Next slide.

2 First, we're going to talk about the overall
3 design of the project. Some examples that demonstrate
4 safety and the best practices that Apex carries out
5 include turbines that exceed the County's setback
6 requirements. We'll have visible signage on the
7 equipment that -- concerning the voltage and for
8 identification purposes. We post 24-7 emergency contact
9 information at the O&M and at the substation. The
10 access roads are labeled, and we also work with the
11 County to establish 911 addresses for the turbines.
12 There will be climb prevention on the turbines for
13 limited access, which is only for site personnel. Next
14 slide.

15 Along with the safe layout, I'm going to talk
16 about the turbine design and the feature that's been
17 added to help ensure the safety of any personnel and the
18 equipment, which is a fire detection and suppression
19 system. During the last hearing here in Piatt County,
20 there were lots of questions, as well as communications
21 that were shared amongst the board members with regard
22 to turbine fires, equipment, and emergency response.
23 So, ladies and gentlemen, what's different now? The
24 fire detection and suppression. A new independent
25 system above and beyond what is already present on the

1 equipment. This system that is to be installed on each
2 turbine, along with the coordination with local
3 emergency responders, addresses any doubt that the board
4 or the local community may have with regards to the
5 already low probability of a turbine fire and its
6 effects on the community. I'd like to refer to a
7 previous scenario from the last hearing that Mr.
8 Chambers painted. The scenario was a late fall, dry
9 corn field and a turbine were to catch on fire and to
10 get into that field. Previously and typically the
11 response would be to coordinate with local EMS, create a
12 perimeter to prevent any spread of fire. Now in the
13 same scenario, along with all the designed equipment
14 features and monitoring systems that the turbines
15 already come equipped with to prevent any equipment
16 fires, we are installing an independent fire detection
17 and suppression system to each turbine so that in the
18 unlikely event one were to occur, this system would put
19 it out in a matter of seconds. This feature was not
20 previously required by the County and happens to be an
21 upgraded feature, which is not currently an industry
22 standard on turbines. So, this would be another example
23 of how Apex goes above and beyond with regard to safety.
24 Next slide.

25 Along with the project layout and the safe

1 equipment design and features I have just mentioned, the
2 personnel play a key role in establishing and
3 maintaining safety at the project. The next couple
4 slides will demonstrate that. From the technicians
5 conducting routine inspections and maintenance of the
6 turbines and equipment to constant monitoring and
7 coordination with local EMS, the overall objective is to
8 have a safe and reliable operation for many years to
9 come. Next slide.

10 Previously I mentioned constant monitoring of the
11 equipment. There were also lots of questions in the
12 previous hearing with the onsite staff and constant
13 monitoring and how that's achieved. Not only do the
14 site personnel do this by visual inspection, but we also
15 have a Remote Operation Control Center that can see
16 every turbine, along with the substation equipment, its
17 status, how it's performing, and possessive power to
18 shut down and isolate any equipment in a matter of
19 minutes should the situation warrant it. Next slide.

20 All of the previously mentioned features and
21 actions taken by the company are all executed by trained
22 professionals. Site management and technicians are
23 trained in safe equipment operation for the turbines and
24 the substation equipment. Along with safe isolation
25 procedures and practices, they're also trained in

1 advance tower rescue, which includes self-rescue and
2 buddy rescue. We also coordinate and conduct site
3 walkthroughs and emergency rescue drills with the local
4 and emergency management services, taking any lesson
5 learned and striving to make operations safer for our
6 personnel and for the public. Next slide.

7 So, in closing, and as I opened this presentation
8 with, safety is not just a part of our business, but
9 it's how Apex does business. It is with certainty that
10 with this layout, the equipment and its upgraded
11 features, the constant monitoring, the expertise of our
12 personnel, and in open communication and coordination
13 with local entities, this wind farm can safely operate
14 in Piatt County, Illinois, for many years to come.

15 Thank you.

16 MR. KAINS: Thank you, Mr. Carlson -- I'm sorry,
17 Mr. Conley.

18 Are there questions for Mr. Conley from members
19 of the zoning board?

20 Mr. Wax. Dr. Wax.

21 MR. WAX: Thank you for the presentation. As I
22 recall looking at the tech data sheet, the spreadsheet
23 for the type of turbines you're using, there were a
24 number of different features as options. Is the fire
25 detection and prevention system the main one that you've

1 used, or are there others?

2 MR. CONLEY: With regards to the features to the
3 turbine, the fire detection and suppression system will
4 be added to all the turbines, that's correct.

5 MR. WAX: Okay. Are there any other types of
6 systems that are added, any other options that were
7 available?

8 MR. CONLEY: Well, the turbine already comes
9 equipped with constant monitoring systems for the
10 equipment inside the turbine, as well as the substation
11 equipment that we have that monitor that equipment and
12 makes sure that it stays within the perimeters of safe
13 operations.

14 MR. WAX: Okay. Do you have a good, brief
15 explanation of -- we do have a fire protection system
16 illustrated by a handheld fire extinguisher. Could you
17 get -- are you aware of and could you get into the
18 detailed parts that are involved in a fire protection --
19 detection and protection system, and tell us how they
20 work.

21 MR. CONLEY: So, this independent system will be
22 installed. It's not just a fire extinguisher. It's an
23 independent system that's built inside the nacelle of
24 the wind turbine.

25 MR. WAX: What parts does it involve other than

1 parts installed?

2 MR. CONLEY: I would have to look at the exact
3 spec sheets on how it's to be designed and set up, but
4 the turbines are to be installed with it.

5 MR. WAX: Okay. So -- okay. You would have to
6 look it up, and you don't have direct knowledge of
7 exactly how this thing works or what parts are, other
8 than it in theory detects and prevents and suppresses
9 fires before they get out of hand.

10 MR. CONLEY: We will have the spec sheets with
11 the turbines on how it operates.

12 MR. WAX: Okay. Okay. Could I ask if you have
13 knowledge of the history of this particular fire
14 protection system as used on this particular unit from
15 either your company or the wind farm industry as to how
16 effective this is and how long it's been used?

17 MR. CONLEY: I would have to obtain that from the
18 manufacturer of the system.

19 MR. WAX: Okay. So, in order to get that
20 information, you would have to ask the manufacturer of
21 the system, is that what you're saying?

22 MR. CONLEY: That's correct.

23 MR. WAX: Okay.

24 MR. KAINS: Go ahead, Mr. Harrington.

25 MR. HARRINGTON: So, on that same note, do you by

1 chance know the brand, brand name, or any details about
2 the make or model of your fire suppression?

3 MR. CONLEY: I do, it's called Firetrace.

4 MR. HARRINGTON: Firetrace.

5 MR. CONLEY: That's correct.

6 MR. HARRINGTON: Is there a model number or
7 anything to attach to it or just Firetrace?

8 MR. CONLEY: That's the manufacturer of this
9 system.

10 MR. HARRINGTON: Okay. Have you installed these
11 in any other projects?

12 MR. CONLEY: We have not.

13 MR. HARRINGTON: Okay. So, your history with
14 them is limited in that case?

15 MR. CONLEY: Yes.

16 MR. HARRINGTON: Okay. So, you mentioned it's
17 not an industry standard. Why is that?

18 MR. CONLEY: I don't have an answer to why it's
19 not an industry standard.

20 MR. HARRINGTON: Right, but, I mean, logically
21 you see why I'm asking.

22 MR. CONLEY: I have no knowledge of why it's not
23 an industry standard at this point.

24 MR. HARRINGTON: Okay. Another thought in that
25 same vein, so you said in the event of a fire, I think

1 was the example you gave, is that right, that you were
2 recanting from the previous application?

3 MR. CONLEY: From the scenario that Mr. Chambers
4 provided, right.

5 MR. HARRINGTON: Right, so the previous
6 application. What is the definition for you guys of a
7 perimeter maybe for the audience and us as a board maybe
8 you could describe that. You know, is that 300 by 300
9 feet, is that -- give me some -- some ideas here.

10 MR. CONLEY: I would have to look -- I would have
11 to look at how the Emergency Action Plan is drawn out
12 in coordination with local emergency responders.
13 Typically, that's 150, 200, could be up to 300 meters,
14 but that would be in coordination with local emergency
15 responders and what the safe distance is in the unlikely
16 event that there happens to be one.

17 MR. HARRINGTON: Right. So, on that note, have
18 you gained any sort of contact with the local EMS in
19 regards to this?

20 MR. CONLEY: We have spoke with and/or attempted
21 to speak with all of the local emergency responders for
22 this project.

23 MR. HARRINGTON: So not quite yet. You have
24 gotten ahold of a few of them, but not all of them?

25 MR. CONLEY: We have met with many of them, yes.

1 MR. HARRINGTON: Do they understand your
2 perimeter idea?

3 MR. CONLEY: We have provided them with copies of
4 our Emergency Action Plan.

5 MR. HARRINGTON: Okay. So, in the unfortunate
6 scenario -- so say your example you gave, a fire in the
7 fall, what -- what would the typical protocol be? How
8 would this flow from your end if somebody called in and
9 said: There's a fire on turbine XYZ, then what happens?

10 MR. CONLEY: Well, in the unlikely event that
11 were to happen, now this turbine is installed with the
12 detection-suppression system that would put the fire out
13 within a matter of seconds.

14 MR. HARRINGTON: Right, in a matter seconds, but
15 the locals would be -- would do what? If they see
16 flames, do they -- is there a phone number they call, is
17 there a website?

18 MR. CONLEY: They would call 911. Just like if
19 you saw a fire on somebody's on farm.

20 MR. HARRINGTON: That's what I'm getting at. Can
21 you step through that? Once 911 gets the call, how do
22 they get ahold of you, or how does this flow?

23 MR. CONLEY: All of that emergency response
24 information is provided to the County emergency response
25 services.

1 MR. HARRINGTON: So, you can't tell me how that
2 goes, you just say it's a protocol and that's it?

3 MR. CONLEY: Well, I mean, I guess I'm not
4 getting what you're asking. When a phone call is made
5 to emergency services, they would be notified that
6 something was wrong with a piece of equipment, and
7 emergency services, one, has our contact information
8 because we've already provided it to them. They could
9 contact us and have us do anything that we needed to do
10 to isolate and/or respond to the situation, as well as
11 they would respond.

12 MR. HARRINGTON: But I think that's what I'm
13 getting at is how do you respond? Do you simply shut it
14 off, or do you have some other tools in the tool bucket
15 to help with this matter?

16 MR. CONLEY: Well, the -- in an electrical fire,
17 the first thing we would do is isolate the equipment.

18 MR. HARRINGTON: Right.

19 MR. CONLEY: Which would be either, one, carried
20 out by the site personnel or carried out by the ROCC.

21 MR. HARRINGTON: Okay. And then what's step two,
22 if that's step one?

23 MR. CONLEY: We'll conduct a visual of the event.

24 MR. HARRINGTON: So, at what point does a person
25 from your organization physically go out to look at this

1 issue?

2 MR. CONLEY: As soon as they're notified.

3 MR. HARRINGTON: Is there people on-call for
4 that?

5 MR. CONLEY: There are people on-call for that.

6 MR. HARRINGTON: Okay. So that's good to know.

7 MR. CONLEY: Yeah.

8 MR. HARRINGTON: So, they're close at hand, where
9 they could respond, you know --

10 MR. CONLEY: In a timely manner, yes, sir.

11 MR. HARRINGTON: Okay. That's good to know. So,
12 I guess, you know, thinking that out, you know, I think
13 the basis of -- you okay?

14 MR. CONLEY: I'm good.

15 MR. HARRINGTON: Okay. The basis of
16 Mr. Chambers' questions was, you know, time is of the
17 essence in that scenario he gave you. Would you agree?

18 MR. CONLEY: Yes, I would.

19 MR. HARRINGTON: Okay. So, I guess when we think
20 about perimeters and how it's managed, I mean chances
21 are if it happens, it's not going to be a calm, damp
22 day, it's going to be a windy, dry, fall afternoon, and
23 people that live close in proximity to these are
24 probably wondering how will this go.

25 MR. CONLEY: Understood.

1 MR. HARRINGTON: That's all I have for now.

2 MR. KAINS: Very good.

3 MR. WAX: Could I have one follow-up question?

4 MR. KAINS: Yes, of course, Dr. Wax.

5 MR. WAX: Did the company when they made the
6 arrangements to purchase this from -- this option from
7 Vestas, did they not give you some sort of a degree or
8 history concerning how effective this is, how it works,
9 and what their past history of effectiveness has been?

10 MR. CONLEY: I have not read through any
11 documentation on that, no.

12 MR. WAX: Would anybody have that knowledge in
13 the company?

14 MR. CONLEY: I don't have an answer to that.

15 MR. WAX: Okay. I do second Mr. Harrington's
16 concern that there needs to be some sort of immediate
17 contact and ability of people in the surrounding area to
18 have an immediate number, as opposed to having to call
19 911 or run into the O&M office to find out what's going
20 on. Another question that just occurred to me, with all
21 the technology incurred, is it possible that these
22 things may be wired up electronically so that somebody
23 would be -- the fire protection -- the detection system
24 -- detection and suppression system would have the
25 capability of notifying your office by some means of,

1 hey, we've got a problem here?

2 MR. CONLEY: So that equipment is already
3 installed with the turbines and is monitored by either
4 onsite personnel electronically and/or by the ROCC. So,
5 if there happens to be an anomaly with the turbine, we
6 would know about it almost immediately.

7 MR. WAX: Any kind of anomaly then, abnormal
8 situation you would know?

9 MR. CONLEY: That is correct.

10 MR. WAX: Okay. Thank you.

11 MR. KAINS: Any other questions for Mr. Conley
12 from the zoning board?

13 Questions for Mr. Conley from members of units of
14 local government, including school districts?

15 Questions from other interested parties, members
16 of the public opposed to the application or neutral on
17 the application?

18 Questions for Mr. Conley from Piatt County staff
19 and consultants?

20 Excuse me, sir.

21 MR. HENRICKS: Yes.

22 MR. KAINS: Come on up. Go ahead, sir, have a
23 seat, and if you could for the record, please state your
24 name, spelling your first and last name.

25 MR. HENRICKS: Yes, my name is Todd Henricks,

1 T-O-D-D H-E-N-R-I-C-K-S.

2 MR. KAINS: Very good. Mr. Henricks, if you
3 could direct questions now to Mr. Conley.

4 MR. HENRICKS: One thing is, do you know that all
5 of the fire protection districts in the area or project
6 when -- are volunteer?

7 MR. CONLEY: Yes, sir.

8 MR. HENRICKS: So, they have to do a page-out for
9 their volunteers and hopefully get enough -- will
10 respond for volunteer. In the case that Mr. Chambers
11 and Mr. Harrington asked, so we have a fall harvest and
12 corn and -- and we have -- we have one of your turbine's
13 prop go on fire, how much time do you think we will get
14 from the volunteer fire department? And I am a 35-years
15 assistant chief for our fire department. I know how
16 hard it gets to get them on duty after they page them
17 out. How many -- how much time do you think you have to
18 have them?

19 MR. CONLEY: So, I would have to look at, one,
20 where the fire district is located associated with the
21 project, but what I can tell you is with site
22 walkthroughs of bringing volunteer firefighters to the
23 site, letting them walk the turbines and substation
24 down, as well as conducting emergency response rules, we
25 can battle test what those times look like and work

1 collaboratively to reduce that as much as possible. So,
2 I don't have exact times, because I don't know exactly
3 where each one of the fire districts is located with
4 regards to the turbines, but with other projects, that
5 is the way that we manage our business is that we stay
6 in constant communication, we conduct drills, we conduct
7 site walkthroughs, go through various scenarios. We
8 could use fire as a scenario and see what that response
9 time looks like and look at ways to mitigate that and
10 minimize that as much as possible.

11 MR. HENRICKS: Well, I appreciate that, but you
12 need to know where these fire stations are before you
13 start building.

14 MR. CONLEY: That is understood. All of that
15 information is built into our Emergency Action Plan
16 before construction starts.

17 MR. HENRICKS: Okay. Thank you.

18 MR. CONLEY: You bet.

19 MR. KAINS: Thank you, Mr. Henricks.

20 Any other questions from the public for
21 Mr. Conley?

22 Piatt County staff and consultants. Oh, yes,
23 sir. Come on up.

24 MR. STILLABOWER: Hello.

25 MR. KAINS: Hi. I remember you from last time,

1 but I've forgotten your name. So, if you could, please
2 state your name, spelling first and last names for the
3 record.

4 MR. STILLABOWER: Okay. First name is Chris,
5 last name Stillabower, C-H-R-I-S S-T-I-L-L-A-B-O-W-E-R.

6 MR. KAINS: Very good, Mr. Stillabower.

7 Questions for Mr. Conley.

8 MR. STILLABOWER: Okay. First one I was going to
9 ask about if there were -- we've been talking about
10 fire, so I was wondering how your on-call coverage
11 works. Like, you guys have like one person on-call for
12 just Piatt County, or would you have one person on-call
13 for surrounding areas, too, or how does that work?

14 MR. CONLEY: I'd have to look at the exact
15 operating agreement associated with how this is going to
16 run. Historically, there is one on-call person for Apex
17 for the entire project for a 24-hour period, and then
18 there's also site technicians with the turbine
19 manufacturers that would be on-call as well.

20 MR. STILLABOWER: Okay. I guess I was just kind
21 of wondering like with a lot of on-call duties, like you
22 have a certain response time, like you have a half hour
23 to answer a call or, you know, say it's three o'clock in
24 the morning, and if you guys have -- I don't know where
25 all your other -- I'm going to call them properties,

1 other turbines are throughout the state, so I mean like
2 if they're up, say, in Ford County.

3 MR. CONLEY: No, so our Remote Operations Control
4 Center operates 24 hours a day, 7 days a week. So,
5 that's one method of contacting Apex in the event
6 something happens. So, there's always that number
7 that's been provided. As far as the onsite, it is
8 project specific.

9 MR. STILLABOWER: Okay. The other question I had
10 was in the event the monitor -- so I think you call it
11 R-O-C-C?

12 MR. CONLEY: The ROCC, that's correct.

13 MR. STILLABOWER: So, if the ROCC loses
14 communication with the turbine, for example, I don't
15 know weather, or I assume they're using like Wi-Fi --
16 not Wi-Fi, but like cell signal or something. If they
17 were to lose connection, like sensors fail, things
18 break, would it know -- is it smart enough to shut
19 itself down because it doesn't know what's going on, or
20 what does it do?

21 MR. CONLEY: If the Remote Operation Control
22 Center loses visibility to the turbines, they know
23 immediately, and then we would contact the OEM, which in
24 this case is Vestas, to see if they have visibility of
25 the turbines, and -- but the equipment will -- if it's

1 not being monitored, it can shut itself down, that's
2 correct.

3 MR. STILLABOWER: So, it has a safety mechanism?

4 MR. CONLEY: That is correct.

5 MR. STILLABOWER: Okay. Okay, and then I had a
6 question in regards to the access roads. So, up in
7 Bellflower, north of Mansfield, I can't remember which
8 company that is, but a lot of the access roads at least
9 last time I looked, they're not marked off, they're not
10 blocked off, they're not roped off, like you could just
11 drive in on them. I mean, people could drive in on
12 them, they could come back, you know, like say they're
13 going to use it as a turn-around, come back on the road.
14 There's no signs, like yield signs or anything. So, I
15 mean, that could cause accidents. So, I was wondering,
16 are you going to gate them off, rope them off, do
17 something like that with these access roads?

18 MR. CONLEY: That would be in agreement with the
19 landowner and how they -- if they have gates or they
20 don't have gates.

21 MR. STILLABOWER: Okay. So, it's up to the
22 landowner.

23 MR. CONLEY: And as far as those turbines, I
24 don't know the manufacture, how the -- or the project
25 owner, how they identify them, but our turbines are

1 identified, and, you know, access is agreed upon by
2 whatever the landowner wants.

3 MR. STILLABOWER: Okay. A lot of those up there,
4 they come out to the main road. Actually, I ended up --
5 I was up in Bellflower, and I ended up going on one of
6 the roads I think by mistake. Actually, I think it was
7 one of the new roads they built. It wasn't the actual
8 access roads, but it's very confusing, so trying to
9 prevent that, and also had a question about the laydown
10 yard. So, when you guys are doing construction, are you
11 going to like not be moving stuff during, like let's say
12 like seven to nine, because there is a lot of buses on
13 the road, kids going to school. Have you thought about
14 like certain hours of the day like not doing movement of
15 the big blades and stuff?

16 MR. HESS: Are you finished?

17 MR. STILLABOWER: Yeah.

18 MR. KAINS: Mr. Hess.

19 MR. HESS: Yes, sir, Mr. Kains. Mr. Kains, I
20 would respectfully object, beyond the scope of
21 Mr. Conley's presentation. It was really a question
22 that I believe is as to yesterday's presentation as far
23 as construction schedule. I didn't hear Mr. Stillabower
24 sort of have any concerns from a safety perspective
25 about the laydown. If there are, I think that's a fair

1 question, but as far as the construction schedule, I
2 think that's beyond the scope of Mr. Conley's
3 presentation.

4 MR. KAINS: It is. I'm going to sustain the
5 objection.

6 Mr. Stillabower, you can ask this gentleman any
7 questions about safety with respect to the laydown yard,
8 but he's not the guy for the construction schedule, so
9 you can go ahead and ask him another question.

10 MR. STILLABOWER: Okay. So, a lot of our kids
11 are in school buses and stuff on 150. You guys have a
12 laydown yard there. So, I'm wondering how you're going
13 to maintain their safety during the construction of the
14 project.

15 MR. CONLEY: Last time Mr. Carlson spoke of
16 constant communication with the local communities, as
17 well as the local road use authority on schedules. All
18 that will be communicated to the site personnel and what
19 those schedules will look like, and they'll adjust
20 accordingly.

21 MR. STILLABOWER: Okay. Thank you. That's all I
22 got. So, thank you, guys. I appreciate it.

23 MR. KAINS: Thank you, Mr. Stillabower.

24 MR. STILLABOWER: Thank you, sir.

25 MR. KAINS: Any other questions from the public

1 for Mr. Conley?

2 I do believe I asked for Piatt County staff and
3 consultants questions. We have none.

4 Redirect.

5 MS. ANTONIOLLI: Sure. Thank you. Just a few
6 questions.

7 REDIRECT EXAMINATION

8 BY MS. ANTONIOLLI:

9 Q. Mr. Conley, you mentioned the ROCC or the
10 R-O-C-C. Can you explain what that means, just the full
11 acronym?

12 A. Sure. The ROCC is the Remote Operations Control
13 Center. It is located in Charlottesville, Virginia, and
14 it is a manned facility that oversees all our sites from
15 a technical standpoint 24 hours a day, 7 days a week,
16 365 days a year.

17 Q. Okay. Thanks, and Firetrace is not a Vestas
18 company, is it?

19 A. That's correct, it is independent from Vestas.

20 Q. And does Vestas make a comparable fire detection
21 and suppression system?

22 A. I have not seen the fire suppression/detection
23 system that Vestas has.

24 Q. So, you would -- went somewhere else to another
25 company to find a system that would --

1 A. That is correct.

2 Q. -- that would do that?

3 A. That is correct.

4 Q. And that -- what was the purpose of finding this
5 detection -- the fire detection and suppression system
6 for this particular project?

7 A. One for the safety of the equipment, but it was
8 also part of the requirements --

9 Q. Okay.

10 A. -- for the project.

11 Q. Yeah, and are you familiar with the Emergency
12 Management Plan that was submitted as part of the
13 application?

14 A. I have seen it.

15 Q. That was submitted as appendices or Appendix 3E?

16 A. I believe that's correct.

17 Q. Okay. I'll come up and show it to you. I just
18 want to go over and have you read a little section out
19 of it about signage and what information is going to be
20 provided.

21 UNIDENTIFIED FEMALE SPEAKER: Excuse me, but
22 we're having trouble hearing back here. I don't think
23 the mic is turned on.

24 MR. KAINS: I believe the mic is on, but its
25 placement is not quite where it needs to be.

1 MS. ANTONIOLLI: Thank you. Sorry, my legs are a
2 little shorter. I'm trying to reach over here. Okay,
3 here, this is much better.

4 Q. Can you read for me that section about
5 information signs?

6 A. Yes. Prosperity Wind will post information
7 signs, which are turbine placards --

8 MR. KAINS: Mr. Conley, just slow down just a
9 little bit.

10 A. Sorry. That will include the turbine ID number
11 and the phone number for the owner's operation control
12 center, which is the ROCC, 24-7 operation desk. Signage
13 will also be placed at the project substation and O&M
14 building with the same contact information. If called,
15 the operator will take action, notifying the on-call
16 technician if needed, initiating the Emergency Action
17 Plan, local emergency responders, the zoning
18 administrator. The county board members will be given
19 an up-to-date map prior to construction showing the
20 equipment location in relation to all public roads.

21 MS. ANTONIOLLI: Okay. Thank you.

22 MR. KAINS: All right. Based upon those
23 questions and Mr. Conley's responses, are there any
24 questions from the zoning board for Mr. Conley?

25 Mr. Harrington.

1 MR. HARRINGTON: Yeah. So, in regards to safety
2 and/or protocols, one thing that I forgot to ask you was
3 occasionally we see some of these turbines, whether they
4 are yours or not yours, I don't know, with leaks, oil
5 leaks. What is your protocol? How do you contain them,
6 clean up? What can you tell me about that?

7 MR. CONLEY: So, each project is required to have
8 an SPCC plan, which would include the turbines. So --
9 which is Spill Prevention Control and Countermeasures.

10 MR. HARRINGTON: So, can you describe that to me?
11 Like let's say hypothetically one leaks, what happens?

12 MR. CONLEY: Well, the technicians go and inspect
13 the turbine and figure out where the leak is coming from
14 and respond and try to -- you know, repair it.

15 MR. HARRINGTON: Right. So you stop the leak,
16 right?

17 MR. CONLEY: Yeah.

18 MR. HARRINGTON: What about the oil that's
19 already made its way to the ground? What about that?

20 MR. CONLEY: That's part -- part of the response
21 of that is contained in the SPCC plan on how they would
22 respond to that --

23 MR. HARRINGTON: Right.

24 MR. CONLEY: -- with regards to --

25 MR. HARRINGTON: I don't have that memorized.

1 Can you tell me what it is?

2 MR. CONLEY: I haven't seen the SPCC plan for
3 this project.

4 MR. HARRINGTON: You haven't seen this one?

5 MR. CONLEY: I have not.

6 MR. HARRINGTON: So, what do they do in other
7 plans? Do they remove the dirt? Do they do anything?
8 I don't know.

9 MR. CONLEY: I believe that's a question for
10 somebody with more of an environmental background, but
11 historically, yes, they would go -- whatever the SPCC
12 plan dictates with regards to response to any spills,
13 that's how they would manage that.

14 MR. HARRINGTON: Can you get back to us?

15 MR. CONLEY: Absolutely.

16 MR. HARRINGTON: Okay. Back to a fire, you had
17 referenced Mr. Chambers' scenario/synopsis, and at the
18 time, you had said, because, correct me if I am wrong,
19 in the previous application, fire suppression was not
20 part of it, right?

21 MR. CONLEY: That's correct.

22 MR. HARRINGTON: It is now, I think we've
23 established that.

24 MR. CONLEY: That's correct.

25 MR. HARRINGTON: But in the previous ones since

1 you referenced it at the time, I had some notes that,
2 correct me if I am wrong, that mentioned the best
3 scenario was to let it burn out; is that correct?

4 MR. CONLEY: Previously.

5 MR. HARRINGTON: Right. Previously. Is that
6 right?

7 MR. CONLEY: That's what I recall in the
8 conversation, that's correct.

9 MR. HARRINGTON: Do you still have that same
10 opinion? Has something changed now that you have fire
11 suppression, or is there a different dynamic involved?

12 MR. CONLEY: Well, if the turbines are equipped
13 with a fire detection and suppression system, the
14 likelihood of one catching on fire is almost nil.

15 MR. HARRINGTON: Right, but in the unfortunate
16 happenstance that your fire suppression works, and the
17 fire is too far gone, that's what I think these local
18 residents are concerned about is, hey, how does this get
19 controlled? What do we do?

20 MR. CONLEY: Then that's something that's built
21 in once again in the Emergency Action Plan. We have
22 conversations with local emergency responders on how we
23 respond to that in a safe manner and minimize the impact
24 to the public.

25 MR. HARRINGTON: Do you train the EMS volunteer

1 folks on this process?

2 MR. CONLEY: On?

3 MR. HARRINGTON: On your action plan.

4 MR. CONLEY: They have copies of it, yes, and
5 they go through and help us build it.

6 MR. HARRINGTON: They have copies, but do you
7 like have trained personnel to show them: Hey, here's
8 what you can do; here is the safe way about it.

9 MR. CONLEY: That would be part of the site
10 walkthroughs is taking the Emergency Action Plan with
11 the local emergency responders, doing a site walkthrough
12 for the turbines, for the substation equipment, and
13 identifying what those response protocols look like.

14 MR. HARRINGTON: And then as time goes on the
15 life of the project, are these EMS folks trained with:
16 Hey, this is going to be a problem -- you know, here's
17 some things to look for as the project gets older?

18 MR. CONLEY: We conduct, once again, constant
19 communication and annual drills with site personnel.

20 MR. HARRINGTON: Right, and who would be the EMS
21 or the volunteer department's contact, would it be the
22 site guy you have at the project or some other soul in a
23 different location?

24 MR. CONLEY: No, the facility manager for the
25 project is the primary contact.

1 MR. HARRINGTON: He's the go-to for any and
2 everything?

3 MR. CONLEY: That's correct.

4 MR. HARRINGTON: And will you provide the local
5 districts with that, or will they have to seek it out?

6 MR. CONLEY: No, that's built into the Emergency
7 Action Plan, and it's posted at the O&M.

8 MR. HARRINGTON: I know it's in the plan, but
9 what I'm saying is, is Apex taking the step above and
10 beyond to make sure that those folks have that
11 information, not: Hey, it's on a board, or it's on our
12 website?

13 MR. CONLEY: That would be part of the constant
14 communication with the local entities is making sure
15 that there was face-to-face contact.

16 MR. CONLEY: Okay. Very good.

17 MR. WAX: I have one more follow-up question.

18 MR. KAINS: Yes, Dr. Wax.

19 MR. WAX: Somehow, I'm not entirely sure, I guess
20 it doesn't make much difference, but for my curiosity
21 here, is this a Vestas option, or is this a third-party
22 addition to the system?

23 MR. CONLEY: The Firetrace is an independent
24 system.

25 MR. WAX: It's an independent system --

1 MR. CONLEY: That's correct.

2 MR. WAX: -- from somebody else?

3 MR. CONLEY: That's correct.

4 MR. WAX: Okay. Okay. When these events from
5 your knowledge, or what you've been told apparently,
6 when this goes off and saying, okay, a fire is detected
7 and suppressed, what actually happens at that point? Is
8 there typically some damage and your group comes out and
9 fixes the problem, starts all over, or what is the
10 scenario at that point in time?

11 MR. CONLEY: It would depend on what type of
12 event that it is, but the suppression system activates,
13 does what it's supposed to do, puts out a potential
14 fire, and then, you know, we would know about the
15 equipment being offline, and then we would go inspect
16 what needed to be inspected and needed to be repaired.

17 MR. WAX: You would take it offline at that point
18 in time, inspect it thoroughly, and restart the system?

19 MR. CONLEY: That's correct,

20 MR. WAX: Okay. Thank you.

21 MR. KAINS: Mr. Harrington.

22 MR. HARRINGTON: So, I just happened to think of
23 it, so this suppression system, what is it? Is it a
24 chemical based; is it water based? What is it?

25 MR. CONLEY: I'd have to look at the spec sheet

1 with regard to what type of chemicals they use.

2 MR. HARRINGTON: Can you get back to me?

3 MR. CONLEY: Absolutely.

4 MR. HARRINGTON: That's it.

5 MR. KAINS: All right. Very good.

6 Thank you, Mr. Conley. You may step down, but
7 you will be subject to recall by the board. You'll be
8 here all -- the whole hearing, correct?

9 MR. CONLEY: That's correct.

10 (Whereupon the witness was excused.)

11 MR. KAINS: Okay. Very good.

12 Mr. Hess.

13 MR. HESS: Mr. Kains, may we have just a moment?
14 May we have just a moment? We might be able to provide
15 an answer to Mr. Harrington's question right now if we
16 could have just a moment.

17 MR. KAINS: All right. Very good.

18 MS. ANTONIOLLI: Yeah, we'd like to answer those
19 questions. Recall Adam Carlson.

20 MR. KAINS: All right. That would be great.

21 All right. Mr. Carlson, this is just a reminder.
22 Do you understand you are still under oath from last
23 night's testimony?

24 MR. CARLSON: Yes, sir.

25 MR. KAINS: Okay. If you could for Courtnay

1 since she is new tonight, if you could give her your
2 name, spelling your first and last for the record.

3 MR. CARLSON: It's Adam Carlson, A-D-A-M
4 C-A-R-L-S-O-N.

5 MR. KAINS: All right. You may proceed,
6 Ms. Antonioli.

7 MS. ANTONIOLLI: Thank you.

8 DIRECT EXAMINATION

9 BY MS. ANTONIOLLI:

10 Q. Adam Carlson, thank you. Can you tell us how the
11 Firetrace fire detection and suppression system works?

12 A. Yes, ma'am. So, I've been the one working with
13 Firetrace to install this -- this system. You're
14 correct that Vestas doesn't have this option for a
15 fire-suppression system, it's just the detection piece.
16 So, even they've had to go to a third party to install a
17 fire-suppression system. The Firetrace system, there's
18 three places where it's installed up tower in the
19 nacelle, and those are the only three places where a
20 fire could actually occur, would be the switchgear -- so
21 just think of electrical cabinets -- the transformer
22 room in the back of the nacelle, and then the gearbox.
23 If a fire were to happen in the nacelle, this system,
24 it's a set of tubing that runs inside the cabinet or in
25 the transformer room, and it's actually a pressure

1 switch that's activated. It's -- I would say it's like
2 a rubber tubing. When that rubber tubing ruptures, that
3 will activate the pressure switch, and then the -- it's
4 like Halon or CO2. It's just disbursed all over the
5 inside of the nacelle. The specific type of fluid that
6 this company Firetrace uses actually protects the
7 electrical equipment. It wouldn't damage it for the
8 long term, so that in a sense answers another question,
9 where -- well, what do we do after there is a fire?
10 Well, we would go back in and investigate, well, what
11 equipment is damaged, what needs to be replaced, but at
12 the end of the day, it will be very minimal, the amount
13 of equipment that needs to be replaced compared to
14 something -- to some type of extinguishing agent that
15 would ruin all of the electrical equipment. So, yeah,
16 it's a pretty smart design. It's all -- it's connected
17 back to the Remote Operation Center like we talked about
18 before, but I think the issues in the past if it's
19 simply just a fire detection, yes, there will be an
20 alarm that's raised, and we can cut power, but who knows
21 in any of these given situations if somebody wasn't
22 paying attention or something, like I don't know what
23 exactly happened that caused fires in the past, but this
24 will be much more immediate, and it will immediately
25 extinguish any oxygen in the nacelle, and that is one of

1 the key pieces of the fire detector. For any fire
2 fighter in the room, you know that the fuel, oxygen,
3 heat, those are all needed to keep a fire going. So, if
4 you remove any of those, then the fire is out, and Jason
5 is definitely right, the first thing you do is cut
6 power. So, this is all -- this is all intertwined now,
7 and a few other statistics about Firetrace, they are --
8 they are retrofitting a lot of turbines around America.
9 Just in Illinois alone, there might only be 7 to 10
10 percent of turbines that have a fire suppression on it,
11 but you can be guaranteed that all 50 turbines here at
12 Prosperity Wind will have that detection and suppression
13 system installed on it.

14 MR. WAX: Where are -- do you mind if I ask a
15 question?

16 MS. ANTONIOLLI: No.

17 MR. KAINS: Ms. Antoniolli, do have you any other
18 questions for Mr. Carlson?

19 MR. WAX: I'm sorry.

20 MS. ANTONIOLLI: No, that's all, please go ahead.

21 MR. KAINS: Okay. Very good.

22 Mr. Wax, please go ahead.

23 MR. WAX: Where is this particular system
24 manufactured and by whom?

25 MR. CARLSON: I don't have that answer.

1 MR. WAX: Okay. Back to an earlier question to
2 -- for you to know about this, does somebody have to
3 call in, or is there a system built in that when
4 something goes wrong with this system, when it takes
5 off, okay, hey, we need to put -- we need -- there's a
6 fire, we need to do it, are you -- is somebody
7 electronically notified so that you have immediate
8 information?

9 MR. CARLSON: Yes, within a second.

10 MR. WAX: Okay.

11 MR. CARLSON: Because it is actually connected to
12 the existing fire detection system, all are like
13 electrically connected there --

14 MR. WAX: Okay.

15 MR. CARLSON: -- back to the --

16 MR. WAX: What do you have to do then to so-call
17 recharge the system, get everything cleaned up, get it
18 ready to go so you feel comfortable about, okay, it's
19 going to work the next time?

20 MR. CARLSON: That's a great question, and we did
21 go over that in a meeting with Firetrace. It's way
22 simpler than even I thought. They just replace the
23 tubing, the -- that rubber tubing that I told you about,
24 and then I don't think they would recharge the existing
25 canister/cylinder, but they just put a new one in there.

1 So, that alone would be a very simple replacement and
2 then replace any switchgear that was damaged.

3 MR. WAX: To your knowledge, did you get any
4 information from the company as to how these -- where
5 these are placed around the country and what their
6 history is concerning how effective they are in
7 detecting and suppressing fires?

8 MR. CARLSON: Yes. They have all that
9 information listed on their website in different
10 statistics and metrics.

11 MR. WAX: Is there any way you could kind of put
12 that in a very brief form so I don't have to look up a
13 website here?

14 MR. CARLSON: Yes. Yes, we can definitely
15 provide that.

16 MR. WAX: Thank you.

17 MR. CARLSON: You're welcome, sir.

18 MR. KAINS: Mr. Harrington, do you have questions
19 for Mr. Carlson with respect to the workings of the fire
20 detection and suppression system?

21 MR. HARRINGTON: Correct. Yeah, so you mentioned
22 CO2 gas, right? That's the apparent suppressing feature
23 of it. Obviously, if you have a fire, you'd have to
24 recharge it, but is there any maintenance on an annual
25 basis? Do they -- does Firetrace when you contract with

1 them, do they say: Hey, we'll be out once every 12
2 months, six months to make sure that this properly
3 functioning or is charged fully?

4 MR. CARLSON: Yes, sir -- yeah, that's a great
5 question. There is a maintenance frequency, but I don't
6 know -- I can't remember if it's 12, 18 months.

7 MR. HARRINGTON: Do you know if your project is
8 contracted with that?

9 MR. CARLSON: Yes, we would have -- and, again, a
10 warrantee period on everything as well. Yeah, so, it
11 will be a routine maintenance schedule, yes.

12 MR. HARRINGTON: So, I know you don't have that
13 memorized. Can you get back to us with what that would
14 be?

15 MR. CARLSON: Yes, sir.

16 MR. HARRINGTON: All right. Good. You know, I
17 think that's good. I got to be honest, you mentioned
18 it, you said that -- what was the statistic, one -- or 7
19 percent or something of Illinois turbines -- it doesn't
20 matter, all I'm getting at is why not? Why has this not
21 been a standard feature for a long time?

22 MR. CARLSON: My answer would only be
23 speculative.

24 MR. HARRINGTON: Sure, I get it, but when you
25 look at the size and scale of this project, millions,

1 billions of dollars, and we're just now getting to the
2 point of, hey, let's do this.

3 MR. CARLSON: Yeah. So, I think -- I think very
4 -- maybe what people were thinking about even 10 years
5 ago or something is the probability is extremely low,
6 and if there were to be a fire, we would just cut power
7 remotely, and that's going to put it out, but obviously
8 we've seen there have been cases of that. I mean, there
9 might be, what, 90,000 turbines in the country, and
10 there might have been a few fires, just a few, among all
11 of those, and maybe it was internally caused or maybe a
12 lightning strike and there wasn't a good grounding
13 system or something, but I think -- I think that it's --
14 that it's important to like continually learn and
15 improve on things, and that happens in any industry.
16 So, this is just one of those prime examples where we're
17 learning and improving on what had been done in the
18 past.

19 MR. HARRINGTON: I agree, but I think since you
20 mentioned last night you're an east-central Illinois
21 native --

22 MR. CARLSON: Uh-huh (affirmative).

23 MR. HARRINGTON: -- and you understand that the
24 time of year we are most concerned with obviously there
25 is a high vulnerability in the exact location you're

1 planning to place these, right, and the other thing
2 would be, we don't doubt that the likelihood of fire is
3 low or possibly zero, but as you no doubt understand, if
4 it would occur, there would be very little time to
5 respond, and it will probably spread rapidly. Would you
6 agree?

7 MR. CARLSON: I would agree with that, yes, sir.

8 MR. HARRINGTON: Right.

9 MR. CARLSON: Yes. Yeah, I would agree.

10 MR. HARRINGTON: Thank you.

11 MR. KAINS: Thank you.

12 Questions for Mr. Carlson with respect to the
13 fire detection and suppression system with what the
14 scope of his testimony is tonight? Questions for him
15 along that from members of units of local government,
16 including school districts?

17 Questions for Mr. Carlson again on fire
18 suppression and protection from members of the public?

19 Mr. Hartke.

20 MR. KAINS: Could you please state your name,
21 spelling your first and last for the court reporter?

22 MR. HARTKE: My name is Ted Hartke, T-E-D
23 H-A-R-T-K-E.

24 MR. KAINS: Go right ahead, Mr. Hartke.

25 MR. HARTKE: On the fire suppression system, the

1 CO2, it's all gas? Is it a powder or all just gas?

2 MR. CARLSON: It's -- it's a liquid. It's called
3 -- I said like CO2 or Halon system, but it's called 3M
4 Novec 1230 fire-protection fluid. The example that this
5 company shows even in a picture is that they have
6 something that's electronic emersed in the fluid and
7 it's still operating, but it will suck all the oxygen
8 out of the nacelle in those areas where there might be a
9 fire.

10 MR. HARTKE: Okay. So, if the fire starts --
11 tell me if my scenario is okay. If a fire starts, the
12 fire causes these hoses to rupture. Is there rubber or
13 thin what?

14 MR. CARLSON: Yeah, it's like a thin rubber, yes.

15 MR. HARTKE: And where the rupture happens,
16 that's where all this gas is suddenly sprayed out. Is
17 there nozzles or anything like that? It's something out
18 of a hose?

19 MR. CARLSON: It's -- it's -- it's not out of a
20 hose, it's out of the -- it's out of the canister. The
21 hose is just placed in kind of like a snake pattern
22 either in the transformer room, in the switchgear
23 section. Once -- once that hose ruptures anywhere,
24 boom, the whole nacelle gets covered in this fluid.

25 MR. HARTKE: Okay.

1 MR. CARLSON: It won't be -- it won't be -- it
2 won't be localized, that's how I should answer that.

3 MR. HARTKE: Are the nacelles -- to keep them
4 from overheating and keep all these things running cool,
5 does the nacelle have like a fan, a ventilation system
6 that's keeping everything cool?

7 MR. CARLSON: Yes, and --

8 MR. HARTKE: I'll tell you where my question is
9 going. It's not your question, I think. If the nacelle
10 is a system that has fans and ventilation and stuff, how
11 is this material staying present long enough that the
12 fans and the cooling and the open air just doesn't let
13 this liquid dissipate? This is a one-time, immediate
14 squirt only, and then it's over?

15 MR. CARLSON: That's right, yes.

16 MR. HARTKE: Okay.

17 MR. CARLSON: But the probability of an
18 instantaneous, large fire happening is I would say zero.
19 It's going to start very small, and it would actually
20 start mainly from just very intense heat, and even that
21 alone could rupture that rubber tubing.

22 MR. HARTKE: Okay. This is a point of order. Is
23 the other gentleman answering safety questions, is he
24 still coming back, because this gentleman took over when
25 he couldn't answer a question.

1 MR. KAINS: Well, Mr. Conley was excused, and he
2 stepped down from the stand.

3 MR. HARTKE: Okay.

4 MR. KAINS: So, Mr. Conley is done unless he is
5 recalled by counsel for Prosperity Wind or if he is
6 recalled by the zoning board.

7 MR. HARTKE: Okay. The next question -- I'll
8 just spill the beans, the next one is about a lightning
9 evacuation area, so that's my next question, and I
10 thought the safety guy would be who I would ask that
11 question to.

12 MR. KAINS: He's already had his
13 cross-examination.

14 MR. HARTKE: Thank you. Have a good evening.

15 MR. KAINS: Thank you, Mr. Hartke.

16 Any other questions with respect to the fire
17 detection and suppression system for Mr. Carlson?

18 Questions from Piatt County staff and
19 consultants?

20 Any redirect from counsel?

21 MS. ANTONIOLLI: No.

22 MR. KAINS: Okay. Very good.

23 And finally questions from the zoning board?

24 Thank you, Mr. Carlson.

25 MR. CARLSON: Thank you, sir.

1 (Whereupon the witness was excused.)

2 MR. KAINS: Call your next witness.

3 MS. ANTONIOLLI: Thank you. Now, on behalf of
4 Prosperity Wind, I'd like to call Brie Anderson,
5 director of project permitting.

6 Okay. If we take -- if we could have one minute
7 before Brie starts, we would like to distribute some
8 exhibits.

9 MR. KAINS: Absolutely.

10 MS. ANTONIOLLI: And we'd like to admit the
11 slides from Adam Carlson -- no, Jason Conley into the
12 record, and that would be Applicant's Group Exhibit No.
13 11.

14 MR. KAINS: Applicant's Group Exhibit 11 will be
15 admitted into the record.

16 Now, Ms. Anderson, if you could raise your right
17 hand to be sworn by the court reporter.

18 BRIE ANDERSON
19 called as a witness, being first duly sworn, was
20 examined and testified as follows:

21 MS. ANTONIOLLI: And we have one more exhibit to
22 offer.

23 MR. KAINS: All right.

24 MS. ANTONIOLLI: Just give us one more minute --

25 MR. KAINS: That's all right.

1 MS. ANTONIOLLI: -- and we'll give you
2 Ms. Anderson's slides so you can refer to them during
3 her presentation.

4 MR. KAINS: I was jumping ahead so we could kill
5 two birds with one document.

6 MS. ANTONIOLLI: Oh, yes, you do have them all.
7 Thank you.

8 MR. KAINS: We're all set?

9 MS. ANTONIOLLI: Yes.

10 MR. KAINS: Ms. Anderson, if you could, please
11 state your name, spelling your first and last names for
12 the court reporter.

13 MS. ANDERSON: Sure. Brie Anderson, B-R-I-E
14 A-N-D-E-R-S-O-N.

15 MR. KAINS: Very good. Thank you.

16 Ms. Antonioli, do you have questions, or will
17 this be a presentation?

18 MS. ANTONIOLLI: This will be a presentation, but
19 I understand you have Ms. Anderson's slides now. I
20 would like to officially move them into the record as
21 Applicant's Group Exhibit No. 12.

22 MR. KAINS: Exhibit 12 will be admitted into the
23 record.

24 Go ahead, Ms. Anderson.

25 MS. ANDERSON: Great. Thank you. Almost exactly

1 one year ago, Apex Clean Energy submitted a special use
2 permit for the Goose Creek project. That application
3 was filed under and met this County's prior wind
4 ordinance and state law. In January, a new state law
5 passed that makes clear wind projects are an appropriate
6 use in agricultural areas. Under the new law, counties
7 may not adopt standards for commercial wind energy
8 facilities that are more restrictive than the standards
9 that are now set forth in the Illinois County Code. As
10 a result of the new state law in May, Piatt County
11 updated its ordinance to comply with the law. The
12 Prosperity Wind project special use permit application
13 was therefore submitted under the new state law and this
14 County's updated ordinance after this fundamental change
15 in law. Next slide.

16 The new wind siting statute states in part: A
17 request for a special use permit for a commercial wind
18 energy facility shall be approved if the request is in
19 compliance with the standards and conditions imposed in
20 this act, the zoning ordinance adopted consistent with
21 this code and the conditions imposed under state and
22 federal statutes and regulations. This board also
23 adopted the -- updated their WECS ordinance in May and
24 adopted the same language: The county board shall
25 approve.

1 Ladies and gentlemen, Piatt County shall approve
2 this application if it meets all the technical
3 requirements, and it does. Let me show you how.

4 Let's start with turbine setbacks since these are
5 a major driver in where turbines are sited. Turbine
6 setbacks are shown on maps in appendices B3 and B4 of
7 our application, and you don't even have to go there,
8 they're also on that poster right over there.

9 All turbines are sited to meet the WECS ordinance
10 and the wind siting statute setbacks. As an example,
11 the setback for non-participating residences is 1,282
12 feet. The closest turbine is 1,669 feet. We exceed the
13 required setback by nearly 400 feet or approximately one
14 football field. Similarly, the setback for
15 non-participating parcels is 672 feet. The closest
16 turbine is over a thousand feet, also nearly one
17 football field further than required. Not only are the
18 turbines in the Prosperity Wind project sited to meet
19 Piatt County's WECS ordinance and the wind siting
20 statute requirements, but they in fact also meet your
21 prior ordinance. Look, you guys, there was a lot of
22 speculation after the Goose Creek hearings that we were
23 going to move turbines closer to non-participating
24 residences or parcels, increase turbine heights by over
25 a hundred feet, because you can no longer limit turbine

1 height, or use upwards of 90 turbine positions, and we
2 could do have done any of those things. Instead, we're
3 honoring our commitments related to turbine setbacks,
4 and those are clearly demonstrated in our application
5 and on that poster. Next slide.

6 By your ordinance and the wind siting statute,
7 turbine sound must comply with the Illinois Pollution
8 Control Board regulations. The Prosperity Wind project
9 complies with local and state law even with three
10 conservative modeling assumptions. First, the modeling
11 adds a two-decibel adjustment factor to the sound power
12 level. This means that we have modeled the turbines
13 with sound power levels that are two decibels higher
14 than even the turbine manufacturer specifications. Two,
15 the model assumes that all turbines are always operating
16 at the maximum sound emission, which doesn't happen,
17 and, three, the model assumes that all receptors are
18 downwind from every turbine, which is not
19 meteorologically possible. These conservative model
20 assumptions are consistent with the wind turbine sound
21 modeling standard used by noise control engineering
22 professionals. The sound report is included in Appendix
23 E5 of this application and clearly demonstrates that
24 turbine sound is below the IPCB limits at residential
25 properties. During the Goose Creek hearing, we received

1 some feedback about relating turbine sounds to
2 residents. We have Eddie Duncan here, a board-certified
3 noise control engineer, who conducted the sound
4 analysis, and he's given me a comparison. Think of
5 conversational speech. The one of conversations that
6 many of you were having before this hearing started
7 tonight. The IPCB limit is half as loud as
8 conversational speech, and that is the sound level you
9 can expect at about 45 decibels.

10 Let's look at another example. Shadow flicker.
11 Your ordinance and the new state law requires residences
12 and community buildings to receive no more than 30 hours
13 of shadow flicker per year unless the owner has signed a
14 waiver. The shadow flicker modeling report in Appendix
15 E4 clearly demonstrates that all residences
16 participating or not and occupied community buildings
17 will receive less than 30 hours of shadow flicker per
18 year. The project therefore complies with local and
19 state law. Additionally, even though the law allows for
20 waivers of the shadow flicker limits, this project is
21 sited that no waivers are needed.

22 You might recall that for Goose Creek, we had one
23 primary structure that exceeded 30 hours of shadow
24 flicker per year and did require a waiver. Prosperity
25 is even better because we've reduced the footprint so

1 that no residences or community buildings receive more
2 than the limit and no waivers are required. The result
3 is clear, and Piatt County has certainty on shadow
4 flicker. Prosperity Wind project complies with this
5 law.

6 There's our commitment to include
7 fire-suppression systems in each turbine. You just
8 heard from Jason and Adam about the redundant systems
9 and procedures in place for the unlikely event of a
10 fire -- and let me pause on this point, because it came
11 up a lot during the Goose Creek hearings and even
12 tonight. We heard you for Goose Creek, and we agreed to
13 a permit condition that required fire suppression. We
14 are standing by that commitment for Prosperity Wind. In
15 the same way that we have redundant systems in place for
16 fire, we also have that for ice. First, all turbines
17 will have ice-detection systems that will shut down
18 turbines when icing or thawing events are detected, and,
19 second, the project will utilize a combination of
20 meteorological and ice sensors to determine whether ice
21 accumulation is even likely. In either case of fire or
22 ice, turbine sensors can shut down turbines, the local
23 staff can shut down turbines, or staff at the ROCC, a
24 Remote Operations Control Center, can shut down
25 turbines.

1 Prosperity Wind is so far developed and so far
2 engineered and designed that Piatt County can have
3 certainty. Let's take a step back. We can -- why can
4 we be so certain that Prosperity Wind meets all of these
5 technical requirements? I've been permitting renewable
6 energy projects just like this one for over 15 years all
7 across the country. My job is to take a project and
8 draft a permit application that ensures the project
9 meets all of the requirements. I need to demonstrate
10 that a project meets all these requirements, because
11 it's the transformation of a project as an idea or a
12 concept to a project as a sound, compliant certainty and
13 one that we can build, own, and operate.

14 Apex prides itself on having projects that are
15 well designed, well engineered, and that are safe and
16 compliant. Not every company works this way. Part of
17 why I joined Apex a couple years ago was because I
18 wanted to be a permit writer for such a project, and I
19 was. That project was called Goose Creek Wind. Goose
20 Creek met all of the Piatt County technical
21 requirements. Even Mr. Matt Minder of Patrick
22 Engineering acknowledged this at the Goose Creek hearing
23 when he said we had checked all of the boxes.

24 After the Piatt County Board denied the Goose
25 Creek permit, we kept working. We developed a new

1 project, Prosperity Wind, on the strong foundation that
2 -- of Goose Creek. For example, Prosperity Wind has a
3 complete set of Road Use Agreements ready to be signed
4 because they are the Goose Creek Road Use Agreements.
5 Prosperity Wind had a Natural Resource Impact Assessment
6 that includes an evaluation by HLR of every culvert in
7 the project site. This was possible because HLR had
8 already started examining the project site for Goose
9 Creek. Prosperity Wind has a drainage plan for both
10 public and private drainage systems, because we had to
11 figure out all of those technical issues for Goose
12 Creek. In all of my time as a permit writer, I have
13 never seen a project with this much certainty at this
14 stage of permitting.

15 Let me show you all of the additional information
16 that is in the Prosperity Wind application that was not
17 in the Goose Creek application. We include a landscape
18 plan for the project substation and O&M facility. We
19 have clear, demonstrated avoidance of protected lands in
20 Appendix B5. Your ordinance now requires an applicant
21 to produce notice of a project and a copy of the site
22 plan to the Mahomet Valley Water Aquaphor Authority.
23 Not only did we do that, but we went three steps
24 further. At the Goose Creek hearings, Ms. Rupiper and
25 several members of the public wondered why we hadn't

1 done a well drawdown study. Well, included in our
2 application and also provided to Ms. Rupiper, as
3 attorney for Mahomet Valley Water Aquaphor Authority, a
4 drawdown study that demonstrates the project can be
5 expected to have minimal impact on the Mahomet Aquaphor.

6 Mr. Harrington, last night you asked about the
7 potential well impacts to neighbors during our well use
8 during construction. Let me put a finer point on this
9 for you and for those in the room to remove any doubt.
10 If our activity harms a neighbor, for example, causes a
11 neighbor's well to run dry, even temporarily, we are
12 committed to doing -- being a good neighbor and doing
13 what is right. So, in that scenario, absolutely, we
14 would provide water until either the well recharged or
15 we figured out some other solution that worked for the
16 neighbor, and I'll reiterate, the well is just for
17 construction.

18 We talked about certainty around Road Use
19 Agreements and fire-suppression systems. We will honor
20 the commitments we made during the Goose Creek hearing
21 on those two things.

22 Let's talk about waivers. This board adopted
23 rules that would require the implementation of
24 vegetative screening and perimeter fencing around
25 turbines as well as access road gates. The vegetative

1 screening and fencing alone would increase the turbine
2 footprint by 25 times. Let me stay that again. The
3 requirements for vegetative screening, planting
4 pollinator habitat and trees outside -- 75 feet from the
5 base of the turbine and then perimeter fencing 60 feet
6 out from that, that's a significant impact on farmland.
7 Agriculture is important to this community, and every
8 landowner hosting a turbine has signed a waiver for
9 vegetative screening, perimeter fencing, and access to
10 road gates. I know Mr. Stillabower just asked about
11 access to road gates.

12 The last thing I'll highlight on this slide is
13 certainty with regards to the FAA. The FAA has approved
14 the location and height of every Prosperity Wind
15 turbine. In addition, we talked a lot about Air Traffic
16 Detection Lighting Systems during the Goose Creek
17 hearings and a little bit last night, and the
18 implementation of it was caveated on "if approved by the
19 FAA". I can now tell you with certainty the FAA has
20 approved ADLS for the Prosperity Wind project.

21 In response to some of the questions we got last
22 night about how ADLS works, I just want to point you to
23 our application, Section 5.7.1, page 23, and just read
24 real quick: The ADLS radar detects aircraft within 16
25 nautical miles and activates the lights when the

1 aircraft is within 3.5 nautical miles. The light turns
2 off five minutes after the aircraft is at least 3.5
3 nautical miles past the turbines. Aircraft flying at
4 cruising altitudes, class air -- Class A space above
5 18,000 feet do not trigger the ADLS. Again, the FAA has
6 approved ADLS for the Prosperity Wind project. Next
7 slide.

8 This board also included a new requirement in the
9 WECS ordinance that you updated in May, an analysis of
10 weather radar. I know this is important to you because
11 the addition is in all caps in the ordinance, so let me
12 take a second to show you that we will not impact
13 weather radar. This map on the screen here is included
14 in Appendix E2 of the application from Westslope
15 consulting, an industry leader with nearly 30 years of
16 experience in analyzing weather radar systems. On the
17 left side of the map is a red dot, which is surrounded
18 by a red blob. That red blob represents a "no-build
19 zone". As we keep moving to the right or east on the
20 map, we move through orange, which represents
21 "mitigation" would be needed, and then yellow, which
22 represents "consultation". To the right of that is a
23 dark green. This is a "notification" area, and last,
24 the light green, a "no-impact zone" to weather radar,
25 and you can see the whole Prosperity Wind project is

1 within that area. At more than 50 kilometers from the
2 Lincoln weather radar, the Prosperity Wind project will
3 not impact it, and this is not just a third-party
4 expert's work. The National Telecommunications and
5 Information Administration, NTIA, is a clearinghouse for
6 federal users of the radio spectrum, including the
7 National Weather Service. They've reviewed the project
8 and issued a letter stating: No reviewing agencies have
9 concerns with turbine construction in the designated
10 build areas. The analysis here by Westslope and the
11 review by federal agencies that administer weather radio
12 and other telecommunications are consistent, Prosperity
13 Wind will not impact weather radar.

14 Let's turn to wildlife. Under the new state law,
15 a county can require an applicant to adhere to the IDNR
16 recommendations in their EcoCAT, which is IDNR's review
17 of a project. IDNR provided a letter to Prosperity Wind
18 and the same letter to Keri Nusbaum. The IDNR made two
19 recommendations, both of which Prosperity Wind will
20 follow. First, the IDNR identified three protected
21 lands call INAI or Illinois Natural Area Inventory sites
22 that all require a half-mile setback from turbines, the
23 Mansfield Botanical area and two streams, Salt Creek
24 Farmer City Reach and the Sangamon River. Prosperity
25 Wind has more than doubled that recommendation for Salt

1 Creek and has sited turbines more than four times that
2 setback recommendation for the other two sites. These
3 are shown on the avoidance of protected lands figure in
4 Appendix B5. Prosperity Wind also agrees to the turbine
5 operations recommendation, curtailing turbines at low
6 wind speeds in the active season for bats to protect
7 them. One important thing I want to point out, IDNR's
8 recommendation for Goose Creek included additional
9 turbine setbacks from forested bat habitats. For
10 Prosperity, however, it's not on the list. Why?
11 Because there is no forested bat habitat in the
12 Prosperity Wind project, a project improvement and
13 acknowledgement by the IDNR. Just like we did for Goose
14 Creek, Prosperity Wind will follow the IDNR's
15 recommendations.

16 We talked a lot about how turbines are sited and
17 the turbine technology. Let's understand the footprint
18 of the above-ground facilities, because it's probably a
19 lot less than you think. Each turbine has an
20 18-foot-wide pedestal surrounded by 20 feet of gravel
21 around that. So, from a center point, a 29-foot radius.
22 That is six one-hundredths of an acre per turbine. Six
23 one-hundredths. Including the three spare turbines, the
24 53 proposed turbines occupy just over three acres.
25 That's it. Access roads to each turbine are 15-feet

1 wide and total just over 31 acres. When we add the
2 footprint of the supporting facilities, the ADLS radar,
3 the project substation, the O&M facility, we land at
4 38.76 acres across near 40-square miles. That's
5 four-tenths of one percent of the acreage of parcels
6 with aboveground facilities. That's it, and that's not
7 including all of the other parcels that are signed into
8 the project without aboveground facilities, which is
9 another 27,000 acres. Why is this important? Because
10 this wind project will not require the conversion of
11 agricultural land to non-agricultural uses. The
12 Agricultural Impact Mitigation Agreement was executed on
13 May 11th, 2023. This agreement is specific to wind
14 projects and is required by the Illinois Department of
15 Agricultural to protect and preserve the integrity of
16 agricultural land. The agreement itself outlines
17 detailed measures for decommissioning so that the land
18 is returned to agricultural use after the project's
19 useful life. Again, development of this project is not
20 a permanent conversion of agricultural land like other
21 types of development, and this agreement with the State
22 makes that clear. Next slide.

23 So, what is required to decommission the project?
24 In May when this board updated the Piatt County WECS
25 ordinance, the decommissioning plan simply states that

1 the decommissioning plan shall comply with the terms of
2 the AIMA. Well, that actually makes it a little bit
3 easier. There's only one set of standards to follow,
4 and those are from the State. The decommissioning plan
5 included in Appendix E7 of the application does just
6 that. But let me back up just a bit to describe how we
7 got here on decommissioning. We submitted a
8 decommissioning plan for Goose Creek that was consistent
9 with the AIMA. At the hearing, we heard from the zoning
10 board and Patrick Engineering about uncertainty related
11 to the decommissioning cost. In response to that
12 uncertainty, I want to call out three things that are
13 included in the decommissioning plan for Prosperity Wind
14 and have been added since the Goose Creek hearings.
15 First, we've increased the decommissioning cost
16 contingency from 10 percent to 15 percent. Two, we've
17 increased the amount of payments to farmers in the event
18 of crop damage during decommissioning, and, three, we've
19 reduced the salvage value of scrap materials based on
20 concerns that current scrap metal pricing is unusually
21 high. These were three things identified by Mr. Minder
22 of Patrick Engineering at the Goose Creek hearing. None
23 of which are required by your ordinance or the AIMA.
24 Nonetheless, we have included them -- these extra
25 protections to further protect Piatt County.

1 Piatt County is further protected from incurring
2 decommissioning costs by the financial assurance.
3 Included with the decommissioning plan and in compliance
4 with Section 21D of the AIMA, Prosperity Wind included a
5 draft performance bond. A bond is a legal agreement
6 where a separate company, known as a surety, guarantees
7 that Prosperity Wind performs its decommissioning
8 obligations for the benefit of Piatt County. In
9 exchange for this guaranty, Prosperity Wind pays the
10 surety an annual premium. The entire purpose of such a
11 decommissioning performance bond is to protect Piatt
12 County. Thus, it is designed along with the
13 decommissioning plan to ensure that if something
14 unexpected or unfortunate should happen -- should happen
15 to Prosperity Wind, that Piatt County can draw on this
16 bond to ensure that decommissioning is completed without
17 Piatt County having to pay for it. In addition, a
18 surety bond provides even more protection for a county
19 than insurance, because under the bond, the surety must
20 ensure that decommissioning actually occurs rather than
21 simply pay out an insurance claim. We heard a lot of
22 concern at Goose Creek about financial assurance and how
23 it works. In a hypothetical situation -- and this was
24 asked at the Goose Creek hearing -- let's imagine that
25 Apex or Prosperity Wind even files for bankruptcy. This

1 bond is a legal instrument. Piatt County is protected
2 by the surety company Philadelphia Indemnity. Piatt
3 County will be listed as beneficiary on the bond and can
4 therefore access it, and, furthermore, the landowners
5 are listed as secondary beneficiary.

6 In another hypothetical situation, even if
7 Prosperity Wind stops paying the annual bond premiums,
8 the bond is still controlled by the county. That is
9 directly stated on page 3 of the bond, and I have it on
10 the slide up there. "The nonpayment of the premiums
11 associated with this Bond will not invalidate the Bond,
12 nor shall obligee [Piatt County] be obligated for the
13 payment thereof." The bond in its structure are
14 consistent with AIMA and provides certainty that this
15 board, the county board, and Piatt County residents will
16 not have to pay for decommissioning this project at the
17 end of its useful life.

18 Based on the wind siting statute and the Piatt
19 County Ordinance, if the application meets the
20 requirements -- and it does -- the project shall be
21 approved. Everything in this application points to
22 certainty. Certainty that the project meets the
23 requirements, certainty for landowners that the project
24 design meets all the safety requirements, and certainty
25 for this community. The Prosperity Wind project

1 application is -- unquestionably provides more detail
2 and more certainty than any project that's ever come
3 before this board. The project shall be approved.

4 MR. KAINS: Thank you, Ms. Anderson.

5 Dr. Wax, Mr. Harrington, do you want to take a
6 five-minute break to come up with questions or formulate
7 your questions for Ms. Anderson? We would be scheduled
8 to take a break at about 7:15 in about 20 minutes
9 anyway. What's your pleasure? Do you want to take a
10 break, or do you want to just start with questions for
11 her now?

12 MR. HARRINGTON: I think go ahead and take a
13 break.

14 MR. KAINS: Then the question becomes, do we want
15 to take a five-minute break to formulate questions, or a
16 ten-minute break to have our break?

17 MR. HARRINGTON: Let's go ahead and do a
18 ten-minute break.

19 MR. KAINS: All right.

20 MR. WAX: Very good.

21 MR. KAINS: The chairman and vice chairmen
22 definitely drive this bus. All right. We will be in
23 recess until about five after seven, at which time there
24 will be questions for Ms. Anderson.

25 We're in recess.

1 (Recess was taken.)

2 MR. KAINS: All right. Ms. Anderson, are you
3 ready?

4 MS. ANDERSON: Ready when you are.

5 MR. KAINS: All right. Just a reminder, do you
6 understand that you remain under oath?

7 MS. ANDERSON: I do.

8 MR. KAINS: All right. Very good. Thank you.

9 All right. It's time for questions for
10 Ms. Anderson regarding her presentation. First of all,
11 members of the Zoning Board of Appeals.

12 MR. WAX: I'll ask one here. Would you -- are
13 you okay with trying to answer -- I'm sure you could
14 answer, is it okay to ask a question concerning health
15 and safety managers? Are you okay with answering
16 questions concerning health and safety?

17 MS. ANDERSON: You can try, but we just had Jason
18 from health and safety provide a presentation, so --

19 MR. WAX: I'll ask something, and if you want to
20 defer it to somebody else, that's fine. I'm talking
21 about personal health and safety, and I recognize you've
22 listed that you've met all the requirements and -- in
23 terms of problems concerning sound, shadow flicker,
24 whatever, that a person, people might be concerned
25 about, but there may still be people who on occasion

1 will have -- will either believe or be diagnosed that
2 they have a sleep problem, a -- some other health
3 problem that they feel is being caused by some feature
4 of this wind farm. Within -- both within the limit, and
5 without -- outside the limit and you say nobody should
6 have any problem, but let's assume that they do, or they
7 believe -- they believe so or they've been diagnosed,
8 what kind of property -- what kind of procedure has the
9 company had for -- for handling those kinds of
10 complaints? Let's say one comes in, what -- what do you
11 do? What kind of a plan do you have to handle those
12 complaints?

13 MR. HESS: Dr. Wax, I'm sorry to interrupt.
14 Mr. Kains, if I may very respectfully just make a
15 partial objection. To the extent that Dr. Wax is asking
16 about sleep studies or general health requirements,
17 those are not required under the WECS ordinance. There
18 is no sleep-study requirement; there's no requirement to
19 prove health. What's required under the ordinance,
20 because what's required under the state law, is to show
21 that you have satisfied all of these technical
22 requirements. So certainly I think the last part of Dr.
23 Wax's question was: Well, what are your procedures to
24 handle if somebody complains about this? That's a fair
25 question, no objection to that, but to the extent that

1 there's anything suggesting before that that we have to
2 prove that something is generally safe sort of as a
3 matter of human health, that is not in either the state
4 law or this County's ordinance.

5 MR. KAINS: All right, understood, Mr. Hess.

6 MR. KEYT: Mr. Kains, could I be heard on that?

7 MR. KAINS: Yes, you may, Mr. Keyt.

8 MR. KEYT: There are the various factors listed
9 in the ordinance, one of which relates to health,
10 safety, and welfare, so I think the question would be
11 appropriate as going to that factor.

12 MR. KAINS: Mr. Hess.

13 MR. HESS: Thank you, and perhaps I misspoke,
14 Mr. Keyt, so thank you for that. Specifically,
15 Ms. Anderson testified that we met the technical
16 requirements for a special use permit application. She
17 walked through Section 5B of the WECS ordinance. There
18 is nothing in Section 5B of the ordinance about that.
19 The section that Mr. Keyt just referenced is at the end
20 about a hearing and factors to be considered during a
21 hearing. So, I don't disagree with Mr. Keyt that those
22 factors are at the end, my point is her presentation and
23 her direct examination was on Section 5B and marching
24 through each one of those requirements.

25 MR. KAINS: Mr. Keyt, do you have anything

1 further?

2 MR. KEYT: Well, she did provide testimony that
3 there's certainty, and she did provide testimony that it
4 meets the sound requirements, and she did provide
5 general testimony that it's -- meets the ordinance
6 requirements, so I think it's still a fair question to
7 be asked.

8 MR. KAINS: Here's what we're going to do. I'm
9 going to overrule the objection to the extent that if
10 Ms. Anderson can speak to issues with respect to an
11 individual's personal health, if she can speak to those
12 issues, then I'm going to direct her to answer the
13 question with respect to that, but I think the question
14 itself comes down to what procedures or policies do you
15 have in place that will be implemented if someone has a
16 health problem.

17 So, Ms. Anderson, I guess -- I guess the crux of
18 this is, do you have any knowledge with respect to
19 personal health issues that Dr. Wax brought up in the
20 preamble to his question?

21 MS. ANDERSON: I am not a medical doctor, so I do
22 not have any experience in that area.

23 MR. KAINS: Okay. Very good. Now, then the
24 question from Dr. Wax is, are you familiar with, and if
25 you are, what procedures are in place in case someone

1 has some kind of a personal health issue?

2 MS. ANDERSON: I'll answer the question maybe in
3 a couple ways. As I testified, turbines are sited to
4 meet setback requirements, sound requirements, and
5 shadow flicker requirements that are consistent with
6 this County's WECS ordinance and the new state law. If
7 there is a complaint of any kind, there will be a
8 hotline and procedures in place to address complaints
9 from the public.

10 MR. WAX: Okay. Do we have any idea what these
11 procedures would be? Let me rephrase. I'm not trying
12 to rock the boat here in a great way, I've just been --
13 and I understand where you're coming from. Good
14 presentation. I've had it kind of drummed into me
15 repeatedly here that you folks are here to be good
16 neighbors, real members of the community. You're going
17 to go way overboard in doing far more than you need to
18 do to be good neighbors and listen to people, work with
19 people. So simply saying, if you do get complaints
20 about anything and including some complaints about
21 health issues, what -- what do you do? Is there a plan?

22 MS. ANDERSON: Apex has complaint-monitoring
23 procedures. As you might recall through this -- the
24 hearings at Goose Creek that there was a permit
25 condition around complaint procedures, the establishment

1 of a hotline, addressing them within a certain timeline,
2 right? We would be open to having that step outlined
3 again similarly just like we agreed to for Goose Creek
4 Wind.

5 MR. WAX: Okay. Is there -- is there somehow --
6 and I'm not familiar that -- that maybe -- that everyone
7 is aware of did they have to go to their website or call
8 911 or go to the O&M building? Is there any other way
9 that they can -- I am concerned that some of the
10 citizens may not have immediate access to you folks, but
11 apparently you believe that they do.

12 MS. ANDERSON: I do. I believe that we are going
13 to be a good community partner. It could be a hotline,
14 it could be a website; it could be stopping by the O&M
15 building, or if it's during construction, the
16 construction trailer that Adam outlined. There will be
17 multiple avenues. We will be here in the community if
18 complaints are -- folks have complaints, so that we can
19 record them, log them, address them, and resolve them.

20 MR. WAX: Okay. Thank you.

21 MR. KAINS: Mr. Harrington, do you have questions
22 for Ms. Anderson?

23 MR. HARRINGTON: Yes, sir.

24 Ms. Anderson, thanks for your presentation.

25 MS. ANDERSON: You're welcome.

1 MR. HARRINGTON: At the beginning, you referenced
2 some setback numbers, non-residence -- or
3 non-participant residences and non-participant parcels,
4 and then I probably didn't get all of this in the exact
5 order, but I'm going to try and get the gist of it back
6 to you, and you can tell me what you're saying. You
7 made reference to the previous application, right, and
8 you say something along the lines of "could have
9 increased the heights and the setbacks or reduced the
10 setbacks". I guess were you alluding to the fact you
11 have -- have or had interest in doing that, or what was
12 your point there you were trying to make?

13 MS. ANDERSON: My point in that was that the
14 setbacks in this County's prior zoning ordinance were
15 more restrictive than those in the state law and that
16 this zoning board adopted in May. So, we could have
17 moved turbines closer to non-participating parcels,
18 non-participating residences, right? There's no longer
19 a 1.5-mile setback from a school. We could have done
20 any of those things and still been in compliance with
21 your ordinance and the state law, but we didn't.

22 MR. HARRINGTON: Okay. So I see what you're
23 saying, but I guess sort of to Loyd's point, if the
24 premise here is to be a "good neighbor", we would have
25 expected that to be the case, and furthermore, if you

1 remember, the changes in our zoning ordinance were
2 stimulated by the State, so I think that should be on
3 the record that was -- that was the reason for the
4 change in the ordinance; however, we do appreciate you
5 doing what you did, but I guess when you allude to it in
6 that manner, I am a little confused, you know, as to why
7 you would go down that road, but I hear what you're
8 saying.

9 In regards to sound -- so, correct me if I am
10 wrong, you listed 45 dB in your presentation. That is
11 or is not the State mandate, which is it?

12 MS. ANDERSON: Sound is regulated by the Illinois
13 Pollution Control Board.

14 MR. HARRINGTON: Uh-huh (affirmative).

15 MS. ANDERSON: I'm not a sound expert. Eddie
16 Duncan is here, but the Cliff's Notes version of what I
17 do know is it is not one single number of decibels,
18 right? There are eight octave bands, and you need to
19 meet the sound requirement for turbines in each of those
20 eight octave bands. That was simply a reference to
21 approximately how loud is turbine sound --

22 MR. HARRINGTON: Okay.

23 MS. ANDERSON: -- and what is the limit.

24 MR. HARRINGTON: So maybe for us and/or the
25 public reference, you say 45, well, is 45 the IPCB

1 standard, or is it a different number?

2 MS. ANDERSON: It is eight different numbers
3 depending on the octave band, right? I mean, we can get
4 Eddie up here to help out with that.

5 MR. HARRINGTON: I'm saying why did you mention
6 45 then? What was your point? Where were you going
7 with that?

8 MS. ANDERSON: Because that is the approximate
9 sound level of the IPCB limit, and it is half as loud as
10 conversational speech.

11 MR. HARRINGTON: Okay, the approximate. Gotcha.
12 So, am I correct in understanding when you mentioned
13 that it was based on modeling; is that accurate?

14 MS. ANDERSON: That is correct.

15 MR. HARRINGTON: Based on modeling.

16 Okay. Shadow flicker. You mentioned or you
17 referenced the previous application did have one waiver
18 in the application. Did I get that right?

19 MS. ANDERSON: That is correct.

20 MR. HARRINGTON: Is that what you were saying?
21 And you said in this application there were no waivers
22 needed, correct?

23 MS. ANDERSON: That is correct.

24 MR. HARRINGTON: Okay. You say in essence you
25 reduced the footprint of the current application; is

1 that right?

2 MS. ANDERSON: We've reduced the footprint and
3 the number of turbines, that is correct.

4 MR. HARRINGTON: Excellent. My question would be
5 why. What drove that?

6 MS. ANDERSON: Certainty.

7 MR. HARRINGTON: Certainty of what?

8 MS. ANDERSON: Last time for the Goose Creek
9 hearings, for example, we modeled shadow flicker on 61
10 turbines. That led to confusion because we were only
11 going to build 50, and so in essence while showing that
12 all of our turbine positions were sited to comply with
13 your ordinance, it created confusion as to how much
14 shadow flicker there will be because we're only building
15 50. In this case for Prosperity Wind, we've only
16 modeled the 50 turbines that we plan to build, and so we
17 can with certainty say this is what the shadow flicker
18 is modeled to be for the 50 turbines that we are
19 planning to build.

20 MR. HARRINGTON: Is it correct in saying that the
21 footprint -- since you referenced the previous
22 application compared to this one, is it correct to say
23 the footprint has not only shrunk, but it has also
24 moved?

25 MS. ANDERSON: I don't think -- it's correct to

1 say this has shrunk. It has not necessarily moved. It
2 is a subset of what was a larger project area, right?
3 We modeled shadow flicker within a mile of the project
4 area. All the residences and occupied community
5 buildings -- that's the state law and your ordinance --
6 to model shadow flicker at those receptors, so we did
7 that out to a mile from our project footprint.

8 MR. HARRINGTON: Gotcha. Just looking at your
9 map visually, it would appear that it shifted from the
10 east to the west a tad. That's all I'm getting. It's
11 neither here nor there, I'm just telling you it appears
12 that way.

13 The water thing you brought up, right? And you
14 said you're committed, great. We like to hear that.
15 You mentioned well recharging, right? Did you mention
16 that?

17 MS. ANDERSON: I don't believe I said those
18 words.

19 MR. HARRINGTON: Maybe tell me what you said, or
20 how you want to say it?

21 MS. ANDERSON: With respect to addressing your
22 comments from last night specifically?

23 MR. HARRINGTON: Yep.

24 MS. ANDERSON: Right. If our well -- if we have
25 an impact to neighboring wells --

1 MR. HARRINGTON: Right.

2 MS. ANDERSON: -- we will absolutely work with
3 that landowner to find a solution.

4 MR. HARRINGTON: Okay. So, you said something
5 about -- maybe it wasn't well recharging, some other
6 term -- and you say "or some other solution", could you
7 delineate what that would be, other solution?

8 MS. ANDERSON: I'm not a well-water expert, but,
9 you know, working with the landowner, our construction
10 team, right, the parties coming to the table, finding
11 out what is going on, and finding a solution. Whether
12 that is bringing water in or, again, some other
13 solution, I don't know what that is.

14 MR. HARRINGTON: Okay. I was just curious how in
15 depth you were there.

16 Okay. Fire suppression. You did mention in your
17 presentation all turbines have fire detection, fire
18 suppression systems, got that. So, correct me if I am
19 wrong, you mentioned something around 15 years you've
20 been doing this; is that accurate?

21 MS. ANDERSON: Somewhere in there, yep.

22 MR. HARRINGTON: Okay. So in that period of time
23 you've been dealing with these, what's your history with
24 fire suppression on these other applications or to
25 whatever extent you dealt with other wind projects?

1 MS. ANDERSON: I've permitted probably over 50
2 projects just like this all over the country. I have
3 never permitted a project that required fire-suppression
4 systems.

5 MR. HARRINGTON: I guess why not? Why do you
6 think that hasn't been part of it?

7 MS. ANDERSON: The risk of fire is so low.

8 MR. HARRINGTON: Gotcha. No further questions.

9 MR. KAINS: Very good.

10 Dr. Wax?

11 MR. WAX: No.

12 MR. KAINS: Okay. All right. We're going to
13 have questions for Ms. Anderson from members of units of
14 local government, including school districts.

15 Questions from other interested parties, members
16 of the public opposed to the application or neutral on
17 the application?

18 I see Mr. Hartke's hand. Come on forward,
19 please.

20 Courtnay, you have his name and spelling?

21 Mr. Hartke, go ahead and question Ms. Anderson.

22 MR. HARTKE: Okay. Are we allowed to have the
23 person asking the questions from -- I think they would
24 benefit from seeing some of the pages I'm referring to.
25 Is there another copy we can give her? I'll tell you

1 where we're at. Appendix E5. If you could hand her
2 Appendix E5, I'll help to point her to the right page.

3 MR. KAINS: Yes, Mr. Hess is going to provide
4 Ms. Anderson with the -- what I presume is a part of the
5 application. What section, Mr. Hartke?

6 MR. HARTKE: Okay. We can start out with page
7 number 54. If you -- if the board members have this --
8 the ability to look at this photo, I know a picture says
9 a thousand words. I have questions about on page 54,
10 and this expert might not be able to answer this
11 question. So, if you don't want her to, we can wait for
12 the noise expert, okay? And that will be fine. Are we
13 ready? On page 54, there is an aerial photo of a home
14 parcel. It says the house has been demolished, and I
15 notice that the maximum-noise-limit sound level goes
16 through the middle of this parcel. So, is this piece of
17 land part -- or are they a participating person in the
18 wind farm? Is there an easement for that piece of land
19 -- or if you guys can't answer, we can wait to get those
20 answers. That's no problem. Make a list. I'll have
21 quite a big list, okay? And if you can't answer, it's
22 okay, we'll fly through it and go on.

23 MS. ANDERSON: That property is a participant in
24 the project.

25 MR. HARTKE: Okay. Is that piece of land leased

1 as part of the project, like are they -- does it have an
2 easement for this project?

3 MS. ANDERSON: Yes.

4 MR. HARTKE: Okay. If you could just prepare
5 your acoustician on this page, I have a question for the
6 acoustician, and you can answer if you want to give some
7 input. I'm looking at turbines C12 and C13, and earlier
8 it was said that all the noise was measured downwind
9 from every turbine all the time, okay? In this picture,
10 it looks like the sound level is noisier in between the
11 two turbines, and I would have expected these noise
12 circles to be more circular instead of ellipsoid shaped,
13 and I wonder how it's possible that the noise level is
14 bigger east of the turbine compared to south and east of
15 the turbine at number C13 specifically. Is there any
16 way you can answer that question on this page?

17 MS. ANDERSON: I'll make a couple comments on
18 this page, but if there are also technical issues that
19 also need addressing from Mr. Duncan, he is here. You
20 know, this is just two turbines on one page. What you
21 can't see is the other turbines around it that might
22 also be influencing the sound-pressure levels from the
23 turbine. The other comment I'll make is that the house
24 has been demolished on that parcel, and with that --
25 that is there specifically because the ordinance

1 requires that it is at residential properties at the
2 time of submittal of the special use permit, and so
3 because the aerial has not caught up, right, this aerial
4 is probably a year or two old, that house was recently
5 demolished, we wanted to point that out specifically.

6 MR. HARTKE: Since this parcel is a participating
7 landowner, I view that as they have a total waiver for
8 whatever you guys want to do on that land, so I don't
9 have any issue.

10 MS. ANDERSON: But I'll correct that and say
11 there are no sound waivers. You cannot have sound
12 waivers in the state of Illinois for participants.
13 Non-participating residential properties are treated
14 exactly the same as participating residential
15 properties.

16 MR. HARTKE: Okay. So, on this one the house has
17 been demolished, if that person would reconstruct, they
18 have to stay south of that black line that cuts their
19 land in half. That would be your maximum IPCB noise
20 level, which covers about half of this home site?

21 MR. HESS: Respectfully, I would object to that
22 question. I think how someone would reconstruct --
23 first of all, is beyond the scope of Ms. Anderson's
24 testimony, but I think more specifically calls for
25 speculation, and, finally, in how to construct a house

1 to comply with sound-level requirements, that as Ms.
2 Anderson just stated, are by requirement applied in the
3 moment that the application is submitted. So, how they
4 could construct a build in the future to in hindsight
5 comply with something that no longer complies anymore I
6 think is misleading, calls for a legal conclusion, is
7 speculative, but it's also beyond her testimony.

8 MR. KAINS: Two points. Two points. I'm going
9 to sustain the objection, because it is speculative.
10 But my second thing that I want to say is I don't think
11 that was even a question. So, I think it was a
12 statement by Mr. Hartke that didn't get -- didn't
13 deserve or require a response from Ms. Anderson. You
14 jumped in and objected, and that's fine, I'm sustaining
15 the objection, but what I'm going to say is, Mr. Hartke,
16 you have a lot of experience in these hearings and a lot
17 of knowledge with respect to your personal experience
18 with wind farms, and I understand that and I respect
19 that, but we want you to ask questions of the witness,
20 and I know you want to say things to preface your
21 question, but if we can do that in more of a
22 question-and-answer form, so go right ahead.

23 MR. HARTKE: Understood. I didn't realize this
24 was a participating property. That answers that.

25 MR. KAINS: Go ahead and ask a question, please.

1 MR. HARTKE: Can the applicant get back to us on
2 the -- the portion where I talked about the presenter
3 claimed that all the noise was measured downwind from
4 every turbine, I would have just expected that to be a
5 loud circle downwind from each turbine, a more circular
6 shape, and I want that question answered later. Okay.

7 All right. Can we --

8 MR. HESS: And I would respectfully for the
9 record have the same objection.

10 MR. HARTKE: That's okay.

11 MR. KAINS: It's not even a question. I don't
12 even know how to express --

13 MR. HARTKE: Understood.

14 MR. KAINS: I've sustained the objection, but
15 please ask a question.

16 MR. HARTKE: Okay. Earlier in your presentation
17 you said that all the residential properties were going
18 to be with -- under the IPCB noise level, right? All
19 residential -- at the residential properties.

20 MS. ANDERSON: I said that the turbines are sited
21 so that the -- all residential properties comply with
22 the IPCB limits.

23 MR. HARTKE: Okay. In the Illinois State
24 Standards on page number 4 of this Appendix E5, there's
25 a note here that says you can't allow the emission

1 beyond the property, as the property is defined in
2 Section 25. So, are all of the noise levels for these
3 turbines met at all of the residential property lines?

4 MR. HESS: I'm sorry, I'm not sure -- my
5 objection, Mr. Kains, is I'm not sure what state law
6 Mr. Hartke's referring to. If he's referring to Public
7 Act 102-1123, which is the new siting law, I have it
8 here, I don't know what page or note he is referring to.

9 MR. HARTKE: I can answer.

10 MR. KAINS: Okay. Mr. Hartke, you said something
11 about page 4?

12 MR. HARTKE: Okay. On sheet four of this
13 appendix, it lists the State IPCB noise-level standard,
14 and it's the Section 900.102 in the code.

15 MR. KAINS: Okay. 900.102 --

16 MR. HARTKE: Yes.

17 MR. KAINS: -- in the Illinois Administrative
18 Code.

19 MR. HARTKE: Yes, and I can read it if you want
20 me to so everyone can understand.

21 MR. KAINS: How long is it, Mr. Hartke?

22 MR. HARTKE: It's three lines. It's short.

23 MR. KAINS: Go right ahead.

24 MR. HARTKE: No person shall cause or allow the
25 emission of sound beyond the boundaries of his property,

1 as property is defined in Section 25 of the IEPA Act, so
2 as to cause noise pollution in Illinois or as to violate
3 any provision of this Chapter.

4 So in this --

5 MR. KAINS: What's your question?

6 MR. HARTKE: Are all of the IPCB noise levels,
7 are they met at the property line per the Illinois State
8 Standard IPCB Code?

9 MR. HESS: And I would object that that's a
10 misleading question because Section 902, which is what
11 he just referenced, is a general prohibition on noise.
12 It's not -- I believe it's Section 910 that has the
13 specific requirements. So, to the extent she's asking
14 if he complies -- if we comply with that code of
15 provision, Section 902 is the general provision. All of
16 this detail comes subsequent to that.

17 MR. KAINS: I'm going to overrule the objection.
18 I understand absolutely that you're talking about --
19 you're talking about Section 902 --

20 MR. HARTKE: 900.102.

21 MR. KAINS: 900.102. You're talking about 910 is
22 the applicable standard, but the question really is,
23 whatever section we're talking about, does this -- does
24 this project, to your knowledge, Ms. Anderson, meet all
25 standards promulgated by the Illinois Pollution Control

1 Board?

2 MS. ANDERSON: Yes.

3 MR. KAINS: Thank you. Go ahead and ask another
4 question.

5 MR. HARTKE: If it meets all the standards from
6 IPCB, why are the acousticians required to set up their
7 equipment in relationship to a property line as compared
8 to the house location?

9 MR. HESS: I'm sorry to keep objecting,
10 Mr. Kains, but I would object that that calls for a
11 legal conclusion, because the legal requirement dictates
12 where you set up those standards. So, if he's asking
13 why the law is written that way, I think it calls for a
14 legal conclusion. Also, speculation, I don't know how
15 she could possibly know why the IPCB set up their
16 regulations that way.

17 MR. KAINS: I understand your objection. I'm
18 going to overrule it, and I think the issue, if I may,
19 and I'm going to -- I think the issue is relative to the
20 property boundary versus the corner of a house. Is that
21 what you're getting at?

22 MR. HARTKE: I'm getting at -- if I can state the
23 question again.

24 MR. KAINS: Okay. And I think the question is
25 why is this done, if you know, Ms. Anderson? Why is it

1 done at the edge of the property rather than at the edge
2 of the house?

3 MR. HARTKE: Uh-huh (affirmative).

4 MR. KAINS: Okay. If you know.

5 MS. ANDERSON: I'm not a sound expert, but what I
6 know of the Illinois Pollution Control Board standard is
7 that it is at the residential use of the property, not
8 just the home. I work on a lot of projects that are
9 sound modeling at the home site itself, right, not the
10 yard, not the garden, not any other portion of the
11 property that could be considered residential. What
12 we've done here at Prosperity Wind is site turbines to
13 comply with the IPCB limits at residential use.

14 MR. KAINS: Now, just so I'm clear, "residential
15 use", is that the edge of the house, or is that at the
16 edge of the property?

17 MS. ANDERSON: It might not be the end of
18 property, right? It might be -- if it's an 80-acre
19 parcel that has a home and very delineated, mowed yard
20 with a garage, that's where we site turbines to avoid
21 the -- to avoid the area that is not row crops,
22 agriculture.

23 MR. KAINS: Thank you for clarifying --

24 MS. ANDERSON: You're welcome.

25 MR. KAINS: -- in my mind, and I think in other

1 folks' minds. I'm sorry, Mr. Hartke, I've asked
2 questions, and it's your turn, but you go right ahead.

3 MR. HARTKE: Okay. The next paragraph on this
4 sheet number 4, it goes on to part 910, which the
5 applicant has been trying to push me to. And part 910,
6 it gives the basic measurement procedures with
7 references to the ANSI standards, and it says here:
8 Quantitative, meaning the numerical, sound levels that
9 are applicable to the proposed project are defined in
10 part 901, and it lists the octave-band limits, okay? It
11 says here, the Sound Emission Standards and Limitations
12 For Property-Line Noise Sources, okay? This has the
13 octave-band limits. If this mentions "property line",
14 why doesn't it say "residential use" or "homes", which
15 is what you're trying to measure the noise level to,
16 instead of property lines?

17 MR. HESS: I would make the same objection. I
18 think that Mr. Hartke's sort of being misleading in
19 reading here. What he's not saying in his question is
20 that the phrase "property line" is within quotations.
21 It's the title of 901. I mean, it is -- the entire
22 quote says: Quantitative sound level limits that are
23 applicable to the proposed project are defined in part
24 1-901, colon, quote, Sound Emission Standards and
25 Limitations For Property-Line Noise Sources, end quote,

1 and then it goes on. That is how IPCB has titled
2 Section 901. It's not -- she didn't title it. She's
3 not using the phrase "property line".

4 MR. KAINS: I understand your objection. I'm
5 going to overrule it, and, Ms. Anderson, do you recall
6 Mr. Hartke's question, because he read some of the
7 Pollution Control Board regulations, but then he asked a
8 question at the end. Do you recall the question, or do
9 you want it read back to you?

10 MS. ANDERSON: Better read that one back.

11 MR. HARTKE: Okay. I'll go ahead.

12 MR. KAINS: No, hang on. The court reporter will
13 read back the question, if you could please, Courtnay.

14 REPORTER ORMAN: Why doesn't it say "residential
15 use" or "homes", which is what you're trying to measure
16 the noise level to, instead of property lines?

17 MS. ANDERSON: I guess I would reiterate that I
18 do not why the Illinois Pollution Control Board titled
19 their standard "Sound Emission Standards and Limitations
20 For Property-Line Noise Sources".

21 MR. KAINS: Go ahead. Ask another question.

22 MR. HARTKE: Could it have been very important
23 since it's in the title that they intended for it to be
24 at the property line?

25 MR. HESS: Objection. I think that clearly calls

1 for speculation.

2 MR. KAINS: It does. Sustained. Ask another
3 question.

4 MR. HARTKE: When a person purchases their
5 property, do they get all of the property or -- and use
6 all of it or only where the house and yard is at? Do
7 they get to have all of it when they buy property?

8 MS. ANDERSON: When a person buys a property,
9 they get all of it, but, again, I will reiterate that
10 the Illinois Pollution Control Board regulations are
11 from agricultural land to residential use, and that is
12 what we have done in this sound study.

13 MR. HARTKE: Okay. Does Apex acknowledge or wish
14 that the neighbors who are non-participants be able to
15 build a home on their property as they see fit and still
16 be in a zone where it meets the IPCB noise levels?

17 MS. ANDERSON: Apex wants to be a good neighbor
18 to the participants in our project and the
19 non-participants in our project, but what we have done
20 here is follow the rules that are in the WECS ordinance
21 and the Illinois Pollution Control Board regulations.
22 So, we've identified residences at the time of this
23 application to determine residential use. The turbines
24 are sited to meet the IPCB limits at residential use.

25 MR. HARTKE: Okay. That's making it very clear

1 to me. Thank you for that. Speaking of the state law
2 that we have been given to work with for setbacks and et
3 cetera, was the new law given proper review or hearings
4 for public review and input when it was introduced to
5 the Illinois Legislature?

6 MR. HESS: I would object. That's well beyond
7 the scope of her direct testimony. Also, I don't see
8 how it is relevant. Mr. Kains, your instruction at the
9 beginning of the hearing was --

10 MR. KAINS: I recall my instruction, Mr. Hess,
11 and I -- I -- I'm going to overrule the objection just
12 simply because I want to know if Ms. Anderson knows
13 about the process in the Illinois Legislature. I'm
14 suspecting she doesn't.

15 MS. ANDERSON: I don't.

16 MR. KAINS: Okay, and that's all right. That's
17 not your job.

18 MS. ANDERSON: Thank you.

19 MR. HARTKE: Will Apex shut off wind turbines at
20 night to allow people to sleep in their homes if there's
21 a complaint?

22 MS. ANDERSON: As I've already outlined with
23 Chairman Wax and Mr. Harrington on complaint procedures,
24 there will be -- there are procedures in place, and I
25 can almost guarantee that they will be a condition of a

1 permit application should this project go forward that
2 outline the specific steps on how to file a complaint,
3 and that those complaints are logged, addressed until
4 they're resolved. You're asking a hypothetical
5 question.

6 MR. HARTKE: Are -- what's the Illinois state
7 procedure, protocol, rules for filing a noise complaint
8 currently?

9 MS. ANDERSON: I don't know of any Illinois state
10 rule for filing a complaint.

11 MR. HARTKE: Okay.

12 MS. ANDERSON: If they would be specific to this
13 project, if those complaint procedures -- if there's
14 some other state protocol that you're maybe referencing,
15 I'm not aware of it.

16 MR. HARTKE: Okay. Will a turbine placement
17 encroach into a non-participating vacant property making
18 it no longer a viable location to build a home?

19 MS. ANDERSON: Can you repeat the question?

20 MR. HARTKE: If you -- will a turbine placement
21 encroach into a non-participating vacant property,
22 making it no longer a viable location to build a home in
23 regards to noise?

24 MR. HESS: Mr. Kains, I have the same objection.
25 I think that calls for speculation.

1 MR. KAINS: It does. Sustained. It calls for
2 speculation. You can ask her things within her area of
3 expertise.

4 MR. HARTKE: One second.

5 MR. KAINS: Sure. Absolutely, Mr. Hartke.

6 MR. HARTKE: What's the noise pressure/noise
7 level in dBA for the Vestas turbines at the turbine
8 itself, at the nacelle? Do you know the dBA output at
9 the turbine, and this could be answered by the noise
10 expert, if -- this is fine.

11 MS. ANDERSON: I don't have that information in
12 front of me.

13 MR. HARTKE: Do you know the noise level which
14 causes sleep inference?

15 MR. HESS: So, I would object for a couple
16 reasons. I think, first of all, calls for speculation.
17 Second of all, she's already said she's not a medical
18 doctor, and, third, that assumes that there is some
19 established answer to that question. I know there's a
20 lot of strong opinions on that, but it assumes there's a
21 medical answer to that question.

22 MR. KAINS: I'm going to overrule the objection
23 and direct Ms. Anderson to answer the question, and in
24 answering your question, if you know the answer, then
25 please provide it. If you don't know the answer, it's

1 okay to say you don't know.

2 MS. ANDERSON: I don't know.

3 MR. KAINS: And is that because you are not a
4 medical doctor?

5 MS. ANDERSON: I am not a medical doctor.

6 MR. KAINS: Very good. All right, Mr. Hartke, go
7 ahead.

8 MR. HARTKE: Are there any waivers for a noise
9 waiver with any of the non-participants near the
10 projects?

11 MS. ANDERSON: As I already mentioned,
12 non-participating residences and participating
13 residences by law, by the Illinois Pollution Control
14 regulation, are treated exactly the same. There are no
15 waivers for participants, and there are no waivers for
16 non-participants.

17 MR. HARTKE: One second.

18 MR. KAINS: Sure.

19 MR. HARTKE: I'm trying not to testify instead of
20 asking questions.

21 MR. KAINS: We appreciate that, Mr. Hartke. You
22 take your time in formulating your question.

23 MR. HARTKE: Wouldn't it be a good neighbor to
24 let people live in their homes and sleep in their homes
25 at night? Wouldn't that be a "good neighbor"?

1 MS. ANDERSON: Generally, yes, but I'll testify
2 again that our turbines are sited to meet this County's
3 setbacks and the state law with respects to setbacks and
4 sound of the Illinois Pollution Control Board.

5 MR. HARTKE: Do you think that Apex has the right
6 to come into a county and cause discomfort due to noise
7 from wind turbines for children in their homes?

8 MR. HESS: I mean, I would object. I think
9 Mr. Hartke is testifying now.

10 MR. HARTKE: I asked a question.

11 MR. KAINS: It's a question.

12 Ms. Anderson, I'm going to overrule the
13 objection. Ms. Anderson, if you know the answer to:
14 Does Apex have the right to come into this county and
15 disturb -- I believe it was children's sleep, if you
16 know the answer to that, the specific question is does
17 Apex have that right, and the answer -- if you know the
18 answer, please provide the answer. If you don't, then,
19 you know -- I don't know if you know what rights Apex
20 has with respect to this issue.

21 MS. ANDERSON: What I will say is Apex has the
22 right to apply for a special use permit for a wind
23 energy facility and site turbines that comply with the
24 Illinois Pollution Control Board regulations, and that's
25 what we've done in this application.

1 MR. HARTKE: Under the threat of a lawsuit
2 against our county board, should the Piatt County Board
3 and this zoning board allow Apex to cause sleep
4 disturbance, discomfort for children or anyone else in
5 their homes in Piatt County?

6 MR. HESS: I would make the same objection. I
7 would also object that that assumes facts that are not
8 in evidence and calls for a legal conclusion, the legal
9 decision that will be put before the Piatt County Board.

10 MR. KAINS: I'm going to sustain the objection.
11 Yeah, it does call for a legal conclusion, and it also
12 -- it does assume facts not in evidence, and it is
13 beyond -- it's beyond the scope of not only
14 Ms. Anderson's testimony, but Ms. Anderson's expertise
15 as a permit manager. So, question sustained. Go ahead
16 and ask another question.

17 MR. HARTKE: Is there any uncertainty for the
18 turbine placements that are -- do you have an
19 uncertainty amount or a tolerance amount to allow sleep
20 inference for neighbors?

21 MS. ANDERSON: I'm not sure I understand your
22 question.

23 MR. HARTKE: Previously you testified that there
24 was certainty -- and I think you said certainty a few
25 times during your testimony that you meet all standards,

1 and I want to know if you have certainty that this
2 project is not going to impact the neighbors negatively
3 with noise.

4 MS. ANDERSON: I'll reiterate again that we have
5 certainty with regard to the turbine placement; we
6 comply with the setbacks; the FAA has approved the
7 location and the height of our turbines; we comply with
8 the Illinois Pollution Control Board regulations with
9 respect to sound; we comply with the shadow flicker
10 requirements at 30 hours a year set by this County's
11 ordinance and the state law. There is certainty in
12 these turbine positions. They are sited to meet the
13 law.

14 MR. HARTKE: Should the zoning board and the
15 county board completely ignore the word "property lines"
16 in the Illinois Pollution and State Standards that's
17 listed on sheet four in your application?

18 MR. HESS: And I would object to that. That does
19 call for a legal conclusion.

20 MR. KAINS: It does. Sustained. Ask another
21 question.

22 MR. HARTKE: Is Apex asking the county board to
23 ignore the words "property line" on sheet four?

24 MR. KEYT: Well, I'll object. I think that calls
25 for a legal conclusion and is speculative.

1 MR. KAINS: It is speculative. Sustained. Ask
2 another question, please.

3 MR. HARTKE: What's the outcome of a family like
4 what I experienced? What's the ultimate outcome for a
5 family that has a noise issue if Apex is faced with
6 that? What do they do, the family?

7 MR. HESS: Respectfully, I would object. I think
8 that calls for speculation.

9 MR. KAINS: It does. It does. Mr. Hartke --
10 Mr. Hartke, when it's your turn to testify, you can --

11 MR. HARTKE: Okay.

12 MR. KAINS: -- you can tell us how the wind farm
13 in your old county affected you and your family. We
14 want to hear that from you.

15 MR. HARTKE: Sure. I was just trying to see if
16 Apex would allow any kind of insight into any of this.
17 I'll conclude my questions with, can Apex give us some
18 insight, since they're so confident in their noise
19 study, that it's not going to be an issue for our county
20 residents? Is there any insight?

21 MS. ANDERSON: I think the insight is in the
22 report that you have so detailed reviewed. The project
23 turbines are sited to comply with the Illinois Pollution
24 Control Board regulations, and that is clearly
25 demonstrated in this sound report.

1 MR. HARTKE: All of the rest of my questions I
2 think I'll wait for the health -- or noise acoustician.

3 MR. KAINS: Very good.

4 MR. HARTKE: Thank you very much. Have good a
5 evening.

6 MR. KAINS: Are there any other questions from
7 the public?

8 Mr. Gantz, please come forward.

9 Could you please state your name for the court
10 reporter, spelling your first and last names?

11 MR. GANTZ: Steven, S-T-E-V-E-N, Gantz,
12 G-A-N-T-Z.

13 MR. KAINS: Go ahead, Mr. Gantz, questions for
14 Ms. Anderson.

15 MR. GANTZ: I live just a half a mile east of the
16 substation, and earlier in an earlier hearing, we were
17 actually above the 45 sound level. It was 46.8. I was
18 talking to Kent just a while ago about this, but he
19 wasn't sure that that was still the case at this point.
20 I'm not for sure about that. Anyway, we're kind of
21 pretty high up there in the noise level. I noticed on
22 your diagram up there you said landscape plan at the
23 substation. Is there any chance -- does that include
24 some kind of a dirt berm or a concrete wall on the east
25 side of the substation by any chance? That was just

1 thrown out by -- I don't remember if it was Alan or
2 maybe it was Kent that I talked to a little bit about
3 that. I don't want to put words in anybody's mouth, but
4 it was thrown out there by you guys at one time just
5 briefly. So, I was wondering if that was going to
6 happen or --

7 MS. ANDERSON: So, Mr. Gantz, good to see you
8 again. I will answer your question in two parts. We do
9 include a landscape plan with our application. It's now
10 required as part of the ordinance. It includes
11 landscaping around both the O&M facility and the project
12 substation, which are right next to each other. It is
13 trees and other things, not a concrete berm or even a
14 dirt berm. But the other thing I want to tell you,
15 because I think this is where you were going when you
16 started your questioning, is that your sound level was
17 pretty high with the Goose Creek Wind project. What has
18 changed since Prosperity Wind is we now have more
19 certainty on the transformers that we're going to use at
20 the project substation. Previously, we hadn't selected
21 that, didn't have it, and so we were using the loudest
22 sound emission from a transformer in the sound modeling
23 report for Goose Creek. For Prosperity Wind now, we
24 know which transformers we're going to use, and we
25 included that now in the sound report, and the sound

1 pressure -- the sound levels at your residence have now
2 gone down as a reflection of that certainty. So, I
3 think previously you were one of the highest residences
4 for sound, and that has been rectified with the
5 certainty that we have at -- with the transformer at the
6 project substation.

7 MR. GANTZ: Do you know what the sound level is
8 now at my house?

9 MS. ANDERSON: I'd have to look in the report,
10 but I can meet with you afterwards and be happy to show
11 it to you.

12 MR. KAINS: Mr. Gantz, would you want that on the
13 record, or would you be satisfied with Ms. Anderson just
14 telling you?

15 MR. GANTZ: Oh, I'd like it on the record.

16 MR. KAINS: Okay. Then what I'll ask counsel to
17 do is if you could provide that information by way of
18 proffer.

19 MR. HESS: Yes, sir.

20 MR. KAINS: Okay. Very good. Thank you,
21 Mr. Hess.

22 Mr. Gantz, do you have any other questions?

23 MR. GANTZ: Well, I guess is there any chance
24 that you would -- if it is up fairly high that you would
25 consider doing that, putting a dirt berm or some kind of

1 concrete wall or something on the east side of that to
2 deflect sound? I mean, you guys kind of threw that out
3 there at one point. If it could be done, I would
4 certainly appreciate it.

5 MS. ANDERSON: Sure, and I know that you met with
6 Kent and Alan on our team, our developers. We would
7 probably look into it, but I want to reiterate that your
8 sound levels at your residential property are in
9 compliance with the Illinois Pollution Control Board's
10 regulations, so they have come down. They were in
11 compliance before, don't get me wrong, they were just
12 the louder -- on the louder end. They have come down.
13 I don't think you're in the top four, because when we
14 redid the Prosperity Wind sound report, I looked exactly
15 at your residence to say: Oh, this has changed, why?
16 And that's why I can stand here tonight to tell you with
17 certainty that it has gone down and exactly why. We
18 know the transmission -- the transformer, and we know
19 the sound emission from that transformer.

20 MR. GANTZ: Okay. Thank you.

21 MR. KAINS: Thank you, Mr. Gantz.

22 Are there any other questions from the general
23 public?

24 Yes, sir. Is that Mr. Reed? Yeah. My
25 eyesight's not that good, and you were hiding under your

1 ball cap, Mr. Reed.

2 MR. REED: I've been at the Farm Progress Show
3 all day.

4 MR. KAINS: I've hope you've made a lot of
5 progress. Sorry, couldn't pass up the dad joke.

6 Sir, go ahead and state your name, spelling first
7 and last for the court reporter.

8 MR. REED: Jim Reed, J-I-M R-E-E-D.

9 MR. KAINS: Go ahead with your questions for
10 Ms. Anderson.

11 MR. REED: All right. Thank you.

12 Ms. Anderson, you said a lot of things have a lot
13 of certainty behind them, but the flicker and the sound
14 are really modeling, aren't they?

15 MS. ANDERSON: I'm sorry, I didn't catch the
16 first part, did you say flicker?

17 MR. REED: Yes, your shadow flicker and your
18 noise estimates that are in your plan, they're all done
19 on modeling, are they not?

20 MS. ANDERSON: That is right. The turbines
21 aren't built, so it is always done in modeling at this
22 point of permitting to use modeling for both sound and
23 shadow flicker to analyze the compliance with
24 regulations.

25 MR. REED: Well, that being the case then, should

1 after the completion of construction if actual onsite
2 testing shows that you're beyond the compliance levels
3 that's established, what is your contingency plan to
4 deal with those?

5 MS. ANDERSON: If that were to happen, we would
6 analyze why that's happening and then take steps to
7 reduce the sound power emissions to be in compliance
8 with the Illinois Pollution Control Board regulations,
9 for example.

10 MR. REED: And about shadow flicker?

11 MS. ANDERSON: I mean same. I've never worked on
12 a project in my career that has done post-construction
13 monitoring for shadow flicker.

14 MR. REED: Okay. Thank you.

15 MS. ANDERSON: You're welcome.

16 MR. KAINS: Thank you, Mr. Reed.

17 Any other questions from the general public?

18 Mr. Hartke, you've already had your bite at the
19 apple. I'm sorry.

20 This nice lady, and I can't remember your name,
21 but come on forward.

22 MS. RYAN: It's because I'm trying to be
23 invisible.

24 MR. KAINS: Fly below the radar. Go ahead and
25 please state your name, spelling first and last for the

1 record.

2 MS. RYAN: Susan Ryan, R-Y-A-N. You should've
3 known it's an Irish name.

4 You brought up the weather radar information.
5 You said that Piatt County has no impact according to --
6 could you go over that again? Is that from the National
7 Weather Service?

8 MS. ANDERSON: Two sources, sure. So let me just
9 pull that out. So, we had a study done by a third-party
10 expert that analyzes radar systems that shows as a
11 function of distance from the weather radar -- we're
12 more the 50 kilometers from the Lincoln Weather Radar --
13 that we are in a "no-impact zone". Additionally, there
14 is a clearinghouse of federal agencies that -- including
15 the National Weather Service, that use spectrum,
16 including weather radar. They've reviewed the project
17 and said that we will not have an impact. So, it's a
18 third-party expert, and it's also a review by the
19 federal agencies, including the National Weather Service
20 that have said that.

21 MS. RYAN: So, you asked specifically about this
22 wind complex in Piatt County? You asked the National
23 Weather Service?

24 MS. ANDERSON: Via the National Telecommunication
25 Information Administration, yes, the National Weather

1 Service provided input on Prosperity Wind.

2 MS. RYAN: Okay. I guess I'm kind of confused
3 then, because would you agree that the National Weather
4 Service information kind of seems to be evolving as more
5 wind towers get built? For instance, you didn't have
6 any information about weather radar in the previous
7 permit, if I remember correctly, and --

8 MS. ANDERSON: We did. It was just in the form
9 of this review by federal agencies, this NTIA letter.
10 That letter was in the application last time. We've
11 more clearly spelled it out and provided that map to
12 clearly show this time around. It's a new addition to
13 the ordinance, as I mentioned. So, we wanted to be very
14 clear about our lack of impact, no impact to this
15 weather radar.

16 MS. RYAN: Okay. But, again, it seems like the
17 National Weather Service information and data seems to
18 be evolving and especially with the increase with
19 height, et cetera.

20 MS. ANDERSON: But I'll stop you and say that the
21 National Weather Service reviewed this project, our
22 turbine locations, and the height, and that takes into
23 account every other turbine that's already built. We
24 are still in a no-impact zone.

25 MS. RYAN: Okay. That was my question, and

1 that's your testimony. I'm looking at an April 2023
2 article from Channel 3 WCIA in Champaign, and it was --
3 I believe it was written by Jacob Lighty and -- no,
4 Jacob Dickey and Kevin Lighty, meteorologists, and it
5 quotes the National Weather Service James Auten of
6 Lincoln, and I gather you're not aware of this article.
7 It's in April 2023, where they said, "While in most
8 cases the beam looks above the wind turbine and does not
9 directly block the beam, the wind turbines do create
10 turbulence above them." And, "This is picked up on
11 doppler radar and sometimes can provide false readings,"
12 according to James Auten from the National Weather
13 Service in Lincoln.

14 MR. KAINS: Ms. Ryan, what's your question?

15 MS. RYAN: That -- are you not aware of this
16 article, because that's from the National Weather
17 Service information.

18 MS. ANDERSON: I'm not aware of that specific
19 article, no, but I will reiterate that this project is
20 so far from the -- from the Lincoln Weather Radar that
21 it's not going to impact it, and it -- right? So, what
22 you're talking about, what the reference is of
23 scattering or what have you, that might happen in one of
24 those earlier zones, right? We had a red zone for "no
25 built". We had an orange zone for "mitigation". We

1 yellow zone for "consultation", and then a light green
2 -- a dark green zone for "notification". That is to
3 work through those potential issues of maybe scatter or
4 any other impact to the National Weather Radar. The
5 National Weather Service has reviewed this project, and
6 we will not impact it. We are in a "no-impact zone".

7 MS. RYAN: Okay. Thank you. Again, this April
8 2023 article, you're not aware of, it sounds like, says
9 -- quotes it quite differently.

10 MS. ANDERSON: Maybe you're misunderstanding me,
11 so let me just back up a little bit. It might impact it
12 if it were in one of those orange or yellow or dark
13 green zones that I showed on the map.

14 Ray, if you want to bring it back up, but we are
15 so far away from it, right -- so here is the map that
16 shows that, you know, consultation might be needed or
17 notification or mitigation might be needed. That's
18 where those impacts -- if those impacts are occurring,
19 those are the steps. This project is sited outside of
20 any of those zones in a "no-impact zone", and that's
21 from the National Weather Service.

22 MS. RYAN: Okay. Well, again, that April article
23 kind of says otherwise.

24 MS. ANDERSON: If the project were in a yellow
25 zone, maybe, but that's my point. I'm not saying it

1 can't happen for other projects, but for this project,
2 we're sited in an area where it's a "no-impact zone".

3 MR. HESS: I'm sorry to interrupt, Ms. Ryan, and
4 I would state an objection mostly for the record since
5 it's already been answered, but, Mr. Kains, your
6 instruction at the outset was that you would be very
7 cautious about internet-sourced information, and I think
8 the caution is well taken here, because if it's an April
9 2023 article, it can't possibly be about this project
10 that submitted an application in July. So, with all due
11 respect to Ms. Ryan, I don't think those quotes are
12 about Prosperity Wind, in which case they're not
13 relevant.

14 MR. KAINS: Right, and I believe you are correct,
15 although it could have some relevance if it is related
16 to the previous applicant Goose Creek Wind; however, I
17 said I would be extremely cautious about allowing the
18 admission. Ms. Ryan is not moving for the admission of
19 the article; however, she's referencing it very
20 thoroughly, but what I'm going to say is I don't think,
21 Ms. Ryan, you can ask any more questions to Ms. Anderson
22 about the article because she said she's not familiar
23 with the article. So, that's kind of where we stand on
24 that issue. If you have any other questions about the
25 -- about any of Ms. Anderson's testimony, you may feel

1 free and go right ahead.

2 MS. RYAN: Thank you. You had at the very last
3 slide "this shall be approved", and you are the permit
4 manager, is that correct, is your title?

5 MS. ANDERSON: Director of project permitting,
6 correct.

7 MS. RYAN: So, you're probably pretty involved
8 with the legal and legislative issues, and you have to
9 be to make sure that the permit is as it should be as
10 you work through this -- these details, correct?

11 MS. ANDERSON: Legal and legislative issues, I'm
12 not sure where you're going with that, but my job, as I
13 mentioned, is to make sure that the project and the
14 application comply with the law.

15 MS. RYAN: Is in compliance?

16 MS. ANDERSON: Correct.

17 MS. RYAN: So you talked about exceeding some of
18 these requirements, and I am afraid I can't remember
19 which ones they were, and you mentioned the state law
20 and of course the Piatt County ordinances, but didn't
21 Apex actually lobby for this state law to lower the
22 standards in -- so that counties -- and want counties to
23 not have any say in approval when you're actually saying
24 that you're trying to be a good neighbor and exceed, you
25 know, some requirements? Isn't it true that Apex did

1 lobby and help write that law, the state law?

2 MS. ANDERSON: I don't -- I'm not on our
3 government affairs team. Personally, I didn't. Apex
4 works with counties and states all across this country
5 to work on ordinances, I'll tell you that.

6 MS. RYAN: Okay. She didn't answer my question.
7 That's it. Thank you.

8 MR. KAINS: Well, if you know, Ms. Anderson, did
9 Apex lobby the State Legislature, if you know.

10 MS. ANDERSON: I don't know.

11 MR. KAINS: Okay, very good.

12 MS. RYAN: Okay. Thank you.

13 MR. KAINS: Ms. Ryan, thank you.

14 Any other questions for Ms. Anderson from the
15 general public?

16 All right. Now, questions from Piatt County
17 staff and consultants. Mr. Keyt.

18 MR. KEYT: I just have a few, if I may.

19 MR. KAINS: Yes.

20 MR. KEYT: Ms. Anderson, I just wanted to
21 understand what exactly you're testifying to and what
22 the foundation is. So, if I'm understanding it
23 correctly, is it fair to say you did not perform the
24 sound study; is that fair?

25 MS. ANDERSON: That's correct.

1 MR. KEYT: Is it fair to say you did not perform
2 the shadow flicker study?

3 MS. ANDERSON: That's correct.

4 MR. KEYT: Is it fair to say you did not perform
5 the wildlife study?

6 MS. ANDERSON: That's correct.

7 MR. KEYT: Is it fair to say you did not perform
8 the decommissioning plan?

9 MS. ANDERSON: That's correct.

10 MR. KEYT: Is it fair to say you did not perform
11 the weather-radar analysis?

12 MS. ANDERSON: That's correct. My role is to
13 review all of those materials and ensure that they meet
14 the standards that we're talking about here. That's my
15 role.

16 MR. KEYT: Yeah, I understand. I'm not trying to
17 hone you about it, I just want to make sure that I
18 understand there is another witness that can testify as
19 to those issues from Apex's team; is that correct?

20 MS. ANDERSON: All of our subject-matter experts
21 are here. I have summarized the application tonight.

22 MR. KEYT: Right. So, what I said is correct?

23 MS. ANDERSON: Correct.

24 MR. KEYT: Okay. So, on those issues of sound,
25 shadow flicker, wildlife, decommissioning, weather

1 radar, you would rely on the testimony of other
2 witnesses to provide that information to the zoning
3 board?

4 MS. ANDERSON: If needed. If you have further
5 questions on any of those topics, again, our
6 subject-matter experts are here, but I have summarized
7 everything tonight.

8 MR. KEYT: I understand, but as to the basis of
9 the opinion and where they got it, you would rely on the
10 subject-matters experts to provide that information? Do
11 I understand that correct?

12 MS. ANDERSON: Yes.

13 MR. KEYT: Okay. Thank you.

14 MR. KAINS: Thank you, Mr. Keyt.

15 Redirect, Ms. Antonioli, Mr. Hess, Mr. Granholm?

16 MS. ANTONIOLLI: Nothing from us.

17 MR. KAINS: Nothing. All right. The final
18 questions for this witness come from the members of the
19 Zoning Board of Appeals. Mr. Harrington.

20 MR. HARRINGTON: So, when you began talking to
21 Mr. Gantz, you referenced more certainty, of course,
22 about transformers and substations. You said due to
23 that increased certainty, the noise level had changed
24 somehow or another. I'm not really clear on which way
25 that went. I assume you're insinuating it got better

1 for him, but I don't know that we have any factual
2 numbers. What changed? Was it the transformer itself,
3 the placement, or what are you insinuating there? What
4 are you telling us?

5 MS. ANDERSON: Yeah, as I described to Mr. Gantz,
6 for Goose Creek Wind, we didn't have a transformer, so
7 we used the loudest one in the library.

8 MR. HARRINGTON: In your modeling?

9 MS. ANDERSON: In the modeling.

10 MR. HARRINGTON: Modeling, yeah, okay.

11 MS. ANDERSON: We now know our transformer and
12 can use that specific -- the sound emission specific to
13 that transformer in the modeling. That's the update,
14 and it is quieter.

15 MR. HARRINGTON: So, was it solely the version of
16 the transformer and its rated dB-whatever, or was it
17 some other factors, placement, other arrangements in the
18 project? I don't know.

19 MS. ANDERSON: It's precise location within the
20 substation and the equipment itself.

21 MR. HARRINGTON: So, it would be true to say some
22 of the location changed also then?

23 MS. ANDERSON: It was modeled -- I'd have to ask
24 Eddie if it shifted within the substation itself, but --

25 MR. HARRINGTON: Right, I get it. So, to sort of

1 finish that thought out, you know, Mr. Gantz is asking
2 about things you may do as a good neighbor to
3 accommodate him. We know landscaping plans include --
4 he mentioned a berm or concrete. You -- I got -- I
5 wrote down "will look into it". I guess what -- what do
6 you think -- what can you give Mr. Gantz to work with
7 there? Do you think "look into it" means you'll check
8 on it, or you're going to work something out with him
9 ahead of time?

10 MS. ANDERSON: I mean to me what that means -- I
11 know Kent and Alan are working directly with him, and I
12 don't know specifics of those conversations, right? I
13 think it's a great improvement for Mr. Gantz that we
14 have more certainty on the transformer and his sound
15 level at his residence -- at his residential use has
16 gone down.

17 MR. HARRINGTON: Right, no, I always think that's
18 always good.

19 MS. ANDERSON: Yeah.

20 MR. HARRINGTON: Thank you for that. So, there's
21 also -- some questioning provoked another question in my
22 mind in regards to Mr. Reed's question about sound and
23 shadow flicker. It brings -- you mentioned something to
24 the effect that most projects don't have a post-build
25 shadow flicker study or report, am I perceiving that

1 right? Did I hear you right?

2 MS. ANDERSON: I've never done one in my career.

3 MR. HARRINGTON: Right. So being that the case,
4 is that also true for sound or just flicker?

5 MS. ANDERSON: Maybe restate your question.

6 MR. HARRINGTON: A post-construction study.

7 MS. ANDERSON: A post-construction sound study is
8 more common. I have seen those in the past. I have
9 never seen a shadow flicker study.

10 MR. HARRINGTON: Okay. So, whether it be sound
11 or flicker, if a complaint was made, would Apex
12 voluntarily address it with the non-participant, or
13 would there have to be --

14 MS. ANDERSON: Absolutely.

15 MR. HARRINGTON: -- there would have to be some
16 other -- so maybe speak to that. If it was
17 non-voluntary, or I'm sorry, if it was voluntary on your
18 part, pardon me, what could that resident expect? Like
19 you would -- if it's after construction, what options do
20 you have left? Would you pick certain hours that the
21 turbine doesn't turn, or how does that look in a
22 resident's eyes?

23 MS. ANDERSON: Sure. Are you talking about sound
24 or flicker or both?

25 MR. HARRINGTON: Both. You can pick either

1 topic.

2 MS. ANDERSON: I mean, so we treat complaints
3 from participants and non-participants equally, right?
4 So, if we get a complaint, we will address it. You
5 know, specific to flicker, we would, you know, or sound,
6 meet with the residents, what are you experiencing? You
7 know, technicians would go out, are they seeing or
8 hearing something abnormal? And then there's, you know,
9 monitoring to, you know, to ensure that like the turbine
10 is operating correctly. Post construction, yeah, maybe
11 in certain wind speeds the turbines are noisier for
12 whatever reason, right? There are operational things
13 that we can do to address some of those complaints, you
14 know, as they're warranted.

15 MR. HARRINGTON: Okay. Very good. That's all
16 I've got.

17 MR. KAINS: Thank you, Mr. Harrington.

18 Mr. Wax, do you have any questions?

19 No.

20 I apologize to Mr. Hendrix. I didn't see you
21 with your hand up. There's this post. I love this
22 room, but, Mr. Hendrix, you may approach and ask
23 questions of Ms. Anderson.

24 MR. HENDRIX: Thank you.

25 Ms. Anderson, I am sorry, because I had a stroke

1 back in February, but I am still the county board
2 chairman, and so I have a concern about the new law if
3 this application meets all the requirements shall be
4 approved, and that was stated very sternly by you. The
5 question I have, have we applied a special use permit to
6 the State? Do we have a special use permit for the
7 State?

8 MS. ANDERSON: We don't. It's the state law in
9 this regard is administered at the county level, and so
10 we are applying to Piatt County for the special use
11 permit.

12 MR. HENDRIX: But "shall be approved", it was on
13 the screen the entire time we're -- the break was. Why
14 are we responsible for approving or not approving the
15 special use permit when our esteemed governor has
16 already stated that we shall approve it? I -- will I be
17 forced by law to approve this? Will I?

18 MS. ANDERSON: I can't -- I don't -- I can't
19 speak to, you know, how the Illinois' legislative system
20 works and, you know, this state law. I do know that
21 your -- you know, you guys updated your ordinance --

22 MR. HENDRIX: I know it.

23 MS. ANDERSON: -- right, in May, and the same
24 language is in there, but I'm not going to make a legal
25 conclusion.

1 MR. HENDRIX: I understand that.

2 MS. ANDERSON: Sure.

3 MR. HENDRIX: But I can say that some -- so a
4 little bit of certainty that if this zoning board does
5 not approve this, and it comes before the county board,
6 and the county board -- and the whole thing is I was one
7 of the two votes for Goose Creek, okay? The county
8 board would -- and this, we were to disapprove this
9 again, what would the State force us to do? You -- you
10 would have -- you would have to sue us, don't you?
11 Won't you? Ms. Anderson, do you think your esteemed
12 legal team would sue Apex -- the County? That's a
13 question. Would you think that we would be sued by the
14 County -- by Apex?

15 MS. ANDERSON: If the -- I'll tell you that the
16 Prosperity Wind project meets the technical requirement
17 of the ordinance and the state law. If the county board
18 denies the permit, Apex would look at our options on a
19 path forward. I can't tell you what we would do in that
20 speculative situation.

21 MR. HENDRIX: I understand that, and I appreciate
22 that, but my -- my wants right now, I would like to know
23 what the hell are we doing here then? You've got it
24 approved. They have "shall be approved". Why are we
25 here? Why are we here? You guys got a bank of

1 attorneys. I know Alan. I know Kent. Why are we still
2 here in this -- what's the point? What is the point?

3 MS. ANDERSON: The law requires a public hearing,
4 and we are here to answer questions from the community
5 and present this project.

6 MR. HENDRIX: Thank you. That is correct. All
7 right.

8 MR. KAINS: Thank you, Mr. Hendrix.

9 MR. HENDRIX: You bet.

10 MR. KAINS: Any redirect? I think I've already
11 asked you that, but based upon that last question or
12 questioning.

13 MS. ANTONIOLLI: No, sir.

14 MR. KAINS: Okay. Very good. And we've had
15 final questioning from members of the zoning board.
16 Based upon Ms. Hendrix's questions and Ms. Anderson's
17 answers, do we have any other questions from the ZBA?

18 MR. HARRINGTON: I don't think so.

19 MR. KAINS: Thank you. Very good.

20 Ms. Anderson, you may step down from the witness
21 stand, and you will be here for the remainder of the
22 hearing, so you will be subject to recall if necessary
23 by your counsel or by the zoning board.

24 MS. ANDERSON: You bet.

25 (Whereupon the witness was excused.)

1 MR. KAINS: All right. Very good. Thank you.
2 All right. 8:30. Your next witness is Dr. Loomis?

3 MR. HESS: Mr. Kains, we are prepared to call
4 Dr. Loomis to address the questions that were raised
5 last night. We're also prepared to call to Mr. Eric
6 Hansen, one of our consultants from Westwood, solely to
7 address Mr. Harrington's questions about an SPCC plan
8 and how that works. I think that would be pretty brief,
9 but those would be the next two witnesses.

10 MR. KAINS: Two options. How long is Dr.
11 Loomis's presentation?

12 MS. ANTONIOLLI: Dr. Loomis will answer specific
13 questions. I estimate his presentation or testimony
14 would be about 15 minutes or so based on what we've
15 heard.

16 MR. KAINS: Okay. So, he doesn't have a
17 presentation?

18 MS. ANTONIOLLI: We heard -- yeah, and we have
19 some questions just to follow up on questions we heard
20 yesterday that will lead him through in order to answer
21 those specifically.

22 MR. KAINS: All right. It's your case. I just
23 am curious how long they would take.

24 MS. ANTONIOLLI: Sure. We just wanted to give
25 you an idea of timing, but I think we would then proceed

1 with --

2 MR. KAINS: My guess, folks, is Dr. Loomis, if he
3 takes 15 minutes, the cross-examination of Dr. Loomis
4 will take longer than that, which would send us well
5 past nine o'clock.

6 You don't want to do that, Mr. Chairman?

7 MR. WAX: No.

8 MR. KAINS: Okay.

9 MS. ANTONIOLLI: I think if we call Eric Hansen
10 now from Westwood just to talk about the SPCC plan, that
11 would be probably the next best step.

12 MR. KAINS: Okay. That I think would be the best
13 use of time, and you would have Dr. Loomis available
14 tomorrow night? Okay. Very good.

15 MS. ANTONIOLLI: Okay. Thank you.

16 MR. KAINS: Call your next witness.

17 MR. HESS: Thank you, Mr. Kains. We would call
18 Mr. Eric Hansen.

19 MR. KAINS: All right. Very good.

20 Sir, would you please raise your right hand to be
21 sworn?

22 ERIC HANSEN

23 called as a witness, being first duly sworn, was
24 examined and testified as follows:

25 MR. KAINS: All right. Sir, if you could, please

1 state your name, spelling first and last names for the
2 record.

3 MR. HANSEN: Yeah, my name is Eric Hansen,
4 E-R-I-C H-A-N-S-E-N.

5 MR. KAINS: Very good. Go ahead, Mr. Hess.

6 MR. HESS: Thank you, Mr. Kains.

7 DIRECT EXAMINATION

8 BY MR. HESS:

9 Q. Mr. Hansen, can you just briefly introduce
10 yourself to the ZBA, tell them where you work and little
11 bit just very briefly of your professional background?

12 A. Yeah. I'm a senior engineer at Westwood
13 Professional Services. I have 20 years experience
14 working with wind projects and 35 years of experience
15 consulting with industrial sites, ground-field
16 remediation, contamination clean up, and regulatory
17 compliance.

18 Q. Does some of your professional experience include
19 experience with SPCC plans?

20 A. It does.

21 Q. Would you begin by telling us what that stands
22 for and explain briefly what that is?

23 A. Yes, the SPCC is the federal regulation Spill
24 Prevention and Control and Countermeasures, and it is a
25 system to target containment of petroleum products and

1 protection of navigable waters and waterways.

2 Q. So ultimately does it originate as a federal
3 requirement?

4 A. Yes.

5 Q. And then there are state requirements sort of on
6 that?

7 A. Yes, that is correct.

8 Q. All right, and then let's get directly to
9 Mr. Harrington's question. Mr. Harrington asked
10 Mr. Carlson how we would respond to an oil spill, and I
11 want to sort of take that one step at a time and try to
12 provide an answer here. In response to an oil spill, is
13 that up to Prosperity Wind as far as how we respond?

14 A. The response to an oil spill from the turbines --
15 we're talking, I believe, about the turbines
16 specifically would be dictated by state guidelines for
17 petroleum release, and that would be having to follow
18 the guidelines issued by the Illinois EPA.

19 Q. And so then in your experience, does an SPCC plan
20 typically incorporate by reference those state
21 guidelines?

22 A. It does.

23 Q. And then those state guidelines include things
24 such as a notice requirement of state and other
25 authorities if a spill occurs?

1 A. Yes, notification of release requirement is part
2 of that statutory rule.

3 Q. And then those guidelines would dictate how
4 exactly you would contain the spill and respond to the
5 spill?

6 A. That is correct, yes.

7 MR. HESS: Thank you. No further questions.

8 MR. KAINS: Very good. Thank you, Mr. Hess, and
9 thank you, Mr. Hansen.

10 Are there questions based upon Mr. Hansen's
11 testimony from the board?

12 Mr. Harrington.

13 MR. HARRINGTON: So, I understand you are going
14 to follow the current overruling guidelines, I get that,
15 but in your experience, your 20-odd years with wind
16 farms, what happens? If there's an oil spill, what
17 happens?

18 MR. HANSEN: With the release from a turbine,
19 what happens in that case is the nacelle itself contains
20 a large portion of the oil, it's built with a tub to
21 contain most of that oil. If there is a release outside
22 of the turbine that is -- you know, falls to the ground
23 and is evaluated by the site personnel and there are
24 calls to the on-call environmental professionals on-call
25 for the project, and they will come out and evaluate the

1 extent of the release under the state guidelines. So,
2 has it fallen in a large area on a windy day and then
3 spread out, or is it concentrated directly under the
4 turbine in a pooled area.

5 MR. HARRINGTON: Makes sense. So, then do they
6 -- so let's hypothetically say since you're framing that
7 up, if there is a pool, for example, do they obviously
8 clean it up, do they remove any dirt, or do they
9 backfill, or what happens next?

10 MR. HANSEN: Yeah, there would be a
11 spill-response protocol, and that could include, you
12 know, mopping up free product that's still on the
13 surface of the ground. It could include scoping up some
14 of the soil, but there would be testing involved to see
15 how far contaminates may have spread and what the extent
16 might be.

17 MR. HARRINGTON: Right. I guess my concern is
18 you have this concrete base, correct, that the turbine
19 stands on?

20 MR. HANSEN: Yep.

21 MR. HARRINGTON: And then you have some oil
22 pooled next to it, you know, that the logic might say,
23 well, where is that oil going to go? It's probably
24 going to go down, so that was my reasoning for asking
25 all that. So, knowing that, what kind of time frame do

1 -- you know, I hear you when you say they're going to
2 report it, but, I mean, that's great reporting it, but
3 how quickly are they going to act? Are they going to --
4 obviously, they're going to assumably contain, you know,
5 the source of it immediately, I would assume, but the
6 actual contact of product or free product, as you, say,
7 on the ground, is that -- you know, do they have to wait
8 for protocol, or will they do that immediately or what
9 are we looking at?

10 MR. HANSEN: There would be an immediate action
11 taken with a spill-response kit, where they would have
12 materials at the operating O&M building, and they could
13 bring out those materials and mop up any free product
14 that was still there, and then the concrete -- or, yeah,
15 the concrete could be cleaned. That's not going
16 anywhere, and the gravel pad could be assessed to see
17 what type of spread there might be.

18 MR. HARRINGTON: Right. Out of curiosity, you
19 know, they're going to do all the check boxes, so to
20 speak, but will they notify the actual landowner of that
21 or not?

22 MR. HANSEN: Yes.

23 MR. HARRINGTON: They will?

24 MR. HANSEN: Yeah, there are requirements for
25 that.

1 MR. HARRINGTON: No further questions.

2 MR. KAINS: Dr. Wax, do you have any questions
3 for Mr. Hansen?

4 MR. WAX: No, I do not.

5 MR. KAINS: All right. Very good.

6 Questions from members of units of local
7 government, including school districts?

8 Questions from the public? Any questions for
9 Mr. Hansen regarding his testimony from the general
10 public?

11 Questions for Mr. Hansen from Piatt County staff
12 and consultants?

13 Based upon Mr. Harrington's questions and Mr.
14 Hansen's responses thereto, any redirect for Mr. Hess?

15 MR. HESS: No, sir.

16 MR. KAINS: Very good.

17 Mr. Hansen, thank you.

18 (Whereupon the witness was excused.)

19 MR. KAINS: Well, that took eight minutes. That
20 was good. All right. Let's kind of map out where we're
21 going. Tomorrow evening we'll be back here at 5:30.
22 You'll have questions on direct examination from Dr.
23 Loomis, correct?

24 MS. ANTONIOLLI: That's right.

25 MR. KAINS: Okay. And then do you have any other

1 witnesses that you plan to call after Dr. Loomis?

2 MS. ANTONIOLLI: That's all we have.

3 MR. KAINS: Okay. Now, Mr. Keyt, have you
4 consulted with the zoning board? Do you have any
5 witnesses that you are wishing to call tomorrow evening?

6 MR. KEYT: Not tomorrow. In terms of the
7 County's witnesses, we would only call Mr. Minder. In
8 terms of whether the zoning board wants to call
9 subject-matter experts, I'll be deferring to the zoning
10 board, but I think their preference is to call those
11 subject-matter experts to at least get a feel for what
12 they have to say.

13 MR. KAINS: So, we may hear from -- if the board
14 so chooses, we may hear from Mr. MaRous. We may hear
15 from Mr. Duncan.

16 MR. KEYT: I think I have the list --

17 MR. KAINS: Oh, you have the list?

18 MR. KEYT: -- if it helps.

19 MR. KAINS: Who do you have, Andy?

20 MR. KEYT: I think the list is Mr. MaRous, Jacob
21 Runner. Mr. Eric Hansen we've already heard from.
22 Eddie Duncan and Jeremy Becker.

23 MR. KAINS: Will all of those witnesses be here
24 tomorrow evening?

25 MS. ANTONIOLLI: Yes, that's right.

1 MR. KAINS: Okay. Very good. All right.

2 So, folks, that's kind of the road map for where
3 we're going tomorrow night. We'll start with Dr.
4 Loomis, and then we may have subject-matter experts
5 testifying after Dr. Loomis. And should we get through
6 all of the subject-matter witnesses, some may be short,
7 some may be long, but if we get through all of them,
8 then we will hear then from individuals who are in
9 support of the application, and I know there are
10 several, perhaps quite a few in the room, either late
11 tomorrow evening or early on Thursday.

12 Ms. Antoniolli.

13 MS. ANTONIOLLI: If you don't mind, can I take
14 one minute to check if there are any public comments,
15 people who wish to give a public comment that can't make
16 it tomorrow night and have a five-minute presentation?

17 MR. KEYT: Can I make sure I understand what the
18 question is? Are you talking about public comment or
19 are you talking about testimony?

20 MS. ANTONIOLLI: So, it would just be public
21 comment. I don't know if that's something that you do
22 out of order. I understand that we go in a certain
23 order, but if there are people here tonight that can't
24 be here tomorrow.

25 MR. KAINS: Well, public comment is going to come

1 much later.

2 MS. ANTONIOLLI: Okay, why don't we just --

3 MR. KAINS: It would be next week.

4 MS. ANTONIOLLI: -- proceed with witnesses then.

5 MR. KAINS: Yeah, I'm just -- we're just
6 referring to witnesses. Yeah, public comment will come
7 hopefully next week, but I do want to use our time
8 wisely.

9 MS. ANTONIOLLI: Right, that's what I was
10 thinking was just for efficiency's sake.

11 MR. KAINS: You know, Chairman, if somebody is
12 here who can't be here and they have something to say,
13 do you want to hear what they have to say? I think I'm
14 inclined.

15 MR. WAX: Yeah, why not.

16 MR. KAINS: Even if we have to take them out of
17 order, and I'm a by-the-book, follow-the-order and all
18 of that kind of person, but I guess I'll ask on this
19 side of the room, is there anybody who is not going to
20 be here tomorrow night or Thursday night, who -- I'm
21 trying to remember what day it is, it's still Tuesday --
22 tomorrow or Thursday night who has something -- if
23 you're not going to be here and if you have something to
24 say, you get a three-minute public comment. Anybody on
25 this side of the room? All right.

1 How about on this side of the room?

2 Do you have one?

3 MS. ANTONIOLLI: No, I understand tomorrow will
4 be just fine. But it was great of you to offer. I
5 appreciate that if anyone wants to raise their hand.

6 MR. KAINS: Well, I do want to use everyone's
7 time wisely here, and -- all right.

8 And I also want to say a thank you to Mr. Ehrat,
9 who is still back there waiting patiently. Thank you to
10 you, Mr. Ehrat, for agreeing to be our sound engineer
11 tomorrow evening.

12 Do you do it at your church or --

13 MR. EHRAT: A long time ago I did it at my
14 church, but, yeah, I do it amateur, but, yes, I can do
15 it.

16 MR. KAINS: Okay. Very good. We really
17 appreciate that.

18 So, we have our road map tomorrow night. Dr.
19 Loomis, followed by perhaps if the zoning board wishes
20 to hear from other subject-matter persons that Mr. Keyt
21 just listed, we'll have that tomorrow night. Should we
22 get through all of that, then folks in support of the
23 application be prepared if you have testimony, and
24 testimony is going to be different from public comment.
25 Public comment will be toward the end of the hearing,

1 and that will be three minutes in length. Testimony is
2 if you're going to talk longer than three minutes.
3 Public comment you're not subject to cross-examination.
4 Testimony you are subject to cross-examination from the
5 zoning board and others. So, keep that in mind.

6 All right. Mr. Chairman, are we in recess?

7 All right. We'll be in recess until 5:30
8 tomorrow evening in this same room, and we'll go 5:30
9 until nine tomorrow night, and hopefully we'll get a lot
10 accomplished tomorrow evening. Thanks. We're in
11 recess.

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14 (END OF PROCEEDINGS.)

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CERTIFICATE OF REPORTER

I, Courtnay Orman, CSR #84-004628, reported in machine shorthand the proceedings had in the above-entitled cause and transcribed the same by computer-aided transcription, which I hereby certify to be a true and accurate transcript of the proceedings had.

Courtnay Orman
Official Court Reporter
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Dated this 12th
of September, 2023.

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