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MURAL ENERGY, LLC

SOLAR PANEL HEARING

January 10, 2024

APPEARANCES: MS. COURTNEY KENNEDY
Attorney at Law
On behalf of the Applicant

MR. ANDREW KEYT
Attorney at Law
On behalf of the County

Jamie S. Atkinson, CSR
Official Court Reporter
Vermilion County Courthouse

1 MR. FOUREZ: Time to call the meeting to
2 order. We'll start with role call, and I'll do that.
3 Harold Puzey.

4 MR. PUZEY: Yes.

5 MR. FOUREZ: Chris Crawford.

6 (No audible response given.)

7 MR. FOUREZ: Curt Elmore.

8 MR. ELMORE: Yep.

9 MR. FOUREZ: Adrian Greenwell.

10 MR. GREENWELL: Here.

11 MR. FOUREZ: Russel Rudd.

12 MR. RUDD: Here.

13 MR. FOUREZ: All right. There are five
14 present, one absent. Should have an agenda, I think.
15 Do they have -- do you guys have an agenda?

16 MR. KEYT: It's the same -- it's the
17 agenda cause there was a recess.

18 MR. FOUREZ: It's the same agenda for
19 the earlier hearing?

20 MR. KEYT: Yes.

21 MR. FOUREZ: I need a motion to approve
22 the agenda. It's simply going through the...

23 MR. GREENWELL: So moved.

24 MR. FOUREZ: It's what I'm doing here

1 and going through hearing. I need a second.

2 MR. ELMORE: Second.

3 MR. GREENWELL: Moved.

4 MR. FOUREZ: Any discussion? Seeing
5 none. All in favor of approving the agenda say I.

6 MR. ELMORE: I.

7 MR. PUZEY: I.

8 MR. GREENWELL: I.

9 MR. RUDD: I.

10 MR. FOUREZ: Opposed? We have an
11 agenda.

12 And sitting on my agenda it says consider
13 discussing vote on hearing rules. We did that last
14 meeting without an objection. We will continue under
15 that same outline and rules.

16 That said, I will turn things over to our
17 mediator to conduct the public hearing we're all here
18 for.

19 MR. KAINS: All right. Thank you,
20 Mr. Chairman. Good morning, again, ladies and
21 gentlemen. This Board -- or this Committee has been
22 in recess since the conclusion of the testimony on
23 December 11th, 2023. At that time we had in the order
24 of the public hearing we had -- had the opening

1 statement by the applicant and evidence from the
2 applicant. We heard from seven witnesses on December
3 11th of last year, and counsel for the applicant tells
4 me they have four more witnesses to call this morning
5 and if need be into the afternoon. At the conclusion
6 of evidence from the applicant then we will hear from
7 the public, we'll hear testimony and consider any
8 documentary evidence from persons in favor of the
9 application followed by persons opposed to the
10 application and followed by persons who are neutral on
11 the application.

12 There will also be an opportunity for
13 Mr. Keyt counsel for Vermilion County to present any
14 evidence if he so chooses. There will be rebuttal
15 evidence, if necessary, or if -- if expected from the
16 applicant and we're hoping that later today we will be
17 able to close the evidence, and then we anticipate
18 this afternoon that this -- this committee will go
19 into recess again and come back in a couple of weeks
20 at a time to be determined and we'll determine that on
21 the record in this hearing to then have this committee
22 adopt findings of fact any conditions should the
23 project be approved, and then, of course, a vote up or
24 down by this committee which would simply be a

1 recommendation to the full Vermilion County Board.

2 So with that said, Ms. Kennedy, do you have
3 any procedural matters to get to before you call your
4 first witness of the day?

5 MS. KENNEDY: No. Thank you.

6 MR. KAINS: Okay. Mr. Keyt, do you have
7 any procedural matters that you wish to raise?

8 MR. KEYT: No, sir.

9 MR. KAINS: Very good. All right. Then
10 we have additional witnesses for the applicant,
11 Ms. Kennedy, you may call your next first witness.

12 MS. KENNEDY: Thank you. I'd like to
13 call Stephen Chu.

14 MR. KAINS: Mr. Chu.

15 **S T E P H E N C H U,**

16 was called as a witness on behalf of the Applicant
17 and, having been first duly sworn, testified as
18 follows:

19 MR. KAINS: Very good. Could you please
20 state your name, spelling first and last names for the
21 record.

22 THE WITNESS: My name is Stephen Chu,
23 S-T-E-P-H-E-N, and the last name is Chu, C-H-U.

24 MR. KAINS: Mr. Chu, there is a red

1 button on the microphone. If you could tap the
2 microphone. Okay. Very good.

3 All right. Ms. Kennedy, you may proceed.

4 MS. KENNEDY: Thank you.

5 **DIRECT EXAMINATION,**

6 **QUESTIONS BY MS. COURTNEY KENNEDY:**

7 Q. Mr. Chu, can you tell us a little bit
8 about your educational history.

9 A. Yes. I had my undergrad Bachelor's of
10 Science through the University of Wisconsin, Madison,
11 in Zoology and Conservation Biology, and I got my
12 Master's of Science Degree through the University of
13 Illinois of Natural Resources and Environmental
14 Sciences with an emphasis on Wetlands.

15 Q. And aside from what you do commensally
16 do you hold any other degrees, certifications or
17 licenses?

18 A. Yes. So a Senior Professional Wetlands
19 Scientist, a Certified Senior Ecologist and a
20 Certified Arborist and I hold a lot of other county
21 level certified wetland specialists designations as
22 well in Illinois.

23 Q. How are you presently employed?

24 A. I am employed with Arcadis.

1 Q. And what business is Arcadis engaged in?

2 A. Civil engineering and environmental
3 consulting remediation.

4 Q. How long have you been employed by
5 Arcadis?

6 A. Five years.

7 Q. You might have mentioned it and I'm
8 sorry that I didn't, but what is your official job
9 title?

10 A. I am a principal ecologist.

11 Q. What job duty does that role encompass?

12 A. Supporting environmental permits,
13 conducting wetland delineations, preparing endangered
14 species habitat assessments and also ecological
15 restoration projects.

16 Q. Do you have any other work experience
17 outside of your work certification?

18 A. Yes. I -- throughout my career I've
19 been in this industry for 21 years working in a very
20 similar matter on very similar projects for the
21 extent.

22 Q. And have you been retained by Mural
23 Energy, LLC?

24 A. Yes.

1 Q. And what for?

2 A. To complete a aquatic resource
3 delineation or its wetland and water body delineation
4 and as well as a threatening endangered species
5 habitat assessment.

6 Q. And is it safe to assume that you're
7 familiar with this proposed solar project?

8 A. Yes.

9 Q. Have you reviewed any materials in
10 relation to this solar project?

11 A. Just re-reviewed the reports that we
12 completed now which include a lot of publically
13 available resource maps and resources.

14 Q. Do you have any other experience working
15 on solar projects?

16 A. Yes.

17 Q. Can you detail that experience for us.

18 A. I've worked over probably 70 projects in
19 Illinois alone all throughout the State, again, on
20 various similar process of doing environmental due
21 diligence and permitting support.

22 MS. KENNEDY: Mr. Facilitator, I'd like
23 to treat him as an expert witness.

24 MR. KAINS: Yes. Mr. Keyt, do you have

1 any...

2 MR. KEYT: No objection.

3 MR. KAINS: Very good. All right.

4 Mr. Chu will be considered an expert witness and he
5 will have unlimited testimony on direct examination.

6 Go ahead, Ms. Kennedy.

7 MS. KENNEDY: Thank you.

8 **QUESTIONS BY MS. KENNEDY:**

9 Q. Mr. Chu, this proposed project is
10 proposed to be situated in Vermilion County; is that
11 correct?

12 A. Yes, that's correct.

13 Q. And have you specifically visited this
14 proposed site?

15 A. Yes.

16 Q. When?

17 A. October 24th through the 28th in 2022.

18 Q. And what did you do specifically on your
19 site visit?

20 A. I oversaw seven additional biologists
21 and completed an aquatic research delineation, also
22 known as aquatic delineation and we also completed
23 habitat assessments for listed Federal and State
24 threatened endangered species.

1 Q. Can you tell us briefly what goes into a
2 wetlands delineation.

3 A. A wetland delineation requires the
4 observer to record data that exhibits wetland
5 vegetation or hydrophytic vegetation, hydric soils and
6 then the wetland hydrology all in compliance with the
7 Army Corps of Engineers 1987 Wetland Delineation
8 Manual and the Midwest Regional Supplement.

9 Q. Based on your site visit what, if
10 anything, can you tell me about the land proposed to
11 be situated within the project?

12 A. The study area was a much larger study
13 area than the actual proposed footprint. We
14 identified numerous streams ranging from perennial,
15 intermittent and ephemeral streams and two small
16 palustrine emergent wetlands.

17 Q. And is it common to have the study area
18 to be larger than the actual project footprints?

19 A. Yes. That allows the developer to tweak
20 it and modify their -- their overall, like, layout and
21 avoid impacting potential resources.

22 Q. And the land proposed to be within the
23 project area, what its current usage?

24 A. Agriculture row crop, corn and soybeans

1 fields.

2 Q. And what, if anything, can you tell me
3 about the surrounding area and its use.

4 A. It's very very similar. There is a
5 quarry I think that is at the center or kind of
6 bisects the -- the -- the two solar footprints
7 parcels, but predominantly is all agriculture and
8 heavily disturbed from those activities as well.

9 Q. Are you familiar with what a desktop
10 analysis is?

11 A. Yes.

12 Q. And what is it?

13 A. Basically is we review all available,
14 publically available resource data that is available
15 that includes the National Wetland Inventory Maps that
16 is provided by the U.S. National Wildlife Service. We
17 look at the soils maps which are provided by the
18 National Resource Conservation Services, the National
19 Hydrography Dataset which is provided by the USGS
20 Services as well there too. Those are only a few of
21 the maps. We also review extensive historical aerial
22 imagery from Google Earth Pro that we utilize to
23 identify any areas that have potential wetlands or
24 streams.

1 Q. Did you have the occasion to perform a
2 desktop analysis for this project area?

3 A. Yes. As part of the wetland
4 delineations the first component is to do the desktop
5 review that narrows down our surveys -- or survey
6 locations, as well as determining where data needs to
7 be collected.

8 Q. And did you use that same study area
9 that you did for your site visits?

10 A. Yes, correct.

11 Q. And it's my understanding that you
12 prepared a PowerPoint presentation that summarizes
13 your findings; is that correct?

14 A. That is correct.

15 Q. And is the first page of that PowerPoint
16 presentation displayed on the screen here?

17 A. Yes.

18 Q. And did you personally prepare that?

19 A. Yes.

20 Q. And did you do so in anticipation of
21 today's hearing?

22 A. Yes.

23 Q. Okay.

24 MS. KENNEDY: I'm going to hand out a

1 physical copy of that PowerPoint presentation. Is
2 that all right?

3 MR. KAINS: Yes.

4 MS. KENNEDY: Thank you. I've marked it
5 Exhibit 7 for identification purposes.

6 **QUESTIONS BY MS. KENNEDY:**

7 Q. Mr. Chu, please walk us through your
8 presentation.

9 A. Okay. Sure. The next page, please.
10 This -- this slide just exhibits my qualifications and
11 excerpt of my professional resume. If we could skip
12 that, if that's okay.

13 So ultimately Arcadis and which include
14 myself and a team of seven qualified biologists all of
15 which were professional wetland scientists or wetland
16 professionals in training were out in the site, we
17 reviewed a 3,325 acre study area which included the
18 1,443 acre actual project location. So we had a much
19 wider area we surveyed. All wetland delineation or
20 water research delineations follow protocols as
21 stipulated by the U.S. Army Corps of Engineers which
22 is summarized in the third bullet there. We also
23 completed a threatened endangered species initial
24 habitat assessment. As part of that we utilized

1 information from the U.S. Fish and Wildlife Service,
2 information planning and consultation which is a term
3 IPaC Tool, that tool is a county level tool, so any
4 species that has been identified within the county
5 shows up on that list. We've also completed an IDNR
6 Ecological Compliance Assessment Tool, an EcoCAT which
7 is a very more -- it's a smaller scale review that the
8 IDNR actually reviews and provides additional feedback
9 and recommendations as part that the process. We also
10 completed a general habitat assessment for the Federal
11 and State listed threatened endangered species, and we
12 also completed a special status review tech memo which
13 kind of summarized our findings and that habitat
14 during that survey. Next, please.

15 So to summarize, the aquatic resource
16 delineation, again, we completed the surveys October
17 24th through the 28th, 2022. We delineated two small
18 wetlands; one is potentially a jurisdictional, again,
19 this wetland was directly adjacent to a stream, so
20 based on current definitions of waters in the U.S.,
21 that wetland would meet that definition, however, the
22 U.S. Army Corps of Engineers has the ultimate say or
23 the final determination regarding how wetlands
24 jurisdictions.

1 The other wetland that we delineated was a
2 isolated wetland. There's no clear surface, no clear
3 continuous surface connection with a -- a relatively
4 permanent waters, so that wetland would be considered
5 an isolated waters of the State or the county which
6 stated there is no real wetland regulation for
7 those -- for that isolated wetlands.

8 Both wetlands are located adjacent to the
9 proposed solar facilities and they -- they have a
10 minimum 50 foot setback from the arrays.

11 Q. And I'm just going to interrupt you real
12 quick.

13 A. Sure.

14 Q. So that means that the solar project
15 will not be built in either wetland; is that correct?

16 A. Correct. There's substantial setbacks
17 for those small wetlands that it's relatively safe to
18 say that any potential impacts through those wetlands
19 are very very small.

20 Q. Please proceed.

21 A. In addition of the three thousand plus
22 acres that was surveyed 28 streams -- or 20 perennial
23 streams were identified, 7 intermittent and 4 streams
24 ephemeral streams were -- were mapped. Only 2 of

1 those streams are within the project footprint and
2 that includes Jordan Creek and Olive Branch. Again,
3 there -- there's a 50-foot setback from both streams
4 and which is industry standard for setbacks, it's not
5 required it's recommended by the IDNR and U.S. Army
6 Corps of Engineers. There are -- potentially would be
7 more stringent setbacks if the actual streams or
8 wetlands would be actually filled or impacted by the
9 project, but in this case the -- the proposed
10 development is not directly impacting those resources
11 so that the setback is considered more than adequate
12 in the eyes of the U.S Army Corps of Engineers and the
13 Illinois Department of Natural Resources.

14 Q. And, again, Mr. Chu, just to clarify, so
15 the solar project would not be built in either the
16 Jordan Creek or Olive Branch Creek; is that correct?

17 A. Correct, there's no build of direct
18 impacts or fill for those creeks.

19 Q. Thank you.

20 A. Next slide, please. So we -- Arcadis
21 completed a reconnaissance-level habitat assessment,
22 again, during our potential, you know, work in October
23 of 2022. As we had mentioned, the landscape
24 predominantly comprised of agricultural lands under

1 row-crop production. There were some areas that had
2 what -- that were corrosive and also associated with
3 streams but that was outside of the overall project
4 footprint for -- for this solar development here.

5 All streams that were identified were
6 considered relatively low quality streams, heavily
7 channelized and were subject to a lot of septation or
8 sedimentation from adjacent agricultural fields.
9 There was also drain tiles, outlets that were located
10 throughout the spans of various streams, and then as a
11 result these streams would be subject to flashy flow
12 during precipitation events, storm water events.

13 A total of seven Federal listed threatened
14 endangered species had the potential to occur within
15 the project area, again, this is at a county level
16 scale. These species included the Whooping crane
17 which is an experimental population, the Indiana bat,
18 northern long-eared bat, the tricolored bat which is
19 is supposed to be listed as an endangered species, and
20 then the aquatic resources that were identified
21 included the clubshell, the northern riffleshell and
22 the rabbitsfoot.

23 Of the seven listed species suitable
24 habitat -- or -- that was potentially within the

1 overall survey location included primarily the bat
2 species that were identified that was because of the
3 potential summer roost habitat trees, nesting trees
4 that were -- that could provide habitat for those
5 bats. But as part of this project I don't believe
6 there's tree clearing being proposed and as a result
7 Arcadis felt comfortable making a no offense
8 determination for the -- for adverse impacts to the
9 Indiana bat, northern long-eared bat and the
10 tricolored bat.

11 No active bald eagle nests were observed
12 during the habitat assessment. Again, suitable
13 habitat is considerably -- a considerable distance
14 from the actual project footprint. A total of seven
15 raptors nests were observed during the surveys, and
16 one alternate bald eagles nest and six in-use red
17 tailed hawk nests were identified. Again, all outside
18 of the -- the smaller Mural project footprint.

19 No additional wildlife species were observed,
20 however, I believe we saw deer tracks when we were out
21 on site.

22 Q. And, again, Mr. Chu, just for clarity
23 purposes the bird and bat species listed here have the
24 potential to occur within the project area because of

1 summer roosting through trees; is that correct?

2 A. Correct. Next slide, please.

3 So as part of the EcoCAT process the IDNR
4 reviews the Illinois Natural Areas Inventory. As part
5 of that inventory the portion of Jordan Creed that's
6 within the project footprint, again, with a 50
7 foot-buffer is identified, it's classified as INAI
8 site 1427 Salt Fork Vermilion River Segment. However,
9 the IDNR reviewed the EcoCAT and concluded based on
10 the project description that adverse effects to this
11 resource is unlikely and that especially if
12 recommendations that were made by the IDNR to follow
13 during the project development. Next slide, please.

14 And so the recommendations that the IDNR had
15 as part of that EcoCAT process included limited tree
16 clearing during the non-roosting period for the bats
17 which is November 1st through March 31st. Again, I
18 believe this project will not clear any trees, and, if
19 so, if they do clear trees during that window no
20 adverse impacts to those species are anticipated.

21 In addition, the IDNR requested that night
22 lighting should follow the International Dark-Sky
23 Association guidance to minimize any light pollution
24 on wildlife.

1 They have also recommended that all erosion
2 control blankets that are utilized during the
3 construction phase of the project be wild --
4 wildlife-friendly, plastic-free blankets to prevent
5 any entanglement of native wildlife.

6 And, lastly, they recommended that all
7 solar -- that the solar facilities should establish
8 pollinator-friendly habitat and as groundcover
9 wherever feasible and it should meet the Solar Site
10 Pollinator Establishment Guideline that the IDNR has
11 stipulated. So ultimately this pollinator habitat
12 would encourage or aid firstly in soil health and
13 promote additional habitat for wildlife species and
14 insects and increase the genetic geo- -- genotype of
15 native vegetation out on site. And that's all I had.

16 Q. Okay. Mr. Chu, of those seven
17 threatened and endangered species that have a
18 potential to occur within the project area, three of
19 those you mentioned are aquatic species?

20 A. Correct.

21 Q. Of those that would be the rabbitsfoot,
22 the clubshell and the northern riffleshell?

23 A. Yes.

24 Q. And those would presumably be present in

1 the creeks that are within the study area?

2 A. May or may not. We have not done any
3 extensive studies to determine -- or surveys to
4 determine their actual presence, but based on the
5 history of that stream, either upstream or downstream
6 there is a potential for those species to occur.

7 Q. The potential for those species to occur
8 in those bodies of water?

9 A. Correct. It most likely would be
10 further downstream based on better habitat of that
11 stream occurring off site.

12 Q. Sure. And you've previously testified
13 that the project's not going to be built in any creek
14 or waterway, do you recall that?

15 A. Yes.

16 Q. Okay. So based on this in your
17 professional experience do you have any concerns about
18 those three aquatic species that are listed?

19 A. Not at all, especially because of the
20 additional 50-foot setback buffer that will help
21 stabilize the -- the soils and reduce the amount of
22 potential sedimentation and saltation within those
23 streams.

24 Q. And you also previously testified that

1 you believed that there wouldn't be any tree clearing
2 required for this project. Based on than fact, in
3 your professional experience do you have any concerns
4 with regards to the bird and bat species that were
5 listed?

6 A. For the bats no. For the birds there is
7 potential for migratory birds to ground nests within
8 the project footprint. But typical procedures to
9 avoid or minimize impacts to migratory birds would be
10 to complete preconstruction nest surveys during the
11 time of construction. So if a nest is identified
12 during the construction process it -- typically you
13 flight off the -- the nest location and you wait until
14 the fledgling has hatched and the nest abandoned.

15 Q. And that ground clearing you mentioned,
16 that's something that would not be appropriate at this
17 stage?

18 A. Correct.

19 Q. So that you would wait until
20 construction of the project?

21 A. Typically the surveys are done within
22 two to one week in advance of any land disturbing
23 activities.

24 Q. Looking up these recommendations on the

1 screen here on page 7 of your PowerPoint is it your
2 understanding that the project will comply and follow
3 each of these recommendations?

4 A. Yes.

5 Q. So based on that fact in your
6 professional experience do you have any environmental
7 concerns about the project itself?

8 A. No.

9 MS. KENNEDY: I have nothing further.

10 MR. KAINS: Very good. Thank you,
11 Ms. Kennedy. Thank you, Mr. Chu.

12 Mr. Chu, you get to have questions directed
13 at you now, first questions come from the members of
14 the Vermilion County Wind and Solar Committee. Any
15 questions for Mr. Chu from members of this committee?

16 Mr. Puzey.

17 MR. PUZEY: Mr. Chu, were you on site
18 during this survey of the Jordan Creek?

19 THE WITNESS: Yes.

20 MR. PUZEY: So you've walked along
21 either side of the creek?

22 THE WITNESS: Yes.

23 MR. PUZEY: And were there any
24 particular observations that you made that would be of

1 concern?

2 THE WITNESS: The -- the creek --
3 segment of the creek that's within the project
4 footprint is sleek and channelized with steep side --
5 side slopes, not very conducive for habitat. Again,
6 because of the -- the channelization of that stream
7 and the other drain tile inputs, it would -- it would
8 exhibit very flashy flow, again, very -- it's very
9 difficult for the -- the aquatic species; namely,
10 the -- the musks -- or the rabbitsfoot and those
11 species to be -- be successful, established to the --
12 to the substreams there.

13 MR. PUZEY: The clubshell, the northern
14 riffleshell and the rabbitsfoot, are those all musks?

15 THE WITNESS: Yes.

16 MR. PUZEY: No fish?

17 THE WITNESS: No endangered fish species
18 that were -- were noted through that so...

19 MR. PUZEY: All right. Also this that
20 they included one alternate bald eagle nest, where is
21 that?

22 THE WITNESS: That location I would have
23 to get back and identify.

24 MR. PUZEY: What is an alternate eagle

1 nest?

2 THE WITNESS: It was an area that was
3 identified that could potentially be utilized by the
4 bald eagle and it -- ultimately they're -- they're --
5 that -- that report and that observation was done by a
6 different consultant, but we -- we confirmed that I
7 believe it would be located I think southeast of the
8 actual project footprint.

9 MR. PUZEY: Okay. Thank you.

10 MR. KAINS: Thank you, Mr. Puzey. Thank
11 you, Mr. Puzey.

12 Any other questions for Mr. Chu? Yes,
13 Mr. Chairman.

14 MR. FOUREZ: Talking about the birds in
15 the area, I know that it's not uncommon to see bald
16 eagles hunting within the tracks where these solar
17 panels are proposed to go, and the other one that you
18 did not mention any of them, is over the last several
19 winters it has been common to see comfort swans
20 frequenting the area over the winter. Putting these
21 solar panels in, what effect will that have on those
22 birds and being able to sight them within that
23 immediate area, and what effect will that have on us
24 as a community and our enjoyment as a community as far

1 as presence of those birds being there or whether they
2 won't be there?

3 THE WITNESS: So with -- with the solar
4 development there will be actual structures but there
5 will also be pollinator habitat areas, so basically
6 native vegetation areas which would promote more
7 species there. Again, amount of insects would promote
8 additional wildlife or avian species to visit that
9 area and potentially feed. But ultimately the
10 landscape directly adjacent to the project location
11 would -- would -- may, you know, provide additional
12 locations for those birds to -- birds or bird or
13 species to -- to go. So there is other available
14 agriculture habitat that they may or may not use.
15 Typically, you know, they -- the -- the avian species
16 like -- likes areas that are open so they can see any
17 potential predators. Again, that may promote species
18 to -- to land in or adjacent to the solar facility
19 depending on how clear the area is, and at the same
20 time it's my opinion that I don't think -- and there's
21 also other scientific studies that the presence of
22 this -- of solar should not negatively impact avian
23 populations as well. So there's no real clear answer,
24 and with that being said, in my opinion there's plenty

1 of habitat directly adjacent to the area that would
2 not deter any additional species to habitate the
3 general area.

4 MR. KAINS: Any other questions for
5 Mr. Chu from members of the Vermilion County Wind and
6 Solar Committee?

7 MR. GREENWELL: You said that the
8 assessment was done over a year ago. Are there
9 requirements to do a reassessment closer to the
10 construction?

11 THE WITNESS: Typically a wetland
12 delineation or aquatic resource delineation is valid
13 for a period of five years.

14 MR. GREENWELL: Yeah, I'm more
15 interested in the bald eagles and --

16 THE WITNESS: The bald eagles, with that
17 there -- this project technically does not have a
18 federal nexus so ultimately there's no federal permit
19 that is triggered to enforce the Migratory Bird Treaty
20 Act or the Section 7 Endangered Species Act so
21 technically the project does not need to complete
22 additional wildlife surveys, that being said.

23 MR. KAINS: Any other questions for
24 Mr. Chu from members of the committee? Very good.

1 Questions for Mr. Chu from members of units
2 of local government, including the Vermilion County
3 Board and any school districts?

4 Questions from interested parties represented
5 by licensed attorneys? I guess, first of all, are
6 there any other licensed attorneys in the room besides
7 Ms. Kennedy, Mr. Keyt, Ms. Reeves and myself? That's
8 refreshing.

9 All right. Questions from other interested
10 parties, members of the public opposed to the
11 application or neutral on the application? Any
12 questions. Yes, Mr. Puzey. And I guess, Mr. Puzey,
13 find a seat with a microphone. I think there's
14 plenty.

15 And for the record you are Mark Puzey?

16 MR. MARK PUZEY: Correct.

17 MR. KAINS: And how do you spell your --
18 it's Mark with a K, correct?

19 MR. MARK PUZEY: Correct.

20 MR. KAINS: And how do you spell your
21 last name, sir?

22 MR. MARK PUZEY: P-U-Z-E-Y.

23 MR. KAINS: All right. Thank you, sir.
24 You may go ahead with questions for Mr. Chu.

1 MR. MARK PUZEY: I've got a couple of
2 questions concerning your survey area. Do you have a
3 map of the survey area?

4 THE WITNESS: I do but it may not be
5 shown on the presentation. Can you go to slide 6.
6 So, no. The overall environmental survey area that we
7 surveyed is not included on that. It's a little bit
8 larger. I can provide that as a separate document.

9 MR. MARK PUZEY: Does that survey area
10 include the entirety of the former Fairmount Stone
11 Quarry which is in the middle to the north?

12 THE WITNESS: No, I do not. I don't
13 think that's part of the --

14 MR. MARK PUZEY: That is not part of the
15 survey area?

16 THE WITNESS: Not -- not part of the
17 parcel areas that were reviewed. I -- I believe the
18 survey area is included as in the application that was
19 submitted under the aquatic resource delineation
20 report.

21 MR. MARK PUZEY: Okay. So any potential
22 bald eagle nests that you had didn't find such as the
23 alternate may not have been counted since you did not
24 survey that area then?

1 THE WITNESS: Correct. Correct.

2 MR. MARK PUZEY: So the survey that you
3 did, was that entirely on the ground or did you do any
4 aerial survey?

5 THE WITNESS: I just did ground survey.

6 MR. MARK PUZEY: Okay. So there is --
7 so, again, there is potential that all of the former
8 stone quarry and the endangered species that may be
9 residing in that is not in your report?

10 THE WITNESS: Not in the potential
11 suitable habitat for those species, but, yes.

12 MR. MARK PUZEY: Right. Okay. I think
13 that's all I had. Thank you.

14 MR. KAINS: Very good. Thank you,
15 Mr. Puzey.

16 Any other questions for Mr. Chu from any
17 other interested parties, persons opposed to or
18 neutral -- yes.

19 MR. CRONKHITE: If you could define
20 interested party for me.

21 MR. KAINS: Okay. I guess -- I guess
22 we'll just say how about members of the general
23 public.

24 MR. CRONKHITE: Thank you.

1 MR. KAINS: Are you interested --

2 MR. CRONKHITE: Oh, absolutely, I'm
3 interested.

4 MR. KAINS: Absolutely. I'm sorry.
5 That's a -- that's a great question.

6 MR. CRONKHITE: I've been a county --
7 here, I guess? I've been a county citizen for all my
8 life, 70 years so. I'm not very good at --

9 MR. KAINS: All right. Very good, sir.
10 If you could, please state your name spelling first
11 and last names for the record.

12 MR. CRONKHITE: Sure. My name is
13 Arthur, A-R-T-H-U-R, Cronkhite, C-R-O-N-K-H-I-T-E.

14 MR. KAINS: K-H-I-T-E. All right.
15 Mr. Cronkhite, go right ahead.

16 MR. CRONKHITE: Does your organization
17 ever do follow-up studies from these -- the benchmark
18 that you've set now?

19 THE WITNESS: It depends on the, site,
20 but, yes, we do.

21 MR. CRONKHITE: So will you be following
22 up on this?

23 THE WITNESS: Based on the aquatic
24 resources there's no plan on going back out there

1 to -- to do the wetland delineations. In terms of the
2 threatened endangered species habitat assessment
3 typically we went through the process and made those
4 determinations. The EcoCAT is valid for a period of
5 two years unless components of the project change
6 substantially. So if that does -- you know, if the
7 site plan does -- is revised then we will have to go
8 back in, initiate consultation with the IDNR again.

9 MR. CRONKHITE: How many square miles
10 does an eagle require for a habitat?

11 THE WITNESS: That I do not know at this
12 time.

13 MR. CRONKHITE: Does anyone in here
14 know? Oh, come on. You're -- you're debating one of
15 the most important things and nobody knows. I think
16 it's 50 square miles.

17 So if you disturb something in that 50 square
18 mile are you not, in fact, reducing the habitat for
19 that animal?

20 THE WITNESS: Define disturb.

21 MR. CRONKHITE: Well, you can't hunt
22 there anymore. You're not going to get an eagle
23 diving in on a -- on a solar panel set. You -- you
24 can't do it. These suckers are monsters. I mean, I

1 saw three of them fly over my field this spring -- or
2 this fall. They are -- they are huge. You cannot do
3 that. Find me a video, find me any -- anybody that
4 can say that that can happen.

5 THE WITNESS: I mean, I've -- I've seen
6 eagles in the road.

7 MR. CRONKHITE: Yes. And they have
8 nothing around them to takeoff with. You cannot
9 have --

10 THE WITNESS: With --

11 MR. CRONKHITE: So, anyway, that's my --
12 cornfields have --

13 THE WITNESS: There's corn that can
14 stand eight feet tall --

15 MR. CRONKHITE: Yeah. When the corn is
16 down is when they'll dive on the field.

17 So when the field is -- when the field is
18 down and there's a rabbit in the middle of the winter
19 and when they're living there running across the field
20 they can nab it. They can't do that with a solar
21 system, it's impossible because rabbits can go
22 underneath. That's -- it's something for you folks to
23 study apparently.

24 All right. What is the waterfowl count in

1 that quarry? How many tens of thousands of birds
2 migrate through that quarry?

3 THE WITNESS: The quarry will not be
4 impacted by this project.

5 MR. CRONKHITE: Yeah. You didn't study
6 it. What do you mean it won't be impacted? We'll get
7 to that.

8 Plasma fields. Wind -- wind turbine
9 installations create massive plasma fields. The
10 electrical lines can run through the ground, operate
11 at 60 hertz, 60 times a second a signal goes back and
12 fourth. All electricals -- all electrical wiring has
13 an electromagnetic zero grounding. When you take that
14 and run it out over hundreds of square miles --
15 hundreds of miles linear and you stick metal poles in
16 the middle of that that is connected to it you create
17 a massive plasma field that has, in fact, been known
18 to take and hide (unintelligible) signatures from
19 radar. That's how Russians hide their aircraft cause
20 they have plasma things in their wings.

21 MR. KAINS: Mr. Cronkhite, if you could,
22 please, just ask this gentleman questions.

23 MR. CRONKHITE: Okay.

24 MR. KAINS: You'll have --

1 MR. CRONKHITE: How much -- how much --
2 what is the plasma field string going to be in that
3 installation and how does it affect animals? If
4 you're not going to do a follow-up how do you know if
5 any of this is effective?

6 THE WITNESS: That is -- that is beyond
7 my area of expertise.

8 MR. CRONKHITE: But it does affect what
9 you do?

10 Next. You said birds nesting during
11 construction. I've seen construction of these
12 construction sites. How could any bird ever nest? Go
13 out on 74. I mean, how do they nest?

14 THE WITNESS: It's -- it's
15 preconstruction. So ultimately before you disturb the
16 land --

17 MR. CRONKHITE: Oh. Awe.

18 THE WITNESS: You do the pre -- the
19 nesting, the ground nesting survey so...

20 MR. CRONKHITE: How many years do you do
21 that?

22 THE WITNESS: You do -- you typically
23 just do it prior to construction.

24 MR. CRONKHITE: Just prior. And so is

1 it during their nesting season that you do this?

2 THE WITNESS: That's when you would do
3 the preconstruction necessary.

4 MR. CRONKHITE: What if their
5 construction wasn't preconstruction, I mean, if it
6 wasn't -- you know, if they got delayed?

7 So you always test -- you always test during
8 their nesting periods the birds would nest there?

9 THE WITNESS: Typically if a segment of
10 land is going to be disturbed there is a timeframe
11 that preconstruction nest is valid. So typically what
12 you would want to coordinate with the construction
13 contractor is an ecologist or take a biologist, go out
14 there and walk the potential land disturbance area,
15 clear the sites for any -- you know, if they -- they
16 do find potential nests, they e-mark it in the field
17 and then there's a setback. So it does not
18 necessarily -- necessarily stop construction but a
19 small area around the actual ground nest will be
20 avoided.

21 MR. CRONKHITE: So that's not -- okay.
22 You've said that it didn't matter the installation
23 because there was plenty of habitat around it.
24 Really? Who -- you know, so the bald eagle doesn't

1 matter if you've taken up 20 acres that they can no
2 longer hunt on?

3 Also have you done any EMF aerial imaging of
4 the ground?

5 THE WITNESS: No.

6 MR. CRONKHITE: Okay. Do you know what
7 EMF imaging is?

8 THE WITNESS: Electromagnetic --

9 MR. CRONKHITE: Yes. Well, you can --
10 you can image ground. You can see where coal is in
11 the ground and everything else by flying a plane over
12 it and doing an electromagnetic field imaging. It
13 shows the electromagnetic field. That's why you have
14 certain species that will congregate in certain areas
15 because you have an electromagnetic field that's
16 beneficial to them. You're a biologist. You should
17 know this stuff and you don't.

18 I'm done with my questions. Thank you.

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

20 Are there any other questions from the public
21 for Mr. Chu. Folks opposed to the application or
22 folks neutral on the application?

23 Questions from counsel for Vermilion County
24 and consultants. Mr. Keyt.

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MR. KEYT: I have a few.

CROSS-EXAMINATION,

QUESTIONS BY MR. ANDREW KEYT:

Q. Mr. Chu, I want to go back. You mentioned some of the wetland areas within the project area. And if I'm -- if I review the map correctly and if there is a map, if possible to pull up. That's okay. If I review the map correctly there are some wetlands within the project area and they -- it essentially bisects this section of panels that's on the eastside of the project area, if I understand it correctly?

A. Yes, there's one up there.

Q. Okay. And if I understand the wetland jurisdictional aspect to it, the U.S. Army Corps of Engineers essentially regulates what can occur within the wetland; is that correct?

A. If a wetland is considered a waters of U.S., so in this case this wetland may qualify under an adjacent wetland where there's a continuous surface connection with Jordan Creek the wetland that you're indicating is directly adjacent to Jordan Creek so it will most likely be under the -- the jurisdiction or any fill or dredge activities for that wetland or

1 Jordan Creek itself.

2 Q. Okay. Is there -- if -- if -- if there
3 was construction occurring within that area, if I
4 understand it correctly, you're not able to cross that
5 wetland area with construction equipment? In other
6 words, you can't traverse across the wetland area.
7 And my question then is if that's the case how do
8 you -- how do you move equipment from one portion of
9 that site to the other portion without crossing that
10 wetland area?

11 A. So you can cross wetlands assuming that
12 the equipment -- again, this wetland is -- is very
13 very small so it's easy to -- to avoid that in my
14 opinion, but if they -- they do need to cross it
15 technically that's not considered a fill or dredging
16 depending on the amount of -- generally if you have
17 low tracking -- not low tracking, but there are
18 equipment that you can do that. You don't need a
19 permit from the Army Corps of Engineers to traverse a
20 wetland.

21 Q. Okay. If -- let's presume just for the
22 sake of argument here that you would need a permit
23 from the Army Corps of Engineers and it would be --
24 would there be then necessary for you to traverse some

1 of the local roads to move from one side to the other
2 where that wetland bisects the area?

3 A. Theoretically, yeah.

4 Q. Okay.

5 A. Potentially.

6 Q. If you talk about -- you've mentioned a
7 Whooping crane was an experimental listing, what did
8 you mean by that?

9 A. Ultimately it's noted but there's no
10 real federal protection for that species.

11 Q. Okay. Okay. In terms of the eagle nest
12 I -- I think maybe you answered this, but if I
13 understand correctly you're not sure exactly where
14 that eagle nest is in relation to the project area?

15 A. Not right off the top of my head, but I
16 can find that information.

17 Q. Okay. That was my next question.

18 And you mentioned that that -- in your report
19 that that's an alternate eagle's nest, and my question
20 then is how do you determine whether it's an alternate
21 eagle nest versus a primary eagle nest?

22 A. I believe it's because that site may not
23 have been actively used by an eagle -- eagles at that
24 time of observation.

1 Q. And when you say observation do you know
2 how many hours it was observed or how much time it was
3 observed for?

4 A. That component I -- I cannot speak to as
5 a different consultant completed that. I did review
6 their reports and I -- again, I don't recall off the
7 top of my head but I can find that information out.

8 Q. At that time based on your own personal
9 observation you wouldn't be able to say whether it's
10 an alternate site or a primary nesting site based on
11 your own observation is my question?

12 A. Correct. I actually did not observe any
13 large eagle nests during our surveys. However, we
14 primarily reviewed tree species that were encountered
15 for potential bat nesting tree habitats. So
16 ultimately we did not see any large potential eagle
17 nests when we did our surveys back in October of 2022.

18 Q. You did observe raptor nests?

19 A. Yes.

20 Q. Other raptor nests, if I understand it
21 correctly?

22 A. Yes.

23 Q. Are you able to tell us where those
24 raptor nests are within the --

1 A. Those are mapped out. They actually --
2 it should be part of the permit application as an
3 appendix. I don't recall which appendix, but, again,
4 I can quickly find that out when I get back to my
5 computer.

6 Q. No. That's okay.

7 So the -- one of the -- one of the questions
8 that you've had a few questions about is there is a
9 former quarry site that is within essentially the
10 middle of where the solar project is proposed and
11 you've said a couple times that you didn't assess that
12 site, it was not part of your review; is that correct?

13 A. The actual site observations were
14 not as -- it was not part of the land access area that
15 we had approval to review. We did not step foot on
16 that parcel. We did review desktop imageries, desktop
17 resources, you know, in terms of threatening
18 endangered species habitats and what have you.

19 Q. So my question then is, is there a
20 reason that it was excluded? And the reason I ask the
21 question is because if you look at the map the quarry
22 essentially is in the middle of where the project is.
23 There are project -- there are solar arrays on both
24 sides of the quarry and south of the quarry.

1 A. Uh-huh.

2 Q. And my -- my question then is, is there
3 a reason it's not part of your assessment?

4 A. The -- for the aquatic wetland resource
5 delineations we did not have land access permission to
6 go within the quarry as it was outside of the -- our
7 scope of survey.

8 Q. Did someone ask for that permission?

9 A. I do not believe so because, again, it
10 was outside of the area that was required.

11 Q. But when you say it was outside the area
12 that was required, is there a certain set of criteria
13 that you determine where to make that assessment of?

14 A. For the site reconnaissance, I mean,
15 ultimately is wherever we successfully secured land
16 access approval. Again, from a desktop review we did
17 review that area as well as part of the assessment
18 so...

19 Q. Okay. So when you say it -- you
20 assessed the areas where you've asked for land
21 approval, but in terms of the quarry you don't -- my
22 understanding is no one asked for the approval to look
23 at that area?

24 A. No land disturbing activities were being

1 proposed as part of the -- this project within the
2 quarry so there is no real need to review that area.

3 Q. Okay. So my question then going back to
4 it is did someone ever ask for permission to go into
5 the quarry area?

6 A. Not to my knowledge.

7 Q. All right. The EcoCAT that comes from
8 IDNR which we have a copy of, it's valid for a two
9 year period. Do you have an idea and I -- we may have
10 already actually had this answered and I just don't
11 recall right now, but do you have an idea of when
12 construction is planned to start?

13 A. No, I -- I do not know that -- that
14 detail.

15 Q. When it comes to the use of that area
16 you'll agree that there are -- there is habitat where
17 birds, migratory birds or other birds normally use the
18 area that's being proposed for where the solar panels
19 are at?

20 A. At the time of our survey no migratory
21 birds were observed. With that being said, I cannot
22 rule that out nor -- nor the adjacent land as well or
23 the quarry or the roads or what have you there.

24 Q. What about the nonmigratory raptors or

1 bats?

2 A. None were observed. Again, they have
3 potential. There is areas there that they could
4 utilize to -- to stop and continue on their journey,
5 but ideally -- I mean, the overall footprint is within
6 an actively agriculture -- an active agriculture field
7 that's subject to frequent land disturbance on
8 seasonal basis. With that said, there is really no
9 area for migratory birds or even nonmigratory birds
10 to -- to utilize -- or there's sufficient areas that
11 are directly adjacent that would be more than
12 sufficient.

13 Q. There is -- a portion of the solar
14 facility includes some equipment like a transformer or
15 a substation equipment that may have some noise
16 generation to it. Would you agree or disagree that
17 that noise generating equipment would detour either
18 migratory birds or raptors or bats from that
19 particular area?

20 A. At this time I do not. It's in my
21 opinion that I don't think that would be substantial
22 enough to make that a deterrent for those species.

23 Q. Okay. And in terms of the installation
24 of the panels themselves, it sounds like it could be

1 an area where there may be either migratory birds,
2 bats or raptors that may use that particular area for
3 whatever use, either nesting or hunting, but presuming
4 that's the case, the installation of the panels would
5 remove that area from their either hunting or
6 migratory path and force them to another area, is that
7 what you're saying?

8 A. Potentially the -- the additional
9 pollinator habitat would be established within certain
10 segments of the solar development would probably
11 encourage additional use, potentially even providing
12 suitable habitat for the species of concern which is
13 the monarch butterfly, it's not federally listed but
14 it is a species of concern. So all that additional
15 native habitat that will be installed as part of this
16 project would enhance potential habitat for all these
17 said species.

18 Q. Do you -- my -- let's separate it out
19 just a little bit. When we talk about birds and
20 smaller bats, it's sounds like the pollinator friendly
21 may assist them, birds and smaller bats, but when it
22 comes to say a raptor, the solar panels probably
23 eliminate that particular area for them to be able to
24 hunt?

1 A. Not necessarily. I mean, depending on
2 how wide the pollinator habitat area is. Again,
3 that's habitat for like small mammals like rabbits and
4 ground squirrels, what have you, to where it could add
5 additional prey for the predatorial avian species that
6 could utilize the area.

7 Q. Okay. If you did get permission to do a
8 study within the quarry area is that something you
9 would be able to do?

10 A. Yes. But I don't think it would change
11 much.

12 Q. Okay.

13 MR. KEYT: That's all the questions I
14 have.

15 MS. MILLER: Can I ask -- come up and
16 ask a question out of order.

17 MR. KAINS: No, I'm sorry. We had
18 opportunities for folks to ask questions.

19 Ms. Kennedy, what is your feeling on
20 allowing -- and, quite honestly, the procedures are
21 the procedures that have been adopted by the Board --
22 what is your feeling about having this member of the
23 public ask a question of Mr. Chu?

24 MS. KENNEDY: Obviously I'd like to get

1 through with the hearing, but I understand wanting the
2 public the right to speak.

3 MR. KAINS: Sure. Mr. Keyt, do you have
4 any feelings on this?

5 MR. KEYT: I don't have an objection to
6 it.

7 MR. KAINS: Okay. I'm going to allow
8 it. But when it's -- when it's time for good folks in
9 the audience to ask questions let's do it, but come on
10 up.

11 Ma'am, if you could, please -- I'll let you
12 sit down and get in front of the microphone. Could
13 please state your name spelling first and last names
14 for the record.

15 MS. MILLER: My name is Rebecca,
16 R-E-B-E-C-C-A, A. Miller, M-I-L-L-E-R.

17 MR. KAINS: All right. Ms. Miller,
18 thank you. Could you go ahead and ask questions of
19 Mr. Chu, please.

20 MS. MILLER: Yes. Are you aware that
21 there's been a U of I biologist that has studied that
22 old quarry for over 20 years?

23 THE WITNESS: No.

24 MS. MILLER: Are you aware of the number

1 of species that have been found out there?

2 THE WITNESS: In the quarry?

3 MS. MILLER: Yes.

4 THE WITNESS: I have not set foot in the
5 quarry so, no.

6 MS. MILLER: So you have not -- are you
7 aware of how many birds this time of year are in that
8 quarry --

9 THE WITNESS: No.

10 MS. MILLER: -- roughly? And do you
11 know where all those hundreds of thousands of birds
12 that are currently out there where they feed? Do you
13 have any idea where they feed this time of year?

14 THE WITNESS: No.

15 MS. MILLER: Would it make sense that
16 they feed in the surrounding fields?

17 THE WITNESS: Yes.

18 MS. MILLER: Do you know anything about
19 birds in Southern California ending up dead along --
20 amongst solar panels?

21 THE WITNESS: No.

22 MS. MILLER: Have you -- do you know
23 anything about Sandhill cranes in Northern Indiana
24 that since these solar installations have gone in that

1 they no longer -- that's no longer their flight paths?
2 Do you know anything --

3 THE WITNESS: I have not seen data for
4 that.

5 MS. MILLER: Okay. The -- that's all I
6 wondered. Thank you.

7 MR. KAINS: Very good. Thank you,
8 Ms. Miller.

9 All right. Before we go to redirect
10 examination for Ms. Kennedy there was a question
11 Mr. Keyt asked. In the event the application --
12 permit application is approved, when might
13 construction begin? Do you know, Ms. Kennedy?

14 MS. KENNEDY: 2026.

15 MR. KAINS: And you're Mr. Burns,
16 correct?

17 MR. CRIGHTON: Crighton.

18 MR. KAINS: Crighton, I'm sorry. I knew
19 you were a first day witness. Okay. Thank you,
20 Mr. Crighton. So 2026 is the answer to Mr. Keyt's
21 question with respect to when construction might begin
22 should the Vermilion County Board approve this permit
23 application.

24 All right. Redirect examination,

1 Ms. Kennedy.

2 MS. KENNEDY: Just briefly. Thank you.

3 **REDIRECT EXAMINATION,**

4 **QUESTIONS BY MS. COURTNEY KENNEDY:**

5 Q. Mr. Chu, you referenced a map that was
6 included in Appendix J in the application materials.
7 I've got it pulled up on the screen here. Are you
8 familiar with this?

9 A. Yes.

10 Q. And what is it?

11 A. It is the locations of the observed
12 nests that Tetra Tech completed.

13 Q. And if it's easier you can come over to
14 this screen and describe the map for everybody, what's
15 depicted here.

16 A. So the areas that showed the red
17 triangles are the red tailed hawk that was identified,
18 the nests. The green is the location of the bald
19 eagle alternative nest and location. Again, with
20 respect to our project location, our areas I believe
21 are those nests observations.

22 Q. And there's some boundaries depicted on
23 this map, can you explain those. For instance, the
24 area outlined in pink, what is that?

1 A. The area in pink is the project area
2 that Tetra Tech surveyed, and the area north is the
3 raptor survey area with a one-mile buffer, and the
4 blue area is the eagle survey area with a two-mile
5 area.

6 Q. And so that bald eagle alternate nest
7 that you testified to earlier, that is outside of the
8 actual project area?

9 A. Correct, yes. At least at a one-mile
10 buffer from any of the project components.

11 Q. Now, you've been asked questions about a
12 quarry. I'm assuming that's the Fairmount Quarry.
13 Are you familiar with that?

14 A. Yes.

15 Q. And is the Fairmount Quarry registered
16 through the IDNR or any other agency as a nature
17 preserve?

18 A. No, there's no formal designation.
19 Again, that's why I was not very concerned about that.
20 It may have been as part of their -- their
21 decommissioning plan to restore native habitat,
22 however, there's no State or Federal drive or
23 protection for that area.

24 Q. And so your earlier testimony when you

1 were asked by Attorney Keyt that even if you were
2 allowed to study the quarry area you don't believe --
3 your opinion, excuse me, you don't believe that it
4 would change much, is it based on that fact that it's
5 not classified as a nature preserve or are there other
6 reasons?

7 A. That and, again, there's -- there's
8 suitable habitat elsewhere that birds can utilize.
9 Also with that said, it is not a natural ecological
10 habitat so there is a degree of less concern that
11 there is potential for -- for major threatened
12 endangered species to be in that area. With that
13 said, I mean, there's no way you can say yes or no
14 without further study, and ultimately our project is
15 well outside of the quarry limits, and with the quarry
16 having no Federal or State additional requirements for
17 that decommission of the quarry there's nothing I
18 believe legally that we would be responsible for.

19 MS. KENNEDY: I have nothing further.

20 MR. KAINS: Very good. Thank you,
21 Ms. Kennedy.

22 All right. Final questions for Mr. Chu come
23 from the Wind and Solar Committee.

24 Mr. Chairman.

1 MR. FOUREZ: It's my understanding from
2 what you've said earlier you've only been boots on the
3 ground in the area for, what, the last two years?

4 THE WITNESS: Correct, yes.

5 MR. FOUREZ: Are you aware of the fact
6 that those last two years have been abnormally dry?

7 THE WITNESS: Yes.

8 MR. FOUREZ: And how might normal
9 rainfall conditions and how much standing water there
10 might be and for what periods of time have we had
11 normal precipitation would that have changed or
12 affected your conclusions from what you observed
13 versus the two years of abnormally dry -- I mean, I'm
14 a farmer in that area and I harvest in grain and parts
15 of my field in an ordinary year probably wouldn't have
16 been worth driving through since that dry year it made
17 a difference, so I'm sure it made a difference on the
18 wildlife and drainage features of the tracks where
19 we're talking about putting those solar panels.

20 THE WITNESS: So as part of the wetland
21 delineation there is a cropland slide review we -- we
22 do typically the methodology that the USDA Swampbuster
23 Act stipulates where we review multiple historical
24 aerial slides. Ideally there are aerial slides from

1 normal precipitation months to help determine any
2 additional potential farmed wetlands or prior
3 converted cropland. With that said, we took
4 datapoints in areas that most folks would say why are
5 you taking those datapoints, but that was all kind of
6 was a result of our desktop review analysis. So
7 ultimately we identified potential wet areas that we
8 went and got more additional data to determine if
9 there was the potential to have hydrophytic vegetation
10 to wet and loving plants, hydric soils and wetland
11 hydrology. With that being said, the only two
12 wetlands that we did identify met that criteria and,
13 again, we followed all protocols that stipulated by
14 the Army Corps of Engineers that we feel that we have
15 a defensible aquatic resource delineation. Again, we
16 have enough evidence or data to demonstrate that those
17 potential wet areas should be considered upland at
18 this time. However, the reason why aquatic resource
19 delineations are only valid for a 5 -- period of 5
20 years is that site conditions could change, drain
21 tiles could fail, that, you know, you could have
22 additional wetlands that could arise within that time
23 period.

24 MR. FOUREZ: Okay. Just to follow-up.

1 When you're looking at those historical sections going
2 down your list those may be wetlands, do you include
3 what we call prior converted wetlands that have been
4 farmed for a number of years and are productive but
5 had they been allowed to lay fallow would have
6 probably been classified as wetlands. So is that
7 factored into your --

8 THE WITNESS: Yes. Yes.

9 MR. FOUREZ: Okay.

10 MR. KAINS: Thank you, Mr. Chairman.

11 Any other questions for Mr. Chu from members
12 of the Vermilion County Wind and Solar Committee?

13 Mr. Puzey.

14 MR. PUZEY: Could you point out on the
15 map where the project area specifically will be
16 proposed, solar panel location.

17 THE WITNESS: So the quarry in question
18 is right here. So the project would be this parcel
19 here and this parcel there.

20 MR. PUZEY: I believe that to be
21 incorrect. It should be on either side of that line
22 directly to the right of your finger there.

23 THE WITNESS: Jordan Creek.

24 MR. PUZEY: That's the Jordan Creek.

1 THE WITNESS: So Jordan Creek. The
2 quarry's to the left.

3 MR. PUZEY: Right. But the project area
4 will be actually both sides of the Jordan Creek.

5 THE WITNESS: Yes.

6 MR. PUZEY: Right there. Thank you.

7 MR. GREENWELL: I have a question. The
8 yellow dot up there. An incidental bald eagle
9 sighting which is in the two-mile buffer. If there
10 were several yellow dots on the old quarry would that
11 be a concern to you?

12 THE WITNESS: Ultimately the project was
13 reviewed by the IDNR and the IDNR came to the
14 conclusion that they felt that based on their
15 recommendations they followed that the project would
16 not have impacts. However, with that also being said,
17 IDNR does not look to bald eagle cause there's -- the
18 only projection that the bald eagle has is under the
19 Bald Eagle and the Eagle Act which is administered by
20 the U.S. Fish and Wildlife Services. Based on our
21 coordination there are communications -- the solar
22 project, component of this project they felt that no
23 affects determination is appropriate.

24 MR. GREENWELL: Was there a decision

1 based on the survey that you submitted to them or...

2 THE WITNESS: Yes. And ultimately they
3 reviewed their data. They have more specific nesting
4 location data that they do have, and based on our
5 discussion, again, it was determined that this project
6 would not have an affect on the bald eagle.

7 MR. GREENWELL: That's all I have.

8 MR. KAINS: Thank you, Mr. Greenwell.
9 Any other questions for Mr. Chu from the committee?
10 Very good.

11 Mr. Chu, you may step down. Thank you.

12 (Witness excused.)

13 MR. KAINS: Jamie, let's go off the
14 record real quick.

15 (A discussion was held off the record.)

16 MR. KAINS: All right. Let's go back on
17 the record.

18 Ms. Kennedy, you may call your next.

19 MS. KENNEDY: Thank you. Just as
20 procedural matter, I'd like to enter Exhibit 7 as an
21 exhibit.

22 MR. KAINS: Mr. Keyt.

23 MR. KEYT: I don't have an objection,
24 cause I think it's -- isn't it already in there?

1 MS. KENNEDY: Exhibit 7 is the
2 PowerPoint presentation.

3 MR. KEYT: Oh, yeah, no objection.

4 MR. KAINS: Okay. The PowerPoint
5 presentation prepared by Mr. Chu is admitted in
6 evidence as Applicant's Exhibit 7.

7 All right. Very good. Thank you,
8 Ms. Kennedy, go right ahead.

9 MS. KENNEDY: And, Mr. Facilitator, I
10 have a written proffer to offer.

11 MR. KAINS: Yes.

12 MS. KENNEDY: Based on several questions
13 that were received on day one of hearing. I would
14 like to pass that.

15 MR. KAINS: Okay.

16 MS. KENNEDY: If you would like me to
17 mark that as Exhibit 8 I'd be happy to.

18 MR. KAINS: Yeah, let's.

19 Jamie, let's go off the record again. Thank
20 you.

21 (A discussion was held off the record.)

22 MR. KAINS: All right. Let's go back on
23 the record.

24 All right. Ms. Kennedy has -- Ms. Kennedy

1 has submitted a document called written proffer. A
2 proffer is a form of having evidence come in. These
3 are -- what she has prepared are answers to questions
4 that were received on the first day of hearing back in
5 December of 20-- December 11, 2023. Without going
6 through the entire list I'm going to just hit the
7 highlights of what is being presented as evidence.

8 There is -- there was a question as to the
9 estimated equipment list for the construction of a
10 project and included on the list are various
11 construction equipment things such as a piledriver, a
12 skid steer, crane, excavators, backhoes, etc., things
13 that you would typically find on a construction site.

14 Then there was a question as to the average
15 energy capacity of the project and there is a
16 calculation, involves a lot of math. It discusses the
17 average power output and the average power output is
18 24.5 percent of the total installed capacity of 180
19 megawatts. I think you'd have to be an engineer to
20 understand what this means.

21 Mr. Greenwell, do you have an understanding
22 of this?

23 MR. GREENWELL: Electrical isn't my
24 forte.

1 MR. KAINS: Very good. It's like
2 somebody asking me to do medical malpractice cases.
3 While I've been an attorney for 32 years I have no
4 idea. But that is a question that was asked on the
5 first day of hearing and the answer is there.

6 Then the period for which this shall be sited
7 is a period of 30 years, that was an answer to a
8 question that was presented.

9 Then a list of participating parcels for the
10 project are located in a variety of drainage districts
11 and those are spelled out, and the commissions are
12 Jordan Special Drainage District, Vance and Sidell
13 Township Drainage District, those are the two primary
14 ones, also the Sidell, Jamaica, Carroll Townships
15 District.

16 Then the fifth area of answer -- of
17 unanswered questions from day one is who does the
18 recycling of solar panels and it is called ZEEP,
19 Z-E-E-P, Technologies from Maryland, and the proffer
20 states that ZEEP is a certified recycling company with
21 its main facility located in a community in
22 Massachusetts.

23 Then the next area that was answered in this
24 written proffer is the procedure by which Liberty

1 Power follows for addressing drainage issues during
2 the operations phase of the solar project. They
3 identify the drainage issue and area of impact.

4 They then identify permitting constraints and
5 existing requirements.

6 They gather topographical data.

7 They have operations engineering perform a
8 desktop analysis of the drainage issue.

9 That they engage with a local contractor to
10 carry out the drainage fixes.

11 So that's the procedure in which if there is
12 a drainage issue during the operation of the project
13 that those are the steps by which the applicant would
14 take to remedy such issue.

15 They have also stated that the risk
16 management plan, also referred to as the emergency
17 response plan, is in Appendix D of the Application.

18 And also there was a request about model
19 vegetative screening of the proposed landscape plans
20 at various stages of growth at years two, five and
21 ten, it is attached to this proffer as Exhibit A and
22 is incorporated by reference.

23 Also pursuant to request a study was
24 conducted by Tetra Tech, Incorporated, to do modeling

1 of the anticipated glare for drivers of various farm
2 equipment at viewing height at a maximum of 15 feet
3 and 12 feet, respectively, and they've attached an
4 Exhibit B that is incorporated by reference into this
5 document. And the findings of this report conclude
6 that a small amount of glare is predicted at the
7 corner of 800 North Road at 15 feet high. No glare is
8 expected at this location at a height of 12 feet.

9 And the final area of concern or unanswered
10 question, I guess would be the better way of putting
11 it, the Company's operations team shall visit the site
12 minimum once a month, conduct regular inspections.
13 These monthly inspections shall include, but will not
14 be limited to a visual assessment of the condition of
15 the vegetative screening to ensure proper growth and
16 screening. And then if a problem or issue is detected
17 the operations team shall identify if replacement
18 plantings are required. Further investigation as to
19 the cause of the issue may be performed and
20 replacement shall occur during an appropriate seasonal
21 window with the same or similar species. My take on
22 that is if part of the vegetative screening dies
23 they'll replace it.

24 So that is the proffer, basically answers to

1 questions from December 11, 2023, and this --
2 Mr. Keyt, this document, the proffer and the two
3 exhibits attached, does Vermilion County -- does
4 Vermilion County through you have any objection to
5 this document?

6 MR. KEYT: I would ask to be able to
7 reserve so I have a chance to look at it.

8 MR. KAINS: All right. We'll reserve
9 ruling on whether this document will be admitted into
10 evidence. We will take that up either at the end of
11 the day today or the beginning of the day at the next
12 session of this hearing.

13 All right. That's Exhibit 8. So we'll hold
14 that in advance.

15 All right. Any other procedural issues or
16 matters?

17 MS. KENNEDY: No.

18 MR. KAINS: Okay. All right.
19 Ms. Kennedy, call your next witness.

20 MS. KENNEDY: I'd like to call Bryan
21 Loomis. And I do for the sake of moving things along
22 and I'll hand out and I'm going to mark it as Exhibit
23 9 for identification purposes.

24 MR. KAINS: Very good. Sir, could you

1 please raise your right hand.

2 B R Y A N L O O M I S,

3 was called as a witness on behalf of the Applicant
4 and, having been first duly sworn, testified as
5 follows:

6 MR. KAINS: Very good. Thank you.

7 Sir, could you please state your name
8 spelling first and last names for the record.

9 THE WITNESS: Sure. My name is Bryan,
10 B-R-Y-A-N, Loomis, L-O-O-M-I-S.

11 MR. KAINS: All right. Thank you,
12 Mr. Loomis.

13 Ms. Kennedy.

14 MS. KENNEDY: Thank you.

15 **DIRECT EXAMINATION,**

16 **QUESTIONS BY MS. COURTNEY KENNEDY:**

17 Q. Mr. Loomis, tell us a little bit about
18 your educational history.

19 A. Sure. I have a Bachelor of Arts and a
20 Master of Business Administration both from Belmont
21 University in Nashville, Tennessee.

22 Q. And aside from what you just testified
23 to do you hold any other degrees, licenses or
24 certifications?

1 A. Not relevant to -- to this testimony.

2 Q. I appreciate you telling me. I guess
3 you refrained from telling me that you hold a driver's
4 license. And how are you presently employed?

5 A. I'm employed at Strategic Economic
6 Research.

7 Q. And what is that?

8 A. It is a consulting firm that quantifies
9 the economic impacts primarily of wind and solar
10 projects.

11 Q. How long have you served in that role?

12 A. Since 2019.

13 Q. What are your current job
14 responsibilities?

15 A. I run our property tax team. So I'm
16 very involved in the calculation of property taxes for
17 projects. I also oversee the creation of many of our
18 reports including the economic impacts and land use
19 pieces of the reports when -- when needed, in addition
20 to coming to hearings like this.

21 Q. And are you specifically familiar with
22 solar energy projects?

23 A. I am.

24 Q. And is that through what you just

1 testified to your economic research?

2 A. Correct.

3 Q. What is the largest solar farm that you
4 studied?

5 A. Oh, 1,200 megawatt nameplate capacity
6 probably.

7 Q. And are you familiar with Mural Energy,
8 LLC?

9 A. I am.

10 Q. And how so?

11 A. They asked us to conduct an economic
12 impact report for the project.

13 Q. And is it your understanding that it's
14 for a proposed 180 megawatt solar farm?

15 A. That's correct.

16 Q. And that would be situated on 1,443
17 acres?

18 A. That's correct.

19 Q. And are you familiar with Vermilion
20 County generally?

21 A. Yes.

22 Q. Do you know how many acres of land are
23 in Vermilion County that are used for agricultural
24 purposes?

1 A. It is north of 400,000, yeah, I was
2 looking at the numbers earlier today.

3 Q. And does the number 471,000 sound
4 familiar?

5 A. Yes.

6 Q. So standing up there today are you able
7 to do the quick math on the -- how many acres of this
8 project comprise, you know, the acres in Vermilion?

9 A. Certainly. So it represents
10 approximately 0.2 percent of the agricultural land in
11 the county.

12 Q. Thank you. Now, it's my understanding
13 that you have prepared a PowerPoint presentation for
14 today's hearing; is that correct?

15 A. Yes.

16 Q. And did you personally prepare that?

17 A. I did.

18 Q. And is the first page of that PowerPoint
19 presentation displayed on the screen?

20 A. Yes.

21 Q. And does this PowerPoint presentation
22 summarize your report on the economic impacts of the
23 Mural Energy Solar Project?

24 A. Yes.

1 Q. Please go ahead and proceed.

2 A. Great. If you could go to slide 5 I
3 believe is where I wanted to start.

4 So we with our report we're looking to
5 quantify the economic impact of this solar project,
6 those impacts are based on a number of inputs, the
7 number of megawatts for the project, the expected
8 capital expenditures for the project, the expected
9 operations expenditures, we take all of those into
10 account and we put them into an input/output model.
11 The software called IMPLAN which is the industry
12 standard software for this sort of thing. The -- the
13 way that's done, you can see on the slide there, that
14 is capital expenditure and operations expenditure, we
15 come to an estimate of how -- how many of those
16 expenditures are going to be local to the county, how
17 many are likely to be local to the State and how many
18 are likely to be non-regional so that we can quantify
19 the exact economic impacts for the local community.

20 We also take a look at via our software the
21 presence of industry in the county and the State and
22 we take that into account, for example, the
23 construction labor force that's located here and the
24 availability of workers for the project when

1 quantifying the expected local impacts for the county.
2 So that's that regional multiplier effect, and then we
3 also take a look at any expected leakage which would
4 be money that's flowing outside of the county or the
5 State. You can go to the next slide.

6 So economic impacts aren't just the
7 construction workers and direct ongoing operation
8 workers who are working on the project but those
9 expenditures and that labor creates sort of a ripple
10 effect throughout the community in the form of supply
11 chain impacts which we would classify as indirect
12 impacts. So you'll see that on -- on the coming
13 slides. Indirect impacts are equivalent to the
14 equipment production and the supply chain impacts.
15 And then there's also an effect of increased area
16 spending. So those are going to be classified on the
17 coming slides as an induced impacts and those are as
18 people come into the community, they spend at local
19 restaurants, local hotels, any landowner payments as
20 well, that's increased money that can be spent, some
21 within the county, some outside the county. We -- we
22 quantify those effects as well to get a holistic
23 picture of the -- the economic of the project.

24 Q. And is the software that you use, I

1 believed you IMPLAN --

2 A. That's right.

3 Q. -- is that very type specific? So in
4 this case would it look at the businesses and
5 opportunities in Vermilion County specifically?

6 A. That's correct. So we prepared results
7 at both the county and the State level and the data
8 that we had available quantifies the industry presence
9 at both levels and the availability of labor, goods
10 and services. All right. Next slide.

11 All right. So now we've got a lot of numbers
12 here but they're good numbers. So we'll go to the
13 next slide here.

14 This is the employment impact in number of
15 jobs that we calculated for the Mural Solar Project.
16 I'll just call out the total numbers which is the sum
17 of those direct impacts, the project development and
18 onsite labor, the indirect, the module and supply
19 chain impacts, and then the induced, the increased
20 area spending. Total what we found for Vermilion
21 County was 321 jobs. For the State of Illinois 995
22 jobs. Long-term operations jobs, so jobs that would
23 be for the life of the project and not just for the
24 construction period we found 21.8 local long-term jobs

1 and 27.2 for the State of Illinois. You can go to the
2 next slide.

3 The next thing we look at then is the
4 earnings that those jobs produce. So this is directly
5 tied to those jobs figures, that's the -- the money is
6 in the pockets of those -- those people who have those
7 jobs. Local earnings for construction we found just
8 shy of 20 million in earnings for the county, and 77.8
9 for the State, million. Local long-term or earnings
10 for operations 1.2 million for the county and 1.7
11 million for the State.

12 The last piece of things we look at, you can
13 go to the next slide, is the economic output, that is
14 larger than earnings that includes the earnings
15 figures but also economic benefit that wouldn't be
16 classified as a job necessarily, so things like the
17 solar lease payments, property taxes, that sort of
18 thing, that's not necessarily -- it's a -- it's a
19 benefit to the community but not necessarily, you
20 know, money in the pocket of a worker. For those we
21 found 52.7 million in output for Vermilion County, 195
22 million for the State of Illinois. 3.6 in long-term
23 output, that annual operations output for Vermilion
24 County, and 4.9 or 5 million rounding up for the State

1 of Illinois. You can go to the next slide.

2 So as mentioned earlier we found that about
3 0.2 percent of the farmland is expected to be taken
4 out of production in Vermilion County because of the
5 Mural Solar Project, it's also worth taking into
6 account that after the solar project is decommissioned
7 in the future that land can be returned to
8 agricultural use. However, based on the -- the census
9 of agricultural -- agriculture data the most recent
10 data available we looked at the expected expenditures
11 for that amount of acreage, we found about 642,000 in
12 reduced annual production expenses for agriculture in
13 the county as a result of taking those acres out of
14 production. So that is not economic impact, that's
15 not economic loss to the county, however, the --
16 that's sort of the maximum, that's what the -- the
17 farmers working on that land would spend. However,
18 with -- with economic impacts we need to look at
19 leakage as well. So are they spending that money
20 within the county, within the State. And even for
21 expenditures that are spent within the county you want
22 to look at retail margin. So is that supplier
23 sourcing their fertilizer, for instance, from another
24 place and should we only take the retail margin into

1 account as a county we benefit or more. Given those
2 and the -- the order of magnitude at this project
3 being a capital expenditure in excess of 300 million
4 it's -- it's certainly our opinion that the economic
5 benefits of a utility scale solar project would far
6 outweigh the loss economic benefits of farmland that's
7 being taken out of production. Okay. You can go to
8 the next slide.

9 Taking a look at property taxes. Property
10 taxes in Illinois, I won't go through all of this, but
11 they're -- they're relatively stable in how they're
12 calculated because they're based on the nameplate
13 capacity of the protect. There's a dollar per
14 megawatts figure that -- that if multiplied by the
15 nameplate capacity to arrive at sort of the year one
16 taxes, those depreciate over time and inflation is
17 also taken into account over time as well. So what
18 that means practically is that you don't need to worry
19 as much about capital for states where property taxes
20 are based on capital expenditures, sometimes those
21 equipment costs can -- can vary quite a bit and so you
22 have a little bit more stability, and because
23 inflation is taken into account as well, spending
24 power is also taken into account. So, for instance,

1 for the school district if -- if inflation is high
2 over the life of the project like it has been somewhat
3 recently then their goods and services that they need
4 to purchase are going to be more expensive and they
5 would receive more property tax from this project as a
6 result because the property taxes are adjusted for
7 inflation over that period. You can go to the next
8 slide.

9 In terms of total property tax revenue for
10 the project we found over a 35 year life span 37.2
11 million and about a little over 1 million in average
12 annual. The 35 year life is the length of the -- the
13 leases we looked at so that's why we used the 35. I
14 know 30 was mentioned earlier. To the next slide.

15 Here --

16 Q. And I just have a real quick
17 clarification.

18 A. Yes.

19 Q. So you mentioned earlier that the solar
20 farm would be taxed -- taxed, excuse me, on the
21 nameplate capacity?

22 A. Yes.

23 Q. But it wouldn't be taxed on average
24 energy output, so to speak, right?

1 A. No. There are states that do that,
2 Illinois is not one of them, it's based on nameplate
3 capacity.

4 Q. And so for this particular project it
5 would be taxed at 180 megawatts?

6 A. That's correct. If you look at the --
7 the particular jurisdictions that will be receiving
8 property tax revenue, just looking at the totals here
9 quickly, the -- Vermilion County is -- 6 million of
10 that property tax revenue there's -- there's revenue
11 for each of the townships where the project footprint
12 is effected as well primarily in the Jamaica Township
13 and the road and bridge as well for that one. You can
14 go to the next slide.

15 Other taxing bodies that we found in the
16 area, community college 2.5 million over the life of
17 the project. Approximately 1 million for the fire
18 district. 0.6 million for the library, and 0.5 for
19 the conservation district. You can go to the next
20 slide.

21 The school district in question would be Salt
22 Fork, we found 21.6 million of property tax revenue
23 for that particular school district, an average annual
24 of about 618,000. And next slide.

1 So just to summarize, the local jobs during
2 construction in the county 321, and then long-term
3 jobs we found 21.8 in total. School district revenue
4 as a result of the project 21.6 million, over 6
5 million for Vermilion County and 37.1 million in total
6 for property taxes for all taxing districts.

7 So that's -- that's it for my presentation.

8 MR. KAINS: Very good. Thank you,
9 Mr. Loomis.

10 Counsel, do you have anymore, Ms. Kennedy, of
11 your witness.

12 MS. KENNEDY: Just a few follow-up.

13 MR. KAINS: Yes.

14 **QUESTIONS BY MS. KENNEDY:**

15 Q. Mr. Loomis, in your professional opinion
16 does Vermilion County as a whole stand to gain more in
17 terms of economic benefits and impact with the site of
18 this particular project and what it stands to lose
19 from that Ag factor?

20 A. Yes.

21 Q. And the property tax calculation that
22 you had on your earlier slides, is that a conservative
23 assumption?

24 A. That's correct, yes. We --

1 Q. Go ahead.

2 A. We make as conservative assumptions as
3 possible because we're -- we're economists and that's
4 what -- what economists like to do.

5 Q. And would one of those assumptions be
6 that the tax rate remains the same?

7 A. That's right, yes.

8 Q. And does it assume that inflation will
9 remain constant?

10 A. It does, yes.

11 MS. KENNEDY: I have nothing further.

12 MR. KAINS: Very good. Thank you,
13 Ms. Kennedy.

14 All right. At this time I have 10:40 a.m.
15 The Board is going to take a ten-minute recess and
16 then after we return from the ten-minute recess,
17 Mr. Loomis, you will have questions, cross-examination
18 from a variety of folks. So we're going to take a
19 recess and come back at 10:50, 10:50. Thank you.

20 (A recess was taken at 10:41 a.m.)

21 (Resume at 10:54 a.m.)

22 MR. KAINS: All right. As we start with
23 cross-examination, questions for Mr. Loomis.

24 Mr. Loomis, do you understand that you remain

1 under oath to tell the truth?

2 THE WITNESS: Yes.

3 MR. KAINS: Very good. Thank you. All
4 right. Questions for Mr. Bryan Loomis on the economic
5 impact and property tax revenue from the proposed
6 Mural Solar Project. First questions come from
7 members of the Vermilion County Wind and Solar
8 Committee.

9 MR. GREENWELL: You show a huge positive
10 impact in the State of Illinois. Could you go into
11 some detail on what all that entails.

12 THE WITNESS: Sure. Economic impacts
13 of -- on the State of Illinois?

14 MR. GREENWELL: Uh-huh.

15 THE WITNESS: So the State of Illinois
16 stands to benefit -- well, it does include the
17 Vermilion County numbers as well being in -- in the
18 State. Adjacent counties, other manufacturers located
19 in the State would stand to benefit as well. So
20 you'll see any time there's large capital expenditure
21 like this leakage out of the county and then out of
22 the State as well, but the State because it's larger
23 captures, you know, more of that, and being sort of on
24 the border here it actually captures less than -- than

1 it might if your county was located more centrally to
2 the State, but that's -- that's the reason why
3 those -- those impacts are just the larger because of
4 the geography and the expect -- expected expenditures
5 in the State.

6 MR. GREENWELL: Okay.

7 MR. ELMORE: This new local long-term
8 earnings 1.2 million and some change, what is that
9 annually or what is that?

10 THE WITNESS: That is annually, yes.

11 MR. ELMORE: Okay. So you're estimating
12 about \$40,000, and then if you amortize that over 30
13 years.

14 THE WITNESS: No, that's an annual
15 number. So 1.2 million annually occurring every year
16 in terms of earnings. So those are expected to be
17 permanent jobs --

18 MR. ELMORE: Right.

19 THE WITNESS: -- that would earn that
20 much annually year -- every year for the life of the
21 project.

22 MR. KAINS: Are there any other -- are
23 there any other questions?

24 Yes, Mr. Greenwell.

1 MR. GREENWELL: Could you go over
2 induced impacts again.

3 THE WITNESS: Yeah, absolutely. Induced
4 impacts are increased area spending. So when you have
5 capital expenditure of this size that puts money in
6 the pockets of people who are then going to spend in
7 the local community as well, restaurants, hotels are a
8 quite large one particularly during the construction
9 period of the project, retail, you know, a whole
10 number of things, anything that someone would spend
11 locally.

12 MR. GREENWELL: Okay.

13 MR. KAINS: Mr. Chairman.

14 MR. FOUREZ: Just curious looking at
15 some of these economic numbers and stuff, how much of
16 the inputs you're going to need for construction are
17 going to be locally sourced and how much of it is
18 coming from somewhere outside the county?

19 THE WITNESS: Yeah, certainly.

20 MR. FOUREZ: I mean, to me that changes
21 the impact of the numbers.

22 THE WITNESS: Oh, certainly.

23 MR. FOUREZ: If they're not coming
24 locally.

1 THE WITNESS: So the panels themselves
2 are not expected to be a local purchase, those are
3 generally manufactured at specialized facilities.
4 Labor is expected to be part local to the county, part
5 local to the State and then part outside of the State
6 as well. So we have sort of a number of assumptions
7 for those. So it's a -- it's a partial, it -- the
8 assumption is a part of the labor is going to be
9 local. The -- there's some costs that we might
10 classify as development costs, things like drain tile
11 repair, road repair, those sorts of things can be
12 local. So we determine based on the industry presence
13 as well as, you know, consultation with the developer
14 which of those costs we would expect to be local to
15 come at -- come to those -- those final numbers.

16 MR. FOUREZ: Okay. I got another
17 question. When I look at the retail within the
18 immediate area of where this is going in the only real
19 thriving retail in rural Vermilion County is Ag retail
20 suppliers.

21 THE WITNESS: Uh-huh.

22 MR. FOUREZ: And taking that many acres
23 out of production for a generation is going to take
24 millions of dollars out of the community for the

1 course of time that that --

2 THE WITNESS: Uh-huh.

3 MR. FOUREZ: -- is in existence and
4 there really is no other retail in the area --

5 THE WITNESS: Uh-huh.

6 MR. FOUREZ: -- that, I mean, in the
7 larger area of Vermilion County, yeah, there's going
8 to be some -- some impact, but the damage that's going
9 to be done to the local Ag retail --

10 THE WITNESS: Uh-huh.

11 MR. FOUREZ: -- is just sunk money, it's
12 never going to come back, it's not going to be
13 replaced by anything that you got in these -- in these
14 figures. And so it's going to disproportionately
15 impact --

16 THE WITNESS: Uh-huh.

17 MR. FOUREZ: -- those suppliers and if
18 they're impacted it's going to impact the rest of us
19 making our living farming in that community.

20 THE WITNESS: Uh-huh.

21 MR. FOUREZ: So how -- how do we balance
22 that out when we're talking about...

23 THE WITNESS: Yeah, absolutely. So when
24 we look at these things we certainly want to be

1 sensitive to those communities who stand to lose out
2 on less fertilizer being purchased, less seed being
3 purchased locally of those -- those local agriculture
4 expenses, and those -- it's really a question of sort
5 of the order of magnitude of a project of this size
6 that's taking a small amount of acreage in the county
7 out of the production --

8 MR. FOUREZ: But a large amount of
9 acreage within a decent footprint of those businesses.

10 THE WITNESS: Perhaps. It -- I'd need
11 to know the footprint of those suppliers. Often
12 suppliers can cover multiple counties as well. The --
13 the expenditures, again, that we found for those
14 acreage that are going to be taken out are 400,000
15 which seems significant and it is significant. You --
16 but any time you're to doing economic analysis like
17 this you're -- you need to look at the sort of
18 comparison of what's -- what's replacing it and the
19 capital expenditures of this project are large enough
20 that it's our opinion that at the county level I'd
21 need to look at the footprint that you're describing
22 of the smaller local level to be able to speak to
23 that, but I can say at the county level based on our
24 analysis the community stands to benefit quite a bit

1 from -- from this project because of the expenditures
2 and the capital that's being infused into the
3 community and it's not just construction workers, it's
4 local restaurants, hotels, local suppliers, material
5 suppliers as well. So Vermilion County does -- I --
6 often these projects are built in very rural areas,
7 some quite a bit lower in population than Vermilion
8 County. We -- from what we found in terms of industry
9 presence we think that Vermilion County stands to
10 benefit quite a bit from this project and has some
11 infrastructure in place that can support the economic
12 activity here.

13 MR. KAINS: Any other questions for
14 Mr. Loomis from members of the Wind and Solar
15 Committee? Very good.

16 Questions from members of units of local
17 government, including the Vermilion County Board and
18 school districts?

19 Questions from other interested parties,
20 we'll define it as members of the public opposed to
21 the application or neutral on the application?

22 Ms. Miller is coming forward then next will
23 be Mr. Cronkhite.

24 Go right ahead, Ms. Miller.

1 MS. MILLER: Hi. I'm just a little
2 confused because on the initial application that's at
3 the front of this binder on -- in Section 9, the 5th
4 paragraph, page 1 of that it says it will generate up
5 to 100 to 150 temporary construction jobs which I'm
6 understanding are probably union laborers that come in
7 to do the job, and then it says 5 to 6 locally based
8 permanent operations jobs, but yet you say 21.8.

9 THE WITNESS: Yes.

10 MS. MILLER: And you also said 321. So,
11 quite frankly, I don't know which one to believe.

12 THE WITNESS: So those numbers would be
13 the direct labor working directly on the project. The
14 larger numbers, the 300 that you mentioned for
15 Vermilion County, it includes the direct construction
16 workers working on the project, in addition to the
17 ripple effects of the project. So the -- an example
18 would be those construction workers come in, you know,
19 they book out a local hotel, the hotel has to hire
20 additional people to support that and so those ripple
21 effects can be quite large --

22 MS. MILLER: They're far -- they're
23 farfetched ripple effects basically?

24 THE WITNESS: I would not call them

1 farfetched.

2 MS. MILLER: Okay. So then how do we go
3 from 5 to 6 local based permanent jobs to 21.8?

4 THE WITNESS: Again, the -- the ripple
5 effects of the supply chain effects and the increase
6 area spending are included in the 21 job figure but
7 not the operations worker figure that you mentioned.

8 MS. MILLER: I also question your
9 revenue totals that you gave. So you gave the school
10 revenue, fire district revenue, library revenue.
11 Here's where I'm confused, is that on top of what
12 they're already getting or is that -- say that's what
13 they're going to get? Did you not say what they're
14 getting now so we could compare what the differences
15 would be?

16 THE WITNESS: That is on top of what
17 they're already getting.

18 MS. MILLER: That is on top.

19 THE WITNESS: That is additional
20 property taxes paid by the project, correct.

21 MS. MILLER: And so then the farm ground
22 surrounding these solar panels --

23 THE WITNESS: Uh-huh.

24 MS. MILLER: -- what's going to happen

1 to those farmers, landowners property taxes?

2 THE WITNESS: I work in several states
3 so I'm trying to recall if the agriculture is still
4 taxed for Illinois. I'd have to get back to you on
5 that. In any case, it's going to be a small amount of
6 property tax revenue for the agricultural land because
7 it will be small assessed value relative to the
8 assessed value --

9 MS. MILLER: But is that -- dumb it down
10 for me, please.

11 THE WITNESS: Agriculture --
12 agricultural land does not pay as much money in
13 property taxes as -- as a solar project does.

14 MS. MILLER: But is -- are those
15 landowners going to see their property taxes increase
16 because they're sitting right next to a solar
17 installation?

18 THE WITNESS: I'd have to get back to
19 you on that. I work in many states and so I'd need to
20 look at that particular question for Illinois.

21 MS. MILLER: Okay. Also my
22 understanding and maybe I'm -- I'm wrong, that moneys
23 to the county go to the county to be dispersed. It
24 just doesn't mean that Fairmount or Jamaica's going to

1 get the money --

2 THE WITNESS: Uh-huh.

3 MS. MILLER: -- just because this is
4 sitting next to Fairmount or Jamaica. Am I correct in
5 that?

6 THE WITNESS: So the county distributes
7 the funds that it collects based on the local millage
8 rates. So those -- or not millage rates in Illinois,
9 just property tax rates. So we use the relative
10 property tax rates for the project to forpass what
11 each will receive. Those property tax rates can
12 change for each jurisdiction which then would shift
13 one way or the other the amount of property taxes
14 received.

15 MS. MILLER: So there's no guarantee, is
16 the question, that Fairmount or Jamaica will receive
17 any more funding per se because the county is going to
18 be distributing the money, correct? That's a
19 question.

20 THE WITNESS: It's probably a better
21 question for the county than for me.

22 MS. MILLER: Okay. All right. Thank
23 you.

24 MR. KAINS: Thank you, Ms. Miller.

1 Mr. Cronkhite, while you're coming up I'm
2 going to ask Ms. Kennedy if you could please work with
3 Mr. Loomis on getting answers to a couple of
4 Ms. Miller's questions relative to the property tax
5 assessment and/or increase or decrease on adjoining
6 landowners of farm ground in and around the -- well, I
7 guess around the solar project.

8 All right, Mr. Cronkhite.

9 MR. CRONKHITE: How do we address you?

10 MR. KAINS: Oh, you can just call me
11 Mr. Kains.

12 MR. CRONKHITE: Okay. Mr. Kain?

13 MR. KAINS: Kains, with a K.

14 MR. CRONKHITE: Oh, Kay's. Okay, Kay's,
15 like the old K's Merchandise Store.

16 MR. KAINS: Well, there's an N in there
17 too somewhere. Kains. But that's all right.

18 MR. CRONKHITE: Oh, Kains or Kain?

19 MR. ELMORE: Kains.

20 MR. KAINS: Kains.

21 MR. CRONKHITE: Kains, okay.

22 MR. KAINS: Rhymes with rains.

23 MR. CRONKHITE: Awe, very good.

24 MR. KAINS: Which is better than the

1 smell of it. Go ahead, Mr. Cronkhite.

2 MR. CRONKHITE: In your calculations for
3 all this you're including the government, the tax
4 money that we give this company to do this, right?

5 THE WITNESS: Could you explain in more
6 detail the --

7 MR. CRONKHITE: Well, none of this would
8 exist without our tax dollars. We give these
9 companies money to do these projects.

10 THE WITNESS: So --

11 MR. CRONKHITE: These numbers all
12 included that tax funding I assume?

13 THE WITNESS: The -- I'm not quite sure
14 what you mean by that.

15 MR. CRONKHITE: Okay. These companies
16 get money from the government, from -- you know, to
17 the tune of billions of dollars. They've been given
18 money to do these projects.

19 THE WITNESS: Yes.

20 MR. CRONKHITE: Are all these numbers we
21 looked at including those tax dollars?

22 THE WITNESS: So the -- yeah, we use
23 total capital expenditure of the project.

24 MR. CRONKHITE: Okay.

1 THE WITNESS: But the money that the
2 project is expected to spend to begin operations and
3 then the operations expenses, because those are --
4 those are the ones that are relevant for forecasting
5 the -- the impacts to the local community.

6 MR. CRONKHITE: Okay. Understood. You
7 said the percentage acreage on this project was .02
8 percent. What is the total acreage that's been taken
9 out by all the renewables in the county?

10 THE WITNESS: I don't have the number
11 off the top of my head. The wind projects, however,
12 generally take a small amount of agriculture out of
13 production.

14 MR. CRONKHITE: Do you have statistics
15 that show that?

16 THE WITNESS: I can -- yeah, I can --

17 MR. CRONKHITE: Please provide that.

18 THE WITNESS: Yeah, okay.

19 MR. CRONKHITE: Please provide it.

20 THE WITNESS: Uh-huh.

21 MR. CRONKHITE: What percentage of
22 economic impact dollars are taxpayer funded versus
23 capitalist funding? In other words, in all these
24 numbers what percentage is -- is it of all those total

1 numbers? Is it 30 percent? Is tax -- is tax -- are
2 tax dollars at the other 70 percent? Is -- is, you
3 know, investment?

4 THE WITNESS: I'm not familiar with the
5 federal tax benefits that the project is expected to
6 receive.

7 MR. CRONKHITE: Really?

8 THE WITNESS: Yeah.

9 MR. CRONKHITE: So you have no idea
10 what --

11 THE WITNESS: So our -- our process for
12 calculated -- my expertise is what are the jobs of
13 local benefits to the community expected, and so we
14 really start with capital expenditure of what is the
15 project expected to pay and then go from there.
16 We're -- we're not involved, I guess, earlier in the
17 process.

18 MR. CRONKHITE: All right. You said
19 also that there's a product that you're using in
20 calculating all this called IMPLAN?

21 THE WITNESS: Yes.

22 MR. CRONKHITE: That it is an industry
23 standard you said?

24 THE WITNESS: Yes.

1 MR. CRONKHITE: Do you ever use any
2 other applications of any kind to actually check the
3 statistics of that program?

4 THE WITNESS: There have been -- we --
5 for property tax revenue in Illinois we've actually
6 done pretty good in studies of that. For economic
7 impacts it's -- the direct labor is easy to quantify.
8 I don't know that there would be a good methodology to
9 study indirect and induce necessarily, you'd have to
10 track all of that money directly.

11 MR. CRONKHITE: I'm not talking about
12 that.

13 THE WITNESS: Okay.

14 MR. CRONKHITE: I'm talking about taking
15 the statistics that you have run on IMPLAN and using
16 another application of some sort to see if there was a
17 bias in the IMPLAN program.

18 THE WITNESS: Oh, I see. Yes. We -- we
19 have JEDI is -- is another one that's -- that's used
20 and we've found results in the same range for -- you
21 know, they're -- they're going to be differences
22 because it's a different tool, but we -- we do find
23 results in the same range, and we've used the JEDI
24 application for -- for other studies as well.

1 MR. CRONKHITE: You talked about the
2 savings that doctors -- not doctors, that farmers,
3 doctors of the soil, that farmers will save in crop
4 production, but you never mentioned the drop in crop
5 income productions. Why is that?

6 THE WITNESS: So it's not something that
7 we were -- that we were asked to study. We generally
8 see -- we've -- we've done those studies before, it's
9 called a land use analysis. I've yet to see a case
10 where the income from farming is expected to exceed
11 the income from the solar lease.

12 MR. CRONKHITE: But it would be nice to
13 know the difference, wouldn't it?

14 THE WITNESS: For those leaseholders,
15 yes.

16 MR. CRONKHITE: Well, I mean, these
17 people in this room too I would think. Wouldn't they
18 like to know what the income to drop in agriculture?

19 THE WITNESS: I can't speak to what the
20 people in the room would like to know.

21 MR. CRONKHITE: That's okay. You have
22 compared the tax revenue with percent -- you know, the
23 tax revenue and so forth, but what percentage of those
24 dollars for the equipment goes directly to China?

1 Because they are the largest manufacturers of all
2 renewable technologies of wind and solar. What
3 percentage of all those dollars are impacted by China?

4 THE WITNESS: That's a better question
5 perhaps for the developer. We just know that solar
6 panels are not expected to be purchased in the county
7 or the State.

8 MR. CRONKHITE: Or in the country.

9 THE WITNESS: So that's -- that's the
10 application that we need for -- you know, for our
11 economic impact.

12 MR. CRONKHITE: So our -- our -- the
13 amount of money that you -- all the dollars -- all the
14 numbers you showed throughout there have no relevance
15 to how much stays within the country and how much goes
16 out of the country? There's no relevance there?

17 THE WITNESS: We do quantify the amount
18 that's expected in terms of the jobs income and output
19 to effect the local economy in terms of the county and
20 the State data as well, that's sort of the parameters
21 of our analysis.

22 MR. CRONKHITE: Last question.
23 Percentage of property tax payment, how much of that
24 is being paid by our tax dollars through these

1 corporations? We give them tax dollars to do this, we
2 give them tax dollars to create the project and we
3 give them tax dollars in perpetuity to maintain the
4 system otherwise it could not maintained. How much of
5 that -- percentage-wise of that -- that tax dollars is
6 involved in the tax money that the county is getting
7 of their own money?

8 THE WITNESS: I have not looked into
9 question.

10 MR. CRONKHITE: Thank you.

11 MR. KAINS: Thank you, Mr. Cronkhite.
12 Any other questions from the public for Mr. Loomis?
13 Yes, Mr. Puzey.

14 MR. MARK PUZEY: I have a few questions.
15 The tax revenue that's expected to be generated, is
16 that solely from the property improvement, the
17 equipment itself or does that change the tax
18 assessment of the land itself? Does the land -- the
19 question was asked do adjacent parcels see any tax
20 increase? What about the parcels that the project
21 actually goes on? Does that property see a tax
22 increase since it is no longer agricultural?

23 THE WITNESS: I think I'd prefer to look
24 into that question like we had discussed and give a

1 complete answer to it and follow-up if possible.

2 MR. MARK PUZEY: Okay.

3 THE WITNESS: The -- I will say the
4 property taxes that I presented will almost certainly
5 represent the 99 percent of the property tax revenue
6 of the project. The real property taxes, if any,
7 would be a small portion. So we consider those --
8 there's -- there's unique legislation in Illinois that
9 taxes these solar projects based on nameplate capacity
10 and that's of a much larger amount of tax for a
11 project of this nature than any taxes that would be
12 paid on real property if that makes since.

13 MR. MARK PUZEY: Okay. If there is to
14 be a tax increase in this land for the landowner who's
15 participating in the project, at the completion of the
16 project in 35 years can it be assumed that it's going
17 to return at tax status?

18 THE WITNESS: It depends on the use of
19 the land after the solar project is decommissioned.
20 Any land that's returned to agricultural use would be
21 taxed as agricultural land, yes.

22 MR. MARK PUZEY: In your numbers you
23 mentioned that this project takes up only 0.2 percent
24 in the Ag land and you were basing productivity on

1 that, did you account for the actual productivity of
2 this subject land compared to other places in the
3 county? Many would argue that this land in particular
4 is superior to other farm ground, say, in the northern
5 half or two-thirds of the county.

6 THE WITNESS: Oh, you're getting me
7 excited clarifying my assumption, but, yes, we did use
8 an average, yes.

9 MR. MARK PUZEY: A county average?

10 THE WITNESS: Average for the county,
11 yes --

12 MR. MARK PUZEY: Okay.

13 THE WITNESS: -- to calculate those.

14 MR. MARK PUZEY: So -- so the losses, so
15 to speak, in agricultural production would likely be
16 greater given the higher productivity in this ground?

17 THE WITNESS: I'm not familiar with
18 productivity of the land compared to rest of the
19 county.

20 MR. MARK PUZEY: But if that was the
21 case that would change your numbers?

22 THE WITNESS: To a small degree, sure,
23 yeah.

24 MR. MARK PUZEY: Okay. You mentioned --

1 THE WITNESS: Really what it would be is
2 if the expenses were greater on the per acre basis.
3 Cause the question we were looking at were what are
4 the lost economic impacts and so the relevant question
5 is those expenses, you know, seed, fertilizer,
6 machinery repair, those sorts of things. So if those
7 expenses are greater then that was sort of the
8 question we were looking at for that particular piece.

9 MR. MARK PUZEY: As far as the three
10 items that you mentioned here, and I apologize, I've
11 only had about 15, 20 minutes to look over
12 presentations, I couldn't read it that fast. You said
13 on-site labor and professional services and you have
14 Vermilion County and the State of Illinois figure,
15 what -- you stated that some of the labor inputs would
16 come from Vermilion County and some from the State of
17 Illinois and some from elsewhere, do you have
18 percentages on those?

19 THE WITNESS: I do on my laptop, I don't
20 have them in my head.

21 MR. MARK PUZEY: In your experience with
22 other solar projects what percentage of the labor for
23 construction comes from out of State?

24 THE WITNESS: It does depend on the

1 State, of course, as well as the proximity to any
2 State border. It could be anywhere from perhaps 30 to
3 80 percent of those labors, so it could vary widely
4 for a particular State in terms of the labor that is
5 expected to be sourced within the State.

6 MR. MARK PUZEY: As far as the equipment
7 production and supply chain portion do you have
8 numbers on those percentages of, you know, what --
9 what's being included in those numbers? What types of
10 products or supplies do you expect to source locally
11 versus State versus out of State?

12 THE WITNESS: Not -- not in my head, no,
13 but I -- I do have them somewhere.

14 MR. MARK PUZEY: You -- one of your --
15 on item number 3 that you had induced input activity,
16 so-called, you know, trickle down --

17 THE WITNESS: Yes.

18 MR. MARK PUZEY: -- for household
19 purchases due to injection of income and the --
20 that -- you are assuming a certain amount of income
21 for the landowners who are participating in this
22 project. Do you take into account landowners who may
23 be local versus absentee landowners?

24 THE WITNESS: We do. Yep, that's taken

1 into account.

2 MR. MARK PUZEY: One question I had and
3 I know the number's are going to fluctuate a little
4 bit, in the permit application the number was widely
5 floating as 1.4 million dollars in annual tax revenue
6 for the county, but I believe you had the average was
7 down to about a million over the life of the project.
8 And I assume that is due to the depreciation mainly?

9 THE WITNESS: So it can be a number of
10 factors. We -- that -- that earlier number was not
11 provided from us. I do not think it's unreasonable
12 because we're making the most conservative assumptions
13 we can. So, namely, the tax rates are not expected to
14 increase over the life of the project and we have
15 inflation, a relatively low inflation expectation.

16 MR. MARK PUZEY: So given that we've not
17 seen relatively low inflation for the last one and a
18 half to two years --

19 THE WITNESS: Yes.

20 MR. MARK PUZEY: -- how does that change
21 your numbers one way or the other?

22 THE WITNESS: Higher inflation rates
23 would increase tax revenue to the county. It also
24 increases your costs, goods and services as you know,

1 so maybe it's a net negative from -- or net neutral
2 from a local perspective because higher inflation you
3 get more revenue to the school district, for example,
4 but then the school district has to spend more for its
5 expenses as well.

6 MR. MARK PUZEY: Well -- and that -- the
7 question was brought up too who gets this money, and
8 that is generally thought that it goes to the county's
9 general fund. So you've given us numbers of, you
10 know, this road district and this school district and
11 this other library district gets this money.

12 THE WITNESS: Yes, uh-huh.

13 MR. MARK PUZEY: They don't
14 automatically get that money and they don't get that
15 increase money without levying more taxes; is that
16 correct?

17 THE WITNESS: Taxes are -- if -- if the
18 jurisdictions maintain their current tax rates they
19 would receive the money that you -- so the -- the
20 total levy, you know, would -- would by nature have to
21 increase for them to receive increased property taxes.
22 If they maintain the same property tax rates, those
23 are the numbers that they would receive in -- in
24 property taxes.

1 MR. MARK PUZEY: And just to clarify,
2 your -- the scope of your involvement in this project
3 is just the economic impact of the county and is not
4 directly the economic feasibility of the project at
5 all?

6 THE WITNESS: That's correct, yeah,
7 economic impacts.

8 MR. MARK PUZEY: I believe that's all I
9 have. Thank you.

10 THE WITNESS: Thank you.

11 MR. KAINS: Very good. Thank you,
12 Mr. Puzey.

13 Any other questions from the public? Yes,
14 Mr. Rohrscheib, I believe.

15 And who else had a hand up back there?

16 (Indicating.)

17 MR. KAINS: Okay. Very good. You'll be
18 next.

19 All right. Sir, you are Vernon Rohrscheib?

20 MR. ROHRSCHEIB: Yes.

21 MR. KAINS: R-O-H-R-S-C-H-E-I-B; is that
22 right?

23 MR. ROHRSCHEIB: That's correct.

24 MR. KAINS: Okay. Very good. Go ahead

1 with questions for Mr. Loomis, please.

2 MR. ROHRSCHEIB: Okay. I want -- I just
3 really have a question and I realize that it will take
4 a little bit of time probably to answer this so I
5 wanted to get it out, and I wanted to read the numbers
6 that you were giving for the revenue taxes were an
7 increase over what the farmland taxes are presently
8 for that area?

9 THE WITNESS: That's correct. This is
10 new property tax revenue due to the presence of the
11 solar farm.

12 MR. ROHRSCHEIB: At the present tax
13 rate?

14 THE WITNESS: Correct.

15 MR. ROHRSCHEIB: Okay. Okay. So I did
16 understand that right.

17 Now, and this is what I say, but since you
18 brought up the increased taxes, rather than talking
19 about a -- the Vermilion County or the larger part of
20 the State I want to drill down to the people that on
21 these properties and how this is treated not realize
22 that my understanding is these increased revenues will
23 start when production starts; is that correct?

24 THE WITNESS: That's correct.

1 MR. ROHRSCHEIB: I'm sorry, electric
2 production, electricity?

3 THE WITNESS: Operations of the project,
4 yes.

5 MR. ROHRSCHEIB: Okay. Then this is a
6 question and I planned to pose it later but I thought
7 maybe I could get it out. Because these taxes are
8 paid one year late and as -- or '23 taxes will be paid
9 in '24 --

10 THE WITNESS: Uh-huh.

11 MR. ROHRSCHEIB: -- and from the
12 questions that we have posed to the county assessing
13 bodies to reduce -- I'm talking about when it's
14 decommissioned --

15 THE WITNESS: Uh-huh.

16 MR. ROHRSCHEIB: -- income from the
17 project stops when the power is no longer produced.

18 THE WITNESS: Uh-huh.

19 MR. ROHRSCHEIB: Are these taxes that
20 still have to be paid but there's no production which
21 would be at least a year for the bodies to do the
22 actions and take them off, plus they're really paid a
23 year in advance, are those fees added to the costs of
24 decommissioning, are they assessed to -- it's a

1 multiple-type question -- are they assessed to the
2 company or do they progress back to the landowners
3 that have the property, meaning is this \$1,000 an acre
4 tax regressed back to the owners when this is
5 decommissioned?

6 THE WITNESS: Those would not regress
7 back to the owners. The owner of the project is
8 required by law to pay the taxes for that last year.

9 MR. ROHRSCHEIB: Okay. Are they -- if
10 they are in -- and I realize everybody, you know,
11 feels like they should --

12 THE WITNESS: Uh-huh.

13 MR. ROHRSCHEIB: -- but if they are
14 default are those taxes cancelable by default or is
15 there legislation that keeps that -- and if you bear
16 with me my reasoning is the majority of us that will
17 speak, probably not you, sir, will not be alive when
18 these projects end --

19 THE WITNESS: Yeah.

20 MR. ROHRSCHEIB: -- so -- and a lot of
21 the income from it, our concern is are we leaving a
22 big bill for the next generations --

23 THE WITNESS: Uh-huh.

24 MR. ROHRSCHEIB: -- and how is that

1 addressed? That's my question.

2 THE WITNESS: The decommissioning plan,
3 perhaps the developer can speak in more detail about
4 the moneys that are allocated in that. I think
5 what -- what I'd say is the project owner is required
6 by law to pay all property taxes due for the project
7 and, you know, I think that's -- that's how it is.

8 MR. ROHRSCHEIB: Thank you.

9 MR. KAINS: Very good. Thank you,
10 Mr. Rohrscheib. The gentleman in the third row.

11 Good morning, sir. Could you please state
12 your name for the record, spelling first and last
13 name.

14 MR. RUSS PUZEY: Russ Puzey, R-U-S-S,
15 P-U-Z-E-Y.

16 MR. KAINS: Very good. Go ahead,
17 Mr. Puzey.

18 MR. RUSS PUZEY: I'm concerned with the
19 bigger picture of the project more than just the local
20 or Vermilion County. Where does Mural Solar get all
21 of its income from? What sources of income does Mural
22 Solar have?

23 THE WITNESS: Better question for the
24 developer than me. We're looking at capital

1 expenditures and so we -- we look at the expenditure
2 side more so than the income.

3 MR. RUSS PUZEY: Okay. So would it be
4 safe to say that selling electricity would be the main
5 source of the income or grants or tax as previously
6 was said or tax breaks or subsidies? Would all those
7 be sources of income?

8 THE WITNESS: A grant, I don't know that
9 you'd consider technically a source of income, but
10 it's --

11 MR. RUSS PUZEY: Well, a source of
12 project capital funds?

13 THE WITNESS: Yes. Yes.

14 MR. RUSS PUZEY: Okay. So a hundred
15 percent of the project capital funds comes from
16 taxpayers pockets and mostly probably from electric
17 customers. Is there any other source than that?

18 THE WITNESS: Than taxpayer, I'd have to
19 think about it. I mean, anything that's not sourced
20 locally to the United States, you know, perhaps
21 there's, you know, those are --

22 MR. RUSS PUZEY: Well, I mean, your
23 income that you're going to operate from is -- is a
24 hundred percent from electrical sales or tax breaks?

1 THE WITNESS: Electrical sales
2 contribute funds certainly, yeah, that's why the
3 project is being built, yeah.

4 MR. RUSS PUZEY: Well, isn't that what
5 you're doing is generating electricity?

6 THE WITNESS: Sell electricity to the
7 grid, correct. Yes.

8 MR. RUSS PUZEY: Okay. So I guess what
9 I'm getting at is you've got an expenditure of -- I'm
10 sorry, I didn't get a sheet that showed the amount of
11 money that what the project is costing, all the money
12 that you're spending is going to come from the
13 taxpayers and electrical customers and I'm not aware
14 that there's a shortage of electricity in Vermilion
15 County currently. So we're spending millions of
16 dollars of our own money and we're suppose to be happy
17 that we get part of it back?

18 THE WITNESS: I don't know -- I'm trying
19 to follow you, but I'm trying to understand what's
20 different about this situation versus any business
21 that -- that comes locally and then sells to local
22 customers and it's -- it's funded by --

23 MR. RUSS PUZEY: Well, most -- most of
24 them are funded from -- businesses provide something

1 that's needed --

2 THE WITNESS: Uh-huh.

3 MR. RUSS PUZEY: -- where we don't need
4 additional electricity in Vermilion County or
5 providing it just a different way of providing
6 electricity. So we're paying a lot of money to -- of
7 our own money and we get part of it back in local tax
8 revenues, but it's all our money, it's all taxpayer
9 and elected official money, and I just like to hear
10 you agree to that. And is it -- is it all of our
11 money? Is that where the money comes from?

12 THE WITNESS: Oh, I need to think
13 realistically to be able to be answer that. I
14 understand your point, if that's helpful, yeah.

15 MR. RUSS PUZEY: All right. Thank you.

16 MR. KAINS: Thank you, Mr. Puzey. Any
17 other questions from the public for Mr. Loomis?

18 I just want to state that for the record
19 Mr. Loomis is the vice president, as he testified,
20 vice president of Strategic Economic Research which is
21 a company that does economic analysis. He is not an
22 employee of Mural Energy, LLC, the Applicant. So I
23 allowed a lot of those questions, but it was very
24 apparent that Mr. Loomis doesn't have answers to a lot

1 of those because he's not an employee of the company,
2 but to the extent that you did not know the answers to
3 the questions about property tax liability for
4 landowners in the project who have solar panels on
5 their property in this proposal, Counsel, could you
6 work with Mr. Loomis to provide an answer by way of
7 proffer the next time we meet.

8 MS. KENNEDY: Yes, absolutely.

9 MR. KAINS: Very good. Thank you.

10 All right. Any further questions for
11 Mr. Loomis from the public?

12 Questions for Mr. Loomis from Counsel for
13 Vermilion County, Mr. Keyt.

14 **CROSS-EXAMINATION,**

15 **QUESTIONS BY MR. ANDREW KEYT:**

16 Q. Mr. Loomis, I have a few questions. So
17 if you look at table one in your report or in your
18 PowerPoint it mentions, for example, local revenue and
19 supply chain impacts. And my first question is the
20 word local. What do you mean by local?

21 A. So for -- she's scrolling to it -- so
22 for the county column those would be local to the
23 county, for the State column they are local to the
24 State.

1 Q. Okay. So when you say on-site labor
2 impacts you're saying 1.4, you mean a job in Vermilion
3 County --

4 A. Correct.

5 Q. -- on-site for this project?

6 A. Yes.

7 Q. And by -- what you mean by 1.4, if I'm
8 assuming correctly, is that's 1.4 full-time equivalent
9 jobs?

10 A. Correct.

11 Q. Okay. There was some questions about
12 have you looked at how this may impact, for example, a
13 farm supplier --

14 A. Yes.

15 Q. -- who may have some impact
16 negatively --

17 A. Yes.

18 Q. -- and I believe your answer in a
19 roundabout way was that you had not looked at that
20 impact. Do you I understand that correctly? And my
21 question is is that a fair statement?

22 A. We have looked at this question for the
23 county, we have not looked at any other potential
24 boundaries in terms of a local -- yeah. So I feel

1 prepared to answer that question for Vermilion County
2 if you'd like more detail.

3 Q. Okay. So when -- how many jobs would it
4 negatively impact?

5 A. Uh-huh. Yeah. So with what we did and
6 if you could go to the slide right after the economic
7 benefit tables I can perhaps explain it a little bit
8 more detailed.

9 So this second bullet is -- is what I'm
10 referencing in -- in terms of what we looked at for
11 the county. So these are not lost economic benefits.
12 The lost economic benefits to the county would by
13 nature be smaller than that because of leakage. Any
14 of those annual production expenses that are spent
15 outside the county were any expenditures where we only
16 need to take the retail margin into account because
17 this 642,000 was less than what we're expecting in
18 both operations annual earnings and output annual
19 earnings on an annual level not even looking at the
20 construction costs. We didn't feel it was necessary
21 to go further to be able to come to the conclusion
22 that the economic benefits of the project for the
23 county are going to outweigh the lost agricultural
24 benefits, economic benefits.

1 Q. So here's my question, how many jobs
2 will be negatively impact -- impacted?

3 A. We did not calculate that.

4 Q. Okay. What is the dollar figure in lost
5 income to either a business, series of businesses or
6 individuals as a result of the project?

7 A. Yeah. I can say that the very maximum
8 would be that figure there, the 642,000.

9 Q. Okay.

10 A. And I would not expect -- I would expect
11 much of it to then in the form of spending outside the
12 county or taking just the retail margin into account,
13 I would expect for much of that to leak -- that's --
14 oh, we're talking about a very large capital
15 expenditure, and for the solar project, if all of that
16 money were to stay in the county and just circulate
17 here, we might see ten times the economic benefits,
18 right, than we've produced and the same for these
19 agricultural production expenditures, there's just
20 going to be leakage by nature of how the economy
21 works.

22 Q. When you say leakage do you mean jobs
23 going somewhere else other than the county?

24 A. Correct. Jobs, income, money -- money

1 going elsewhere, yes.

2 Q. Okay. So your -- based on your
3 calculation the maximum amount of lost revenue within
4 the county is \$642,017?

5 A. Yes.

6 Q. Okay. What is the average income in the
7 county?

8 A. I'm not familiar with that figure off
9 the top of my head.

10 Q. Okay. Let's just assume an
11 extraordinary high number that the average becomes
12 \$100,000?

13 A. Yes.

14 Q. That would equate to roughly 6.4 jobs?

15 A. The maximum, yeah.

16 Q. Okay. And do you know where within the
17 county, either supplier or type of industry that would
18 feel that impact?

19 A. We're just -- so we're just looking at
20 the county as a whole. I don't have any familiarity
21 within the county of where those suppliers would be,
22 yeah.

23 Q. So the answer to my question is you do
24 not know; is that fair?

1 A. That's -- yeah.

2 Q. In terms of the operations side it has
3 an estimation of 1.4 full-time equivalent jobs --

4 A. Uh-huh.

5 Q. -- correct? Is that a yes?

6 A. Direct jobs?

7 Q. Yeah.

8 A. Yeah.

9 Q. The reason I say it that way is the
10 court reporter's trying to take this down --

11 A. Yes.

12 Q. -- so she -- uh-huh and uh-uh translates
13 the same. So the answer to my question is?

14 A. Yes.

15 Q. Yes. All right. Okay. Your long-term
16 jobs within the county is estimated at 21.8?

17 A. Correct.

18 Q. And if I understand that correctly that
19 means that would be 21.8 full-time equivalent jobs
20 created within the county as a result of the project?

21 A. Correct.

22 Q. Does that take into account the lost
23 jobs that would result?

24 A. No.

1 Q. Okay. How do you get from 1.4 full-time
2 jobs in the county to a total full-time jobs in the
3 county of 21.8? Is it -- go ahead. Go ahead and
4 answer the question.

5 A. The -- adding the indirect and induced
6 impacts.

7 Q. But if you've mentioned the indirect and
8 induced impacts don't include the potential lost jobs
9 that come from the lost revenue; is that fair?

10 A. Correct.

11 Q. All right. So in terms of what the real
12 number is in terms of the gain in full-time equivalent
13 jobs, correct me if I'm wrong, but fair to say you do
14 not know the answer to that question?

15 A. Correct, yeah.

16 MR. KEYT: That's all the question I
17 have for you. Thank you.

18 THE WITNESS: All right.

19 MR. KAINS: Very good. Thank you,
20 Mr. Keyt.

21 Redirect examination, Ms. Kennedy.

22 MS. KENNEDY: Just briefly.

23

24

1 **REDIRECT EXAMINATION,**

2 **QUESTIONS BY MS. COURTNEY KENNEDY:**

3 Q. Mr. Loomis, I just want to make sure
4 that I understand. Looking at your second bullet
5 point here on the slide that I pulled up on the
6 screen, that loss of \$642,017, again, that assumes
7 that every farmer or anybody in the Ag industry right
8 now is purchasing all of their commodities, products,
9 whatever in Vermilion County today?

10 A. Correct. That figure is our estimate
11 based on average expenditure per acre for the county
12 based on site census of agriculture data the State has
13 publically available, not a hard calculation to
14 replicate necessarily, but it's -- it's our
15 calculation of the expected lost expenditures for
16 agricultural land of that size.

17 Q. Now, I want to read you an excerpt
18 that's on the Vermilion County website. It reads
19 "Local farmers have also embraced environmental
20 stewardship of the land. Vermilion County leads the
21 State in no-till production of soybeans, and there are
22 thousands of acres enrolled in CRP and other
23 environmental preservation programs."

24 My first question is are you familiar with

1 the Conservation Reserve Programs through the Farm and
2 Service Agency?

3 A. I am.

4 Q. And they're known as CRP Programs?

5 A. Yes.

6 Q. And ignoring the issue of scale, from an
7 economic in point -- excuse me, economic impact
8 standpoint would that impact be the same when
9 landowners or farmers take that land and put it in a
10 CRP program?

11 A. Yes.

12 Q. And that's certainly something that the
13 landowner is entitled to do at basic land rights,
14 correct?

15 A. Correct.

16 MS. KENNEDY: That's all I have.

17 MR. KAINS: Thank you, counsel. Final
18 questions for this witness come from the Vermilion
19 County Wind and Solar Committee.

20 Chairman Fourez.

21 MR. FOUREZ: Yeah, I've got a couple of
22 questions, one of them is, when you're looking at tax
23 impact --

24 THE WITNESS: Uh-huh.

1 MR. FOUREZ: -- is that net after you
2 take out the tax dollars that will be the loss when
3 that farmland is no longer taxed as farmland, or is
4 that simply what the tax rates will be on the solar
5 farm once it's put in place?

6 THE WITNESS: I'd -- I'd like to come
7 back to that question later along with our -- with our
8 several questions about that -- those real estate
9 taxes on the -- on the farmland.

10 MR. FOUREZ: Okay. Along those same
11 lines talking about net.

12 THE WITNESS: Uh-huh.

13 MR. FOUREZ: When I look at table two
14 operations to move local long-term earnings is like a
15 million two, but if I subtract out the inputs that
16 will be lost to the economy --

17 THE WITNESS: Uh-huh.

18 MR. FOUREZ: -- and the value of the
19 crop that will no longer be raised on that ground the
20 net impact is a negative of number.

21 THE WITNESS: I'm not sure I follow.

22 MR. FOUREZ: The crop off of those acres
23 at current market prices is worth somewhere in the
24 neighborhood of million and a half dollars.

1 THE WITNESS: Uh-huh.

2 MR. FOUREZ: And you've got a million
3 two is your impact. So you're taking a million and a
4 half, even if I just look at those numbers and don't
5 put the input cost into that economic impact.

6 THE WITNESS: Yeah.

7 MR. FOUREZ: If I take that economic
8 revenue that's generated by that ground --

9 THE WITNESS: Yep.

10 MR. FOUREZ: -- at one and a half
11 million and I subtract, compare it to 1.2 million that
12 this project is going to bring it, the project was
13 negative numbers. You're over a quarter of a million
14 dollars negative per year when you consider the lost
15 crop revenue.

16 THE WITNESS: So you're looking revenue
17 not income. So those -- you know, they are expenses
18 that come along with farming and so you would need to
19 look at the expenses as well. We've done hundreds of
20 these land use analyses and I haven't found a case
21 where the -- the lease payment is lower than the
22 expected revenue from farming.

23 MR. FOUREZ: But the lease -- the lease
24 payment to me, I'm not looking at the lease payment.

1 THE WITNESS: Sure. Yeah, you're
2 looking at the operations. I understand.

3 MR. FOUREZ: And the operations revenue
4 is going to be a loss to the community, and even if I
5 take your numbers or --

6 THE WITNESS: Uh-huh.

7 MR. FOUREZ: -- the input costs that
8 will no longer be being spent that makes it pretty
9 close to a wash.

10 THE WITNESS: Those expenses are going
11 to be perhaps a lot more significant than you would
12 think. That 1.5, I mean, any company you just look at
13 their revenue and not the expenses as well is going to
14 paint a pretty rosy picture comparative, so... you
15 would need to take the expenses into account as well
16 for farming for that to be a good comparison.

17 MR. FOUREZ: Okay.

18 MR. KAINS: All right. Very good.

19 Thank you, Mr. Chairman.

20 Questions for Mr. Loomis from -- okay.
21 Mr. Greenwell.

22 MR. GREENWELL: When a solar farm moves
23 into an area do the neighboring property values,
24 particularly homes go down or go up?

1 THE WITNESS: I'm not a property value
2 expert. I've -- yeah, we've got a property value
3 expert here who can speak to that later, yeah.

4 MR. GREENWELL: Okay.

5 MR. RUDD: Primarily how many acres are
6 we talking about coming out of production for this
7 project?

8 THE WITNESS: The developer -- it's
9 north of -- a little north of a thousand. The
10 developer perhaps coordinates -- since she has the
11 laptop in front of me -- or in front her can pull that
12 exhibit figure.

13 MS. KENNEDY: 1,443.

14 THE WITNESS: Yeah.

15 MR. KAINS: Counsel says 1,443 acres.

16 MR. RUDD: Thank you.

17 MS. KENNEDY: There will actually be
18 1,000 within the fence of the project.

19 MR. KAINS: Roughly 1,000.

20 All right. Any other questions from the
21 committee for Mr. Loomis?

22 All right. Mr. Loomis, thank you. You may
23 step down.

24 (Witness excused.)

1 MR. KAINS: Ms. Kennedy, again, I would
2 ask that you work with Mr. Loomis to get an answer to
3 the Chairman's first question with respect to the net
4 impact of revenue from farming compared with revenue
5 from the solar project.

6 Also, Counsel, we need to take up Exhibit 9,
7 the PowerPoint.

8 MS. KENNEDY: Yes. I would move for
9 entry of that exhibit.

10 MR. KAINS: Very good. Mr. Keyt?

11 MR. KEYT: No objection.

12 MR. KAINS: No objection. Exhibit 9,
13 Mr. Loomis's PowerPoint presentation will be admitted
14 in evidence and will be part of the record for this
15 hearing and will go on for consideration as all of
16 these exhibits will be, they'll be considered by the
17 Vermilion County Board when the time comes for its
18 decision.

19 Ms. Kennedy, you have two more witnesses?

20 MS. KENNEDY: Yes.

21 MR. KAINS: One is a property value
22 expert as was referenced by Mr. Loomis. And the
23 subject matter of the other witness?

24 MS. KENNEDY: Public health and safety.

1 MR. KAINS: Public health and safety. I
2 know it's only guessing but approximately how long do
3 you think your witnesses might take?

4 MS. KENNEDY: I think collectively with
5 questions from the public as well it will be two
6 hours, two and a half.

7 MR. KAINS: Two, two hours. All right.
8 It is approximately 11:53. We're not going to start
9 another witness right now cause I think the witnesses
10 might need to have a full belly before they get up
11 here and talk about their areas of expertise.

12 All right. So folks, we're going to come
13 back at 1:15 this afternoon, 1:15, and we'll have the
14 applicants final two witnesses. Depending on how it
15 all goes we then will hear from members of the public
16 and we'll go in order from folks in favor of the
17 application, in favor of the project, those opposed
18 and those who are neutral. We'll have testimony from
19 those folks hopefully by 3:30, 3:45. We have a lot of
20 work to do and we'll get to it at 1:15, but until then
21 this committee is in recess.

22 Thank you.

23 (A recess was taken at 11:54 a.m.)

24 (Resume at 1:17 p.m.)

1 MR. KAINS: All right. Folks, we're
2 ready to reconvene. All right. We are ready for the
3 final two witnesses from the Applicant, and as I
4 promised before the lunch break we would get to
5 testimony from the general public here in just a
6 little bit, but we have two witnesses first.

7 Ms. Kennedy, is Mr. MaRous your next witness?

8 MS. KENNEDY: Yes.

9 MR. KAINS: Okay.

10 **M I C H A E L M A R O U S,**

11 was called as a witness on behalf of the Applicant
12 and, having been first duly sworn, testified as
13 follows:

14 MR. KAINS: Very good. Thank you. Sir,
15 could you please state your name spelling your last
16 name for the record.

17 THE WITNESS: Michael S. MaRous,
18 M-A-R-O-U-S.

19 MR. KAINS: Very good. Thank you,
20 Mr. MaRous.

21 Ms. Kennedy, your witness.

22 MS. KENNEDY: Thank you.

23

24

1 **DIRECT EXAMINATION,**

2 **QUESTIONS BY MS. COURTNEY KENNEDY:**

3 Q. Could you briefly describe your
4 educational background.

5 A. Yes, I had the honor of attending and
6 graduating from University of Illinois,
7 Champaign/Urbana in the -- with a Bachelor of Science
8 in the Finance School with a specialization in Urban
9 Land Economics.

10 Q. Do you have any professional
11 affiliations?

12 A. I do.

13 Q. What are those?

14 A. I have attained the MAI designation
15 which is the highest real estate appraisal designation
16 in the world, I think there's about 350 in the State
17 of Illinois. I was invited to a membership to the
18 Real Estate Counselors which is a small group
19 invitation only of valuation, finance of land use
20 experts, attorneys, there's about 1,100 of those, and
21 I've had -- I've been on the National Board of Real
22 Estate Counselors, I'm past, present of the Chicago
23 Chapter of the Appraisal Institute and I've served on
24 numerous committees, published, lectured and I think

1 I'm cited in about 20 valuation books.

2 Q. And do you hold any special licenses?

3 A. Yes. Besides the designation of CRE and
4 the MAI I also have the SRA which is the residential
5 designation. I also in the State of Illinois have an
6 Illinois General Certified which is the highest form
7 of licensure which I obtained within the first 30 days
8 in the 1990's when it came out and I have a similar
9 general certification in numerous States including the
10 adjoining very close to here Indiana, then Michigan,
11 Iowa, Wisconsin, Michigan, South Dakota.

12 Q. What is your current occupation?

13 A. I am a real estate appraiser and
14 consultant, I'm president and I founded MaRous &
15 Company over 40 years ago and so we have a small firm
16 of about 9 people specializing in valuation and land
17 use consulting issues.

18 MR. KAINS: Mr. Keyt, do you have any
19 objection to allowing Mr. MaRous in as an expert on
20 property valuation?

21 MR. KEYT: No objection.

22 MR. KAINS: He'll be tendered and
23 admitted as an expert.

24 MS. KENNEDY: And, Mr. Facilitator, just

1 to clean up the record, too, I don't believe I ever
2 moved to have Mr. Loomis qualified as an expert
3 witness.

4 MR. KAINS: Yeah, I think that's
5 correct, but it was apparent from his background
6 information that he was an expert and so I think his
7 direct testimony was less than half an hour anyway --
8 well, that's -- he's not a Vermilion County resident
9 but he -- he's an expert and so his -- his testimony
10 was just fine but, yes.

11 MS. KENNEDY: Thank you.

12 MR. KAINS: -- that's nice you cleaned
13 it up. Thank you.

14 **QUESTIONS BY MS. KENNEDY:**

15 Q. Mr. MaRous, do you have any experience
16 in Vermilion County?

17 A. I do. I have been involved with
18 valuation of several large parcels in Vermilion County
19 and I've also -- I had my bachelor party here. I
20 married a lady from Central Illinois and had it on the
21 north end of Danville actually, so it goes way back.

22 Q. And are you familiar with the land
23 that's in Vermilion County?

24 A. Very familiar, cause I've probably

1 appraised a hundred plus major parcels in Central
2 Illinois extending from both borders and, you know,
3 proximate to in and around the similar land use and
4 valuation issues.

5 Q. And are you familiar with Mural Energy,
6 LLC?

7 A. I am.

8 Q. How so?

9 A. They engaged our firm to analyze the
10 proposed project, to inspect the property, to look at
11 issues with highest and best use and to focus on the
12 impact of this project on property values not only in
13 the county but on proximate properties.

14 Q. And can you tell us generally what is a
15 market impact analysis.

16 A. It basically is looking at an area, the
17 demographics of the area, trends of development,
18 zoning, comprehensive plan and looking at sales
19 transactions and then looking at the specific proposed
20 project, looking at the economics of the project, the
21 economic viability of the project and then looking as
22 to what that project will be as completed, whether
23 it's a church, a shopping center, a mixed use
24 building, and assuming that that is planted on a

1 specific site and then looking at the uses, the
2 traffic issues, the noise, the topography, the trend,
3 the values, and then looking to see if there's a
4 negative impact on value or a neutral impact or a
5 positive impact based on the completion and
6 stabilization of that proposed project.

7 Q. What is a matched pair analysis and how
8 does it relate or impact a market impact analysis?

9 A. Matched pair is basically a simple
10 analysis where we go to the market and research
11 comparable data and look and find similar situations
12 where it's usually a residential property and attempt
13 to find something similar in the area, same market
14 demand, same market participants and try and get as
15 close as possible as far as age, as far as values, as
16 far as schools, you know, simple things like paved
17 road to paved road and then when we find this type of
18 situation we make adjustments for sale bait which is
19 economic conditions which obviously have been quite
20 fascinating over the last decade and then we look at
21 building size, lot size, age, function modernization,
22 outbuildings, paved road, proximity to, you know, the
23 jobs, shopping and schools and make those comparisons.

24 Q. So all those factors that you just

1 mentioned, can those effect the price paid for any
2 certain or given property?

3 A. Yes.

4 Q. And so how do you account for those when
5 you're doing a compared sale analysis to ensure
6 that -- or, excuse me. So when you're considering two
7 properties how do you account for differences like
8 that or factors that one property might have versus
9 another?

10 A. Simply we go to the market to look how
11 the market's reacting. We take into consideration
12 what market participants are saying, what the brokers
13 community is saying, what's driving the market and
14 what's been very clear as an example in the last ten
15 years in the rural areas proximity to economics,
16 shopping, medical, jobs and function of facility.
17 Everybody's watching these house renovations, people
18 want the modern houses, the nice kitchens, so, you
19 know, you kind of look at the market trends and that
20 might not have been a big market trend 45 years ago
21 but it's a huge trend today.

22 Q. I'm going to jump real quick, but tell
23 us a little bit about your experience working with
24 solar energy systems.

1 provided over 20 examples in my report.

2 Q. And when you're conducting a paired
3 sales analysis do you consult with anyone?

4 A. Yes. I look at the -- physically look
5 at the properties, we look at the data sheets, we'll
6 attempt to contact the broker involved to see
7 particularly for the properties proximate to a solar
8 array how that impacted the number of people looking
9 at it and the demand and the impact and the issues
10 that they had, and we also will contact assessors
11 which is a major part of my report and purchasers of
12 properties just to see what their motivations or
13 non-motivations were.

14 Q. What other factors do you consider in
15 your sales analysis?

16 A. I think market conditions are very very
17 important to understand and, you know, I think when we
18 go back to 2008 to 2012 what basically was a
19 residential depression because of higher interest
20 rates, it hurt smaller counties generally more. That
21 was a big impact. Then we had this little thing
22 called COVID a couple years ago, that basically shut
23 down the market for about 6 years -- 6 months and then
24 all of a sudden because there was no activity price

1 points were up for materials, when it opened back up
2 in August, September of 2020 the market spiked and
3 prices went up. So looking at let's say a comp in
4 March of 2020 when COVID hit as opposed to one in
5 March of 2021 there were significant increases. So we
6 also look at trends in a market to see what price
7 points were trending.

8 Q. And are you familiar with Mural Energy
9 projects as a whole?

10 A. I am.

11 Q. Okay. And what materials, if any, have
12 you reviewed with respect to this project?

13 A. I believe probably everything the board
14 has been given, the expert reports, I've been here for
15 the expert testimony, I visited the site three times
16 besides the extensive amount of research, but all
17 these -- the project developers reports, the
18 modifications to the site plan, just anything that I
19 could understand that would impact value. I'm not an
20 engineer but, you know, you look at some of these
21 other experts and have to take those into
22 consideration.

23 Q. And what, if anything, can you tell me
24 about the proposed location of this solar farm.

1 A. It's basically in a rural agricultural
2 commission location in Vermilion. The population
3 density is well under 25 people per square mile, it --
4 most of it's off a paved road, most of the area's
5 agricultural as we've heard, agricultural land, and
6 price points is something we also look at, we also
7 look at, you know, some of the hydrology issues as
8 you've already heard about, but it's basically
9 farmland.

10 Q. And did you, in fact, perform a market
11 impact analysis for Mural Energy?

12 A. I did.

13 Q. And did you publish your conclusion?

14 A. I did.

15 Q. And did you do so into a written report?

16 A. I did, it's over a hundred pages as I
17 recall.

18 Q. And is that report submitted with the
19 project -- the project application materials?

20 A. Yes, it was.

21 Q. Walk us through your findings in that
22 report, if you will.

23 A. Basically with any value impact you look
24 at the proposed project, you look at the height, you

1 look at sound, you look at odor, you look at traffic,
2 primarily traffic, then you look at distress on the
3 area. Let's say you put a subdivision on a thousand
4 acres, a rural subdivision, you know, if you have a
5 hundred houses what does that do to the burden on the
6 schools, on the police and fire, the other
7 infrastructures that needs to be provided, or if
8 you've got retail or if you've got industrial you kind
9 of look at the variety of uses. So we looked at all
10 those uses, you know, as I said, I interviewed every
11 assessor in this State, the county that had major
12 solar to see if there had been any -- any negative
13 impact on value or any difference in valuation of
14 proximate land. I reviewed peer reviewed articles in
15 regard to impact of solar development and I contact
16 solar development that I had done, and my findings
17 were fairly conclusive, and, again, you heard the
18 economic conclusions or numbers that were provided
19 earlier today, and my findings and in conclusion that
20 it's a positive to the county, it provides a
21 stabilization to the property owners versus
22 significantly higher rent and significantly higher
23 taxes to the county, a huge benefit to the schools,
24 better schools is better infrastructure, it's one of

1 the most desirable things we look at, and my overall
2 conclusion that it would not have a negative impact on
3 value but, in fact, have a positive impact on value
4 when completed and stabilized.

5 Q. Mr. MaRous, there was a question posed
6 before Mr. Loomis, with respect to adjacent landowners
7 in close proximity to the project, will they see or
8 experience an increase in their own property taxes?

9 A. So I've been involved on both public and
10 private side of real estate tax appeals, probably over
11 a thousand and I also understand I believe the State
12 statute in regard to how solars are taxed and the land
13 values should remain consistent with other land in the
14 area. That doesn't mean they'll go up or down because
15 it depends on what your assessor does, and generally
16 farmland is based on its productivity index and that's
17 how the assessors are taught to do it. So
18 productivity is an impact. So productivity of the
19 adjoint property owners is not going to be impacted,
20 in fact, because it's probably less chemicals being
21 used on the solar farm and may even be positively
22 impacted, but practically they should stay the same.

23 Q. And another question that was posed to
24 Mr. Loomis, how do these taxing jurisdictions within

1 the county receive their portion of the taxes that are
2 generated by this project?

3 A. My understanding all of them in the same
4 millage and percentage as they're receiving now. So
5 just to be clear, if the school district, for example,
6 has -- basically getting 60 percent of the tax bill
7 and so if the amount and this is just a broad example,
8 million one, that means they would get about 650,000 a
9 year or so. If they decide they want to raise their
10 millage, they could get an increase in taxes or they
11 could decide they don't need it, they could drop the
12 millage. So that's kind of the decision that the
13 various taxing bodies makes, but out of the taxes paid
14 to the county and are distributed, yes, just like all
15 the other taxes.

16 Q. Are you familiar with what's called a
17 glint or glare analysis?

18 A. Yes.

19 Q. And the applicant brought an individual
20 in named Andrew Timmis from Tetra Tech, Inc., and
21 Mr. Timmis testified here that there would be no
22 anticipated or predicted glare to any adjacent
23 occupied structure or building. My question to you is
24 if there is some predicted glare on a roadway will

1 that negatively impact nearby land values?

2 A. That goes to a safety issue, but if it's
3 something that's nominal or occasional, just like the
4 angle of the sun, or let's say a Coors Light truck
5 going back and front as you're going the other way and
6 the sun hits it and you get sun reflection, it's more
7 of a reflection that I wish we had more sun and could
8 have more of those problems in our Midwest climate,
9 but in my opinion I've not -- I've never heard a buyer
10 have that as an issue.

11 Q. And then we also presented an earlier
12 witnesses, Tricia Pellerin was her name from Tetra
13 Tech, Inc., she -- she spoke to the noise anticipated
14 from this project, and specifically she opined that
15 the noise generated by the project when it's
16 operational will comply with those standards set by
17 the Illinois Pollution and Control Board Standards.
18 In your professional experience will that noise level,
19 even though it's below the State's threshold do you
20 think that will negatively impact nearby or adjacent
21 properties?

22 A. In my opinion absolutely not. That
23 being said, you know, there's certain people that are
24 more sensitive to noise and, you know, they have

1 objection to any noise or lack of noise cause you
2 can't hear it, but, again, I've been by these
3 inverters and from the distance of these houses will
4 be at and that's not an issue and particularly in a
5 location like this where you've got trucks and farm
6 equipment and other items and the wind which can be
7 very noisy.

8 Q. Do you have anything else that you'd
9 like to add?

10 A. Something that seems to be at issue is
11 potential of the size 180 megawatt project. I've
12 looked at least 20 projects as bigger or bigger
13 throughout the Midwest and actually did some research
14 and found out that there's 14 either developed or
15 approved projects over 100 megawatts in the State of
16 Illinois, I think there's 9 that are 200 megawatts or
17 larger, and it's always been a concern as the size
18 grows, and the best test case was an example up in --
19 this is Chicago, a county which is Northstar Polar
20 which is kind of a far suburb of St. Paul in
21 Minneapolis and when that went in there was major
22 concern, it was 100 megawatt solar and it actually
23 surrounded an area of 5 to 10 acre farmettes all the
24 way around it and there was concern there would a

1 deconditioning of values, so that's in my report where
2 we've tracked the sales and this opened up in about
3 2017 and the price points have gone up sale, resales
4 of property where their price points have gone up.
5 I've spoken with the assessor about how he assessed
6 the value of these residential properties compared to
7 others in this county and he said absolutely no
8 impact, in fact, the values have been going up and
9 he's actually published that article. So it's -- it's
10 a concern. I mean, we're all concerned about change
11 and different land use, I get it, and we all don't
12 like the same thing, but mine isn't really a taste
13 test, it's looking at the impact, the economic impact,
14 and in my opinion this project will be quite positive
15 when done for Vermilion County.

16 Q. Thank you.

17 MS. KENNEDY: Nothing further.

18 MR. KAINS: All right. Very good.

19 Thank you, Ms. Kennedy.

20 All right. Questions for Mr. MaRous first
21 from members of the Vermilion County Wind and Solar
22 Committee?

23 All right. Chairman Fourez.

24 MR. FOUREZ: And I realize that I don't

1 want to ask this question in -- in straight dollars,
2 but I'm looking at the sunset end of one of these
3 projects. Do you have any feel for relative to an
4 adjacent track of farmland what that land's coming out
5 of solar development would be valued at plus or minus
6 taking into account the fact that once it's gone into
7 a solar development it would no longer be eligible for
8 any USDA government programs?

9 THE WITNESS: That's several questions
10 but they're good questions. So, first of all, I
11 haven't seen any sales in the after to be honest.

12 MR. FOUREZ: See, I knew that was going
13 to be, you know, you haven't been there yet.

14 THE WITNESS: No, I mean, to be honest
15 it's based on my experience dealing with some
16 interesting valuation issues. The land basically is
17 put in CRP for 35 years, it doesn't have any
18 fertilizers on it, by the decommissioning the soils
19 got to be put back on the topsoil to put back and it's
20 not compacted so the physical land should actually be
21 more desirable for farming and clearly -- in this
22 county alone I think the average price of average
23 quality farmland is 6 to 9 thousand an acre, excellent
24 farmland is 11 to 16, so clearly it goes to the

1 quality of farmland, and I think it's also going to be
2 impacted by the value of other property and their
3 landowners. I mean, what's driving it now and what's
4 driving Ag land and if there's less land but there's
5 more efficient farming it's probably going to continue
6 in value. So it's a great land use or holding pattern
7 for a family for 35 years.

8 MR. FOUREZ: And I guess part of what I
9 was getting at is since it would no longer ever be
10 eligible for USDA government payments would that
11 effect the market value of that piece of ground?

12 THE WITNESS: I think that would be an
13 offset that I would say would be a negative, that --
14 that part could have a negative impact, but, again,
15 there's a lot of prime Ag land that's never been part
16 of any -- of any government subsidy and it really kind
17 of goes to the highest and best use and quality of
18 that land. So, I mean, if it's so good for Ag use
19 it's not necessarily something that would really
20 impact it.

21 MR. FOUREZ: Thank you.

22 THE WITNESS: Yes.

23 MR. KAINS: Any other questions for
24 Mr. MaRous from members of the Wind and Solar

1 Committee? Very good.

2 Questions for Mr. MaRous from members of
3 units of local government, including the Vermilion
4 County Board and school districts?

5 Questions for Mr. MaRous from other
6 interested parties, that is members of the public
7 opposed to the application or neutral on the
8 application?

9 Mr. Cronkhite is moving forward and we
10 appreciate you and your participation. Go right ahead
11 with questions for this -- this witness.

12 MR. CRONKHITE: This has been an
13 incredible treat for me because the Vermilion County
14 Board doesn't allow this kind of -- we're never -- we
15 are never as public allowed to find out real answers.

16 MR. KAINS: Well, sir, this is a public
17 hearing --

18 MR. CRONKHITE: I know.

19 MR. KAINS: -- pursuant to Illinois
20 statute and as the facilitator or moderator I make
21 sure that everybody, including yourself, sir, has a
22 chance to ask questions of witnesses.

23 MR. CRONKHITE: I can't thank you.

24 MR. KAINS: Thank you, sir.

1 MR. CRONKHITE: Do you ever use AI
2 systems?

3 THE WITNESS: Appraisal Institute
4 Systems --

5 MR. CRONKHITE: Yeah.

6 THE WITNESS: -- or otherwise -- no, I'm
7 not familiar with them.

8 MR. CRONKHITE: You're not familiar with
9 AI systems?

10 THE WITNESS: That's correct.

11 MR. CRONKHITE: Okay. Are -- okay. Are
12 you aware that Vermilion County uses taxation software
13 to determine tax rates? In other words, there is no
14 analysis anymore in this county by someone like
15 yourself for taxes, they actually put this data into a
16 incredibly, incredibly complex computer system and by
17 just moving one little number around somewhere you can
18 have your tax rate go from like \$700 a year to 6,000 a
19 year?

20 THE WITNESS: Are you talking, sir, the
21 assessed value? Because the taxing bodies set the
22 rates but the assessor --

23 MR. CRONKHITE: Right.

24 THE WITNESS: -- is involved with the

1 value --

2 MR. CRONKHITE: Right.

3 THE WITNESS: -- the assessed value.

4 MR. CRONKHITE: Right. And the
5 assessors basically sets how much you have to pay,
6 correct? This is the assessor using this technology.
7 This is a software technology that nobody really knows
8 how it works. So you're not aware of it? Okay.

9 THE WITNESS: No, you've -- you've asked
10 me four questions and you haven't allowed me to
11 answer. If you don't want an answer to the question.

12 MR. CRONKHITE: Sure.

13 THE WITNESS: Okay. So, first of all,
14 this type of technology has been looked at for the
15 last 20 years and it's called mass appraisal and
16 regression analysis and it's plugged in -- at least
17 until recently your assessor was involved particularly
18 an appeal process and provided the values. The
19 assessor does not set taxes. The assessor estimates
20 market value. Taxing bodies are ones that set based
21 on the rate the taxes, just to be clear. So, yes,
22 when you get involved with something and you put one
23 little adjustment in and it impacts it, but they still
24 look at Ag land based on the productivity and look at

1 the hydrology issues in order, you know, to come up
2 with the various monitors that go into that system
3 that come up with that assessed value, but they're
4 also trying to adapt to market trends.

5 MR. CRONKHITE: So are you aware -- and
6 back to my original question, are you aware that
7 Vermilion County uses that technology to set the tax
8 rate for people's property?

9 THE WITNESS: I'm going to disagree with
10 you. It's not the tax rate, it's the assessed value,
11 they're two different worlds and we just have to --
12 we're on the record we better be accurate.

13 MR. CRONKHITE: Well, let me -- let me
14 back up a little bit. Are you aware that they use a
15 software to bill people their tax bill?

16 THE WITNESS: I have no familiarity --

17 MR. CRONKHITE: Okay.

18 THE WITNESS: -- with how things are
19 billed. I have familiarity with value and how things
20 are assessed.

21 MR. CRONKHITE: Okay. Opinion of value,
22 you said it was opinion of value. Is your being paid
23 by someone influence -- ever influence your assessed
24 value of something?

1 THE WITNESS: Absolutely not. I've done
2 14,000 appraisals and integrity is key and if I lose
3 the integrity I'm out of business.

4 MR. CRONKHITE: Well, yeah, if you get
5 caught.

6 Sound, you said that sound was taken into
7 consideration. Do you test for infrasonic, EMF and
8 ELM -- ELF sounds?

9 THE WITNESS: I'm not an acoustical
10 engineer. I've never --

11 MR. CRONKHITE: I think you said -- you
12 did opinion of and sound was part of it.

13 THE WITNESS: Can you let me finish my
14 answer. I am not an acoustical engineer. I rely on
15 acoustical experts for let's say as an example the dBA
16 which is a measure of sound and also rely on them to
17 look at infrasound issues.

18 My answer to you goes to how the market looks
19 at it, and when people buy a piece of property they
20 generally don't hire an acoustical engineer unless
21 there's major concern about noise.

22 MR. CRONKHITE: Because they're not
23 familiar with these other sounds, right?

24 THE WITNESS: How do you know that?

1 MR. CRONKHITE: Well, if they were they
2 would -- wouldn't they be hiring people do that,
3 wouldn't they?

4 THE WITNESS: That's an individuals
5 decision as to who they'd hire as an expert. Real
6 estate is bought and sold on a daily basis where
7 acoustical engineers are not used and there's noise
8 that's been occurring my whole life such as truck
9 noise and gravel noise from factories, noise from
10 Friday night football games when a touchdown is
11 scored, so, you know, it depends on the situation.

12 MR. CRONKHITE: Well, those are audible
13 sounds. We're not talking inaudible sounds here.

14 THE WITNESS: Yeah, I've listened to
15 significant testimony on infrastructure, I've actually
16 attended basically they're friends and family for a
17 rocket launch down in Cape Canaveral and that was
18 infrasound and certain rocket capsules would be
19 interest -- infrasound. So I've experienced it, but
20 is that my expertise, no.

21 MR. CRONKHITE: Okay. Good. You
22 mentioned that as positive effect on government tax,
23 in other words, tax revenue coming in. How much is
24 that going to be in this project?

1 THE WITNESS: Well, the stated amount
2 varies and the average is, you know, between a million
3 and a million one. In the first years of the
4 operation it's going to be a million four to a million
5 five. As I think you heard there's actually a trend
6 factor that bumps it up with inflation, so it's
7 actually probably going to start out even higher, and
8 then there's a four percent depreciation that reduces
9 it.

10 MR. CRONKHITE: So the property values
11 going up which you mentioned, is that a raise because
12 of inflation predominantly or is that just the value
13 of the land? I mean, granted, value of the land goes
14 up, but is that -- how much of that is inflation?

15 THE WITNESS: Depends on the market
16 we're in. Last year inflation was a lot higher than
17 this year, you know, it's -- it's a snapshot in time
18 in valuation, but you're looking at the economic
19 factors; supply and demand, the economic revenue, the
20 economics to the community, the quality of the
21 schools, it's all factored in and it could change
22 every month. I mean, stock prices change every split
23 second, but you take all the positives and offset with
24 the negatives and, yes, some of the value increasing

1 is influenced by the increase in inflation.

2 MR. CRONKHITE: Last question. What is
3 the land value of an installation that has a tornado
4 come through and has contaminated the land with
5 forever chemicals?

6 THE WITNESS: So it's interesting you
7 ask. I have another client NEXtera that built a 150
8 megawatt solar facility east of Ft. Myers and two
9 years ago a little hurricane by the name of Ian hit it
10 at 150 miles an hour and as most of you have seen the
11 pictures pretty much destroyed the south end of
12 Ft. Myers Beach, created billions of dollars of havoc,
13 it didn't dislodge one single panel, had no impact and
14 those people actually kept their power, and that was
15 actually featured on 60 Minutes in the last 6 months
16 to a year if you want to YouTube it. So I haven't
17 seen it with this type of use. I'm involved with a
18 factory that caught fire that spewed fumes, nothing to
19 do but a manufacturing facility outside Rockford and
20 the immediate impact was devastating, it seems to have
21 cleared up in that location as rocked in Illinois, but
22 nothing with solar and there's the best example, cause
23 I think winds for Ian in the Babcock Ranch hit it at
24 150 miles an hour and the average single family price

1 is somewhere between \$800 million, and why did I know
2 because I'm on the list, I'm getting listings all the
3 time and I'm -- it's a great -- great comp.

4 MR. CRONKHITE: Thank you.

5 THE WITNESS: Thank you, sir.

6 MR. KAINS: Thank you, Mr. Cronkhite.

7 Any other questions from the general public for
8 Mr. MaRous?

9 Mr. Puzey.

10 MR. MARK PUZEY: I got a question about
11 your report that's included in the application and the
12 comps that you ran, and I found it interesting that --
13 and I'm just estimating numbers cause I don't remember
14 the exact numbers, but the ones in Illinois, 15
15 examples that you gave showed higher values with the
16 residential properties adjacent to a solar facility
17 versus 2 higher values, 2 incidences of higher values
18 for nonadjacent properties. Do you think that's a
19 little disproportionate? And when you -- and I
20 apologize if I'm not wording this right. It seemed to
21 me that in the report it's -- was showing that values
22 were always -- almost always higher being adjacent to
23 a solar facility. How much of those higher values are
24 more attributable to other market conditions versus

1 solar itself?

2 THE WITNESS: So, again, multiple
3 questions, I'll try and handle them. First of all, I
4 didn't pick them because they were disproportioned,
5 that was data, that's what we use, and it was
6 surprising that it seemed to be the trend. What it
7 really showed -- again, it goes back to my earlier
8 discussion as the modernization and the location and
9 the paved road and the attractiveness of the property
10 that was driving the market, and, you know, it's
11 interesting in doing interviews many times, let's say,
12 they have ten potential people to look at a house,
13 never in my experience with any type of property have
14 all ten been able to financially afford it, one to buy
15 it and agree on going ahead what you need are two to
16 make a market, and what I found with ten buyers
17 looking at, let's say, a house proximate to a solar
18 array, some didn't like it, they had personal
19 negativity, I get it, but some don't like two-story
20 houses and now some don't like being next to a farm
21 and, you know, we all have opinions, but it went to
22 the location, it went to the infrastructure, and a lot
23 of people like it because they've got certainty, they
24 don't have noisy neighbors next to them that are, you

1 know, having other negative issues that they don't
2 like, they don't have a subdivision potentially going
3 in next to them, so there's a positive there, but I
4 think a lot of it is just showing stability in those
5 markets and I don't think they necessarily said, hey,
6 your house is going to be worth 10 percent more if
7 you're 400 feet from a solar array. It just proved
8 that there wasn't a negative.

9 MR. MARK PUZEY: So -- and just to
10 follow-up on your qualifications, have you ever been a
11 real estate agent?

12 THE WITNESS: I've had a real estate
13 broker's license in Illinois since 1977, but I have
14 really never -- I've done brokerage deals but it's
15 generally -- generally in helping my children but --
16 and some personal deals but never out there on a day
17 to day basis.

18 MR. MARK PUZEY: You mentioned in your
19 market impact analysis you projected a positive impact
20 on value once completed as stabilized. What's -- what
21 is stabilized? I know once the project's completed
22 but what are -- what are you considering stabilized?

23 THE WITNESS: What I did over and over
24 again as people don't like change, the biggest concern

1 is during the entitlement process as in which this is
2 and that happens in whether it's a factory or some
3 other unknown, you know, a football stadium, but, you
4 know, there's just that concern, but it generally has
5 come up that after one to two months it just, you
6 know, becomes part of the fabric of the agricultural
7 community and it's there and people are aware of it,
8 it's no big deal and they move on and they like the
9 economic benefits it provides and the quiet, the fact
10 that it's not providing any stress on any of the
11 taxing bodies or the infrastructure of the community.

12 MR. MARK PUZEY: One other question.

13 Given the somewhat irreplaceable nature of the high
14 quality farm ground in question and the ever growing
15 world population, given the availability of lower
16 agricultural productivity per the land both Ag and
17 non-Ag within Vermilion County and elsewhere in
18 Illinois, is this proposed project truly the highest
19 and best use of this particular land?

20 THE WITNESS: Another good question.

21 So, first of all, if this land or half of it was
22 developed for a single family, in my experience it
23 would stay single family forever, there would be no
24 longer farmland, so everybody does a five acre farm

1 that are basically taking quality farmland off the
2 market, everybody builds an industrial building,
3 everybody builds a school, so that land's gone
4 forever. So that's part of the development of the
5 country for products, and the offsets of the
6 productivity, I mean, if it -- and, again, most
7 everybody here has a lot more experience in farming
8 than I do, I do own a farm but I'm not a farmer, is
9 with the efficiency of equipment which I know is very
10 expensive, and efficiency of fertilizer and feed and
11 everything else the productivity has improved. I
12 mean, you know, in my experience looking at this all
13 over the country you're not seeing an 80 acre farm
14 being able to sustain somebody, you know, people
15 whether do land rent, you know, can farm 2, 3, 4,000
16 acres, depending on the equipment they have, so it
17 becomes a matter of efficiency, and as you heard this
18 is two-tenths of one percent of the county farmland,
19 the CFP in Vermilion County I believe is significantly
20 higher. There was some -- there was a question by one
21 of the gentlemen earlier as to renewable energy, what
22 percentage is that taking up, what do turbines take
23 up, you know, a half acre, 3 quarters of an acre, so
24 what do you have here, 400 acres taken up in the whole

1 county, it's relatively de minimis. So in my opinion
2 I think, again, it's part of the fabric of the
3 agricultural community, it helps the economic.

4 I mean, we do a lot of work in Iowa, in Iowa
5 with the renewables, that market is on fire, it's just
6 incredible because they've attracted data centers and
7 other uses.

8 I was involved in a wind project in a county
9 just west of you which where the end was buying
10 product. A power rope in Iowa, there's been ten
11 billion dollars spent on data centers to tie in to
12 renewable energy. So it provides some other value.

13 So my very long answer, which I apologize, I
14 think the offsets far -- are -- are a benefit. But
15 does it take land out of production, of course it
16 does.

17 MR. MARK PUZEY: Thank you.

18 MR. KAINS: Thank you, Mr. Puzey. Any
19 other questions from the general public for
20 Mr. MaRous?

21 Yes, Mr. Puzey.

22 MR. RUSS PUZEY: Are you familiar with a
23 solar project on Route 16 between Ashmore and Kansas?

24 THE WITNESS: No.

1 MR. RUSS PUZEY: Okay. So there's
2 houses down there that are completely surrounded and
3 those houses were unable to be sold by the owners so
4 the company had to buy them or offered to buy them.
5 So that -- the data from those sales wouldn't be in
6 any of your research then?

7 THE WITNESS: No, and it's a
8 different -- it's a noncomparable situation because
9 that situation doesn't exist here. I think a similar
10 name to yours had a house that was surrounded by solar
11 arrays in the original plan and I saw it and I felt
12 that that was a negative and my understanding now that
13 basically at 3 size they've been removed and rather
14 than 200 feet away they're 1,500 feet away. So, I
15 mean, that just goes to a good development and, you
16 know, the norm -- the new norm is 200 feet plus.

17 This project is generally 250 to 500 feet, I
18 think there's only a couple under 300 feet, I think
19 300 feet might be the lowest. So I think -- and then
20 when you go on multiple sides that's a bigger problem.
21 However, the example I used in Northstar Polar, their
22 whole project is surrounded and it's done well but to
23 me I think that's too much. So, you know, I -- so I
24 don't think that's a good comp. That would just be

1 like me appraising your house and let's just say a
2 very very nice house and I use, you know, a hundred
3 year old house that hasn't been modernized as a comp,
4 that wouldn't be fair and it wouldn't show market
5 conditions.

6 MR. RUSS PUZEY: So you would assume
7 that there is a grade in to the proximity of the
8 panels to the home and the value of the home?

9 THE WITNESS: I think there's a grade if
10 they're too close and they're not screened and they're
11 on too many sides. So I think you need to have that
12 200 feet. You know the State statute now is 150. So
13 maybe that's it when these developments initially
14 started they were 50 to 75, I think that's too tight.
15 I think on multiple sides -- it's not just multiple
16 sides it's how far set back. But if you have, you
17 know, 3 sides and, you know, 100 or 150 feet I think
18 that would be a negative. But this project doesn't
19 have that so they've met that criteria.

20 MR. RUSS PUZEY: So that might be
21 something that the committee would want to consider in
22 protecting homeowners values would be the proximity to
23 the homes and getting that spaced out wide enough
24 then?

1 THE WITNESS: You're -- you're asking me
2 a legal question. The reason I say that there's a
3 State statute that just came out in June that I think
4 it's 150 feet. So I think that's the law, and, you
5 know --

6 MR. RUSS PUZEY: But that's the minimum?

7 THE WITNESS: Yes, that's the minimum.
8 That's like anything else, a well-designed project
9 will do well, but if it's poorly designed, poorly
10 executed, of course, that's not going to be a
11 positive.

12 MR. RUSS PUZEY: Okay. Thank you.

13 THE WITNESS: Thank you.

14 MR. KAINS: Thank you, Mr. Puzey. Any
15 other questions from the general public for
16 Mr. MaRous?

17 All right. Questions from counsel for
18 Vermilion County and consultants, Mr. Keyt.

19 MR. KEYT: No questions.

20 MR. KAINS: No questions. Thank you.
21 Redirect, Ms. Kennedy.

22 MS. KENNEDY: None.

23 MR. KAINS: All right. Very good. The
24 final questions for Mr. MaRous come from members of

1 the Wind and Solar Committee. Anyone with questions
2 for this witness? Very good.

3 Mr. MaRous, thank you. You may step down.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 MR. KAINS: Ms. Kennedy, call your next
7 witness.

8 MS. KENNEDY: I'd like to call
9 Dr. Christopher Ollson.

10 MR. KAINS: Mr. Ollson, could you please
11 raise your right hand and be sworn.

12 DR. CHRISTOPHER OLLSON,
13 was called as a witness on behalf of the Applicant
14 and, having been first duly sworn, testified as
15 follows:

16 MR. KAINS: Very good. Thank you.
17 Could spell please your first and last names for the
18 record.

19 THE WITNESS: I can. It's Christopher
20 Ollson, C-H-R-I-S-T-O-P-H-E-R, Ollson spelled,
21 O-L-L-S-O-N.

22 MR. KAINS: And you're a doctor?

23 THE WITNESS: I have a PhD in
24 Environmental Health, yes.

1 MR. KAINS: Environmental Health. Very
2 good. Thank you.

3 Counsel, your witness.

4 MS. KENNEDY: Thank you. I seem to be
5 having some technical difficulties. So what I'm going
6 to do is I'm going to hand out a PowerPoint
7 presentation and I'm going to mark it as Exhibit 10
8 for identification purposes.

9 **DIRECT EXAMINATION,**

10 **QUESTIONS BY MS. COURTNEY KENNEDY:**

11 Q. Dr. Ollson, my understanding is you
12 prepared a PowerPoint presentation for today; is that
13 right?

14 A. I did, indeed, it's the one Mr. Crighton
15 just passed out.

16 Q. Yes, perfect. Thank you. So you told
17 us a little bit about your qualifications, but tell us
18 more about your educational history.

19 A. Certainly. So I hold an undergraduate
20 degree in biology and toxicology from Queens
21 University. I then went on to -- after serving in the
22 Canadian Navy I did a masters and a doctorate in
23 Environmental Health Sciences at the Royal Military
24 College of Canada.

1 Q. What is your professional
2 qualifications?

3 A. So, again, I hold a doctorate in
4 environmental health sciences. I have a number of
5 qualifications depending on the province or State but
6 more or less what I do when I come to work every day
7 is whether it's a refinery, a pipeline, an incinerator
8 or renewable energy project my role in that is then
9 qualified by a number of courts and various set of
10 committees to provide expertise and testimony on how
11 the project may interact with people, ensure that it's
12 properly designed to avoid health and safety concerns
13 for the local public and members living around.

14 Q. How are you presently employed?

15 A. So I have my own consulting firm, sole
16 practitioner the last ten years. I -- the company's
17 called Ollson Environmental Health Sciences --
18 Management, sorry, and prior to that I -- since about
19 the last ten years. Prior to that I held a number of
20 senior positions at large engineering and
21 environmental firms running up to 1,500 staff at one
22 point in one of those firms. I've been working for
23 the last 25 years plus as an environmental health
24 consultant.

1 Q. And are you familiar with renewable
2 energy in general?

3 A. I am.

4 Q. How so?

5 A. So about 15 years ago I got the first
6 call I was doing at that point a lot of contaminated
7 sites for chemical exposure work, got a call from a
8 colleague saying that they were going to develop a
9 wind farm and they needed a section on health and
10 safety aspects with wind farms. I said what are you
11 talking about, there's no emissions from a wind
12 turbine, no big deal, but, no, it's not true. So over
13 the last 15 years I've been working in all farms from
14 within Illinois to being wind farms, solar farms that
15 are being discussed today, battery storage,
16 hydroelectric dams and the like, and so I've both
17 been doing the research within that field, published
18 research and in the field itself and I also hold an
19 academic position as an adjunct professor at the
20 University of Toronto where I teach in public health
21 for environmental projects.

22 Q. And tell us a little bit about your
23 involvement with solar energy projects.

24 A. So sure. About 15 years ago when we

1 were discussing solar projects mainly, you know, in
2 Central Canada and the Midwest here in the U.S., or
3 even a company Interior up in North America, those
4 were little projects, they were two megawatt, five
5 megawatt, ten megawatt, ten megawatts used to be a big
6 project and at that time, you know, was really
7 Arizona, California where we were seeing the larger
8 200, 300 megawatt solar projects, they were very rare.
9 In the last couple of years a 200 megawatt solar
10 project has become the norm. I'd say right around
11 the -- before that transition when we had that -- that
12 COVID time, before that we were, you know, kind of 50,
13 60 megawatt. Now in recent years I don't think I've
14 worked on a solar project under 100 megawatts. I've
15 worked on projects anywhere from 100 megawatts up to
16 over 500 megawatts at a time. And the important thing
17 to know that regardless of the size, you know, it can
18 have some impact on the health and safety
19 consideration which we're talking about today, but
20 really the -- the science is there, the -- the
21 experience of living around solar projects has been
22 there for the last 20, 25 years across the U.S., it's
23 just more new to the Midwest right now and we're
24 starting to see the same type of development in

1 Kansas, in -- in, you know, Indiana, down in Oklahoma
2 and Texas and the like. So we really are starting to
3 see it now come to the Midwest, but we've known a lot
4 about solar projects from the last 20 years I would
5 say from across the country.

6 Q. And have you previously provided expert
7 testimony on solar and renewable projects in Illinois
8 and other jurisdictions?

9 A. I have. In fact, I just over the course
10 of I guess it would be late spring and over the summer
11 there was a -- the -- a solar project that I was
12 involved in a hearing similar to this in Livingston
13 County providing similar testimony for what I would do
14 today.

15 MS. KENNEDY: At this point I'd like to
16 move to treat him as an expert witness.

17 MR. KAINS: Mr. Keyt?

18 MR. KEYT: No objection.

19 MR. KAINS: He's in as expert.

20 Go right ahead, Counsel.

21 **QUESTIONS BY MS. KENNEDY:**

22 Q. Now, Dr. Ollson, you're here today to
23 testify on behalf of Mural Energy, LLC; is that
24 correct?

1 A. I am. Certainly Mural Energy is paying
2 my invoice to come and appear and to provide expert
3 testimony, however, they're not -- they're not paying
4 for an answer they may want to hear, they're paying
5 for the expert -- they've asked me to independently
6 review their project, the layout and the like and
7 testify here today recognizing that I'm under oath as
8 I have in a number of other jurisdictions. So the
9 answers that I'll be providing today will be similar
10 to when I was at the open house here with the Mural
11 Project and talking to members of the public back in
12 April 2023.

13 Q. And what materials, if any, have you
14 reviewed in relation to this project?

15 A. Yeah, and certainly, committee members,
16 if you wanted to flip over to slide three in your
17 packet there it says material review for hearing. So
18 I've looked at -- any time I get a project the first
19 thing I want to do is take a look at the local county
20 ordinance. So I reviewed your county ordinance on the
21 solar, including the revised one that was required
22 under the recent act. Certainly familiar with the
23 Illinois Siting Bill that was passed recently.
24 Government got an overarching setback distance and

1 sound and those and the like. I did review the
2 application in its entirety. Specifically in my area
3 and focusing on areas like the -- the glint and glare
4 study and the noise study, as well as there being
5 setbacks and the like. That's the review of the
6 project itself. And then how do we know if the
7 project is properly sited or if things may need to be
8 removed in order to do that to protect public health
9 and safety. I've got -- again, the last 15 years
10 reviewing the published scientific articles related to
11 these topics, government reports, academic papers.
12 And if you were to turn to the fourth slide there, the
13 next one, I just provided some examples of some of the
14 State and the local guidance which are reviews that
15 have occurred over the last decade or so asking
16 similar questions that we're asking here today. Is it
17 okay, is it safe to live near a solar project, what
18 are the issues that we have to be careful with, how do
19 we know that they're properly designed.

20 Q. And are you familiar with the types of
21 panels proposed for this project?

22 A. I am. I reviewed the fact sheet on the
23 panels.

24 Q. Overall through your experience and

1 review of all these documents that you just testified
2 to do you believe that the Mural Energy Solar Project
3 poses an undue risk to the public health and safety of
4 Vermilion County residents?

5 A. No, I do not. I believe that the
6 project was properly designed. I did see some
7 iterations of the improvements that Mr. MaRous
8 testified, you know, moving the panels away from one
9 of the homes. Looking at the overall and I guess we
10 can get into the details as to why I come to that
11 conclusion, but I do, it's a properly sited project
12 and will not pose a public health or safety threat to
13 the local residents.

14 Q. And in your experience based on what
15 you've seen does the public also have health and
16 safety concerns about living adjacent to or in close
17 proximity?

18 A. Yes, certainly. You know, over last the
19 15 years I've attended hundreds of public meetings,
20 certainly understand the types of questions that are
21 posed and, again, committee members, if you went to
22 slide five these are some of the common questions that
23 come up, these are the areas I'm asked to address and
24 to consider and these are many of the topics that

1 actually did come up in April open house as well as
2 the meetings of the two local villages that I attended
3 as well.

4 Q. So can you -- can you take us through
5 each one of those concerns and then give us your
6 position on them.

7 A. Sure. So the way that I broke it up in
8 the presentation, committee members, if you go to
9 slide six is there are a number of concerns that often
10 get raised by the public that are not contained within
11 your ordinance. Your ordinance doesn't cover them, so
12 I'll deal with those first and then we can get into
13 the ones where the ordinance does actually
14 specifically have requirements or the State does.

15 So if we were just -- the first topic that
16 often comes up if we were to go to slide seven,
17 electromagnetic fields. So everything that is wired,
18 everything that is plugged in has an electromagnetic
19 field, so it's standard with it. So right here in the
20 room, you know, the lights on, the wiring in the
21 microphones, my tablet screen, Ms. Kennedy's computer
22 sitting there in front of her, we're surrounded by EMF
23 or electromagnetic fields every day, okay. It's
24 nothing new. And the level that's in the room right

1 now, if I was to take it, the measured in what's
2 called milligauss, it's an mG or the milligauss is the
3 metered measurement of the magnetic field. If I was
4 to take a milligauss meter count, it's like a Star
5 Trek hold device where you kind of go around and, you
6 know, measure the milligauss of devices in the room,
7 if I'm standing away from where my computer tablet
8 were or anybody else were somewhere between 1 and 4
9 milligauss. That's the same thing you're going to
10 have in your house. If you're not standing right
11 beside the microwave when it's operating, if you're
12 not right beside the TV, if you're just sitting on the
13 couch and you're kind of away from your electronics
14 you're going to be 1 to 4 milligauss to be in your
15 home as well.

16 The international exposure guideline, EMF is
17 probably the single greatest cited environmental
18 health topic over the last 50, 60 years and there is
19 an international -- there's no U.S., specific
20 guideline necessarily for EMF exposure. There is an
21 international guideline that's put out that the U.S.,
22 has adopted and that's no more than 2,000 milligauss,
23 okay. So you can have up to 2,000 -- be exposed to
24 2,000 milligauss at any given time and it will be

1 no -- be no impact on your health. You can't actually
2 get anywhere near a 2,000 milligauss in any sort of
3 normal exposure if you're going to have -- you pretty
4 much have to be in a steel mill working near some very
5 heavy equipment to get anywhere close to that.

6 So when we look at -- so some comparisons,
7 this is 1 to 4 of your house. If you were, you know,
8 to take a blow dryer out, you know, you're blow drying
9 your hair, the blow dryer itself is going to be about
10 out 700 milligauss. If you're standing by your
11 microwave, depending on the temp of the microwave to
12 get hot, it's going to be about 300 milligauss. All
13 of these things are safe for us to be exposed to at
14 any given time. If you're near any of your high
15 powered transmission lines for a day -- you know, high
16 powered transmission lines, even right underneath
17 those high powered transmission lines we're somewhere
18 in the 50 to 120 milligauss if you were to be right
19 under those lines.

20 So if we were to flip to the next slide, so
21 that the solar life in solar projects, so solar panels
22 themselves actually don't emit EMF, wiring bundles
23 that come from the panels going to the inverters and
24 then the inverters themselves give off EMF and then to

1 the transformer. Now, in the design of the solar
2 project the inverters are in the interior, there is a
3 substation which would be the highest source, but
4 essentially by the time you get to the -- some of the
5 government reports that should be there in the hard
6 measurements, by the time you get to the fence line
7 for the most part on the solar project you're going to
8 be back in that 1 to 4 milligauss, the experience in
9 your home or being at any given day.

10 So EMF, although it is created and it is
11 around the solar project like it is around any
12 electrical project, it's going to be there but it's
13 going to be well below the international guidelines
14 for the protection of health and, therefore, we can
15 see that in the Mural Solar Project EMF is not going
16 to be a concern for the citizens.

17 Oh, sorry, and then so continue to follow
18 along. In the next slide I -- I put stray voltage. I
19 come from a long line of dairy farmer up in Ontario
20 and certainly I can tell you I don't think my
21 grandfather ever hired an electrician to do anything
22 on the farm and, you know, as you -- as you folks
23 probably know, and any of you that farm stray voltage
24 can be an issue on farms. Typically it's more of an

1 issue if you're dealing with a dairy farm when you're
2 wanting to make sure that your stray voltage, because
3 basically if you get improperly grounds any piece of
4 electrical equipment, that currents looking for
5 somewhere to go, it usually goes into the metals, feed
6 troughs or the water trough and that and you can get
7 stray voltage occurring on the farms. If it does then
8 it doesn't hurt the cattle or the dairy cows, but what
9 it does is they tend to avoid the feed trough, the
10 water trough until you get it fixed. So it doesn't
11 actually impact the animals but it can cause an issue
12 obviously, right.

13 Solar projects have very serious engineering
14 design and codes they have to meet in order to make
15 sure there's no stray voltage. So you will not have
16 stray voltage coming as an issue. People often raise
17 it as a concern, and then we have seen where people,
18 you know, say, well, I think stray voltage is coming
19 from the project. If for whatever reason a farmer in
20 the area suspected that stray voltage was coming off
21 the -- the solar farm itself it's something that's
22 easily traced back, tested and can be rectified in the
23 highly unlikely event it was there.

24 Another talk -- and if we were to switch to

1 slide ten there, the metals and PFAS in the solar
2 panels, and what's that. Often you'll hear concerns
3 from the public that the solar panels contain metals
4 that can leach from the panels that get into the soil
5 and ground water and impact the ground water. And, of
6 course, in a rural area like this ground water is
7 critical, right, both for irrigation as well as for,
8 you know, everybody's on well water in that area so we
9 want to make sure we project that. So it is true that
10 there are metals and something called PFAS. Actually
11 I was looking for my cell phone, but it's over on the
12 table. This contains a much higher concentration of
13 those metals. All your cell phones, and we're all
14 carrying them around everyday, the screen protector on
15 these can contain chemicals in them, but the reason we
16 can carry them around and the reason that solar
17 panels, if you'll look kind of at the bottom right of
18 that slide and, you know, the -- the embedded, that
19 material is there you'll see you get trace amounts of
20 copper, you get some cadmium, there are things like
21 lead in the solder potentially in the connection
22 joints but it's encased within the material itself.
23 It does not leach from the panels even under 30 years
24 of weather conditions. Often I'll get the question

1 of, you know, hail storms. If you go on Google and
2 you type in hail storm -- massive hail storm and solar
3 panels you'll find there is in Nebraska in the last
4 year or two there was a really bad hail storm there
5 that damaged a number of solar panels. Even if they
6 were cracked, just like if the screen of this was
7 cracked and we've all or most of us especially if
8 you've got kids have cracked your cell phone and
9 screens and they've walked around looking like spider
10 webs, even with, you know, a solar panel cracked
11 material does not leach out of the panels, it does not
12 impact soil or ground water. If you had a tornado
13 coming through and, you know, I just checked, looks
14 like you folks in Vermilion County have had 63
15 tornados in the last, you know, 70 years according to
16 the National Weather Service, give or take about one a
17 year, you guys would know better than I do, about
18 that, but the reality is is that even if the panels
19 were damaged in something like a hail storm or that or
20 tornado coming through it's going to -- it's a
21 physical debris issue, it's not a chemical issue so
22 that your soil and ground water resource will be
23 protected.

24 The other one that may come up from public

1 and often does is the question about the i-beams that
2 are used for installation for the racks and panels,
3 and they are typically galvanized, they're not always
4 but they're galvanized steel that contains zinc.
5 Well, of course, we use that stuff in everything,
6 right. All your roadside barriers, you know, if
7 you've got posts here, if you live even in town you've
8 got a chain link fence, the material does not leach,
9 zinc does not leach in any appreciable amount out of
10 those structural beams into the soil and impact ground
11 water from these projects. So you don't have to be
12 concerned that once the project is built.

13 And the last one not covered by the ordinance
14 but comes up often by the public is this notion of
15 what's called heat island effect. So what is the heat
16 island effect. We've all experienced a heat island
17 effect. Typically it's -- so say if you're at the
18 Walmart and it's 100 degrees out that day and you're
19 in the parking lot and it feels like it's about 110
20 degrees instead of 100 degrees cause you're standing
21 in the middle of that parking lot, it's a real effect,
22 right. You've got the sun coming down and reflecting
23 off of that asphalt material and it will create a very
24 localized temperature change right around that parking

1 lot. Whereas, if you're going to step off the parking
2 lot a couple of feet and onto the grass you're not
3 feeling that same heat.

4 There's been some limited work on solar
5 panels to see whether or not this is the case
6 especially it's been thought in these larger projects,
7 and what we see is there's typically a couple of
8 degree change in temperature, a couple degrees
9 Farenheit change in temperature right over the top of
10 the panels themselves. It is not impacting local
11 weather patterns, it is not creating, you know, a
12 tornado meg, nothing like that. As the sun goes down
13 that heat very quickly dissipates, it doesn't pose an
14 ecological risk either. So really, you know, right
15 over the panels there might be a small change in
16 temperature. At the end of the day it does not pose a
17 public health or safety threat.

18 So that kind of covers the ones that are not
19 covered by your ordinance, we do know that people have
20 questions about and what I put to you is that you do
21 not need -- you do not as you're evaluating this
22 proposal or this project these should not cause you
23 undue concern as a committee.

24 Q. So, Dr. Ollson, with respect to the

1 issue that you just testified about and then
2 specifically EMF, stray voltage, leaching issues and
3 then heat island effect, is it your professional
4 opinion that this project is properly designed and
5 sited such that these issues will not impact residents
6 of Vermilion County?

7 A. That's correct.

8 Q. What about the health and safety
9 concerns that are covered by the Vermilion County
10 ordinance regulating solar energy concerns?

11 A. So certainly, committee members, if you
12 turn to slide 12 like that's where we start getting
13 into the -- the -- those that are covered in your
14 ordinance and look -- we'll jump right into glare.

15 So in a project like this you have Mr. Timmis
16 from Tetra Tech presented to you last time his role in
17 glare modeling is to do the modeling, all right. So
18 he provided the modeling and the effort result, and so
19 somebody like myself looks at that and says, okay, so
20 what. We do have glare coming off of the panels.
21 Does that actually pose a safety risk to those people
22 driving down the road, and there are some
23 jurisdictions, we'll get into the road, and they have
24 some standards they're trying to figure this out,

1 there -- there were early on projects when solar
2 panels weren't -- didn't absorb as more of the light
3 where you got more glare off in Arizona. So Nevada's
4 a good case where they have a number of solar panels
5 right along the highway, like literally like 20 feet
6 off the highway in Nevada. One farm in particular
7 where they weren't of the same type of material that
8 we're looking at here. There's quite a bit of glare
9 coming onto the highway multiple, like, you know,
10 hundreds of hours a year in the project, and so
11 what -- because of that we have to look at this.

12 Now, your ordinance specifically covers
13 glare. And your -- your ordinance has two very
14 important SFES to the glare. The first is they use
15 how to locate the panels to prevent glare towards any
16 inhabited buildings, that's number one, so the
17 buildings. And, number two, adjacent highways. So
18 there are no highways -- or this project is not
19 located in a highway area. Obviously it's within the
20 county roads and the like. So there's no glare going
21 down the highway. So that's meets the ordinance. And
22 as you heard testimony from Mr. Timmis there was no
23 glare for the 8 or 10 homes that are right around the
24 project itself so, in fact, there would be no glare so

1 the project meets the ordinance.

2 But if we flip to the next page, Tetra Tech
3 was asked by Mural Solar even though they didn't
4 estimate how it would be important to your ordinance
5 they did still run the glare analysis for the roads as
6 well and we spent a lot of time talking about road 400
7 North I believe the last time. But just to give you
8 some perspective, where does this all come from.

9 Originally the glare analysis report was developed by
10 one of the national laboratories here in the U.S., to
11 deal with solar panels around airports. The concern
12 was originally that pilots coming in -- pilots are
13 coming in to land or are taking off would get glare
14 off the panels because solar -- or, sorry, airports
15 are basically dead space, right, you can't build
16 anything around the airport so they're perfect for
17 solar panels, and so the FAA or the Federal Aviation
18 Administration said we need to make sure that we're
19 not going to be impacting both the pilots as well as
20 the air controller tower folks. That was about ten
21 years ago that they put that -- that law into place.
22 They revised it in 2021, and in fact, we don't have
23 to -- we -- not -- not that we don't have to, you do
24 not do glare analysis anymore for the flight paths of

1 the pilots coming in. And why is that. And that's
2 because what the FAA saw and talking to pilots and
3 looking at all these reports and the science is that
4 actually glare for the pilots coming in is worse off
5 of things like water bodies, the buildings of the
6 airport and the like, and so the glare from the solar
7 panels is no different from those other sources of the
8 glare that they've experienced. So we just do it for
9 the control tower people now.

10 Either way this was done for your project
11 itself. The pictures on the bottom there look an
12 awful lot prettier when they're up on the screen, but
13 what they are is these are the different sources of
14 glare that we get driving every day. And often after
15 I have this talk people get in their cars and have --
16 today's a bad day cause it's not sunny out, but the
17 next time you're driving around and it's sunny you get
18 those glare off the windshield or off the back
19 windshield of the car in front of you depending on
20 what the time of day, right. That intensity of glare
21 off of the -- that back windshield or the car coming
22 toward you is very similar to what you get if not
23 worse coming off of the solar panels. You can see the
24 sun, right. So we've all had those days, especially,

1 you know, when it's -- when it's sunset to sunrise and
2 you drive and you can't get the visor over to get --
3 block that sun out, the intensity of that is far worse
4 than what we get off the solar panels. If you look at
5 the -- what that thermometer there is on the right,
6 it's just -- it's the different types of intensity of
7 glare on the various things. So you see right at the
8 top that concentrated solar panel, that's if you drive
9 along, you're looking and the sun's there and you
10 can't get it out of your eyesight, that's not good, we
11 know that's not good. That's as intense as you get.
12 That's 100 percent. And, of course, now at this time
13 of year we're going to have snow on the ground and you
14 get that glare off of the snow, right, and we all know
15 that you're not suppose to be out in the snow for
16 hours and hours skiing or snowmobiling or doing
17 other stuff without having sunglasses, that's the
18 reason why. And then you'll see that that bottom
19 area, the glare from solar panels and water. So, yes,
20 glare does occur off of the solar panels, it's going
21 to be at road 400 for a brief period of time. If we
22 go to the -- so, again, so what does that mean for the
23 drivers. If we go to the next slide.

24 You heard Mr. Timmis say that he did the

1 glare analysis for a 5 foot receptor. So somebody
2 driving around in their pickup and a 9 foot -- so
3 somebody in a transport vehicle. He was asked I
4 believe by the committee and, Mr. Chairman, I believe
5 it was you that asked to view it for 15 feet, he has
6 done that and I believe that's a part of the proffer
7 that was submitted. So I'll go through some of those
8 results here for you, but they are in the -- the
9 proffer. What -- what we asked him to do was both 12
10 feet as well as 15 feet. So my experience, you know,
11 most farm equipment, if you're in a tractor, you're in
12 a combine, the majority of farm equipment you're going
13 to be about 12 foot high when you're sitting there.
14 To be 15 feet high, so basically 2 times the bit of
15 me, to be 15 feet high you really got to be in a big
16 sprayer or something like that, I mean, that's a very
17 large piece. So we did it for -- he did it, ran it
18 for all those. The results are on the next slide.
19 So, again, we've talked already, there's about a 1,300
20 foot section along 400 East Road. That was one
21 Mr. Timmis was talking about that could potentially
22 have glare for a less than .03 percent of the year if
23 you're driving in your car or truck or if you were in
24 a -- in a heavy hollow truck. When he ran the entire

1 project for 12 feet, anybody that's sitting at 12 foot
2 high, basically your combine or tractor you -- there's
3 no glare at -- there's no glare potential impact on
4 any of the roads from any of the panels. So, in fact,
5 it's all your line of sight, right. So you have to be
6 at the right height, the panels have to be angled
7 correctly, the sun's got to be at the perfect spot,
8 so, in fact, at 12 feet there is not glare. But at 15
9 feet what did change was there was no glare from the
10 400 East Road but there was a small corner at the
11 corner of 800 North Road and 600 East Road where
12 there's a potential for a few minutes of glare at
13 sunrise and sunset if you were there in a 15 foot high
14 vehicle if your eyesight, line of sight was 15 foot.
15 So you must -- you'd have to be in a very large
16 sprayer or something like that to be up that high.
17 Cars, trucks and other farm equipment you would not
18 experience it. So now we have two small areas where
19 we do have glare. So, again, so what.

20 Well, if we go to the next one, evaluating
21 glare on highways as an example. So the one
22 jurisdiction that I know of that does this for
23 highways only, so not for county roads that we're
24 looking at here but for highways is the Colorado

1 Department of Transport. So I put this in here just
2 as an example. So when I say I don't believe that
3 they're going to have undue risk an undue impact on
4 the drivers from that glare even if there wasn't
5 vegetation and screening, we can go through sort of
6 why. So what they did if we -- so there's a
7 mathematical calculation figure how severe the glare
8 would be in Colorado. So this is if you're building a
9 solar farm right along one of the major interstates or
10 highways in Colorado, okay, not the secondary roads
11 but are across the side roads. And math might look a
12 little crazy here but it's actually not. So what you
13 basically do in order to get the risk, the total risk
14 score, you take what's called the severity risk score
15 and that's that stuff on left there. So how severe
16 would it be. Well, what Colorado said for glare,
17 they're going to assign that severity score a number
18 8. Meaning that if -- if it did occur and there was
19 an accident that's at least an 8, it's going to be
20 severe, you could permanently damage somebody or even
21 potentially kill somebody. You multiply that by
22 basically the total not the percentage of hours of
23 glare that are going to occur over the life of the
24 project and ultimately what you can see is that table

1 at the bottom there. I gave you different scenarios
2 of heights of the different type of equipment and
3 where we had glare, was that in that column on the
4 "road" and then ultimately you come over to the right
5 here and you get that total risk score, so you see
6 that varies from, you know, a 0 probability and that's
7 12 foot high vehicle up to 3.1 and, again, that would
8 be if you're in a truck or a tractor on 400 North from
9 that sort of November to January side. So what does
10 that mean? What's the 2.6 or these 3.1's?

11 If go to the next slide. And the way that
12 Colorado designates whether it's a risk that's
13 acceptable or not, if you look at that table on the
14 right you can see that a score -- if you get a score
15 of 1 to 10 it's a low threat, limited or no
16 mitigation's required. And so if this was a project
17 that was on Colorado highway and you had the same
18 amount of glare to these vehicles it scored I think it
19 was 3.1 was the highest, you're well below the 10,
20 right, and then you can go all the way up to, you
21 know, where you get into various levels where Colorado
22 would say plant vegetations, do other things,
23 potentially orientate the panels in a different
24 direction, but that's not where you are here. So

1 ultimately if you do follow -- if you were to follow
2 the Colorado guidance it doesn't pose undue risk to
3 drivers.

4 Now, Mural Solar did actually -- you know, I
5 believe they committed here that they are going to put
6 a vegetation and screening along that section of
7 400 -- of the 400 Road. It's not needed but
8 certainly, you know, that's -- it's just a nice thing
9 to do for the drivers who are going by, but in that
10 intern period when they're -- they're having to grow
11 and all of those other things there isn't really an
12 undue risk to drivers. It's the same type of glare
13 we're getting when we're driving around in our cars, I
14 mean, every day, and, in fact, quite a bit less than
15 you would experience for other things. So that was
16 glare. And so, again, meet your ordinance and went
17 beyond the ordinance and Mural Solar went beyond the
18 ordinance asking to look at the roads and now we're
19 trying to give you the context of that.

20 Sound. We turn to sound next. Of course,
21 your -- we'll get into your ordinance in a second on
22 sound, but that next slide on sound. There was some
23 discussion about construction noise. There's no
24 question there's going to be a construction project,

1 and what type of noise are you going to get. Most of
2 the noise during construction is going to be when
3 you've go the backhoe to -- you got the dozer out
4 doing grading, right. And we all know what that
5 equipment sounds like when you're out, you know, in
6 the field.

7 Mr. Crighton was describing the pile driving
8 of the -- of installing all those piles. The reality
9 is it's -- so I just want to make sure that we're not
10 leaving you with the wrong impression. You know how
11 you'd get a fence post piledriver and you're just
12 whacking away at the thing and you know how that
13 wrench sounds bloody awful, that is not what we're
14 doing here. What is is the driving force or vibrating
15 machine, it then installs those -- those eye beam
16 posts typically 8 feet into the ground. They are
17 loud. It's not -- no question about it, but it's not
18 a hammering sound, it is typical like of other
19 machinery and that's going to be typically in about
20 the 70 or 80 decibel range. So what does that mean?
21 And what we see here, right, so a typical tractor, if
22 you're standing by your tractor and it's well-tuned up
23 and you're standing about 50 feet when it's just
24 idling you're at about 80 decibels, okay. If once you

1 get going in the field the tractor combine, you're
2 driving in the field you're typically up somewhere
3 between 90 and 100 decibels. So, again, what does
4 that mean? Right here in the room, so I'm -- I was
5 taking measurements this morning in the room using my
6 iPhone which is not exactly perfect but they do a
7 really good job these days, the level in the room if I
8 stop talking for a sec, that hum from the -- from --
9 I'm just going to say air conditioner, but the
10 furnace, it's about 60 decibels in the room, right.
11 My voice standing at the microphone, I'm about 70 to
12 75 decibels. So about -- so what does that mean in
13 terms of farm country? The scale on the right, the
14 sound chart on the right, this actually comes from
15 Texas A&M, their Agricultural Department at Texas A&M,
16 and the reason I like this, you know, you get all
17 sorts of decibel charts, but this gives you farm
18 equipment decibel levels, right. You can see up into
19 the 100, the 90 gauge, those are the -- you know,
20 that's farm equipment out in the fields or if it's in
21 the yard. By the time we get down to the sort of 70
22 range if we were in the busy restaurant, that's kind
23 of what you're hearing in the background or if you're
24 standing in the chicken coop. Again, an average

1 conversation, standing at the microphone, 60 to 65
2 would be the normal loud. And then when you get --
3 what does it mean to go lower? A kitten meowing, song
4 birds, distant dog barking, 40.

5 So where are we going to be? Under the
6 construction if you're at 1,000 feet from all this
7 equipment and you're 1,000 feet from the area of
8 construction you're going to be -- the Tetra Tech
9 report actually has in their report for sound has the
10 sound levels and you're going to be somewhere in the
11 60 to 70, maybe a little bit over 70 at 1,000 feet.
12 So, yeah, if you were, you know, right next door to
13 one of the arrays and, again, it's not all going to
14 get constructed at once, they got to move from the
15 various parts and, you know, install the beams and do
16 everything else, but in the loudest it will be
17 somewhere in that normal time, that daytime farm
18 equipment range, okay, but you will hear it if
19 you're -- if you're near the solar project during
20 construction, like anything else you're going to hear
21 it. The good news is that construction of these
22 projects is they don't tend to happen at nighttime.
23 When we're trying to be protective of the health and
24 public safety is to making sure that everybody can get

1 a good night sleep and it's not interfering with your
2 sleep patterns and that's what we'll come into in a
3 second.

4 The -- on your operations you heard
5 Ms. Pellerin talk about the -- that she ran the
6 modeling. There was a question earlier about do we
7 take into account for sound frequency noise. Illinois
8 is a very unique State in terms of the way the
9 Illinois Pollution and Control Board designates how
10 you have to do sound modeling, it's by what we call
11 octave bands. While I'm sitting here talking we're
12 talking about dBA and we're talking about the -- you
13 know, what you can hear me do. Well, with these types
14 of sounds, they actually -- it goes all the way down
15 into the low frequency range then into the upper side
16 range, and you actually physically have to model what
17 Ms. Pellerin, and it's in her report, model well down
18 into the low frequency range, about 30 hertz. So it
19 does encompass all the sound you can hear. The
20 reality is the panels don't make noise. Most things
21 in the project don't make noise, but what makes noise
22 are the inverters and transformers. And it -- and,
23 honestly, it -- again, if I stop talking it sounds
24 like that. It's a -- it's a humming noise. It is

1 more in the low frequency, okay. And as you get very
2 quickly from -- you move from standing right -- if
3 you've ever stood beside a transformer or by an
4 inverter, as move away, you know, a couple hundred
5 feet you can't hear it anymore or it becomes very
6 quiet or more at a distant hum.

7 The substation's going to be the loudest
8 component of noise that will be operating 24/7, right,
9 on this project. When the sun goes down the inverters
10 are not making the noise. They're not getting fit on
11 energy, but, again, so under you IPCB regulations you
12 can't -- you view this octave band analysis but can't
13 have more anymore than 47 decibels of sound from the
14 solar project and that's what we saw when you look at
15 the individual houses with the few homes in the area,
16 they're all well below the ICP -- IPCB limits, and
17 those limits were for nighttime. So we have nighttime
18 limits and daytime limits. Ms. Pellerin actually
19 applied the nighttime limits. Even though it's a
20 solar project, for the most part we're not going to be
21 having the same level of movement as generated at
22 night so those limits are universal for all the
23 different types of noise we're getting in Illinois
24 here, very protective and they're meant to protect

1 very specifically for public health. Getting a good
2 night sleep, and it's not being facetious. You all
3 know that we've all had a couple of nights where you
4 just can't sleep, you go through that insomnia,
5 something's bothering you and you can't sleep and you
6 feel like crap, well, imagine if that was for 30
7 years. That's why we're avoiding, that's why Illinois
8 has that low sound level so that we're not disturbing
9 people's sleep, we're not disturbing people when
10 they're in yards and stuff. And so ultimately when
11 you go to the next slide, again, you have the noise
12 regulations and there's two that come into -- into
13 play from your ordinance. The first is is that you
14 must comply with the IPCB noise levels, and, as I
15 said, Ms. Pellerin showed you that, that's in the
16 report, it's on record. Loudest level you'll have is
17 up to 47 decibels, but the other one also in your
18 ordinance which I think is good and then Mural did
19 design the project so that is making sure we're
20 practical that you've got noise producing equipment,
21 the inverters in the interior of the project. I'll
22 tell you right now there are some solar projects that
23 are poorly designed, not so much these days but back
24 in the day, but where they put the inverter right

1 beside your grandma's house and I think Mr. MaRous was
2 explaining that, you know, those -- some were 50 feet,
3 25 feet from people's homes. If you put an inverter
4 right beside somebody's home like that, that's not
5 cool, right, that is -- that -- that doesn't bowed
6 well. So the way that the project's designed meets
7 your ordinance.

8 Again, you're going to have some noise within
9 the construction phase at various times but ultimately
10 the noise level will not impact public health or
11 safety of your residence.

12 The last thing I want to touch on is fire,
13 okay, and often this will come up as well and your
14 code does, your ordinance does cover fire. Emergency
15 response plan which is filed as part of this project
16 and will be updated. I know that Mural Solar has been
17 in contact with the local fire districts in order to
18 discuss the project and any other proposed projects
19 moving forward and the commitment is there to make
20 sure and it's on all solar projects is that prior to
21 construction and then after construction the
22 construction manager will meet with the -- the local
23 fire chief and the -- which I understand is mostly
24 voluntary fire, if I understand in your county like it

1 is in most rural areas, they'll meet with them,
2 they'll walk through what's going to happen, all the
3 different things. The risk of fire to a solar project
4 is not the panels catching fire, like anything else
5 it's the electrical equipment, you have wiring. You
6 can get a -- it's very rare but you can get a fault in
7 the wiring let's say and what catches is typically
8 your grass or whatever's growing underneath the panels
9 themselves. So what you try to avoid if there is a
10 fire, what happens is the fire department is
11 immediately notified, the operations manager, I
12 believe it's Mr. Burns that was here testifying who
13 was their head operations manager for -- for Liberty
14 Power, so what he would do is his person, his local
15 site person would be there on site, they'd meet the
16 fire department, in their remote operating center that
17 they have the monitors at the facility 24/7, but make
18 sure that all the power at the facility's cut, you
19 know how a surge for any water and electrical fire, of
20 course, all the power gets cut, the fire department's
21 already been trained and really what you're asking the
22 fire department -- you're not asking them to save any
23 of the equipment, you're making sure that there's no
24 fire spread in terms of the brush fire or a grass fire

1 which, of course, you folks have all seen in this area
2 when that happens it's not good. So you're containing
3 the fire to the site itself to make sure that's it's
4 all good there. And so that's all covered by the
5 ordinance, and, again, will be continual talking with
6 the fire department to make sure, so I believe -- and
7 the other one that's important to note for this one,
8 we -- you don't have the battery storage facility
9 associated with that. That often raises other issues
10 with the project, but there is no battery storage for
11 this it's just solar project.

12 Q. Dr. Ollson, can you describe for us your
13 overall findings on the solar project, the impacts, if
14 any, on the public health, safety and general welfare?

15 A. Sure. So if we come to the last slide,
16 the conclusion slide there. Again, we can go through
17 all of the different issues. First and foremost I
18 believe that Mural Solar complies with your ordinance
19 requirements which they have to which is good or they
20 shouldn't be here. So that's good.

21 I believe your ordinance requirements are
22 appropriate for protecting public health and safety
23 and as well the State, we add the State level stuff
24 proposed in there. You're not going to have an impact

1 on the public health and the safety.

2 Issues around the impact of glare or sound
3 are not going to pose a public safety threat.

4 And then ultimately, again, incidents of fire
5 at the solar projects are very rare and if it was to
6 occur your fire department will be properly trained.
7 And so I believe overall that Mural Solar will be safe
8 for residents of Vermilion County.

9 Q. Okay.

10 MS. KENNEDY: I have nothing further.

11 MR. KAINS: Very good. Thank you,
12 Ms. Kennedy. And thank you, Dr. Ollson.

13 Questions for Dr. Ollson first from members
14 of the Vermilion County Wind and Solar Committee?

15 MR. PUZEY: How do you spell milligauss?

16 THE WITNESS: Pardon me?

17 MR. PUZEY: How do you spell milligauss?

18 THE WITNESS: Oh, milligauss, yeah, it's
19 M-I-L-L-I, and then it's, G-U-A-S-S.

20 MR. PUZEY: Okay. Thank you.

21 THE WITNESS: No problem.

22 MR. PUZEY: How many gauss in a
23 milligauss?

24 THE WITNESS: A thousand.

1 MR. PUZEY: A thousand milligauss would
2 make that a gauss, right?

3 THE WITNESS: Yes.

4 MR. PUZEY: Okay.

5 MR. KAINS: Any other questions from the
6 committee?

7 Mr. Chairman.

8 MR. FOUREZ: Just kind of a point of
9 clarification cause I'm looking at the page that's
10 titled Mural Solar Project Glare Analysis and quotes
11 the county ordinance. And it says Tetra Tech says
12 there are no adjacent highways at the project area so
13 there's no glare impact. And yet off the top of my
14 head there are four township roads that will have
15 solar panels on at least one side of them and the main
16 county highway to the southwest corner of the county
17 will have solar panels on both sides which makes me
18 question when I see a blank blunt statement like that,
19 if that's the finding then it makes me question the
20 validity of the rest of the findings in this -- in
21 this report because there are highways that are county
22 roads along either side -- either or both sides of
23 where this goes through.

24 So how do you -- how do you rectify that

1 statement with the fact that there are roads these
2 panels are sitting alongside?

3 THE WITNESS: Yes, certainly,
4 Mr. Chairman, I can appreciate your concern there.
5 I -- certainly the -- what I can say is, and, again,
6 without, you know, seeing the site plan right here in
7 front of me, if -- if there is a highway running in
8 the south portion I believe, and you live here, what I
9 can say to you that for that highway does not have any
10 glare on it. So there is no glare to that highway.
11 It is 400 North -- or 4- -- which is the road, sorry,
12 I just want to make sure I get the road right, 400
13 North Road is the one that will have the glare on it,
14 so not being a highway, so what I was trying to get at
15 is that there won't be any glare on the highways
16 themselves at all which is part of your ordinance, and
17 then 400 North Road there is some glare on that, it's
18 not a highway it is a county road, but still we did
19 want to make sure that we're not just going to not do
20 a glare analysis for that area --

21 MR. FOUREZ: Yeah, I know you went
22 through that --

23 THE WITNESS: Yeah.

24 MR. FOUREZ: -- just the way that it's

1 worded says there are no adjacent highways, therefore,
2 no glare. The way this is worded which gives me some
3 real credibility issues.

4 THE WITNESS: And, Mr. Chair, I'll be
5 happy to correct that. So I'm happy to correct that
6 to make sure that on the final slide that it says
7 there's no -- no glare will be on any highway where
8 you have panels adjacent to. So happy to correct that
9 on the slide itself.

10 MR. FOUREZ: Okay.

11 MR. KEYT: Can I clarify something.

12 MR. KAINS: Yes. Go ahead, Mr. Keyt.

13 MR. KEYT: Mr. Ollson, I -- I -- I want
14 to make sure that I understand what you're saying
15 because it dovetails what the Chair is asking you.

16 Are -- are you saying that there's no
17 adjacent highways because you don't define those roads
18 as highways?

19 THE WITNESS: That -- that's correct.

20 MR. KEYT: Okay.

21 THE WITNESS: So I -- I believe that --
22 and, again, subject to check, I will do that at the
23 break to make sure, if there's, you know, a designated
24 highway that crosses through the project then we will

1 make sure that that is all correct.

2 MR. KEYT: Well, let me -- let me pause
3 you for second. Are you familiar with how the
4 Illinois Vehicle Code defines highways?

5 THE WITNESS: I am not off the top of my
6 head but I certainly can get --

7 MR. KEYT: Okay.

8 THE WITNESS: -- I can it. I mean, I
9 can pull it up on Google or if you have it.

10 MR. KEYT: Well, I'll -- let me read --
11 let me read it to you because I think that changes
12 what -- well, let me just read it to you cause I think
13 that will change what you're -- what you're looking
14 at, because the way the Illinois Vehicle Code defines
15 a highway is it means the entire width between the
16 boundary of lines of every way publically maintained
17 when any part thereof is opened to the use of the
18 public for purposes of vehicle traffic.

19 THE WITNESS: Okay.

20 MR. KEYT: So that would include --

21 THE WITNESS: That would include --

22 MR. KEYT: -- any road --

23 THE WITNESS: That would include the
24 county roads then, yes.

1 MR. KEYT: There are other definitions
2 that the Vehicle Code uses for things like interstate
3 highways. Control Act says highway or toll roads.

4 THE WITNESS: Right.

5 MR. KEYT: I just want to make sure that
6 you understand that I think what the Chair is getting
7 to, there are -- there are roads which under the
8 Vehicle Code would be a highway.

9 THE WITNESS: Yes.

10 MR. KEYT: So that's why when -- when it
11 says there are no adjacent highways I think that's
12 what you want to correct.

13 THE WITNESS: Absolutely. I think what
14 the confusion there was interstate highway versus
15 let's just say a highway for purposes of road travel.
16 So we will do that and correct the slide.

17 MR. KEYT: Okay.

18 THE WITNESS: Absolutely.

19 MR. KEYT: Thank you.

20 THE WITNESS: Thank you.

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

22 Any other questions from the committee for
23 Dr. Ollson? Very good.

24 Questions for Dr. Ollson from members of

1 units of local government, including the Vermilion
2 County Board and school districts?

3 Questions from members of the public opposed
4 to the application or neutral of the application?

5 Mr. Cronkhite.

6 MR. CRONKHITE: Mr. Ollson, this is near
7 and dear to my heart, something that I make a living
8 at when it comes to EMF's so we're going to do some
9 educating for these folks as we have our conversation
10 here.

11 THE WITNESS: Certainly, sir.

12 MR. CRONKHITE: All right. Are you
13 aware that the linemen have life -- and also miners
14 have a life expectancy of 55 years of age?

15 THE WITNESS: I believe give or take.

16 MR. CRONKHITE: Approximately?

17 THE WITNESS: Yeah. That stat has
18 actually increased over the years. I think your
19 stat's a little bit older now than it used to be for
20 linemen certainly. The miners, I mean, it's
21 different, depends on the type of mining. If you're a
22 coal miner the life expectancy is going to --
23 certainly a coal miner the life expectancy is to be
24 shorter. These days the public health and safety and

1 occupational health and safety codes that -- that
2 number's no longer valid.

3 MR. CRONKHITE: Are you -- do you
4 realize that the vast majority of those numbers do not
5 involve any kind of workplace related illness?

6 THE WITNESS: Well, I mean, it -- again,
7 that's very complicated. If we get into the
8 epidemiology and the -- the -- and each individual,
9 you know, workplace or occupation and they do vary by
10 occupation for sure.

11 MR. CRONKHITE: Well, I agree if you're
12 a lineman and whether you're either a lineman or
13 miner.

14 THE WITNESS: Well, if you're a lineman,
15 I mean, again, there's so many different types of
16 linemen. There's --

17 MR. CRONKHITE: Coal miner?

18 THE WITNESS: Coal miner. Coal miner,
19 sure. If you want to do coal miner, yeah. I mean,
20 again, there are now occupational health and safety
21 rules that have been put in place in recent years from
22 an exposure standpoint, from the chemical exposure,
23 black lung and that, it's not -- it's prevalent as it
24 use to be prior to those things coming in. There's

1 other issues around, things like, you know, safety
2 risks of, you know, collapse and the like. As a
3 lineman your single biggest risk as a lineman is
4 electrocution.

5 MR. CRONKHITE: No, it's not.

6 THE WITNESS: Okay. Well, we'll have to
7 agree to disagree then.

8 MR. CRONKHITE: Show me the data on
9 that, please. Show us the data on that.

10 Okay. Your impact of -- so what frequencies
11 does 5G in microwaves operate at in our microwaves?

12 THE WITNESS: That's the same frequency
13 as everything else we plug in here, right at 16 hertz.

14 MR. CRONKHITE: No. No. No. What do
15 they generate? What is -- what do they generate?

16 THE WITNESS: They generate electro and
17 magnetic fields.

18 MR. CRONKHITE: Right. At what
19 frequency?

20 THE WITNESS: It's a c cycle hertz.

21 MR. CRONKHITE: No. No. That's a power
22 supply.

23 THE WITNESS: When we're dealing with AC
24 current, right, the EMF in the fields are what we call

1 in this case, they're not static, that would be DC,
2 they are time variant electric magnetic fields.

3 MR. CRONKHITE: And what's the frequency
4 of its generating --

5 MR. KAINS: Gentlemen, I'm going to have
6 to ask that you ask a question. Dr. Ollson, give him
7 a chance to ask it. Then when Dr. Ollson's answering,
8 give him a chance to answer. Because our court
9 reporter has to take all this down and she's doing an
10 amazing job, guys, and trying to get this all on the
11 record so it can be of record when it goes to the
12 Vermilion County Board for them to read all of this
13 testimony it has to be clear so, all right.

14 Now, I think, Mr. Cronkhite, do you remember
15 your question?

16 MR. CRONKHITE: Oh, yeah, yeah. What is
17 the -- what is the frequency being generated by 5G in
18 microwave ovens?

19 THE WITNESS: So 5G has -- has nothing
20 to do with a solar project. 5G is different, sir.
21 That's -- you're talking about the issues around cell
22 phone. In terms of the microwave oven it is on 60
23 hertz frequency being generated because it's
24 electricity. Just like the light plugged in here,

1 just like all the lights on in the building. So
2 that's my answer to that.

3 MR. CRONKHITE: Okay. If -- if I could
4 qualify this question. Microwave ovens generate 2.4
5 gigahertz frequencies. That's what makes your foods
6 hot. It is a frequency of 2.4 billion times a second.
7 5G towers generate 2.5 gigahertz and go up from there.
8 That is the frequency being generated by these
9 devices. And this is -- this really sets the stage
10 for what's going to help everybody understand here.

11 The impact of that 60 hertz field -- do these
12 panels that are going in, do they have forever
13 chemicals in them?

14 THE WITNESS: So now we're switching to
15 a different topic, and, yes.

16 MR. CRONKHITE: What --

17 THE WITNESS: -- so what -- what
18 answer -- what I would answer there is the slide which
19 the committee here titled metals and PFAS. So
20 substances are in solar panels, so the answer is yes.

21 MR. CRONKHITE: Okay. Safety data
22 sheets. Virtually any kind of equipment, especially
23 in government, when the government buys experiments or
24 a truck or I don't care what it is, piece of

1 equipment, there's always a safety data sheet that
2 comes along with that that tells you the safety
3 characteristics of that device. Is there any kind of
4 safety data sheet available for solar panels?

5 THE WITNESS: There is.

6 MR. CRONKHITE: Okay. All right. EMF
7 power, okay, now getting back to the EMF stuff here.
8 Are you aware that the National Institutes of Health
9 have information on mind influencing associated with
10 EMF frequencies?

11 THE WITNESS: Sorry. Could you repeat
12 that last bit.

13 MR. CRONKHITE: Are you aware that the
14 National Institutes of Health, the federal website for
15 health has pages on it as information about the
16 effects the mind controlled effects of EMF radiation?

17 THE WITNESS: So what I can say, sir,
18 let me qualify this first. I have testified in
19 numerous court appearances as well as State health
20 appearances and county appearances on potential
21 impacts of EMF to people as well as animals. What I
22 would say is that there is a lot of misinformation, I
23 don't know what specifically you're talking about on
24 the NIH website, but what I can tell you and one of

1 the things that, you know, put on here is that when we
2 look at all the various, there's over 25,000 papers
3 that have been peer reviewed published on EMF exposure
4 to the public, and what we see is time and again that
5 if you look at the -- if you look at the National
6 Cancer Institute, if you look at World Health
7 Organization, if you look at the National Institute
8 for Environmental Health Sciences, under the CBC all
9 of which included there are not undue health effects
10 for living in the areas proximately to high levels of
11 EMF and that's where I referred to the guideline of
12 2,000 milligauss of exposure prior to getting anything
13 near a HeartLink citation or anything else. So the
14 levels that we're exposed to, whether it's from a
15 solar project, whether it's from your microwave,
16 whether it's right here in the room are -- or even
17 living right in the proximity to a very high voltage
18 transmission line are far below standards that elicit
19 health effects. There is a numbers issue right there
20 on the internet where people, you know, have all sorts
21 of claims. I'm happy to share additional --

22 MR. CRONKHITE: So all of these
23 international and national and local health agencies
24 would tell us if there was something negative involved

1 in this?

2 THE WITNESS: So the reality is the --
3 first of all, again 25,000 peer reviewed --
4 independent peer reviewed published articles over the
5 last 50 years in the field. All of these independent
6 health agencies, whether it's the world health
7 organization or the largest studies ever undertaken
8 was here in the U.S., and it's referenced on the slide
9 there in the late 1990's looking at multiple positions
10 of epidemiologist experts in the field, looking at all
11 of that we have scientific evidence to come to the
12 conclusions as to what they build are the potential
13 health risks of EMF. Every one of those medical
14 agencies from around the world have come to very
15 similar if not the same conclusions. So there's no
16 collusion amongst the scientific community in order
17 to hide -- actually you've got -- we're exposed to EMF
18 every day in our lives. So it's very well studied and
19 we are protected from the levels. Certainly a solar
20 project, again, the very fact a solar project, very
21 little levels of EMF being generated by the wiring and
22 then the inverters and the transformers, by the time
23 you get to the fence line you're at the levels that
24 are well within backgrounds. Here, on the site itself

1 here, you know, even if you're standing beside the
2 inverter you're still only in about 100 milligauss
3 range.

4 MR. CRONKHITE: EMF's -- and you are
5 absolutely correct, EMF's we are in that all the time,
6 it's everywhere, it is not the EMF that's the issue,
7 it's the frequency within it, that's why linemen and
8 miners die at such a young age. If you're exposed to
9 60 hertz frequencies at 20 -- or at extended periods
10 of time, especially the gauss is the amount of energy
11 that's there, yes, that's a given. The EMF field
12 though, it is what is in that EMF field going to be
13 the determining factor. That's why -- that's why you
14 have like, for instance, the FDA. The FDA authorizes
15 the use of EMF fields with specific frequencies to
16 resolve depression, to heel bone, to do a number of
17 things. Now, just -- so --

18 THE WITNESS: Okay.

19 MR. CRONKHITE: Those are --

20 MS. KENNEDY: I'm going to make an
21 objection.

22 MR. KAINS: Okay. We have an objection.
23 Counsel, what is your objection?

24 MS. KENNEDY: It's not a question. It's

1 an argument.

2 MR. CRONKHITE: I -- that's an
3 objection. You're right. I -- I apologize.

4 MR. KAINS: Mr. Cronkhite.

5 MR. CRONKHITE: One last question.

6 MR. KAINS: I need -- Mr. Cronkhite, I
7 need to rule on the objection before you can ask
8 another question. That's just how this procedure
9 goes. You're doing fine. You're doing fine.

10 Okay. Counsel's objection is that it's not a
11 question. That's a good point. I do allow people to
12 make a statement as long as it's something that is in
13 preparation for a question coming. So what I'm going
14 to do is I'm going to overrule the objection. I'm
15 going to allow Mr. Cronkhite to ask another question.
16 Did you say you have one more? Well, one more often
17 begins a couple more. So I'll give you that,
18 Mr. Cronkhite.

19 MR. CRONKHITE: All right.

20 MR. KAINS: So go ahead and phrase it as
21 a question for Dr. Ollson if you could, please.

22 MR. CRONKHITE: You made a statement
23 that there is no noise, but isn't everything sound?
24 Isn't steel nothing more than concentrated sound?

1 Glass. That's why that soprano can hit the high note
2 at a specific frequency and shatter the glass.

3 THE WITNESS: So I did not say that
4 there was no sound.

5 MR. CRONKHITE: No, you said --

6 THE WITNESS: What I -- what I -- sir,
7 if you could give me a second. What I said was in two
8 slides that I actually provided to the committee and,
9 you know, happy to share my copy with you, what I said
10 was there will be sound coming specifically from the
11 inverters and the transformers during the operation of
12 the project. That -- Ms. Pellerin was here last time,
13 the acoustical engineer who did the sound part of the
14 report which is publically to review, that the sound
15 levels will meet the Illinois Pollution Control Board
16 sound limits which include low frequency noise and for
17 sound and octave noise. So the project will produce
18 noise, it will be at a level that certainly will be
19 within the State level requirements which is also then
20 protective of health.

21 MR. CRONKHITE: This -- that's it.

22 Thank you.

23 MR. KAINS: Very good. Thank you,
24 Mr. Cronkhite.

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Ms. Miller.

MS. MILLER: Two different issues.

THE WITNESS: Okay.

MS. MILLER: I was going to ask you about, first one sound, did I hear you say that at night it will be quiet?

THE WITNESS: Yes. So from solar projects typically if we took the substation out of there, right, so just the solar project itself, what happens is you've got the energy going to panels from the sunlight running down the wires towards called an inverter. An inverter is basically and, unfortunately we don't have a picture up here --

MS. MILLER: I --

THE WITNESS: -- they're, you know, give or take about my height, about 6 feet wide, couple feet and then -- so in that inverter it makes a humming noise as the electricity goes. What it does is it takes what is direct current electricity that comes from the panels and what it's called inverts and it inverts then to AC or alternating current which will be used in your house or what goes on the line, those inverters do create sound. When the sun goes down there's no electricity running to -- through the

1 wires to the inverter so the inverter is very quiet.
2 There may be a little residual noise but it does
3 not -- the noise created during that inversion to the
4 panels. So for most solar projects -- or for solar
5 projects once the sun goes down there's very little to
6 any noise. That said, this project also includes a
7 substation and other influence to it as well.

8 Substation is like transformers at the substation,
9 they will operate throughout the night. So if you're
10 near the substation there's actually -- a substation
11 was specifically designed to be away from homes as
12 well as just the inverters, so that's where it will be
13 a relatively quiet project and certainly at night.

14 MS. MILLER: Okay. So would it be safe
15 to say that one of the selling points is that it would
16 be quiet at nighttime?

17 THE WITNESS: I think that, you know,
18 certainly for solar projects when it comes
19 specifically to noise they are different than, for
20 example, from a wind project where, yes, at nighttime,
21 even during the day for the most part when you're
22 around a solar project you're not going to hear it.
23 We are making sure that those people who live closest
24 to the solar project that they are going to have very

1 little levels of noise underneath the Illinois
2 Pollution Control and Board Standards. But, yes, at
3 nighttime that sound will go away almost entirely.
4 But I don't want to say you'll never hear it at
5 nighttime, but for the most part it's --

6 MS. MILLER: And I understand this is a
7 solar hearing, you know, but in the beginning page of
8 this it mentions that this is part of combined wind
9 and solar project, so, therefore, I'm like -- so it's
10 okay to have it -- it's good to have it quiet at night
11 from solar, but it's okay to listen to it all 24/7
12 from turbines.

13 THE WITNESS: Okay. As --

14 MS. MILLER: That -- that part is like,
15 I can't get this in my head, and so I'm trying to get
16 some clarification on this if -- if this is, indeed, a
17 wind and solar project which is stated on page 1.

18 THE WITNESS: Sure. And, Mr. Chair, if
19 you -- I'll go a little bit into the wind but I won't
20 go too far there because of the hearing, if that -- if
21 that is acceptable or...

22 MS. KENNEDY: I'll just make an
23 objection. We're here just squarely on a solar
24 project.

1 the concern about sound, if you'd like, but I can
2 bring out why that would be the case specifically to
3 the solar, if that works?

4 MR. KAINS: Yeah. Dr. Ollson, I don't
5 want to hear your qualifications on wind versus solar.
6 I believe based upon your testimony you're qualified
7 with respect to health and safety and with respect to
8 the issue of sound. So if you could, please, address
9 the sound issue and with respect to solar, and you can
10 touch on Ms. Miller's question with respect to the
11 wind farm. But let's -- let's keep it to just a
12 minute or two on this discussion.

13 THE WITNESS: Certainly. So -- and
14 you're right in the application it does say that this
15 potentially as part of the integrated solar and wind
16 project. So if both were let's say to be approved
17 then there would be an integration reason. I had said
18 that there -- it would not be entirely quiet at night
19 on the solar project is my understanding and be
20 subject to whatever their application would be for
21 wind is that the wind project and the solar would
22 share the same substation. And if that was the case
23 then the substation would be operating potentially at
24 night because of the wind farm. So you would have no

1 issue with the substation during that operation. So
2 if it was a solar farm, it's solely a solar farm then
3 you -- you're going to have less level of noise. But
4 ultimately whether it's a wind project winter months
5 also have to meet the Illinois Pollution Control
6 Board's standard for sound. So they have to meet 47
7 decibels or less here in Illinois, that's a
8 requirement, and anything that the company does file
9 in the application you will be able to see what the
10 predicted sound levels would be for the wind project
11 at the peoples individual homes. So it would still be
12 well below the level of concern where they would be
13 able to build the project.

14 MS. MILLER: Okay. My other question
15 has to do with the glare. And I'm confused. Is the
16 800, I believe goes east and west and 400 goes north
17 and south, am I correct?

18 THE WITNESS: Yes. So the glare
19 specifically -- so unfortunately because it wasn't up
20 on the screen -- let me just pull up the slide here.

21 MS. MILLER: So is the glare going to be
22 on the east and west road or the north and south road?

23 THE WITNESS: So for cars that are --
24 for a car sitting at 5 feet with their eye level at 5

1 feet, if anybody who would be driving a transport
2 truck or a piece of farm equipment at 9 feet high
3 there's some potential for glare at 400 East Road, a
4 small portion at 400 East Road.

5 MS. MILLER: That's north and south?

6 THE WITNESS: That's north and south,
7 yes. So that's just at the very north part of where
8 the array is. The other -- so that's specific to
9 those. If you're driving a 15 -- if you're driving a
10 15 foot high piece of farm equipment which in my
11 experience would typically have to be something like a
12 very large ground sprayer, it's hard to get up that
13 high a piece of equipment, there's a potential at the
14 corner of 800 North Road and 600 East Road. So where
15 that intersection is on the 800 North Road and 600
16 East Road there would be some potential for glare very
17 few minutes a year at sunrise and sunset in the
18 summertime if you -- only if you were in a 1,500 -- or
19 15 foot vehicles.

20 MS. MILLER: Okay.

21 THE WITNESS: So there are two
22 different --

23 MS. MILLER: I'm trying to get this in a
24 my head cause I come from out west. Have you ever

1 been out west on a sunny day and had to drive looking
2 directly into the sun?

3 THE WITNESS: Absolutely.

4 MS. MILLER: Can you compare what this
5 is going to be like to that.

6 THE WITNESS: Sure. And, again, here,
7 you know what, Mr. Chair, if it's okay I'm going to
8 just pass her my slide deck here so that she can have
9 that. So here is what I was taking the committee
10 through and what I -- committee members, I've just
11 passed over the slide that goes along the drive, the
12 glare, so what you'd see, ma'am, when you're saying --
13 ma'am, when you're driving directly into the sun and,
14 you know --

15 MS. MILLER: You can't see anything.

16 THE WITNESS: You can't see anything.
17 That's at the very top of that thermometer there. So
18 it is intense and that's why you should -- we -- there
19 are thousands of accidents a year in this country
20 because of that issue. So it is real, it's a real
21 issue. And that -- when you stare at the sun, when
22 you can't get the visor over and you don't have
23 sunglasses on then it can cause you that temporary
24 blindness and it's not good. If you look down the

1 scale, this is a relative scale, okay, if you come
2 down to the PV solar panels, that's the glare
3 intensity that we're talking about from the solar
4 panels. So it's only at a two percent of what you get
5 from looking into the sun. It's closer to the glare
6 that we get off of water. When you're driving -- if
7 you have ever been driving around and there's a lake
8 or a river or a stream and you get glare off of that,
9 it's about the same as that and it's less than what
10 the glare that you would have off of snow. So when
11 the fields get snow filled here and it should have
12 been by now but in a couple weeks, but, yeah, the
13 glare off the snow is more intense than that. So
14 that's why I was saying that it was acceptable. To
15 have that level of glare for a very short period of
16 time and it won't distract the drivers or blinds the
17 drivers and cause accidents.

18 MS. MILLER: Okay. But now one more
19 direction of this, but I believe all of these are rock
20 roads, correct? I don't believe there are any tar,
21 oil and chip. I think they're all rock roads.

22 THE WITNESS: I -- I -- subject to check
23 I believe 400 is -- is paved.

24 MS. MILLER: If 400 is the North and

1 South then it's rock road.

2 MR. PUZEY: That's a rock road.

3 THE WITNESS: Is it rock road? Okay.

4 MR. PUZEY: 600 is paved.

5 THE WITNESS: 600's paved. Sorry.

6 Thank you. So 400, yes, that's a rock road.

7 MS. MILLER: So with all these safety
8 checks, if we're having a dry spell and there's times
9 on a rock road when you're following a vehicle and you
10 cannot see anything so then if we have the solar glare
11 there, that's one thing on B. These panels block the
12 air flow, the air flow from helping to clear the
13 roadway. So what's the effects these panels are going
14 to have on making driving even more hazardous?

15 THE WITNESS: Yes. And certainly I'll
16 take the panels and air flow question first. You're
17 not going to have interrupted air flow driving on a
18 rock road. I know exactly what you mean, yes. But
19 when you're trying to follow a pickup truck --

20 MS. MILLER: But you can go by a
21 hedge -- a row of hedge trees --

22 THE WITNESS: Yeah.

23 MS. MILLER: -- and it doesn't --
24 doesn't clear out.

1 THE WITNESS: Right. And so --
2 so then -- and, so, yeah, it's different than that.
3 That's where I was going to go, right. We've got the
4 panels relatively low to the ground, they're going to
5 be angled, they're not going to impede the airflow a
6 lot and they're going to be set back from the roadway
7 itself. So you shouldn't have impediment of that.
8 And we all know when you're driving down a rock road
9 in rural areas you gotta stay farther back from that
10 pickup that's ahead of you or you're not going to be
11 able to see. If you were within that area of the dust
12 coming up and in your windshield you're not going to
13 see, you're not -- you're actually not going to see
14 the glare at all because it's that dust going to
15 interrupt the glare from the panels and your abilities
16 to see the glare. So you're not -- it's not imposing
17 you or ways it would be any different than driving
18 down that rock road during that time.

19 MS. MILLER: Okay. Thank you. Do you
20 want this back?

21 THE WITNESS: No. You -- well, why
22 don't you just leave it there on the table in case
23 somebody else wants to come up.

24 MS. MILLER: Okay.

1 THE WITNESS: Thank you.

2 MR. KAINS: Thank you, Ms. Miller.

3 Any other questions from the general public
4 for Dr. Ollson?

5 Mr. Puzey.

6 MR. RUSS PUZEY: You stated earlier in
7 your presentation that the pilings were -- of noise
8 pilings would be driven in eight feet deep; is that
9 correct?

10 THE WITNESS: Give or -- it depends on
11 the project. I'm not entirely sure for this one, but
12 it's usually give or take around eight feet that the
13 pile will be in the facility -- it's not going into
14 bed rock or anything.

15 MR. RUSS PUZEY: Okay. I realize this
16 isn't what you're -- you're talking about right now.
17 But we were told before it was going to be four feet
18 or maybe five feet.

19 THE WITNESS: Well, if that's what is on
20 the record then it is four feet or five feet.
21 Whatever's in the application.

22 MR. RUSS PUZEY: Okay.

23 THE WITNESS: Every project's a little
24 bit different and then they bring in their chief

1 technical engineers --

2 MR. RUSS PUZEY: Okay.

3 THE WITNESS: So, yeah, I apologize --

4 MR. RUSS PUZEY: Next --

5 MR. KAINS: One at time. One at a time,
6 please. Dr. Ollson was answering the questions. So
7 when he's done with the question then you can ask your
8 next one, all right. Thank you, guys.

9 MR. RUSS PUZEY: On the heat island
10 effect you said vary couple degrees. The studies from
11 universities I read showed that it could be five to
12 seven degrees on the larger installations.

13 THE WITNESS: Yeah, it depends. Some of
14 those older studies, not bad literature, but the
15 older -- but those were done in the desert typically,
16 thinking of the ones you're thinking of there was some
17 studies that were done in desert conditions, I believe
18 it was either Nevada or Arizona, and what they saw
19 with some of those older panels that didn't absorb as
20 much light as the newer ones did you could have five,
21 six degree temperature change, but, again, it was
22 immediately above the panels, it's not at the edge of
23 panels, the damage being further out, but, yes, it --
24 the older panels did have -- potentially have a little

1 bit higher temperature change.

2 MR. RUSS PUZEY: Okay. And I thought
3 that they did say that they would effect the area
4 around it some, and I didn't know if your analysis, it
5 included any effect on the wildlife at the quarry
6 since it's grounded on the south, southwest,
7 southeast?

8 THE WITNESS: So certainly we haven't
9 seen -- if you go into the fence line, where I can
10 tell if you go to the fence line of this project and
11 given the distance back you need to be from
12 neighboring property lines which is a minimum between
13 50 feet from any State record and everything else,
14 when you get to that distance you're not going to be
15 able to measure a temperature differential from the
16 project line. So it would not impact any wildlife at
17 the quarry.

18 You can see in terms of solar projects
19 themselves, if anything the challenge is to keep the
20 grass cut underneath and the native vegetation they're
21 using sheep or your mowing. So we're not seeing a
22 change in production. We certainly don't see that --
23 I've never seen it in terms of any crop production in
24 the neighboring field or any wildlife being impacted

1 from that specific issue.

2 MR. RUSS PUZEY: Okay. Thanks.

3 MR. KAINS: Very good. Thank you,
4 Mr. Puzey.

5 Any other questions from the general public
6 for Dr. Ollson? Yes, please come forward.

7 Good afternoon. Could you please state your
8 name spelling first and last names for the record.

9 MS. MADDOX: Britta Maddox, B-R-I-T-T-A,
10 M-A-D-D-O-X.

11 MR. KAINS: Very good, Ms. Maddox. You
12 may ask questions of Dr. Ollson.

13 MS. MADDOX: You had mentioned some
14 risks of fire and that you would be meeting with local
15 fire districts to help facilitate whatever you would
16 need to know to be able to put out a fire for your
17 facility. Will that be something that they have to
18 incur extra expense in order to have more necessary to
19 put those fires out?

20 THE WITNESS: Yeah, that's certainly
21 on point. It's a great question. They're not on the
22 slides. The -- the first thing is that no. So the --
23 the company is required then both by ordinance but it
24 is standard practice for all solar companies where the

1 construction manager and then operations manager will
2 meet with the fire department, they'll go through --
3 typically they'll do a drill, they'll walk around the
4 sites and they'll know where everything is, just what
5 an inverter is, these are the panels right here. What
6 occurs in a fire like this, as I was saying like any
7 sort of substation or anything else is the power gets
8 immediately cut to the facilities so there's no then
9 live power to the facility. In a fire no specialized
10 equipment is needed. It -- say it's -- essentially
11 it's fighting a grass fire and that's what they're
12 trying to do. So that the fire department would
13 typically -- usually into the emergency response plan
14 that they would be then worked with in this case
15 Sidell Fire District will work with the fire chief,
16 they will come up with a plan and then essentially
17 what they're doing is trying to make sure that no
18 grass fire then starts and spreads and moves off,
19 contain part of the facility there. They're not asked
20 to save any part of the equipment. If you have a very
21 hot burning grass fire let's say underneath the
22 panels, the panels cannot (unintelligible) because
23 there's some glass there, it has to be sustained, and
24 usually these things are relatively quickly put out.

1 Sparks, if you get a grass fire, you -- it has to be
2 dry. Of course, if you're in the summer conditions,
3 so it's dry, the fire's put out just with water.
4 There's no specialized equipment or anything else
5 needed. And then any expense for the fire department
6 or any highly unlikely event a fire was to occur is
7 then warranted by the company itself. So there's no
8 expense to the county, there's no expense to the fire
9 departments, and in my experience the fire
10 departments, you know, they do all sorts of different
11 types of training depending on what type of
12 infrastructure that's in their community just to make
13 sure they're aware. If there's a fertilizer plant or
14 fertilizer storage they'll often go just to make sure
15 what it is that they're in the unlikely event that
16 something happens. They're not blocking them.
17 They're the other thing is the operations manager
18 would be there on the scene.

19 MS. MADDIX: My other question would be
20 do you have a water source right at your facility?

21 THE WITNESS: That would have to be one
22 for the developer really. Usually -- what I would
23 speak to that is that would be part of the training
24 and discussions with the local fire department to make

1 sure that, you know, they understand where is a
2 readily source of water, where -- you know -- so I --
3 I just can't speak specifically to this one. That
4 would all be part of the design during construction
5 and operations to work with the local fire district to
6 make sure that there is a ready access to find the
7 water however that would have to be.

8 MS. MADDUX: Cause it is rural as you've
9 all described, remote, not lot of houses around so if
10 a fire gets started it could be -- you know, are there
11 sensors to indicate that you're having a fire?

12 THE WITNESS: Yeah. So the equipment
13 itself, things like the inverters and the
14 transformers, if that was to indicate, yes, that there
15 is -- they have -- the facility is monitored 24 hours
16 a day 7 days a week remotely and then you have the
17 operations manager who will be there daily who will be
18 in the area and typically lives fairly close, like, I
19 couldn't tell you where they're going to live because
20 they haven't hired them yet, but then what will occur,
21 then if a fire was to start that's exactly the -- the
22 remote operations center usually calls 911 first and
23 all of these things will be laid out in the plan, very
24 detailed and worked with the fire chief and they --

1 they'll usually call the fire department and the site
2 manager at the same time. All right. So the 911 call
3 goes out, they know where the fire is going, the local
4 manager gets there, they're cutting the power,
5 everybody gets to the fire, and, yeah, that's the key,
6 as you say, wildfires can spread very quickly, and
7 that's why we -- it is important that, you know, we
8 get there in a relatively short period of time.

9 MS. MADDOX: And my understanding from
10 you was then that if a neighboring field that wasn't
11 signed up for solar, that would be covered by the
12 company if they would incur any damage from the fire
13 that started on the solar panels?

14 THE WITNESS: Yeah, I'll speak in
15 general and if --

16 MS. KENNEDY: I'm going to object to
17 that. It calls for a legal conclusion.

18 MR. KAINS: Yeah, I'm going to sustain
19 the objection cause I think it does call for a legal
20 conclusion. But at the conclusion of this question
21 and answer session I am going to ask you for some
22 specifics to help us understand some of the things
23 that Ms. Maddox has been asking with respect to water
24 source.

1 MS. KENNEDY: Sure.

2 MR. KAINS: So, anyway, I'm going to
3 sustain the objection. So you can ask another
4 question.

5 MS. MADDOX: My last question, or not
6 really a question, but I'm more just back to the
7 water. You know, we had a shed fire and we had
8 multiple fire departments come and they ran out of
9 water. So that's my concern about not having a source
10 on your site. If you don't have access to water, you
11 know, I mean, they were talking about putting drainage
12 into the creek to draw the water and it was --

13 THE WITNESS: Yeah, and again, I'd have
14 to look developer, the conversations of the specific
15 fire chief. There are some rare sites I can speak
16 general. There are some rare sites where I've seen an
17 on source -- on-site water source because there wasn't
18 a hookup or anything anywhere nearby. So it can
19 permanently get -- that's usually the conversation
20 happening with the fire district and the company to
21 make sure that the fire chief and the district is
22 satisfied that they have what they need in the
23 unlikely event of a fire.

24 MS. MADDOX: Okay. Thank you.

1 THE WITNESS: You're welcome.

2 MR. KAINS: Thank you, Ms. Maddox.

3 Ms. Kennedy, where's the water going to come
4 from, if you know? Otherwise, if you need to consult
5 with your client and you can submit that as a written
6 proffer at our next hearing.

7 MS. KENNEDY: My understanding is that
8 there's going to be restrooms and a water source
9 located at the O & M building onsite.

10 MR. KAINS: Okay. And O & M is?

11 MS. KENNEDY: The operations and
12 maintenance building.

13 MR. KAINS: So there will be a building
14 onsite with water?

15 MS. KENNEDY: Correct.

16 MR. KAINS: And that would be used to
17 fight any fire that may --

18 MR. CRIGHTON: Well, there will be water
19 there --

20 MR. KAINS: This is Mr. Crighton.

21 MR. CRIGHTON: There will be water there
22 for the building use but, no, not specifically for --
23 for fire fighting.

24 MR. KAINS: Okay.

1 MR. CRIGHTON: It could be established
2 if -- if we need, but it's not in the current plan.

3 MR. KAINS: Okay. Thank you. I guess I
4 just have one question. This highly unusual cause
5 it's not my job to ask questions. It's my job to keep
6 some semblance of order. Where -- you're a health and
7 safety expert in this field, Dr. Ollson, what is the
8 likelihood of there being a grass fire in and around
9 this particular solar project?

10 THE WITNESS: They're extremely rare
11 events. And really it -- and the reason that they are
12 so rare, and, I mean, we're talking, you know, the --
13 it is highly probable there would never be a fire at
14 this site or any others. The reason why is the codes
15 and standards and practice of hooking up all that
16 electrical equipment are done by professional
17 electricians and electrical engineers, all very well
18 designed. The few fires that have occurred have been
19 because somebody did not properly -- either they did
20 not properly hook up the wiring and/or something went
21 faulty within the wiring. So it can happen like any
22 source of electrical equipment. The rarity -- I don't
23 believe there's an actual statistic yet available for
24 the -- because they are so rare, but I guess I would

1 say it's highly improbable that a fire would occur at
2 the site.

3 If you think about your substations that you
4 have in this county and all across the States or
5 State, they very rarely catch fire because of the
6 proper design and execution of those facilities.

7 MR. KAINS: Very good. Thank you.

8 Any other questions from the public for
9 Dr. Ollson?

10 MR. KENTNER: I have one.

11 MR. KAINS: Yes, sir. Could you please
12 state your name and spell your name for the court
13 reporter, please.

14 MR. KENTNER: I will. My name is Tom
15 Kentner, you spell that, T-O-M, K-E-N-T-N-E-R.

16 Mr. Ollson, environmental health, so biology
17 and toxicology. So what's the oldest solar panel farm
18 that you're aware of that's in operation.

19 THE WITNESS: There are some in
20 California and the Arizona, Nevada regions that would
21 be in the neighborhood of 20, 25 years plus, 20 to 25
22 years plus.

23 MR. KENTNER: Okay. So those 25 years,
24 tag the oldest 25 years is there any data on water

1 analysis or soil analysis for the water being run off
2 that, you know, if you're in the desert it's probably
3 a little bit different than in the Midwest where
4 wells, you know, where our water comes from, right?
5 So has any studies been done or any data built?

6 THE WITNESS: There is some limited data
7 in some of those reports that I showed you where we
8 take our knowledge of the -- that it's not going to
9 leach and it's not going to impact soil ground water
10 is from the construction and the material itself. So
11 we know that the panels are, again, designed and
12 everything is embeded and encoded within the panels
13 themselves so they're -- you're not going to get
14 leaching of the materials out of the panels. So first
15 and foremost it's not possible for that material to
16 leach out and get to the soil and into the ground
17 water.

18 The other component that is of more
19 likelihood with the eye beams that are placed in and
20 those are galvanized steel. Typically they can be
21 iron and, you know, there are other components but
22 often they're galvanized steel, so zinc is their major
23 component of their coating, we have decades of study
24 putting galvanized steal posts in your highway

1 construction, backyard fences, you name it, we know
2 that this is a very low potential for the zinc to
3 leach from the panel -- or from the poles themselves
4 to impact the soil then that to impact the ground
5 water. So that data is available. So building on our
6 other knowledge of typical construction and for how
7 the material is done to make these conclusions and
8 then the other thing that's reassuring is something
9 like zinc, for example, it's not going to leach to any
10 appreciable extent, but even if it did it could never
11 reach concentration that would pose a health threat to
12 you and I or your neighbors. The reason why is zinc
13 is an essential element. And, in fact, if you take a
14 multivitamin every day, you take thousands upon
15 thousands of times a day from your multivitamin than
16 you ever would would be in your ground water right
17 adjacent to these poles. So it's based on all sorts
18 of different building blocks knowing that these issues
19 will not occur.

20 MR. KENTNER: Thank you. Two more
21 questions. The glare. There is real concerns about
22 the glare. So does glare spark migraines for people
23 that has migraines?

24 THE WITNESS: So I can say it depends.

1 Not from solar panels and not from most of the glare
2 we experience every day because we're not -- we're not
3 exposed to it long enough. So if you think about the
4 section of 400, as you're driving down that, let's say
5 if you're coming north down say at 3:30 in November
6 when that potentially could occur for a few minutes,
7 you're going to get an instantaneous glare off the
8 panel itself, you're going to be driving through that
9 area if you're doing 50 mile an hour, I'm not exactly
10 sure what the speed limit is on that road, but let's
11 say we're doing 50 mile an hour doing that, you're
12 going to experience it for a few seconds as you're
13 coming -- potentially as you're coming by, so that
14 no -- that -- and, again, that glare will be far less
15 intense than the glare you get from the sun or the
16 glare that you're getting off the windshields of other
17 cars.

18 If you're exposed to glare for a long period
19 of time, absolutely it can cause all sorts of, you
20 know, you'd be getting the -- that blurry vision, it
21 can cause migraines, but not from the typical driving
22 and certainly not from the very rapid passing by that
23 glare field.

24 MR. KENTNER: Okay. Well, I do get

1 migraines and just driving down the road if just that
2 sun hits the window just right or a piece of chrome
3 it's only a split second, right, to go around a
4 vehicle and then it will spark a migraine.

5 THE WITNESS: Yes. And so certainly
6 maybe I'll back up a little bit. Not everything that
7 you're saying is true. And I guess what you're --
8 what you're saying is similar to what I was getting at
9 is that you're exposed to all those different types of
10 glare every day. This would just be another very
11 small potential at a very short length of time. It
12 would not be every time you drove down 400 and the
13 like, but certainly I understand where you're coming
14 from.

15 MR. KENTNER: Okay. I've got one more
16 question. And then when a -- and this happened --
17 solar farm company comes in and leases the land,
18 they're going to set it up as solar farms, and you
19 said earlier about a substation wouldn't probably be
20 there, right, or maybe they can put a substation in,
21 but also once that's leased does that give that solar
22 farm company the opportunity to come in and put
23 battery packs in for battery storage and substations,
24 they can put whatever they want on that property

1 besides solar panels, correct?

2 THE WITNESS: So I think that's --
3 outside of my realm of expertise to answer that, or I
4 should not be the one to answer that. I think that's
5 a good question, but I'm not the proper witness to --

6 MR. KENTNER: That's fine. So can I
7 change that question to if they was to choose to put
8 the battery packs in, what's in the batteries and what
9 do they do with the batteries and what's that do to
10 our environment?

11 MS. KENNEDY: I'm going to object as to
12 relevance. Battery storage is not proposed.

13 MR. KAINS: Yeah. Yeah. The objection
14 is for relevance, and Counsel is correct that the
15 application does not have any provisions, any requests
16 to store batteries, anything like that. So that --
17 that is not relevant to this particular hearing. If
18 there was a provision in the application asking for
19 battery storage that would be a perfectly fine
20 question. But I'm -- I'm going to sustain the
21 objection.

22 And, Mr. Kentner, if you have another
23 question you may go ahead.

24 MR. KENTNER: Can that ever be changed

1 in that contract?

2 MR. KAINS: Well, it would have to be --
3 they would have to come back with another application
4 requesting battery storage, and that's just not the
5 case, and it -- it may -- it may happen, it may not,
6 we don't know, but that's not -- that's not what this
7 application's about.

8 MR. KENTNER: Just asking. Thank you.

9 MR. KAINS: Yeah. No wonderful
10 question. Wonderful question. Thank you,
11 Mr. Kentner.

12 All right. Any other questions from the
13 public for Dr. Ollson? Very good.

14 Questions from counsel for Vermilion County
15 and consultants, Mr. Keyt.

16 MR. KEYT: I don't have a question other
17 than my understanding is there's going to be a
18 correction to the slides to address the Chairman's
19 issue.

20 THE WITNESS: Yes, we'll get that done
21 at the break.

22 MR. KAINS: Very good. Thank you.

23 All right. Ms. Kennedy, redirect examination
24 of your witness.

1 MS. KENNEDY: None.

2 MR. KAINS: All right. Then final
3 questions for this witness come from the Vermilion
4 County Wind and Solar Committee. Any questions? All
5 right. Very good.

6 (Witness excused.)

7 Ms. Kennedy, we have Exhibit 10.

8 MS. KENNEDY: Yes.

9 MR. KAINS: Before we discuss the
10 admission of it why don't you make changes to it and
11 if you can do it during the break, great, if not by
12 the time we come back the next time and then we can
13 discuss the admissibility of Exhibit 10 of
14 Mr. Ollson's presentation at that time.

15 MS. KENNEDY: Okay.

16 MR. KAINS: All right. Very good. Now,
17 folks, we have come to the point -- oh, I don't know
18 if we've come to the point or not, Counsel, do you
19 have any other witnesses?

20 MS. KENNEDY: No other witnesses. Two
21 housekeeping matters.

22 MR. KAINS: Yes.

23 MS. KENNEDY: The first you might recall
24 at day one of our hearing was my understanding was the

1 landscape buffer that was provided in black and white
2 copies to the committee members. I had mailed to
3 their counsel colored copies of that landscape buffer.
4 I'd just like to note for the record that I would be
5 passing that out to them. I'd like to supplement the
6 application.

7 MR. KAINS: Do you have that in your
8 hand now? Oh, Mr. Keyt, do you have that?

9 (Indicating)

10 MR. KAINS: Okay. We'll pass those out
11 during the break. Those will be the color copies that
12 we'll substitute for black and white the copies.

13 MS. KENNEDY: And then the last
14 remaining is that I have is the Appendix I there is
15 two attachments noted in the application materials. I
16 have supplements for those as well. I can pass those
17 out.

18 MR. KAINS: Mr. Keyt, have you seen
19 these?

20 MR. KEYT: Maybe. I don't think so,
21 but...

22 MR. KAINS: Let's take a look at what
23 they are and then let me know if you have --

24 MR. KEYT: I have not seen them.

1 MR. KAINS: Okay. All right. We'll
2 take that up after the break.

3 Now, Ms. Kennedy, do you have any other
4 witnesses?

5 MS. KENNEDY: I do not.

6 MR. KAINS: Okay. You rest?

7 MS. KENNEDY: Yes.

8 MR. KAINS: Okay. Very good.

9 All right. That is all the evidence from the
10 Applicant. Now it is time for persons who are in
11 favor of the application that has been submitted by
12 Mural Energy. I just need a show of hands, who is
13 wanting to -- okay. First of all, before I say who's
14 wanting to testify. There's going to be a difference
15 between giving testimony and presenting any documents
16 that you may have. There's a difference between that
17 and making a public comment. Those are two distinct
18 things. If you are wanting to testify, if you are a
19 Vermilion County resident you have 30 minutes, that's
20 the time limit to testify. If you are not a resident
21 of Vermilion County you will have 15 minutes.

22 Now, when you testify you will give a
23 statement and you'll be subject to cross-examination
24 just as these other witnesses have been. You'll be

1 questioned by members of the Wind and Solar Committee,
2 you'll be questioned potentially by Ms. Kennedy, by
3 Mr. Keyt and by members of the general public who are
4 on opposite sides of your point of view or who are
5 neutral on the issue. So if you want to testify
6 you're subject to cross-examination.

7 If you wish to make a public comment there's
8 going to be a period for that. The difference is
9 testimony, if you're a Vermilion County resident, you
10 get a half hour, if you're not, you get 15 minutes.
11 So with public comment you have a 3 minute time
12 period. So if you're like me that tends to go on and
13 on, you may choose to testify, but then I just want to
14 tell you that you'll be cross-examined potentially by
15 other people in the room.

16 Okay. Does everybody understand the
17 difference between testimony and public comment? All
18 right.

19 If you're an expert witness in an area you
20 have to state your credentials and qualifications.
21 I've had a lay witness try to get credentials as an
22 expert witness and we went through a long and involved
23 process about this gentleman's qualifications and --
24 you know, so you can -- you can -- if you want to be

1 qualified as an expert witness you certainly have that
2 right to ask me for that permission and then I'll have
3 the right to ask you the questions, but I have found
4 in my experience conducting these hearings that a half
5 hour is plenty of time to say what you want to say.

6 All right. With that said, is there anyone
7 wishing to testify, talk for a half hour or 15
8 minutes, depending on where you live who are in
9 support of the application? A show of hands, testify
10 in support of? Okay. All right.

11 Anybody wishing to testify for a half hour or
12 15 minutes, depending residency who are opposed show
13 of hands. Okay. We've got.

14 MR. DAVIS: Question.

15 MR. KAINS: Yes, sir.

16 MR. DAVIS: In the testimony or in the
17 public comment section are questions not allowed to be
18 answered about --

19 MR. KAINS: Okay. In the -- in the
20 testimony you will make your presentation. You will
21 talk and then you'll be cross-examined potentially by
22 members of the Committee, by Ms. Kennedy, by Mr. Keyt
23 and by the public. If you want to give public comment
24 there is no cross-examination, you just state what you

1 want to say for 30 minutes.

2 MR. DEATH: I -- I think his question is
3 there's been some questions that maybe these four
4 gentlemen today it wasn't pertinent to their expertise
5 maybe, and maybe to just general -- just a general
6 question. Is that time period over to ask those
7 questions?

8 MR. KAINS: Oh, asking questions of
9 witnesses?

10 MR. DEATH: Yeah.

11 MR. DAVIS: No, just a question of
12 basically the group here presenting for Liberty?

13 MR. KAINS: All right. First of all,
14 before we get too far afield, the gentleman in the --
15 I'm not sure what color that is, you with your hand
16 up, what is your name?

17 MR. DAVIS: My name is Mike Davis.

18 MR. KAINS: Okay. And we know how to
19 spell that. And the gentleman next to you in the
20 plaid.

21 MR. DEATH: I know what his question
22 is --

23 MR. KAINS: Oh, no. I just need your
24 name for the record.

1 MR. DEATH: Brian DeAth, with an I. The
2 last name is D-E, capital, A-T-H.

3 MR. KAINS: Okay. In answer to your
4 question, Mr. Davis, or, Mr. DeAth, you can't ask
5 questions of the Board Members, they're the ones who
6 ask questions and it's now past time to ask questions
7 of the witnesses, but you may make a statement saying
8 you don't understand something, and if -- if it's
9 something that is something that needs an answer I may
10 direct, depending on what the question is, I may
11 direct Ms. Kennedy to talk with her client and get an
12 answer. So it doesn't hurt to ask.

13 All right. So, now, again, show of hands of
14 people who want to testify in opposition.

15 Okay. One, two, three. Okay. And, thank
16 you.

17 And anybody who wishes to testify who are
18 neutral? Anyone who would be neutral? Okay.

19 So we have three persons who are wanting to
20 testify, okay. This is -- this is doable.

21 All right. What we're going to do is --
22 3:40. We're going to take a 10-minute recess. Come
23 back at 3:50 and hear from you 3. I'll have to swear
24 you in as witnesses and then you'll be able to testify

1 and say what you want to say for your time period and
2 then questions can be asked.

3 So we're going to be in recess until 3:50, a
4 10-minute break.

5 (A recess was taken at 3:41 p.m.)

6 (Resume at 3:55 p.m.)

7 MR. KAINS: All right. Folks, we're
8 back in session. Back on the record. And we have
9 three persons and perhaps a fourth who have indicated
10 they wish to testify.

11 First, I will call the -- anyone who is
12 wishing to testify in support of the application of
13 Mural Energy. Seeing none.

14 Those opposed, I think I'm going to go
15 alphabetically if that's all right by last name.
16 Mr. Cronkhite, Ms. Miller and Mr. Puzey; is that
17 correct? And, oh, Mr. Davis.

18 Mr. Puzey, were you wishing to testify?

19 MR. MARK PUZEY: Yes.

20 MR. KAINS: Yes.

21 MR. CRONKHITE: I didn't want to
22 testify. I want to comment.

23 MR. KAINS: Okay. Mr. Cronkhite's going
24 to comment. I'm sorry. I had the wrong three. We

1 have Mr. Davis, Ms. Miller and Mr. Puzey, and perhaps
2 another one.

3 Okay. Mr. Davis, please come forward. And
4 you can have the podium here.

5 MR. DAVIS: I would appreciate that very
6 much.

7 M I K E D A V I S,
8 was called to testify and, having been first duly
9 sworn, testified as follows:

10 MR. KAINS: Very good. And you are Mike
11 Davis?

12 MR. DAVIS: I am Mike Davis.

13 MR. KAINS: Very good. Okay.
14 Mr. Davis.

15 MR. DAVIS: I -- I have a couple of
16 questions.

17 MR. KAINS: Sir.

18 MR. DAVIS: Because I'm not completely
19 understanding what is happening.

20 MR. KAINS: All right.

21 MR. DAVIS: The testimony I understand
22 is for questioning back and forth. Public comment
23 would be again then later?

24 MR. KAINS: Yes.

1 MR. DAVIS: And is that period of time
2 limited to three minutes?

3 MR. KAINS: Yes, sir.

4 MR. DAVIS: So to read a letter into the
5 record is -- should I just submit a letter for the
6 record?

7 MR. KAINS: You can just -- yeah. You
8 can just --

9 MR. DAVIS: And take the three minutes
10 to read it possibly later?

11 MR. KAINS: Yeah. What -- what you can
12 do is -- and, folks, and this is a great point. Thank
13 you for raising that, Mr. Davis. This committee will
14 take public comment either verbally or you have three
15 minutes and you can say what you want or you can
16 submit a written comment and the written comment needs
17 to be emailed to Mr. Keyt.

18 Mr. Keyt, your email address?

19 MR. KEYT: You want me give it?

20 MR. KAINS: Yeah.

21 MR. KEYT: It's AKeyt and that is
22 spelled, K-E-Y-T, @ HeylRoyster.com which is, H-E-Y-L,
23 R-O-Y-S-T-E-R.com. If you didn't get that, okay, just
24 catch me and I will give it to you afterwards.

1 MR. DAVIS: And that's exactly what I'll
2 do.

3 MR. KAINS: All right. So, folks --

4 MR. DAVIS: Yes.

5 MR. KAINS: -- what we can do is -- what
6 you can do is if you wish to make a written comment,
7 you don't have to testify, you don't have to make a
8 verbal comment, you may submit it to Mr. Keyt. And,
9 Mr. Keyt, there should be a deadline on that, and I
10 believe that an appropriate deadline for submitting it
11 to you would be the -- prior to the next session which
12 we'll get to in a discussion with this committee later
13 on this afternoon, but we're looking at a date in --
14 later on in January.

15 So -- so you have three ways of actually
16 addressing this forum. You may testify or you may do
17 a verbal comment, public comment three minutes long or
18 you may submit a written email, you can either write a
19 formal letter or extend an email to Mr. Keyt
20 addressing the Wind and Solar Committee.

21 Mr. Davis, does that answer your question?

22 MR. DAVIS: It does.

23 MR. KAINS: All right. Very good. I've
24 sworn you in. And you get to -- well, first of all, I

1 need to ask you an important question.

2 MR. DAVIS: Yes, sir.

3 MR. KAINS: What city do you live in?

4 MR. DAVIS: I live in Fithian, Illinois.

5 MR. KAINS: And is that located in
6 Vermilion County?

7 MR. DAVIS: That is located in Vermilion
8 County.

9 MR. KAINS: All right. I've been past
10 it on the interstate. I haven't had the pleasure of
11 getting there yet.

12 MR. DAVIS: Go north --

13 MR. KAINS: I enjoy the Pilot Cinnabon
14 at Oakwood though.

15 All right. Mr. Davis, you have 30 minutes
16 that you're --

17 MR. DAVIS: I'm not going to take 30
18 minutes. I have two things, two points to address.
19 One is from -- as a request from a land lady, her name
20 is Nina Baird. That Algonquin and subsidiaries and
21 that includes Liberty at this point to stop harassing
22 her. That's my first statement of testimony.

23 The second is if we could draw up -- bring
24 the map up that I asked about earlier. There you have

1 it.

2 MS. KENNEDY: It would be site map C300
3 for your reference.

4 MR. DAVIS: Yes. I would like to --

5 MR. KAINS: Ms. Kennedy, if you could
6 give Mr. Davis the microphone.

7 MR. DAVIS: That, again, is the map in
8 question. I would like to point out to you folks here
9 representing Algonquin and Liberty that it is to my
10 knowledge and I'm testifying to the fact that there is
11 right in this tract which is Lisa and Kenny Baird one
12 half mile of Township Road 850 North. You intend by
13 vision of this map to go right straight through it.
14 There's also a power line that 850 North -- that is
15 the local cutoff. They would appreciate knowing if
16 you intend to go right through their power line. I
17 don't if it's an omission that happens often. It's a
18 blatant omission if that township road has not been
19 decommissioned. To my knowledge it has not and it
20 is -- it is on county record still there.

21 That is my testimony.

22 MS. KENNEDY: Thank you.

23 MR. KAINS: All right. Mr. Davis, if
24 you could stand back at the podium. It's time for

1 questions for Mr. Davis relative only to his testimony
2 here this afternoon.

3 First of all, members of the Vermilion County
4 Wind and Solar Committee, questions regarding
5 Mr. Davis's testimony? No questions.

6 Questions from members of units of local
7 governments, including the Vermilion County Board and
8 school districts?

9 Questions from interested parties represented
10 by licensed attorneys?

11 Ms. Kennedy, do you have any questions for
12 this witness?

13 MS. KENNEDY: None.

14 MR. KAINS: Very good. Other interested
15 parties? Now, we know -- we know that there are --
16 hang on, Ms. Miller.

17 MS. MILLER: I have questions.

18 MR. KAINS: Hang on.

19 MS. MILLER: Okay.

20 MR. KAINS: Are you going to hear what I
21 need to tell you?

22 MS. MILLER: I hear you.

23 MR. KAINS: Okay. Very good. I will
24 just explain what cross-examination is briefly. Once

1 a witness is done testifying as Mr. Davis is there is
2 the opportunity for people to ask him questions. This
3 is called cross-examination. Only persons who are
4 opposed to the position of the witness or who are
5 neutral on the issue will be allowed to conduct
6 cross-examination. In other words, if you're on the
7 same side of the issue as the witness you will not be
8 allowed to question them. This type of questioning is
9 known in legal terms as bolstering and is not true
10 adversarial testing of a witness's testimony.

11 Therefore, only persons who are on the opposite side
12 of a particular witness will be allowed to question
13 that witness or persons who are neutral on the issue.

14 So, Ms. Miller, I believe you're opposed?

15 MS. MILLER: I am opposed. So now I
16 want to ask my question. That's fine.

17 MR. KAINS: And now, Mr. Davis, you are
18 opposed?

19 MR. DAVIS: I am opposed.

20 MR. KAINS: You're opposed to this
21 project?

22 MR. DAVIS: Oh, absolutely, without
23 question.

24 MR. KAINS: Yes. Okay. So only persons

1 who are in support of or who are neutral on the
2 application are allowed to question Mr. Davis. That's
3 how cross-examination and adversarial testing of a
4 witness's testimony works, all right.

5 Is there anybody wishing to question
6 Mr. Davis in support of the application or who are
7 neutral on the application? Very good.

8 Counsel for Vermilion County and consultants,
9 Mr. Keyt.

10 MR. KEYT: I just am going to clarify
11 something so I understand it.

12 MR. DAVIS: Yes, sir.

13 **CROSS-EXAMINATION,**

14 **QUESTIONS BY MR. ANDREW KEYT:**

15 Q. I have looked at the map and I've
16 identified a couple roads that are in that parcel
17 where you've --

18 A. 550 East and 850 North.

19 Q. Okay. So -- and that's what I want to
20 ask. 550 East and 850 North, right?

21 A. Yes. Are to my current knowledge and I
22 can't find a sole that can tell me even on the
23 township board that that has been decommissioned. I
24 don't believe it has been. I can't imagine the

1 township would give up a mile of tax generating road
2 just to vacate it so they can go through it.

3 Q. That's okay. That's what I wanted to
4 try and piece together.

5 A. Okay.

6 Q. So the little Village of Jamaica, right,
7 is on 850 North?

8 A. Yes.

9 Q. Okay.

10 A. It's very simply an extension, 850 does
11 not end at that intersection. 850 goes to the next
12 half mile.

13 Q. Okay. So your testimony, cause the
14 court reporter's trying to take it down, so I'm just
15 going to describe it, your testimony is 850 North
16 continues westward through the project area, is what
17 your testimony is?

18 A. To my knowledge that's exactly right.

19 Q. And then 550 East, is that a road that
20 goes north?

21 A. It is a road, the township road that
22 goes north.

23 Q. Okay. There's --

24 A. There's no -- there's no indication of

1 going through that.

2 Q. Okay. But there is a road, if I looked
3 at the GIS correctly, there is a road on the very
4 westward --

5 A. There is. There is, it's 550 East, it's
6 a half mile long.

7 Q. 550 East, okay.

8 A. In that section it's a mile long.

9 Q. But it goes along -- if I'm identifying
10 the right road, it goes along the very western edge of
11 that cell?

12 A. Of that property, yes.

13 Q. Okay. I just wanted to make sure I
14 understood which two roads you're talking about
15 because I'm trying to run this down independently and
16 I wanted to make that sure.

17 Okay. All right. I appreciate it. Thank
18 you.

19 MR. KAINS: All right. Very good.
20 Thank you, Mr. Keyt.

21 Any final questions for Mr. Davis coming from
22 the Wind and Solar Committee? No. Very good,
23 Mr. Davis. Thank you. You may step down.

24 (Witness excused.)

1 Ms. Miller.

2 MS. MILLER: Got another meeting to go
3 to.

4 MR. KAINS: Yes, ma'am. I'm going to
5 need you to raise your right hand to be sworn.

6 REBECCA MILLER,
7 was called to testify, having been first duly sworn,
8 testified as follows:

9 MR. KAINS: You are Rebecca Miller?

10 MS. MILLER: Yes.

11 MR. KAINS: And where are you from?

12 MS. MILLER: Indianola. An Indian with
13 O-L-A, at the end, Illinois.

14 MR. KAINS: And Indianola is in which
15 county?

16 MS. MILLER: Vermilion.

17 MR. KAINS: Very good. You have a half
18 hour. You may go right ahead.

19 MS. MILLER: Okay. Thank you.

20 Earlier I had questioned their wildlife
21 person about species at the quarry. Over lunch I was
22 able to get a document that was attached to a letter
23 that was -- I don't know how to go about this. I
24 would like to present this list of species that have

1 been documented to be out at the quarry. And the --
2 this was attached to a letter on April 1st of 2023
3 that was written by Mike Ward who is a Professor at
4 the U of I. And if I may read a paragraph of his
5 letter. Says Old Fairmount Quarry is a private
6 property that is composed of wetlands, ponds,
7 grasslands, shrublands and forest. To date 179
8 species of birds have been detected at the location.
9 7 species are listed as endangered or threatened on
10 the State of Illinois Endangered Species list. An
11 additional 28 species are listed by the Illinois
12 Department of Natural Resources as species in greatest
13 need of conservation. So --

14 MR. KAINS: Ms. Miller, may I ask, is
15 there a date on that letter?

16 MS. MILLER: Yes, April 1st, 2023.

17 MR. KAINS: And to whom is it written?

18 MS. MILLER: The person who owns the
19 quarry reached out to Mike Ward this professor. This
20 was sent to Mike Ward who then I got a copy of it.
21 Jim Adams bought the quarry. His family did a
22 presentation at a county board meeting showing the
23 hundreds of thousands of birds and waterfowl that
24 frequent the quarry.

1 MR. KAINS: Would you have a copy of the
2 letter and the attachment?

3 MS. MILLER: Well, the problem with the
4 letter, it was in regards to the wind portion of this
5 plan, and since this is solar --

6 MR. KAINS: That's okay.

7 MS. MILLER: -- I wasn't sure I should
8 present it.

9 MR. KAINS: It's okay.

10 MS. MILLER: I don't have copies of the
11 letter. I have copies of the list.

12 MR. KAINS: Okay. I think we'd want to
13 have the letter in and the -- Andy, could you --

14 MR. KEYT: Yes. Do you have a copy --

15 MS. MILLER: I have a hard copy.

16 MR. KEYT: You have one copy of the
17 letter but not enough to distribute out, right?

18 MS. MILLER: Correct. But I have enough
19 of the list.

20 MR. KEYT: We can get a copy of that
21 letter.

22 MR. KAINS: Let's make some copies of
23 the letter.

24 MS. MILLER: I wasn't sure since it

1 pertained --

2 MR. KAINS: That's all right. I need to
3 look at it. Andy, you need to look at it.

4 Counsel.

5 MS. KENNEDY: I do.

6 MR. KAINS: You need to look at it.

7 MS. MILLER: May I hand out the list.

8 MR. KAINS: Yeah, go ahead.

9 MS. MILLER: There are special notes
10 listed by the different species. I believe in the
11 letter he discovered these species in a one day visit
12 out there. He's been spending 20 years studying this
13 area.

14 MR. KAINS: All right. Ms. Miller, you
15 can go ahead and continue your presentation.

16 MS. MILLER: Okay. I became aware of
17 Algonquin Liberty Mural several months ago and have
18 been going to almost -- my whole life has been
19 consumed with this going to village and township
20 meetings.

21 Am I allowed to explain what some of those
22 meetings were like?

23 MR. KAINS: Sure. You can say what you
24 want now.

1 MS. MILLER: At some of these meetings
2 citizens were concerned about them starting out this
3 program and then selling it off to someone else. And
4 I -- for example, at the Indianola meeting their young
5 people kept using the words should, could, would, our
6 intentions. They said the word should so many times
7 that one of the board members actually kind of threw
8 it back at them. Those are called modal verbs. I had
9 to look that up. And their plan at the beginning of
10 that white notebook, I would ask you to look through
11 that opening part, the introduction part, and last
12 night I sat there and was circling modal verbs and
13 ambiguous phrases and so my blood pressure went
14 through the ceiling and I had to quit for a while. So
15 they're everywhere.

16 Another thing is this come into question with
17 how much they even know about the area. We got -- I'm
18 sorry, I don't know these people's last names, I only
19 know them by first names.

20 MR. KAINS: You can say their first
21 names.

22 MS. MILLER: Okay. A Sidell meeting
23 when they brought in their information people and
24 Rupert started preaching at us, for lack of a better

1 term, that the people in Sidell are -- should be able
2 to have their towers close to their homes, there's no
3 one that lives in Sidell that has a tower. So -- but
4 this was when it was solar and wind. When they had
5 their informational meeting out at the school they
6 felt compelled to have the county provide law
7 enforcement protection and, yeah, some of us are a
8 little heated over this, but I don't think any of us
9 are violent. So this just been a whole very
10 frustrating situation.

11 I've also been told that they -- Algonquin
12 knows my name and I don't know if that was suppose to
13 be a threat to scare me off or not, but I got more
14 backbone than that, my parents raised me with a
15 backbone and a brain and I try to use them the best I
16 can.

17 In the middle of the summer I found out from
18 my network of helpers that Algonquin according to the
19 internet was seven and a half billion dollars in debt.
20 I have packets of information to back up what all I'm
21 going to say to you because I am by no means a
22 financial expert. I can only relay to you what I have
23 discovered. And I would like to hand these out if
24 that is possible.

1 MR. KAINS: Okay. First show them to
2 Mr. Keyt and Ms. Kennedy.

3 MS. MILLER: Okay. And I have
4 highlighted the points that I want to make because
5 it's a lot to read. They're from reliable sources
6 like Nasdaq, their own web.

7 MR. KAINS: Do you have another copy for
8 me to review, please?

9 MS. MILLER: Yes, I do.

10 MR. KAINS: Wonderful. And I'll
11 indicate this is --

12 MS. MILLER: A good Girl Scout's always
13 prepared so...

14 MR. KAINS: Right. All right.
15 Ms. Miller, if you could just hold on and we'll stop
16 the clock from running.

17 MS. MILLER: Yep.

18 MR. KAINS: Hold on while we take a look
19 at this.

20 MS. MILLER: That's great.

21 MR. KAINS: Thank you.

22 MS. MILLER: The last page isn't
23 numbered because I just copied it yesterday.

24 MR. KAINS: Uh-huh. Mr. Keyt, are you

1 still reviewing? I can't see through you.

2 MR. KEYT: Oh, I'm sorry. No, I am done
3 reviewing.

4 MR. KAINS: Ms. Kennedy.

5 MS. KENNEDY: I'm done.

6 MR. KAINS: All right. Before we go any
7 further, Ms. Kennedy, your thoughts on the admission
8 of this.

9 MS. KENNEDY: I guess I don't have an
10 objection to it. I mean, they're news articles.

11 MR. KAINS: Mr. Keyt, your thoughts.

12 MR. KEYT: Are we talking about this
13 one?

14 MR. KAINS: No. We're talking about the
15 Algonquin Power financial situation.

16 MR. KEYT: Gotcha. I have no objection.

17 MR. KAINS: Okay. Ms. Kennedy, explain
18 to me where Mural Energy is in the Algonquin -- I've
19 heard it called Liberty, I've heard it called
20 Algonquin. Just explain for all of us what the
21 relationship is between all these companies.

22 MS. KENNEDY: As Mr. Crighton testified
23 on the first day Mural Energy is fully owned by
24 Algonquin Power Corporation which does business as

1 Liberty Power. So on the first day we had the -- you
2 know, we've used Liberty Power Energy and we've used
3 the Algonquin or Mural Energy.

4 MR. KAINS: Okay. Thank you for that
5 reminder.

6 All right. What I'm going to do is allow
7 this packet. We will -- first of all, Mr. Keyt, let's
8 mark the letter from the Professor Dr. Michael E. Ward
9 from the University of Illinois, let's mark that as
10 Miller Exhibit 1 with the attachment, I believe it's
11 called table -- is it Table 1.

12 MS. MILLER: Yes, it says Table 1. Did
13 they get copies of the letter?

14 MR. KAINS: Yes -- they -- did you give
15 copies of the letter to each of them?

16 MR. KEYT: Yes.

17 MR. KAINS: Okay. Thank you. All
18 right. So the letter from Professor Michael Ward with
19 the attached Table 1 with the list of species that
20 could be impacted, I guess is a way of saying it, that
21 will be Miller Exhibit 1.

22 And, Counsel, do you have an objection to
23 that coming in?

24 MS. KENNEDY: No.

1 MR. KAINS: Okay. Thank you. Mr. Keyt,
2 any objection?

3 MR. KEYT: No objection.

4 MR. KAINS: Okay. That's in as Miller
5 Exhibit 1.

6 Now, you both have said that the issue -- or,
7 I'm sorry, the documents that are news articles and
8 financial articles off of the internet regarding
9 Algonquin Power, the parent corporation of Mural
10 Energy, that will be marked as Miller Exhibit 2 and
11 will come in to evidence for the limited purpose of --
12 and, again, this isn't -- these are internet articles.
13 We all know that the internet is always 100 percent
14 correct, I say that very tongue and cheek, that --
15 that doesn't mean these aren't accurate, it doesn't
16 mean they are accurate, they're taken for what they're
17 worth. Although, I note that there are a number of
18 financial-type records that would perhaps lend itself
19 more to having greater credibility, but, again, as
20 many people have observed the solvency of a parent
21 corporation may or may not have any impact on its
22 subsidiaries and vice versa. So these will come in
23 for the limited purpose of saying Algonquin may be
24 selling assets and may have -- well, I don't know

1 specifically what their financial issues are, but
2 they're going to come in and they'll be copied for
3 each member of the Wind and Solar Committee and
4 they'll be in as Miller Group Exhibit 2.

5 All right. With that said, those are -- I'll
6 give you that, Chairman.

7 MS. MILLER: May I hand these out now.

8 MR. KAINS: Yes, you may.

9 MS. MILLER: I tried to put a little
10 number up in the corner so you would know which page I
11 was talking about. And, like I said, I tried to
12 highlight stuff to make it simpler.

13 So on page number 1 Algonquin is grappling
14 with a 7 and a half billion dollar debt. But before I
15 get to that part -- oh, I'm getting ahead of myself.
16 When you look at the introduction on the solar in
17 those books, on the very first page in the very first
18 paragraph it says they're going to construct and
19 operate a solar or photo -- I don't know how you say
20 that -- voltaic solar energy facility. Rupert at the
21 last -- the first hearing, and I quote, said our
22 business model is to own and operate this project.
23 Would you please keep that quote in your head as we go
24 through this.

1 If you go to number 2 where it says T & D
2 World. We have Algonquin CEO leaving. Then directors
3 also in that. Well, they've had some financial issues
4 with I believe some utilities in Kentucky. Directors
5 announce they have decided to look for a buyer for the
6 company's renewable energy division. A move they
7 signaled in May and one that puts them in the company
8 of AEP, Duke Energy, blah, blah, blah, I highlighted
9 just the main parts. Okay. Algonquin, my
10 understanding the parent company, the renewables
11 portion would be the Liberty part. We believe the
12 value of our assets is not fully realized in our
13 current structure. We therefore determined that
14 focusing on our regulated business going forward and
15 pursuing a sell of the renewables business is the best
16 path forward. Proceeds from a sale of the renewables
17 group will go towards paying down debt and buying back
18 Algonquin's shares. And my understanding that's
19 pretty much out of Algonquin's mouth, those words.

20 If you look at number three. Things I have
21 highlighted on mine. A strategic review of their
22 renewables division, pursuing a sale of the renewables
23 business, then I got down -- half way down, we expect,
24 and I put a little asteric by it, to use the proceeds

1 of the renewables transaction to reduce our debt and
2 share -- and fund share repurchases. Skip on down a
3 sentence or so. We will seek to maximize the value of
4 the renewables business and position it with a new
5 owner. They want to make their renewables part, this
6 is my take on it, look better so they are more likely
7 to entice a new buyer when they sell it.

8 On number four, this was a comprehensive
9 analysis guru focus they're trying to say if this is a
10 good -- the stock currently price -- now, I printed
11 these off before the first meeting. So the numbers
12 might be off just a little bit. Recorded a loss of
13 4.56 in a day and a 3 month decrease of 30.33 percent.

14 If you look at the second page of number four
15 it has a low ultimate Z score and then goes on to
16 explain what that means. This would be for your
17 people hoping or looking to invest into them. If you
18 look at the very last paragraph on the third page,
19 this downward -- the very last sentence, this downward
20 movement indicates Algonquin, AQUN is Algonquin,
21 diminishing ability to reinvest in its business or
22 effectively manage its debt.

23 Then we have some charts -- graphs and charts
24 that makes it easy for everybody to look at.

1 The very last page of that packet, midway
2 through the big paragraph, the company's low ultimate
3 Z score and declining financial ratios suggest
4 potential financial distress and decreased operational
5 deficiency.

6 So then I thought, well, let's look at their
7 stock for the last few years, maybe this is just a
8 fluke. If you look at number 5, that's Algonquin
9 Power Utilities 7 year stock price history. This was
10 through Macrotrends. On the second page there's a
11 line graph and a bar graph and you can see in 2022
12 what happens. And on the last page are some actual
13 prices, numbers. So I kind of tried to make it so
14 anybody, you know, those of you who likes charts,
15 graphs, numbers.

16 Then right before the first hearing we
17 printed off one other line graph to show you their
18 stock and what direction that it's goes in. And just
19 to be fair, if you look at number 7, and, I'm sorry,
20 if I'm going too fast, little nervous, I decided to
21 get a different look on it. So I went to a website
22 called Oil Price, and if you look down at the bottom
23 underneath the turbines, it says an Ontario based
24 utility company is getting out of the renewables

1 business after it lost more than 250 million in
2 quarter 2. Algonquin Power Utility's Corporation
3 earnings losses attributed to shareholders of 253.2
4 million in quarter 2. After sustaining a 33.4 million
5 loss in the same quarter last year. The quarter 2
6 loss was larger than its total loss through the full
7 '22 year.

8 Last -- then at the very last paragraph, if
9 you go down to about the middle of it, I highlighted,
10 pursuing a sale of the renewables business is the best
11 path forward for Algonquin, Algonquin said in a press
12 release. So that was a quote. Adding that the
13 company was confident that the intended sale will
14 unlock Algonquin's value as a pure play regulated
15 utility by simplifying our structure and enabling us
16 to focus on lower risk regulated investment
17 opportunities with greater operational efficiency and
18 capital discipline.

19 So then we had a month go by, so I've been
20 keeping track of their stock prices. Number 8 is a
21 list of those prices and there's also -- the last page
22 is just the same information in a different format.

23 I wrote this nice little conclusion here.
24 Before I read it I would like to say as a landowner

1 out in the rural area, quite frankly, I'm tired of
2 sales people coming to my house trying to get me to
3 sign up with wind or solar. I do not want someone
4 walking into my garage. I do not want somebody
5 walking into my home uninvited. That has happened to
6 me and I'm over it. I don't know if it's Algonquin or
7 someone else. It's infuriating. The next time
8 police -- the cops will be called and that person will
9 be arrested for trespassing. So there's my sidebar.

10 As for maybe an official term, financial
11 assurance is the terminology that was thrown my way
12 and Algonquin Liberty's financial assurance cannot be
13 guaranteed in my opinion. The articles presented
14 provide proof that they're struggling with both a lack
15 of assets and leadership. They have put the
16 renewables portion of their company on the market
17 hoping to sell it. They state that they will use the
18 moneys generated from that sale to pay off current
19 debt. My opinion we are simply a pawn in their game.
20 They need this permit from this county to enhance
21 their renewables portfolio to make it more appealing
22 to prospective buyers. We do not need them nor their
23 permit. It looks like the concerned citizens in and
24 around southern Vermilion County were on the right

1 track when they questioned Liberty about their
2 intentions and whether they would be here for the long
3 haul or if they were going to sell out to another
4 company. Turns out all those would, could and should
5 promises made by Liberty representatives were just
6 fluff, lies and outright bull and I put hockey because
7 I saw the rules no bad language.

8 So that's all I have. Thank you.

9 MR. KAINS: Very good. Thank you, so
10 much, Ms. Miller.

11 All right. Questions for this witness from
12 members of the Vermilion County Wind and Solar
13 Committee? Any questions?

14 Questions for Ms. Miller from members of
15 units of local government, including the Vermilion
16 County Board and school districts?

17 Questions from interested parties represented
18 by licensed attorneys, Ms. Kennedy.

19 MS. KENNEDY: Thank you just a few.

20 **CROSS-EXAMINATION,**

21 **QUESTIONS BY MS. COURTNEY KENNEDY:**

22 Q. Ms. Miller, are you aware that that
23 EcoCAT tool testified by Mr. Stephen Chu earlier today
24 searches for State listed threatened and endangered

1 species?

2 A. No.

3 Q. And are you aware that the United States
4 Fish and Wildlife Service utilizes what's called IPaC
5 and that also searches for federally listed threatened
6 and endangered species?

7 A. No, not till today. It's the first I've
8 heard of it.

9 Q. In looking at your document labeled
10 Miller Exhibit 1, the letter from --

11 A. Mike Ward.

12 Q. -- Mr. Ward. And specifically looking
13 at the table that's attached to that. The very first
14 sentence reads Table 1 table of the bird species
15 reported at Old Fairmount Quarry via eBird. Are you
16 familiar with what eBird is?

17 A. No, I do not know that.

18 Q. Would it surprise you to learn that it's
19 an online forum where general members of the public
20 can report birds that they see?

21 A. Well, it wouldn't surprise me, no.

22 Q. And so it -- it doesn't have any
23 verification of any proper identification of these
24 species that could be reported from anyone, does that

1 surprise you?

2 A. My understanding from what interaction
3 I've had with Mr. Ward and talking to Jim Adams the
4 owner of the quarry who also has had conversations
5 with Mike Ward, he himself has spent 20 years at the
6 quarry studying the wildlife at the quarry.

7 Q. Sure. But this table here is
8 predominantly reliant on what's recorded via eBird,
9 correct?

10 A. My understanding is what he would attest
11 to.

12 Q. But there's nothing in this letter
13 stated April 1st, 2023, where Mr. Ward indicates that
14 he's personally visited the quarry --

15 A. There is.

16 Q. -- and seen all of these species?

17 A. Well, there's -- all I can do is tell
18 you what the letter says. Oh, which I gotta find it.
19 I think I gave it to Andy. Andy, you have my letter,
20 the copy of it.

21 MR. KEYT: They all have the letter.

22 MS. MILLER: Then you didn't give me
23 back my original.

24 MR. KEYT: Oh, here's a copy.

1 MS. MILLER: Thank you. I'd be happy to
2 read it out loud cause it's all I got.

3 **QUESTIONS BY MS. KENNEDY:**

4 Q. Well, and I can read the first paragraph
5 to you starting --

6 A. It says that -- and over the last 20
7 years I have conducted many bird surveys throughout
8 Vermilion County, right.

9 Q. Correct. And then the following
10 sentence reads attached is a table of bird species and
11 the maximum number of birds in a given species
12 detected during one visit at the Old Fairmount Quarry
13 site. These data are available via eBird. And then
14 if you reference the table it specifically notes that
15 it's from eBird. So we don't know if Mr. Ward
16 personally visited the quarry and had --

17 A. Well, I know he's personally visited the
18 quarry cause he told me he had.

19 Q. Well, Ms. Miller, I'm going to -- just
20 for the court reporter's sake I'm going to ask that
21 you let me finish my question --

22 A. Okay.

23 Q. -- and then I'll let you finish your
24 answer.

1 But there is nothing in this letter and
2 Mr. Ward certainly isn't here to testify today to
3 report his sightings on any of these species, correct?

4 A. Not -- he's not here, no. I will say
5 when I spoke with him a couple weeks ago in person
6 that he made the comment he has spent a lot of time
7 and hours out at the quarry. I did not ask him for a
8 time schedule of when he's been out there.

9 Q. And there's -- to the best of your
10 knowledge Mr. Ward has not conducted an EcoCAT
11 consultation on his own concerning this project; is
12 that correct?

13 A. Who?

14 Q. Are you aware if Mr. Ward has conducted
15 or initiated an EcoCAT consultation?

16 A. All I know is what was presented to me.

17 Q. Is it a fair statement that the purpose
18 of this letter written by Mr. Ward describes the
19 potentially perceived negative impact to wildlife
20 generally from wind turbines?

21 A. That is correct, because that's when he
22 was asked when this was a wind and solar project going
23 in that was the greatest concern because of what has
24 been noted about birds and bats and that kind of

1 thing.

2 Q. Sure. But this letter doesn't mention
3 anything about any --

4 A. And that's why I asked if I needed to
5 print the letter.

6 Q. Sure. I'm going to finish my question.
7 But the letter doesn't mention anything about
8 perceived impacts from solar farms, correct?

9 A. I -- the letter doesn't, but I discussed
10 that with him two weeks ago.

11 Q. Ms. Miller, are you aware of the
12 financial obligations and requirements under what's
13 known as the AIMA or the Agricultural Impact
14 Mitigation Agreement?

15 A. Nope.

16 Q. And are you aware of the financial
17 surety that must be posted by the company regardless
18 of their financial position to guarantee
19 decommissioning of the project for the county?

20 A. I've heard mention of it, yes.

21 Q. Are you aware that any sale of this
22 project would require that all permits and conditions
23 of the siting permit would be transferred to the
24 successor in interest?

1 A. Yes. But I -- may I comment on that.

2 Q. Sure.

3 A. I've also heard it's not that easy.

4 I've been told, well, this is hearsay, that that has
5 to be recorded at the recorder of deeds for every
6 single parcel with every single landowner and I have
7 never heard that mentioned at any of these hearings.

8 Q. All right. Now, you read three quarters
9 of a statement that was contained in what you've
10 numbered Number 3 of your Exhibit Number 2. And I
11 want to finish reading that statement to you and then
12 I'll ask you a question here. Starts with at the same
13 time we will seek to maximize the value of renewable
14 business and position it with a new owner that can
15 facilitate its long-term success through the ongoing
16 energy transition.

17 A. Yes, it does say that.

18 Q. When you read three quarters of that
19 statement you stopped at we will seek to maximize the
20 value of renewable energy business and position it
21 with a new owner.

22 A. Because my point was Algonquin in my
23 opinion from everything I've seen has no intention on
24 following this through to fruition and hanging onto

1 this.

2 Q. But actually when you read the statement
3 in its entirety it suggests that the company would
4 like to see it's energy -- renewable energy a success?

5 A. I will ask your permission next time on
6 how I should do that.

7 Q. No, I'm not on asking that. I'm not
8 requiring that. I'm just asking you --

9 A. I'm not on trial.

10 MR. KAINS: Okay. Okay, folks. She's
11 asked a question. You need to let her finish the
12 question --

13 MS. MILLER: Okay.

14 MR. KAINS: -- and then you can answer.
15 And, yes, you're not on trial, but you are being
16 examined by counsel. So what's the question again?

17 MS. KENNEDY: I'll withdraw it. I have
18 nothing further.

19 MR. KAINS: Okay. Very good. Thank
20 you, Counsel.

21 All right. Questions for Ms. Miller from
22 other interested parties, that would be members of the
23 public who are in support of the application or who
24 are neutral on the application? Any questions from

1 the public? Thank you.

2 Mr. Keyt.

3 MR. KEYT: No questions.

4 MR. KAINS: No questions.

5 All right. And final questions come from
6 committee members. Very good.

7 Ms. Miller, thank you, for your testimony.

8 MS. MILLER: Uh-huh. Thank you.

9 MR. KAINS: You may step down.

10 (Witness excused.)

11 MR. KAINS: All right. Mr. Mark Puzey.

12 All right. Mr. Puzey, could you please raise your
13 right hand and be sworn.

14 MARK PUZEY,

15 was called was called to testify and, having been
16 first duly sworn, testified as follows:

17 MR. KAINS: Very good. Go right ahead.

18 MR. MARK PUZEY: My name is Mark Puzey.

19 Most of the people in this room know who I am. I have
20 lived in Vermilion County, specifically Jamaica
21 Township for the better part of my life. My wife and
22 I live on 680 East Road, a mile north of the town of
23 Jamaica directly adjacent or across the road from this
24 proposed project. We live in the home that I grew up

1 in. The home that my parents built starting in 1977.
2 At around 2002, 2003 my parents moved from the area, I
3 was able to move back into the house, rent from them
4 for a short time until the time I got married. My
5 wife and I were able to buy the house from them. We
6 now have three children age 13, 11 and 9 and very much
7 enjoy raising them in a quiet rural environment.

8 My children are the seventh generation of the
9 Puzey family to live in Jamaica Township. Of those
10 seven generations the overwhelming majority have been
11 directly involved with farming the ground in and
12 around Jamaica Township.

13 I have many concerns about this project.
14 There have been many questions about the clarity of
15 the project, clarity of the information presented,
16 transparency. Several of the people who have been in
17 the community trying to sell the project, so to speak,
18 for Liberty Power have been very ill-informed of
19 project specifics, they're not able to answer
20 questions, they may take 2 or 3 weeks, if not 2 or 3
21 months to get back with answers. I have concerns that
22 once a project like this may be finished that that
23 lack of concern for the local residents may continue.
24 I have a lot of concern, as I said, I live adjacent to

1 this proposal. I have a lot of concerns for traffic.
2 Yes, we do have heavy equipment that goes up and down
3 our road, we live in the country. We love living
4 around the farms, that goes with the territory.
5 However, when you have thousands and thousands of
6 extra trucks and equipment coming in the area that
7 does present legitimate concern to me and my family.

8 And I have concern for my home value. While
9 the real estate appraisal witness that testified today
10 is certainly very knowledgeable and I believe truthful
11 in his testimony I still have a hard time believing
12 that the value of my home will not diminish being
13 right across the road from a thousand acres of solar.
14 If I was looking for a home, and I am by no means
15 looking to sell my home, but if I was to see two
16 nearly identical pieces of property, same school
17 district, similar distances to work, to other
18 shopping, etc., etc., I have a hard time believing
19 that a potential buyer would want to pay the same
20 amount of money for my house versus a house miles and
21 miles from a project like this.

22 As I said, we live in the country for a
23 reason, it's because we like it. Our country is
24 beautiful and we don't want to see things changed just

1 because the government is pushing more green energy
2 initiatives. Yes, I believe solar and renewables are
3 important but they have their place. This is not the
4 place. There are far less productive areas of
5 farmland, areas that are not farmland at all,
6 rangeland, former -- other former quarries, landfills,
7 etc., land that most definitely would never return to
8 agricultural production that could be used for solar
9 facilities such as this.

10 I do not agree with the company's stance
11 concerning benefit to the community. I as a homeowner
12 will receive no direct benefit. There's a community
13 benefit agreement with the town of Fairmount, a town
14 which is at least two miles from the nearest solar
15 panels and a town from which you cannot see this
16 project, yet my living right across the road I will be
17 given nothing.

18 Beyond all this I have major concerns about
19 the agricultural impact regardless of my personal
20 opinions. Aside from the tiling company
21 representative and perhaps the real estate appraisal
22 representative none of the witnesses who have
23 testified for the company have any direct agricultural
24 background or expertise in production agriculture.

1 Some of the people who testified admitted they have
2 never physically visited the site. Some of the
3 representatives who testified seemed to think that at
4 the end of the project's useful life they believe they
5 could pull the equipment out of the ground, push the
6 soil around back to the original elevations and the
7 ground will somehow be just as good if not better in
8 their words than it was 30 or 40 years prior from the
9 time before the project started. There is a big
10 difference between letting ground go fallow one or two
11 years such as in limited CRP projects versus 35 to 40
12 years. The soil profile will be forever altered on a
13 significant portion of the project area. It takes
14 hundreds of years to create just one inch of top soil.
15 You'll notice I used the word soil a couple of times,
16 perhaps an homage to a former Ag instructor of mine,
17 because it is just that, soil, not dirt. Fertility,
18 soil tilled, organic matter content all will be
19 altered in ways that no one can predict. No one has
20 done this before. No one has results of a study from
21 a project started 30 years ago. There are no
22 guarantees.

23 Lastly, I would just like to reference a map
24 that was just given to me a short time ago, the color

1 maps that were provided upon a request. I do have
2 concerns about the vegetative screening still that is
3 proposed. I noticed that the updated maps I was given
4 do add some vegetative screening but only along 600
5 East Road, and I question why that vegetative
6 screening is being added to the people simply driving
7 down the road, whereas, there's no vegetative
8 screening along 680 East Road where there are houses
9 directly adjacent to the project. I'm hoping that's
10 an oversight.

11 Again, I would like to voice my displeasure
12 for this proposal. However, I do appreciate the
13 representatives from the company coming to share their
14 testimony and their thoughts on this project.
15 However, in this case I believe that their intentions
16 are misguided, that this is not the place for a
17 project such as this. If that power line was not
18 running east to west through this area they would not
19 be here. That's the only reason. And they've given
20 other reasons as well. There have been a few that
21 they commented on. What makes an area ideal for a
22 solar facility such as this, power transmission line,
23 number one. Another one that they mentioned was low
24 population. Low resistance to change. Low resistance

1 to their project. As I said, I think solar and
2 renewables have their place. This is not it.

3 Thank you.

4 MR. KAINS: Very good. Thank you,
5 Mr. Puzey.

6 Questions for this witness first from members
7 of the Vermilion County Wind and Solar Committee?

8 Questions for Mr. Puzey from members of units
9 of local government, including the Vermilion County
10 Board and school districts?

11 Questions from interested parties represented
12 by licensed attorneys.

13 Ms. Kennedy.

14 MS. KENNEDY: None.

15 MR. KAINS: Very good. Thank you.
16 Questions from members of the public who are in
17 support of the application or neutral on the
18 application.

19 Questions from counsel for Vermilion County
20 and consultants, Mr. Keyt.

21 **CROSS-EXAMINATION,**

22 **QUESTIONS BY MR. ANDREW KEYT:**

23 Q. Can you -- can you point out on the map
24 where your house is just for my own edification.

1 A. I live right here.

2 Q. Gotcha, okay.

3 MR. CRIGHTON: Sorry. I couldn't see.

4 A. Right there. So I had said that on the
5 new color maps there is no vegetative screening along
6 this road. The only thing that's been added was this
7 vegetative screening around this house which was
8 already also present on previous maps, and then they
9 have added some along the highway here and around the
10 substation location. There's nothing that's been
11 added here or on any other side of the project.

12 MR. KAINS: Mr. Puzey, if I could, what
13 road are you on?

14 MR. MARK PUZEY: 680 East.

15 MR. KAINS: 680 East. Was pointing for
16 the record to the right side of the new colored map on
17 the screen at road 680 East.

18 MR. MARK PUZEY: Yes.

19 MR. KAINS: And then when you were
20 pointing to the no vegetation -- no vegetation
21 proposed what roadways were you pointing at then?

22 MR. MARK PUZEY: That is 680 East.

23 MR. KAINS: Okay.

24 MR. MARK PUZEY: Shows no vegetative

1 screening on the map.

2 MR. KAINS: Okay. Very good. All
3 right. Thank you.

4 MR. KEYT: Can I -- I did have a couple
5 follow-up.

6 MS. KENNEDY: One -- I just have one
7 clarification. Up on the screen is not the updated
8 vegetative screen. This is just the site map that was
9 pulled up previously for Mr. Davis. It's map C300.
10 So I just want to establish that for the record.

11 MR. KAINS: All right. Now, hang on.
12 Where is the map that shows the vegetative screening?

13 MR. MARK PUZEY: That was what she
14 handed me a few minutes ago.

15 MR. KAINS: If you could hand
16 Ms. Kennedy your microphone. I just want to make sure
17 we have in the record the right map that we can refer
18 to.

19 MS. KENNEDY: And I believe he's right
20 about his comparison between the two. I just wanted
21 to note that what's up on the screen is not that
22 updated landscaping plan.

23 MR. KAINS: What exhibit or what part of
24 the application does show the updated landscaping?

1 MS. KENNEDY: There are a series of maps
2 that start with L1 through L5. Those were submitted
3 to be updated to the appendices in the application
4 materials. Those are the updated landscape plans.

5 MR. KAINS: L1 through L5, Committee,
6 those are the updated maps.

7 All right. Mr. Keyt, you said you had
8 another question.

9 MR. KEYT: Yeah, I just wanted to make
10 sure I understand a couple things.

11 **FURTHER CROSS-EXAMINATION,**

12 **QUESTIONS BY MR. ANDREW KEYT:**

13 Q. So that area that is essentially like a
14 notch in those solar panels are right across from your
15 house, who owns that?

16 A. This -- actually, I'm not sure of the
17 technical ownership of the -- the farmland is owned by
18 Clint Hoag. Brittany Hoag, his granddaughter lives
19 here.

20 Q. Okay. Understood. Is there any type of
21 screening that pacifies your concern about the
22 landscape screening? I understand you may have other
23 concerns about the solar, but is there landscape
24 screening that would --

1 A. I -- I guess I'm questioning why this
2 road still is omitted from any landscape screening,
3 why that is.

4 Q. All right.

5 A. And is that a mistake, an omission and
6 will there will be some around this purple boundary at
7 the very least along the roadside?

8 Q. I can't answer on behalf of whether it's
9 a mistake --

10 A. Well, that's my question, my concern.

11 Q. Hold on. You gotta let me ask the
12 question before you answer, okay, cause the court
13 reporter is trying to type this out.

14 My question then is there a landscape
15 screening that assists with your objection as to the
16 landscape screening? Do you understand my question?

17 A. Not necessarily.

18 Q. It's okay. Your concern is there is no
19 landscape screening along that road --

20 A. Correct.

21 Q. Is what you want in relation to where
22 you live landscape screening along that road?

23 A. Correct.

24 Q. Okay. My assumption is you still have

1 objections to the project?

2 A. Correct.

3 Q. Separate and distinct from the landscape
4 screening --

5 A. Yes.

6 Q. -- correct? Okay. Understood. Gotcha.

7 MR. KAINS: Okay. Mr. Puzey, when you
8 said this road --

9 MR. MARK PUZEY: Correct.

10 MR. KAINS: -- are you still referring
11 to 680 East?

12 MR. MARK PUZEY: 680 East, yes, sir.

13 MR. KAINS: Okay. Very good. All
14 right.

15 Ms. Kennedy, do you have any questions for
16 Mr. Puzey?

17 MS. KENNEDY: No.

18 MR. KAINS: Mr. Keyt, are you done?

19 MR. KEYT: I am done.

20 MR. KAINS: I think I'm done too. So,
21 board -- or the committee, rather, gentlemen.

22 Mr. Puzey.

23 MR. PUZEY: Since we're on this topic
24 that's green, the additional package that we got

1 earlier before noon shows what the screening might
2 look like at 2, 5 and 10 year interval and it's
3 located on 600 -- 400 East and then 600 East Road.
4 I'm assuming that there isn't a similar proposal for
5 680 East Road, however, there are what they call KOP
6 13 and 14, 15 and 16, or something like that, which is
7 points of interest, I guess, listed on the major map
8 here which needs some clarification on my part.

9 MR. KAINS: Mr. Puzey, which document
10 are you referring to?

11 MR. PUZEY: I'm referring specifically
12 to the Exhibit 8.

13 MR. KAINS: Exhibit 8, okay. Very good.

14 MR. PUZEY: Exhibit 8B.

15 MR. KAINS: Now, are you asking
16 questions, Mr. Puzey, of Mr. Puzey or are you asking a
17 question of the company?

18 MR. PUZEY: Of the company, yes.

19 MR. KAINS: Okay. Ms. Kennedy, I know
20 you're not a witness, but do you have a short answer
21 to answer Mr. Harold Puzey's question?

22 MS. KENNEDY: Could I steal your copy of
23 that written proffer I gave you. I don't have a copy.

24 MR. KAINS: Here. I'll need it back.

1 MS. KENNEDY: Yes. Could you repeat
2 your question, please.

3 MR. PUZEY: Okay. There are examples of
4 what the screening will look like along 400 and 600
5 East Roads at 2 and 5 year and 10 year intervals, only
6 in those two locations, the two areas. There's
7 nothing that I can see listed for 680 East Road.
8 However, there are points of interest called KOP 15,
9 16 and then beyond that to the south of 13 maybe 4, 12
10 and so forth. Are those other areas that will be
11 screened?

12 MS. KENNEDY: So if you look on the
13 legend of this map KOP stands for key observation
14 point.

15 MR. PUZEY: Yes.

16 MS. KENNEDY: So then it lists out the
17 road, and if you look at the legend it shows you what
18 direction you can be looking at.

19 MR. PUZEY: Yes.

20 MS. KENNEDY: So if got screening's 400
21 East Road --

22 MR. PUZEY: I understand that.

23 MS. KENNEDY: And, like you said, 600,
24 but not 680. Now, it's my understanding that this

1 committee -- this committee sets the landscape plan.
2 So if that was something that this committee came out
3 with additional screening on 680, of course the
4 company would follow that as a condition or
5 recommendation or what have you.

6 MR. KEYT: Can I -- can I just
7 clarify --

8 MS. KENNEDY: Absolutely.

9 MR. KEYT: -- for you, Mr. Puzey. Under
10 our ordinance the -- what landscape screening is
11 required in including the number of rows and spacing
12 falls to the committee and then ultimately the county
13 about how that goes about it. So if the committee
14 decided they wanted additional screening, they -- that
15 is an issue that they could address.

16 MR. PUZEY: Okay. So my question is,
17 has the project included 680 East Road anywhere in
18 this map?

19 MS. KENNEDY: No.

20 MR. PUZEY: Okay. Thank you.

21 MR. KAINS: All right. Are there any
22 questions, further questions for Mark Puzey from the
23 committee?

24 All right. Very good. Mr. Puzey, thank you

1 for your testimony. You may step down.

2 (Witness excused.)

3 MR. KAINS: Any other person who wishes
4 to testify at this point in opposition to the
5 application?

6 Okay. Mr. Corbin, come on up here to the
7 podium, please. Sir, could you please raise your
8 right hand to be sworn.

9 J U S T I N C O R B I N,

10 was called to testify and, having been first duly
11 sworn, testified as follows:

12 MR. KAINS: Very good. Sir, what is
13 your name?

14 MR. CORBIN: Justin Ray Corbin.

15 MR. KAINS: Justin Ray Corbin,
16 C-O-R-B-I-N.

17 MR. CORBIN: B-I-N.

18 MR. KAINS: And where do you live?

19 MR. CORBIN: Indianola, Illinois.

20 MR. KAINS: And is that in Vermilion
21 County?

22 MR. CORBIN: Yes, sir, it is.

23 MR. KAINS: Okay. Mr. Corbin, as a
24 resident you have a half hour.

1 MR. CORBIN: I stand before you today to
2 testify about the wind project and the effects it will
3 have on rural and our agricultural heritage and our
4 agricultural future of this county. And first I beg
5 of you to consider that as you guys make a tough
6 decision here.

7 I find it interesting that only opposition is
8 here. The people that are here shoving the project
9 down our throats are bought and paid for, every one of
10 their testimonies are bought and paid for. The
11 community is adamantly against it, otherwise they'd be
12 speaking in favor of it. You'll see this thing change
13 the community.

14 I -- I reference a conversation I had with my
15 daughter. And mind you my family's a small family
16 farm and I work in Ag retail, in fact, I work about a
17 mile from this protect. I've had the pleasure of
18 serving farmers in that area and helping improve their
19 productively on their land over the last several
20 years, 15 to be exact. I -- I've known agriculture my
21 whole life, I've been around it. But going back to
22 the conversation I had with my daughter. I'm trying
23 to leave them a family farm free of blemish that, you
24 know, I can be proud of, legacy. My dad was a first

1 generation upstart farmer. He started a hired man.
2 My grandpa was an upstart farmer that passed away
3 before my dad got the opportunity. So I take it
4 serious this legacy I leave. And I was talking to my
5 daughter about, you know, what -- what the
6 responsibilities of having a farm would be, you know,
7 I know she's 8, but I wanted to plant that seed young
8 because it's important. And we were talking and she
9 asked, daddy, are you winning or losing against that
10 project. I said, I don't know but I'm going to do my
11 best. And I stand before -- and that's why I have
12 come today. I don't know whether we're going to win,
13 I don't know whether we're going to lose but we're
14 going to do our best to leave the legacy that we'd be
15 proud of at the south end of Vermilion County.

16 I understand you guys have promised and
17 you've sat and made a lot of promises. In fact, I've
18 watched those three people come to town meeting after
19 town meeting and township meeting after township
20 meeting to make promises. They're the ones that use
21 the word should, and I was the one that said, you
22 know, should has an interesting thing, it really
23 doesn't cause you to have action but it sounds good on
24 paper and it sounds good to the ears of those that

1 want to hear it, but it doesn't make you do a thing.
2 You guys on this committee have the ability to put the
3 teeth to make them act, to make them do. You guys
4 have the ability to make them do, to make them
5 perform. Good or bad, their responsibility falls in
6 your hands.

7 I just ask that you think about that as we go
8 through this legacy and we go through the future of
9 this community, cause whatever we do it will be
10 changed forever whether we pass this opportunity or
11 whether we take this opportunity it will be changed
12 and that doesn't come lightly.

13 I do want to testify further, you guys talk
14 about improving the land and leaving it better than
15 you found it. I may be a simple farm boy but I've
16 never seen a project involve moving the soil to come
17 back and be left in better than we found it.

18 I have personal experience with coal miners.
19 My family sold to the coal mine in the south end of
20 Vermilion County. It was a good project for our
21 family, it's a good project for the community, it
22 provided 200 jobs. I happened to get a college
23 education partly because I worked at one of them jobs.
24 I can also attest that they're still in the process of

1 reclamation and they will be and have been for quite
2 some time, over ten years since that mine closed and
3 they're still in the process of reclamation trying to
4 get yields back. That tells me something. That tells
5 me that it's a hard row to hoe to get yields and
6 performance back and something you may or may not ever
7 get to.

8 So, like I said, I may be a simple farm boy
9 but I know we can't move soil and expect it to be just
10 the same as it was. I -- sorry, I'm trying to gather
11 my thoughts.

12 MR. KAINS: That's okay. Take your
13 time, sir.

14 MR. CORBIN: I guess I got 30 minutes, I
15 got time.

16 MR. KAINS: Yes, you do.

17 MR. CORBIN: I furthermore went to
18 discuss the -- not discuss, sorry. What measures will
19 you go with when you say you will return these farms
20 better than they were before? Is it soil tilled? Is
21 it organic matter? It's a lot of moving targets. I
22 know for a fact, I mean, we talk about soil health
23 every day in my line of work, I work in Ag retail,
24 that's a very big moving target that we're still not

1 even understanding what soil health and those things
2 look like. There's some tests that indicate soil
3 health but it's a moving target and not really well
4 understand even by the experts in the industry, and --
5 you know, so I think that's a very broad and worrisome
6 and burdensome topic.

7 I think about the home values in my
8 community. Yeah, we're in a depressed community. We
9 don't need any help being depressed with home values.
10 We -- we need to be a community that brings people to
11 it and this project will not make people want to move
12 here in the future. It will benefit a few people and
13 when that's done you guys will go back where you come
14 from and we have to live with the results, and I -- I
15 think that's very unfair. I think that needs to be
16 considered.

17 I think that's -- pretty much sums my opinion
18 up.

19 MR. KAINS: Very good. Thank you,
20 Mr. Corbin.

21 Questions for Mr. Corbin from members of the
22 Wind and Solar Committee? Mr. Fourez.

23 MR. FOUREZ: You mentioned the fact that
24 you work for the Ag retailers just down the road there

1 in Jamaica. Just offhand, I'm not going to hold you
2 to a number, what percent of your book of business
3 would 1,400 acres represent?

4 THE WITNESS: I can look at two family
5 farms I work with that that their farms are either on
6 it or farm -- say farmer own it. Probably -- I
7 probably service, you know, 30,000 acres total, but I
8 can think of two major customers I look at that map
9 and their farms are right on it. One of them in
10 flux, he recently passed away, but, you know, it would
11 have affected him.

12 MR. KAINS: Any other questions for
13 Mr. Corbin from the committee? Very good.

14 Questions for Mr. Corbin from members of
15 units of local government, including the Vermilion
16 County Board and school districts?

17 Questions from interested parties represented
18 by licensed attorneys. Ms. Kennedy?

19 MS. KENNEDY: None.

20 MR. KAINS: Very good. Thank you.
21 Questions from members of the public in support of the
22 application or neutral on the application?

23 Questions for Mr. Corbin from counsel for
24 Vermilion County and consultants, Mr. Keyt?

1 MR. KEYT: No questions.

2 MR. KAINS: Very good. And the final
3 questions come from the committee. Any questions for
4 Mr. Corbin? Very good.

5 Mr. Corbin, thank you for your testimony.

6 MR. CORBIN: Thank you.

7 (Witness excused.)

8 MR. KAINS: Anybody else in opposition
9 wishing to testify? Once all in favor of the
10 application have testified, those opposed shall
11 testify. Once all opposed have testified those who
12 are neutral on the application shall testify.

13 Anybody who is neutral on the application who
14 wishes to testify?

15 Rebuttal evidence from the Applicant.
16 Ms. Kennedy, do you have any evidence that you wish to
17 present?

18 MS. KENNEDY: None.

19 MR. KAINS: Okay. Very good. All
20 right.

21 Mr. Keyt, evidence from Vermilion County. Do
22 you have any evidence?

23 MR. KEYT: We do. There is previously
24 that has been passed out to the committee the Natural

1 Resources Inventory report from the Soil and Water
2 Conservation District. I think everybody has a copy
3 of that.

4 MR. KAINS: Does Ms. Kennedy have a
5 copy?

6 MS. KENNEDY: I have a digital copy,
7 yes.

8 MR. KEYT: I'd request that it be marked
9 as County Exhibit Number 1.

10 MR. KAINS: All right. Mark it as
11 County Exhibit 1.

12 Ms. Kennedy, do you have any opposition? Do
13 you have any objection to this document coming in?

14 MS. KENNEDY: No.

15 MR. KAINS: Okay. Very good. All
16 right. Mr. Keyt, that County Exhibit 1 is in.

17 MR. KEYT: Subject to the committee's
18 ability to review what information has come in so far
19 and also determine whether they want to call any
20 additional witnesses, the county will not have any
21 other evidence at this time.

22 MR. KAINS: All right. We will allow
23 the county to reserve the opportunity to call a
24 witness or witnesses at a future date of this hearing.

1 Now, it is time for public comment related to
2 the project. All right. This will be a three minute
3 comment period. I see already Mr. Cronkhite is
4 anxious to address us and we appreciate that. Before
5 you get your chance I'm just going to see if there's
6 just a show of hands anybody else wishing -- okay.
7 All right. I see -- trying to get all the names.
8 Ms. Maddox, Mr. Davis. And your name?

9 MS. BAIRD: Lisa Baird, Baird.

10 MR. KAINS: Baird. Okay. It will go
11 Mr. Cronkhite, Ms. Maddox, Mr. Davis and Ms. Baird.
12 All right. Oh, and, okay, we've got two more. All
13 right. We'll get to you also.

14 All right. Let's get it started.

15 MR. CRONKHITE: Can you -- can you give
16 me a one minute and 30 second -- and a 30 second
17 warning.

18 MR. KAINS: I'll give you a -- I'll give
19 you a fair waring.

20 MR. CRONKHITE: Thank you. 30 seconds.
21 I hope your fingers are warmed up.

22 MR. KAINS: Go right ahead.

23 MR. CRONKHITE: Okay. Warren Buffet
24 basically said that there would be no wind turbine

1 project if it wasn't for our taxes, and the same I'm
2 sure holds true for this as well.

3 Research shows that three times more carbon
4 is created in solar panels in their 30 year span than
5 burning natural gas, and that may be a low number
6 because China has not released any of their
7 environmental impact studies since 2018 so that number
8 may actually be fairly small. You know you're being
9 lied to when you're -- when you have to look for what
10 is not there.

11 It was said earlier in the day that wind --
12 and I know this is wind turbines but it's just part of
13 the thing, wind turbines bases only take up a half an
14 acre, yeah, but the -- the roads to them can take up
15 ten, but they never tell you that. Access, okay. I
16 assume also with solar panels just like wind turbines
17 when you sign a contract with a company you lose your
18 first amendment rights, you can no longer speak either
19 for or against the project ever for the rest of your
20 life or you will lose everything you have. Gee, I
21 wonder why they do that.

22 Incredibly incomplete. No crop numbers.
23 Okay, this is a numbers thing. No crop numbers? I
24 mean, how can you do any kind of a numerical

1 computation without what the crop numbers are? I
2 mean, that's insane.

3 There's no difference in our tax dollars?
4 And there's also no definition between how much money
5 we spent through our tax dollars on all those numbers
6 and how much is actually capitalized. There's no
7 breakdown of the Chinese dollars. Virtually the vast
8 majority of all this money that we're -- tax dollars
9 that we're going to be giving this company is going to
10 go to China; the generators, the gear boxes that leak
11 all over the ground, you know, so all of the solar
12 panels, all these solar panels are manufactured in
13 China. The vast majority of the dollars are going to
14 go to China.

15 Also tax dollars. There was no -- on the
16 numbers thing there was no tax dollars of agricultural
17 income from taxation, sales tax. How can you not do
18 that? I mean, all these -- all these things are first
19 year, you know, accounting in a college mess ups.
20 Without totals, expenditure, there's no validity.

21 EMF frequency. There are over 12,000 medical
22 research papers that show when you have whatever the
23 disease is if you use an EMF electromagnetic pulse
24 field and a specific frequency it will cure that

1 disease.

2 MR. KAINS: Mr. Cronkhite, you have one
3 minute.

4 MR. CRONKHITE: Thank you. So EMF, it
5 matters a lot, it matters everything. You know,
6 there's 1,200 papers on -- in here in the NIH that
7 talk about how frequencies will cure different things
8 in the body, same thing applies with destroying
9 things. When the soprano hits the high note she
10 shatters the wine glass.

11 Down to the end here. Lies, intimidation.
12 This industry is notorious for it. I could stand here
13 for an hour and tell you all the crazy stuff they will
14 pull on the public they make to terrify us.

15 MR. KAINS: Mr. Cronkhite, 30 seconds,
16 sir.

17 MR. ROBERTS: Thank you. This -- this
18 moment in our history, in this county will define
19 whether we remain a sovereign people or we become
20 servants. That's really what it amounts to. We let
21 them do this to us now through the State powers and we
22 are servants.

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

24 Ms. Maddox.

1 All right. You may begin.

2 MS. MADDOX: Britta Maddox. I've been
3 here for the different hearings and I've attended the
4 local meetings and I've heard different descriptive
5 words of who we are from people who don't live here.
6 One that has been resurfacing is entitled. To
7 understand this is a big project and we need to get on
8 board and how lucky we are and that we're also a
9 community that's opposed to change. And entitled may
10 be so. We live here. This is our home. It's what we
11 love. It's our community. We do what -- recognize
12 it's a big project, but we just don't want it here.
13 Opposed to change. I think that's the furthest thing
14 a farming community is. If -- I mean, if we were to
15 go back in generations our farming currently would be
16 unrecognizable to our forefathers who have nurtured
17 and taken care of this land so that our generations
18 could continue to farm it.

19 I was raised on a farm, generational on my
20 side. I married into a farm family, generational on
21 his side as well. Our son has come back to the farm
22 after college and he is also planning to make that
23 career for himself. We were raised to love our farm.
24 We are raised to nuture our farm and we are raised to

1 pass it on.

2 I have found several quotes, one being from
3 Bill Bodine, Director of Business and Regulatory
4 Affairs of the Illinois Farm Bureau. Our policy set
5 by our members support solar energy as a portion of
6 our energy portfolio, but it also supports efforts to
7 locate solar projects on marginal or under-utilized
8 lands. Merrill and farm bureau opposes commercial
9 solar energy facilities being built on prime
10 productive farmland. Pennsylvania Senate Bill 798
11 would prohibit development on land considered Class 1
12 or 2 which would be us for sure by the U.S.
13 Department of Agriculture. USDA considers this class
14 best for farm and crop production. So I just ask --

15 MR. KAINS: Ms. Maddox, you have one
16 minute.

17 MS. MADDOX: So I would just ask today
18 you please think about our community and what legacy
19 we want to live for those that live within it.

20 Thank you.

21 MR. KAINS: Very good. Thank you,
22 Ms. Maddox.

23 Mr. Davis.

24 MR. DAVIS: I have a copy of a letter

1 that would be easier than email I'm going to read it
2 into the record.

3 MR. KEYT: That's fine. You have a
4 physical copy?

5 MR. DAVIS: I have a copy, an extra
6 copy.

7 MR. KEYT: That's perfect.

8 MR. KAINS: And you're Mike Davis?

9 MR. DAVIS: I am Mike Davis.

10 MR. KAINS: Very good, Mr. Davis. You
11 may go right ahead.

12 MR. DAVIS: Thank you. This letter to
13 the county, wind and solar committee from Lisa, Nina
14 and Mara Baird.

15 We are co-owners of 240 acres of farmland in
16 Vermilion County and great granddaughters of W.I.
17 Baird one of the founding fathers and farmers of
18 Jamaica Township. We incurred the land from our
19 grandmother in 1984 because of our father's premature
20 death years earlier and have maintained the
21 generations long relationship with the Mike Davis
22 family to farm and manage our ground. The
23 relationship continues to work successfully. In 2019
24 when we first heard Liberty's interest to install wind

1 turbines and PV arrays on what we understand to be
2 some of the most productive land on earth we were --
3 we were appalled at the idea that utilities were
4 trying to incorporate industrial uses onto this land.
5 During this initial push we repeatedly expressed our
6 concerns to Mr. Davis and to Liberty with respect to
7 potential damage of adjacent ongoing agricultural
8 operations. These concerns include possible soil
9 compaction, changes to relative humidity affecting
10 water balance and plants and soil, distribution of
11 pollination and damage to existing tile systems.

12 We acknowledge that we are neither farmers
13 nor local residents but are deeply committed to
14 preserving our family heritage and passing along our
15 ground to future United States generations.

16 With this letter we again are documenting our
17 strong opposition to the proposed project and any
18 rezoning or change of agricultural land in this area.

19 Ironically, all three of us support the
20 renewable energy and reduction of carbon emissions,
21 yet none of -- none of us believe Liberty is doing
22 this good for the good of the land, the landowners or
23 the environment. Management of farm ground and
24 productive farming requires far different conditions

1 than the construction and maintenance of utilities.

2 MR. KAINS: You have one minute, sir.

3 MR. DAVIS: That letter from Nina, Mara
4 and Lisa Baird.

5 My comment -- Mike Davis's comment was in
6 relation to this land is something not everybody on
7 the continent has. We have it.

8 Brother and I sold a self-propelled sprayer
9 to a man from Monmouth, Illinois, which is in the
10 western part. The ground in Monmouth, Illinois, while
11 it's about the color of the woodwork --

12 MR. KAINS: You have 30 seconds, sir.

13 MR. DAVIS: Pardon?

14 MR. KAINS: You have 30 seconds.

15 MR. DAVIS: Okay. Thank you. I'll have
16 plenty of time. The man that bought the sprayer
17 standing in our shop looking south across black soil
18 as far as he could look and he said it does not do
19 anything but to fathom my ancestors walked across this
20 to put me in Monmouth. He said I couldn't believe it.
21 Everybody, most here understand what that means, some
22 don't it. It was the most true thing anyone had ever
23 said to me.

24 MR. KAINS: Thank you, Mr. Davis.

1 Ms. Baird. Good afternoon. Could you please
2 state your name for the record.

3 MS. BAIRD: Lisa Baird. Yes, ironically
4 I'm related to Lisa, Mara and Nina Baird, also my
5 dad's cousin.

6 MR. KAINS: Is is L-I-S-A?

7 MS. BAIRD: Yes, it is.

8 MR. KAINS: And your last name is
9 spelled?

10 MS. BAIRD: Baird, B-A-I-R-D.

11 MR. KAINS: Okay. Ms. Baird, you may go
12 right ahead. You have three minutes.

13 MS. BAIRD: I'll probably make it two.
14 Ironically I'm probably the only one standing up here
15 for the project. I'm K&L Baird's Farm, LLC. My
16 grandfather was Donald Baird and my great father --
17 great grandfather was William Erwin Baird who was my
18 grandfather's brother who gave the farm that's --
19 to -- is related to Nina, Mara and Lisa Baird.

20 I don't have a problem with change. Our
21 farm's been in -- for four generations. It went from
22 my great grandfather having the Baird Elevator in
23 Jamaica, Illinois, selling it to Seagrams Seven and my
24 grandfather owned it -- actually I got that messed up

1 cause I'm a little nervous, I don't like to speak in
2 front of people. I can speak, but just a little. And
3 I don't have a problem with change. Right now it
4 benefits my family. It's my brother and I and my dad
5 passed away and I lost my boyfriend. So it will go on
6 for generation after generation. It's in my brother's
7 will and my will. It will be passed onto the Baird's
8 and it's still going in the Baird family. They will
9 not mess with the Baird farm or the mineral oil -- the
10 mineral -- mineral soil.

11 Is that right, mom?

12 SPECTATOR: Mineral rights.

13 MS. BAIRD: Mineral rights. That's all
14 I want to say. So I appreciate it. It will bring
15 taxpayer dollars into this county and we sure need it.

16 Thank you, for your time.

17 MR. KAINS: Very good. Thank you,
18 Ms. Baird.

19 Okay. The gentleman in the front row right
20 there and I've forgotten your name, I apologize.

21 MR. DEATH: Brian DeAth.

22 MR. KAINS: What's your last name again?

23 MR. DEATH: DeAth, D-E, capital, A-T-H.

24 MR. KAINS: Very good. You have three

1 minutes, sir.

2 MR. DEATH: Yeah, I might apologize,
3 cause maybe -- cause I'm a -- maybe a simpler farm boy
4 than Mr. Corbin, but this would have probably been
5 something to ask earlier, but I'll just kind of speak
6 what was on our mind about this. It was concerning
7 runoff water, something that wasn't necessarily talked
8 about, probably maybe should have been talked about
9 with the -- when the drainage consultant was here, but
10 if you stand there and look at that proposed site and
11 think of when it -- when we have these heavy rains
12 sometimes it's bad enough on bare soil that if we have
13 these flooding events and runs all into the ditches
14 and the ditches can't keep up, I feel like this would
15 be magnified because the rain's not going to fall on
16 the soil, it's going to be falling on these solar
17 panels and being funneled into channels, if that's the
18 right term, and I just feel like it's going to -- it
19 could pose a serious problem to our drainage on top of
20 drainage problems we might already have due to the
21 lines being cut through and all those things.

22 That's really all I have -- I mean, this --
23 that man was -- when -- when Mr. Davis talked about
24 people walking across his land to go somewhere else

1 far before my time, you know, this was while -- and it
2 wouldn't be farmed without that drainage and it's
3 just -- we could -- we could seriously compromise that
4 with these solar panels.

5 Thank you.

6 MR. KAINS: Very good. Thank you, sir.
7 And the gentleman across the isle with his hand up in
8 the front row.

9 Sir, what is your name?

10 MR. BODINE: Kevin Bodine.

11 MR. KAINS: How do you spell your last
12 name?

13 MR. BODINE: B-O-D-I-N-E.

14 MR. KAINS: Very good, Mr. Bodine. You
15 have three minutes for public comment.

16 MR. BODINE: Okay. Just about 24 hours
17 ago I was sworn in on the County Board. So people
18 oppose it. This committee has done an excellent job,
19 put a lot of time into it. The chairman, everybody
20 here, and I appreciate their work. I do have a
21 question. I wasn't here for the role call, but
22 there's one of the committee members that is not here.
23 Was that excused as absent? You don't know. I'd like
24 to have it on the record cause that's twice he has not

1 been here. The last two times he has not been here.
2 So we need as a County Board, chairman, we need to
3 make a change there and make sure someone fills that
4 spot if he's not going to be here. I also recommend
5 that we get some people on the committee that is from
6 the northern part of the county too as this is also
7 going to effect them.

8 But my strategy on this is I didn't get on
9 the board just for this. I was thinking about serving
10 it for quite a few years. I started coming back here
11 to these -- attending these meetings in 2019 and got
12 interested and, hey, I could serve. As I saw the
13 board members sit here, you'll see all their names on
14 here. How many of them are here? One. So if you
15 don't want this to go through and send these guys
16 packing take those names down and start lobbying. I'm
17 a relative of Bill Bodine in Springfield, he's a
18 lobbyist for the farm bureau, and I've told him the
19 farm bureau needs to get off the fence and start
20 standing up for our farmers because if we keep taking
21 ground out of production we won't need those offices,
22 we won't need those people to represent the farmers.
23 There's going to be 150,000 acres taken out of
24 production this year.

1 MR. KAINS: Mr. Bodine, you have one
2 minute.

3 MR. BODINE: Thank you. And federally
4 there will be 1.4 million taken out of production for
5 development in wind and solar. And I'm saying this in
6 memory of Kim Jolley today. He was here at the last
7 hearing. He's a friend, relative, a former U of I
8 basketball player was concerned, concerned that he was
9 going to lose his farm over this deal.

10 MR. KAINS: You have 30 seconds, sir.

11 MR. BODINE: And it's about one-third of
12 the project.

13 I thank you for the time.

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

15 Any other public comment? Anybody in the
16 room who wishes to address the Wind and Solar
17 Committee? Very good. Thank you.

18 All right. It is time now for the receipt of
19 written public comment. Ms. Kennedy, I believe you
20 have some writings.

21 MS. KENNEDY: I do. I've marked them
22 Exhibits 11 through 15.

23 MR. KAINS: Okay. Why don't you at this
24 point give them to Mr. Keyt and he will distribute

1 them to members of the committee.

2 Now, anyone who has not yet submitted a
3 written comment may do so. I would suggest that you
4 see Mr. Keyt who's seated directly in front of me
5 after the meeting to get his email address. They
6 should all be sent by email to Mr. Keyt, he will then
7 print them out and distribute them at the next session
8 of this public hearing to members of this committee.

9 That brings us to closing statements by
10 counsel.

11 Now, Ms. Kennedy, I'm going to give you the
12 option, it's 5:30 in the evening, you can either
13 address the board now or at the beginning of the next
14 session. Your preference.

15 MS. KENNEDY: Truthfully it doesn't
16 matter to me. If the board's ready to go home I can
17 wait and do it at the next session. So it truly
18 doesn't matter to me.

19 MR. KAINS: Okay. Let's do that,
20 because we have a couple of issues that we need to
21 take up.

22 First, we have to have a continuation of
23 this -- this public hearing. The board will just go
24 into recess until another date and at that third

1 session of this public hearing we will have -- we will
2 start with the receipt of all written comments --
3 written public comments, things that Mr. Keyt receives
4 between now and that public hearing continuation date.
5 Then we'll have closing statements by Ms. Kennedy.
6 Then the board will close the evidence and the board
7 will then deliberate what are called findings of facts
8 and conditions that would attach to any permit should
9 it be approved by the County Board and should those
10 conditions be approved, but that's going to take
11 Mr. Keyt and Ms. Reeves in front of me some time to
12 prepare these documents for review, draft documents
13 for review by this committee, and then they will vote
14 on the issue.

15 And a reminder, the vote of this Wind and
16 Solar Committee will be a recommendation to the full
17 Vermilion County Board and they will take it up at
18 its -- at their regular board meeting. So the
19 question now becomes and I'll open the discussion to,
20 Mr. Keyt, do we have proposed -- proposed dates, date
21 or dates for a resumption of this public hearing.

22 MR. KEYT: Yeah. So I have checked with
23 the County to figure out what dates the room is open
24 in January. The next -- there are a few dates, but

1 the dates I'm open would be the 17th or the 26th of
2 January. So if either of those work. The 17th is
3 only a week so that might be a little bit quick, but
4 the 26th of January is also open. If we go beyond
5 that we would be into February. The only dates
6 according to the county office that for sure don't
7 work are the Grand Jury dates of February 1st and
8 February 15th and then February 13th is a county board
9 meeting date so we probably want to avoid that date.
10 So February is open aside from those three dates.
11 January is open, 17th and 26th, at least on my
12 schedule. So with that, the committee can confer
13 about what dates work.

14 MR. KAINS: All right. Gentlemen,
15 first, Mr. Chairman, let's look at Friday the 26th. I
16 think the 17th might be a little bit optimistic for
17 Mr. Keyt to prepare and draft findings.

18 MR. FOUREZ: 26th I can make work.

19 MR. KEYT: I'm sorry, Courtney, did you
20 say the 17th doesn't work or the 26th?

21 MS. KENNEDY: The 26th does not work me.
22 I'm sorry.

23 MR. KAINS: Does not work. How about
24 the 17th?

1 MS. KENNEDY: I can make that work.
2 Mr. Chairman.

3 MR. FOUREZ: I'll be out of town.

4 MR. KAINS: Out of town, okay. Then
5 let's look at February.

6 MR. KEYT: And what I would suggest is
7 we find two dates in February because there are three
8 other smaller projects we gotta get heard too. So if
9 I were to make a suggestion one date for a
10 continuation of this meeting, a subsequent date after
11 that for the other three which we'll do. But we have
12 February 1st, February 15th and February 13th are --
13 don't work. Other than that, I can make almost
14 anything work.

15 MR. KAINS: All right. Mr. Chairman,
16 how about Friday, February 2 are you back?

17 MR. FOUREZ: I think I can make that
18 work.

19 MR. KAINS: Okay. Gentlemen, Mr. Puzey.

20 MR. PUZEY: I'm out of town.

21 MR. KAINS: Okay. When will you return?

22 MR. PUZEY: The 10th.

23 MR. KAINS: The 10th, okay. So after
24 the 10th. This is like putting together a Rubik's

1 Cube. Okay. After the 10th.
2 MR. KEYT: Would the 13th work?
3 MR. GREENWELL: That's county board.
4 MR. KEYT: Oh, that's right. Ignore me.
5 How about the 14th?
6 MR. FOUREZ: I will be out of country
7 from the 12th through the 16th on business.
8 MR. KAINS: Okay. Then let's go to the
9 20th cause the 19th is a Federal holiday honoring our
10 Presidents. The 20th, 21st?
11 MR. GREENWELL: 20th doesn't work.
12 MR. KAINS: 20th does not work for you,
13 Adrian, okay. All right. 21st, 22nd or 23rd,
14 Mr. Chairman.
15 MR. FOUREZ: 21st and 23rd would work,
16 22nd not so much.
17 MR. KAINS: Members of the committee.
18 MS. KENNEDY: I can make them work.
19 MR. KAINS: 21 and 23, Andy?
20 MR. KEYT: That works for me.
21 MR. KAINS: Okay. Committee, 21 and 23.
22 All right. Then, Mr. Keyt, and, Mr. Chairman, if I
23 could suggest that the committee reconvenes on the
24 21st, 9 a.m., Mr. Chairman.

1 MR. FOUREZ: That works for me.

2 MR. KAINS: The 21st of February at 9:00
3 a.m., in this room -- what's this building called?

4 MR. KEYT: Administration Building.

5 MR. KAINS: The Vermilion County
6 Administration Building on Vermilion Street, 9:00
7 a.m., on February 21st, 2024.

8 MR. KEYT: So for clarity, we would be
9 recessing this meeting --

10 MR. KAINS: Yes.

11 MR. KEYT: -- to February 21st, at 9:00
12 a.m., the same room, the same time. The 23rd, if we
13 want to keep that date, which I would suggest cause
14 there's -- there are solar projects that have applied
15 that we need to get through as well. I would suggest
16 we keep -- use that date for that. That would be a
17 completely different meeting, that's not a recessed
18 meeting, that would be a wholly different, separate,
19 and distinct meeting separately noticed from this.

20 MR. PUZEY: That could be at 9:00 too?

21 MR. KEYT: Yeah, that could be at 9:00,
22 if everybody's good with that?

23 MR. KAINS: For the separate solar farm
24 applications is the 23rd of February, at 9:00 a.m.,

1 all right with you, Mr. Chairman? February 23, at
2 9:00 a.m.?

3 MR. FOUREZ: I can make that work.

4 MR. KAINS: Members of the committee.
5 Don't even need to ask you all unless you're
6 representing them, Ms. Kennedy?

7 MS. KENNEDY: No.

8 MR. KAINS: All right. With respect to
9 the Mural Energy application and public hearing, any
10 further procedural matters, Ms. Kennedy?

11 MS. KENNEDY: No. I believe we're
12 reserving Exhibit 10 for next time?

13 MR. KAINS: Yes.

14 MS. KENNEDY: But other than that
15 nothing.

16 MR. KAINS: We will take up Exhibit 8,
17 Mr. Keyt needs to review and Exhibit 10 you're going
18 to amend and we'll take those up and then we will have
19 receipt of written comments, closing statements by
20 Ms. Kennedy and then the board will deliberate and
21 vote on its recommendation.

22 Very good. Mr. Chairman, with your
23 permission, this committee and this hearing are in
24 recess.

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MR. FOUREZ: That works for me.

MR. KAINS: Very good.

(Cause adjourned.)

WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS
CAUSE ON SAID DAY.

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(Cause adjourned.)

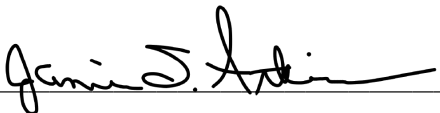
WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS
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C E R T I F I C A T E

I, Jamie S. Atkinson, Official Court Reporter
in and for the County of Vermilion, State of Illinois,
do hereby certify that the foregoing to be a true and
accurate transcript of the proceedings had in the
before-entitled cause on said day.

Dated this 14th day of February, 2024.



Jamie S. Atkinson, CSR
Official Court Reporter
License No. 084-004156