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ZONING BOARD OF APPEALS

ITEMS FOR DISCUSSION AND POSSIBLE ACTION:

MUSKETEER WIND ENERGY, LLC

TRANSCRIPT OF PROCEEDINGS

September 9, 2025

9:00 a.m.

ZONING BOARD OF APPEALS MEMBERS PRESENT:

Steve Fourez, Chairman
Jana Messmore
Jeff Wise
Adrian Greenwell
Chris Crawford
Stan Seaman

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APPEARANCES:

FOR THE APPLICANT:

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HEARING FACILITATOR:

Scott Kains, Springfield, IL

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1 MR. FOUREZ: I see by the clock on the
2 wall it is 9:00, which is when our start time is. And
3 we'll roll call. Let the record show that we have all
4 the Committee Members in attendance, with the
5 exception of Mr. Harold Puzey. And at this point,
6 since we're on the continued meeting from August 11th,
7 we're ready to continue with the public hearing part
8 of the meeting.

9 MR. KAINS: Good morning, ladies and
10 gentlemen. When last we met, we heard evidence from
11 the Applicant, Vermilion Musketeer Wind. We heard
12 evidence from eight different witnesses, and then we
13 jumped out of order, which is my prerogative, and we
14 heard public comment from seven individuals. But
15 there are still witnesses from the Applicant. It's my
16 understanding that there are still a couple of
17 witnesses. So today we will hear witnesses from the
18 Applicant. Then we will hear from individuals in the
19 public who wish to testify. We also will have any
20 rebuttal evidence from the Applicant, should there be
21 any. We will have public comment -- additional public
22 comment. Like I said, there were seven members of the
23 public who made public comment last time. We will
24 also hear public comment this morning. We will

1 receive written comments that have been submitted to
2 the county. If there is any evidence from Vermilion
3 County through its counsel, we will hear from those
4 witnesses, and then we will have closing statements
5 from counsel, and then we will get to deliberations.

6 Mr. Keyt, do you plan on having deliberations
7 by the Committee with respect to findings of fact,
8 conditions that would attach to a permit, if any, and
9 a vote of a recommendation on this? Do you anticipate
10 having that this afternoon?

11 MR. KEYT: Yes. If we get done in time,
12 yes.

13 MR. KAINS: Okay. Very good. So we'll
14 play it by ear. We're going to move through witnesses
15 this morning. And so we will turn it over to Mr. Jim
16 Griffin on behalf of the Applicant.

17 Good morning, Mr. Griffin.

18 MR. GRIFFIN: Good morning, Mr. Kains.

19 MR. KAINS: You may call your next
20 witness.

21 MR. GRIFFIN: I would like to recall
22 Greg Vasilion very briefly. We have new information
23 since the last hearing. I know there was a lot of
24 discussion on the BESS system. Since the last hearing

1 we've had another meeting with Rankin Fire Protection
2 District. Greg has new information. So I just want
3 to very briefly offer him up, recall him as a witness,
4 and we have a letter of support from the Rankin Fire
5 Protection District. Chief could not be here today.

6 MR. KAINS: I will allow you to recall
7 Mr. Vasilion.

8 MR. GRIFFIN: Okay. Thank you.

9 MR. KAINS: Mr. Vasilion, if you could
10 take the microphone over here at the podium. Because
11 you don't have a microphone there, Mr. Griffin, could
12 I ask you to sit at one of these seats on the end.
13 Anything that has a microphone that works.

14 All right. Mr. Vasilion, good morning.

15 MR. VASILION: Good morning. How are
16 you?

17 MR. KAINS: I'm reasonably well
18 considering.

19 You were called to testify in this public
20 hearing on August 11th, 2025. Do you recall that day?

21 MR. VASILION: Yes.

22 MR. KAINS: And do you recall that I
23 swore you in and you promised to tell the truth?

24 MR. VASILION: I do.

1 MR. KAINS: Do you understand that you
2 remain under oath and that you are required this
3 morning to continue to offer truthful testimony in
4 this regard?

5 MR. VASILION: Yes, sir, I do.

6 MR. KAINS: All right. Very good. All
7 right. Go right ahead, Mr. Griffin.

8 MR. GRIFFIN: Yes. Is this microphone
9 working?

10 MR. KAINS: Maybe tilt it up just a tad
11 towards you. Bump on it. It's not.

12 Okay. Mr. Griffin, you may go right ahead
13 with questions for your witness.

14 **DIRECT EXAMINATION,**

15 **QUESTIONS BY MR. JAMES R. GRIFFIN:**

16 Q. Mr. Vasilion, when you previously
17 testified you had mentioned you had meetings with the
18 Rankin Fire Protection District and its chief
19 concerning the project; is that correct?

20 A. Yeah, that's correct.

21 Q. And since our last public hearing date
22 have you had another meeting with the fire chief and
23 members of the fire protection district?

24 A. Yes, we did.

1 Q. Why don't you summarize what happened at
2 that meeting?

3 A. Yes, certainly. So, yeah, like Jim just
4 alluded to this project over the course of its
5 development has met with the Rankin Fire Protection
6 District a number of times, including meeting with the
7 chief, including meeting with the chief and some of
8 the leaders from that organization, and then most
9 recently, last week on Thursday we brought down our
10 battery storage engineering team, who's sitting up
11 there, to do what we call the phase zero training
12 session with members of the Rankin Fire Protection
13 District. There were probably 15 to 20 folks in
14 attendance from the Rankin Fire Protection District,
15 and I believe there were a few folks from the
16 Hoopeston Fire Projection District as well. And what
17 we walked through with them was some of the basics of
18 battery storage, some kind of telltale safety response
19 mechanisms, and really mostly walking through the
20 obligation that we have to put safe equipment out in
21 the field, and the obligation that we have to work
22 with that department to construct emergency response
23 plans. So we talked a lot about that, and just
24 generally helping them understand what the future of

1 this project looks like and reassuring them that we're
2 going to be working with them every step of the way.

3 And so to kind of summarize that meeting and
4 our future commitments to safety for this project to a
5 letter to the fire chief, and he responded
6 acknowledging and agreeing with the letter in support
7 of the project.

8 Q. And how many people were at this
9 meeting?

10 A. I would say 15 to 20, maybe slightly
11 more than 20.

12 Q. And you received then a letter from
13 Shane Diskin, the Rankin Fire Protection District
14 Chief?

15 A. Yes.

16 MR. GRIFFIN: I'd like to introduce that
17 letter of support, this will be Applicant's Exhibit
18 Number 9.

19 MR. KAINS: Okay. If you can have him
20 identify the letter.

21 MR. GRIFFIN: Sure.

22 **QUESTIONS BY MR. GRIFFIN:**

23 Q. Greg, I've handed to you what's been
24 marked as Applicant Exhibit Number 9. Can you

1 identify what this is?

2 A. Yes, certainly. So Exhibit Number 9 is
3 two pieces of paper. One is a letter that I wrote to
4 Chief Diskin to highlight any of the previous work
5 that we've done with the Rankin Fire Protection
6 District, including informal meetings, meetings with
7 leadership and also that phase zero training that we
8 did with the entire department, and then also
9 highlighted any of the future commitments that we're
10 going to make to the -- to the Rankin Fire Protection
11 District for the project, including drafting emergency
12 response plans for construction and operations, and
13 also doing multiple on-site trainings. So that's the
14 first part of it. The second part of it is a letter
15 from Shane acknowledging that his district has met
16 with our staff several times, and also acknowledging
17 that -- and I'll just quote in here, "I feel confident
18 that the planning and future training will give our
19 department all the tools we need to respond to an
20 emergency at the battery site." So the chief and the
21 fire protection district are feeling confident and
22 have expressed such in this letter.

23 Q. Thank you.

24 MR. GRIFFIN: I'd ask for Applicant's

1 Exhibit Number 9 to be introduced for the record.

2 MR. KAINS: All right. I'm going to
3 review these.

4 All right. I've had an opportunity to review
5 the two letters contained in Applicant's Group Exhibit
6 9.

7 And, Mr. Keyt, and, Ms. Rives, do you have
8 any objection to the admission of these letters into
9 the record?

10 MR. KEYT: No objection.

11 MR. KAINS: All right. They will be
12 admitted into the record, to be considered by this
13 Committee and ultimately by the Vermilion County
14 Board.

15 MR. GRIFFIN: Thank you.

16 MR. KAINS: All right. Go ahead,
17 Mr. Griffin. Do you have any other questions of your
18 witness?

19 MR. GRIFFIN: No, that's all. Unless
20 there's questions for Mr. Vasilion.

21 MR. KAINS: Okay. All right.
22 Mr. Vasilion, you still get questions, first from
23 Members of the Committee.

24 Yes, Mr. Wise.

1 MR. WISE: Okay. So you met with the
2 fire department. One of the concerns that's been
3 brought to my attention is if there is a thermal
4 event, a fire, would chemicals be in the air? Would
5 that ever cause for an evacuation? Has that ever
6 happened where, you know, houses had to be cleared
7 because of a fire?

8 THE WITNESS: Thanks for the question.
9 On this project there will not be an evacuation
10 scenario. It doesn't exist. But when we're talking
11 about the batteries that we're talking about, we
12 mentioned this with the fire protection district,
13 generally the impact -- obviously you don't want to be
14 walking around into anything that is on fire, but what
15 we talked about with this fire protection district is
16 that the impact is on the order of dozens of feet.
17 It -- well, you could be on the road if there was an
18 event, it would be fine. So, no, there's no
19 evacuation.

20 MR. WISE: Thank you.

21 MR. KAINS: Any other questions for this
22 witness from Members of the Wind and Solar Committee?

23 (No response.)

24 MR. KAINS: All right. Questions for

1 this witness from Members of the Vermilion County
2 Board or from members of the -- of -- members of units
3 of local government, including school districts.

4 (No response.)

5 MR. KAINS: Are there any interested
6 parties here represented by licensed attorneys? Any
7 licensed attorneys here representing any person or
8 persons?

9 (No response.)

10 MR. KAINS: All right. Questions from
11 interested parties, members of the public, folks who
12 are either opposed to or neutral on the application
13 for this project who wish to ask questions of
14 Mr. Vasilion?

15 (No response.)

16 MR. KAINS: Questions from Vermilion
17 County staff and consultants, Mr. Keyt, Ms. Rives.

18 MR. KEYT: I just have a couple.

19 **CROSS-EXAMINATION,**

20 **QUESTIONS BY MR. ANDREW J. KEYT:**

21 Q. So, Mr. Vasilion, the -- you've met with
22 the fire district, do you know how many times with the
23 fire district?

24 A. Honestly, we have met with them a lot of

1 times informally. So I would say the total times
2 probably this year was probably four to five times.

3 Q. In terms of the closest residence to
4 where the BESS system is, not just the wind farm in
5 general, but where the BESS system is, what is closest
6 residence to that?

7 A. It's almost two-thirds of a mile, that's
8 about 3,000 feet, just over 3,000 feet.

9 Q. Okay. If there is a fire, is there a
10 chance that there might be toxic fumes released?

11 A. Not to the extent that it would effect
12 that residence, no.

13 Q. Okay. What do you base that on?

14 A. That's based on the studies that we have
15 on other battery sites. It's one of the things that
16 we do is when working with the fire protection
17 districts to put together our emergency response plan.
18 We'll have various analysis from the fire engineers
19 that will include things like that. It doesn't just
20 include likelihood of thermal events or fires, it
21 includes things like what is the extent of the smoke,
22 what is the extent of the, you know, potential damage.
23 That is also all included in the analysis that would
24 be part of our emergency response plan that we've

1 worked through with the fire protection district.

2 Q. So in terms of the emergency response
3 plan, if the county -- if we received the emergency
4 response plan and the emergency management agency, if
5 the county -- health department or the county reviews
6 it and says, hey, we would be more comfortable if
7 there was some sort of evacuation plan included, would
8 you be amenable to that?

9 A. I suppose if it was pieces of paper. I
10 mean ultimately we are very confident that there will
11 be no need for an evacuation plan. So ultimately that
12 would be our stance, is that it's not necessary.

13 Q. Okay.

14 MR. KEYT: That's all the questions I
15 have. Thank you.

16 MR. KAINS: All right. Mr. Griffin,
17 redirect examination on this witness.

18 MR. GRIFFIN: No more questions.

19 MR. KAINS: All right. Very good.
20 Final questions for the witness come from Members of
21 the Wind and Solar Energy Facility Committee.

22 (No response.)

23 MR. KAINS: All right. Very good.
24 Mr. Vasilion, thank you for your testimony. You may

1 step down.

2 THE WITNESS: Thank you.

3 (Witness excused.)

4 MR. KAINS: Mr. Griffin, call your next
5 witness.

6 MR. GRIFFIN: Michael Butler. Good
7 morning, sir.

8 THE WITNESS: Good morning.

9 M I C H A E L B U T L E R,

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

13 MR. KAINS: Very good. Thank you. All
14 right. Mr. Griffin, your witness.

15 **DIRECT EXAMINATION,**

16 **QUESTIONS BY MR. JAMES R. GRIFFIN:**

17 Q. Mr. Butler what is your current place of
18 employment?

19 A. TRC Companies.

20 Q. And what's your occupation?

21 A. Professional engineer, civil engineer.

22 Q. And what did you do concerning the
23 Musketeer Project application?

24 A. I was involved in the development and

1 review of the decommissioning plan and cost estimate.

2 Q. And can you please summarize your
3 educational background.

4 A. I have a degree in environmental and
5 civil engineering from Northwestern University.

6 Q. And are you a licensed professional
7 engineer in the state of Illinois?

8 A. I am.

9 Q. And can you please summarize your
10 professional background.

11 A. I've worked in engineer consulting,
12 civil and environmental for a little over 25 years.
13 Most of the last 10 years has been renewable space in
14 wind and solar, working a variety of aspects of the
15 design and construction of these types of projects
16 across mainly the Midwest, but a little bit all over
17 the country.

18 Q. Okay. And I provided the county
19 attorneys with an exhibit, and that will be
20 Applicant's Exhibit Number 10, which is your
21 professional resume. Are the statements in this
22 resume true and correct?

23 A. Yes, they are.

24 Q. Have you appeared before other public

1 hearing bodies such as this as an expert witness
2 concerning renewable energy projects and
3 decommissioning of those?

4 A. Yes, numerous projects across Illinois,
5 Michigan and Indiana.

6 Q. And have you been accepted and qualified
7 as an expert in preparing decommissioning estimates
8 for those projects by those bodies?

9 A. Yes, sir.

10 Q. And the application for this project
11 included a decommissioning report that was prepared by
12 TRC under your supervision?

13 A. Yes, it was.

14 MR. GRIFFIN: I'd ask that Mr. Butler be
15 qualified as an expert witness in civil engineering
16 and on the preparation of the decommissioning
17 estimates.

18 MR. KAINS: Mr. Keyt, Ms. Rives, do you
19 have any voir dire for the witness?

20 MR. KEYT: I do not, no.

21 MR. KAINS: Any objection to this
22 witness serving as an expert?

23 MR. KEYT: Not from the county.

24 MR. KAINS: Okay. I find that based

1 upon Mr. Butler's qualifications, his education, his
2 work experience as an engineer for 25 years, that he
3 does qualify as an expert witness, therefore, his time
4 to testify will not be limited by time.

5 Go right ahead, Mr. Griffin.

6 MR. GRIFFIN: And I'd ask that
7 Applicant's Exhibit Number 10, which is Mr. Butler's
8 resume be admitted into the record.

9 MR. KAINS: Any objection, Mr. Keyt,
10 Ms. Rives?

11 MR. KEYT: No objection.

12 MR. KAINS: Exhibit 10 is in evidence.
13 His resume is in and will be considered, if necessary,
14 by Members of this Committee and by the Vermilion
15 County Board.

16 Go right ahead, Mr. Griffin.

17 **QUESTIONS BY MR. GRIFFIN:**

18 Q. Mr. Butler, in preparing the
19 decommissioning report for this project, can you
20 please explain to the Committee how you did that and
21 what you do to prepare such a report.

22 A. Sure. The decommissioning plan is a
23 cost estimate prepared by our team of engineers,
24 construction managers with experience in the industry,

1 and it's really just a breakdown of the time and
2 materials that they expect to remove the turbines and
3 all of the ancillary equipment, pavement, foundations
4 in accordance with the County Ordinance as well as the
5 state's Agricultural Impact Mitigation Agreement.

6 The industry's -- the standards in their
7 experience, develop those times, that they estimate
8 how many days it would take to take down each turbine,
9 how long the crane will be there, how much time it
10 takes to remove different types of the aggregates and
11 gravels. They use pricing from the county from
12 prevailing wage data, as well as other sources,
13 including RSMeans, which is an industry-accepted
14 database with thousands of data points on just types
15 of equipment and costs and usage. And they put that
16 together to estimate the total cost of the removal.

17 We understand that's going to be reviewed in
18 five-year increments to make sure it keeps up with any
19 swings in inflation or substantial changes in costs.

20 Q. Does your report also deal with costs
21 for the disposal and recycling of the materials that
22 comprise the protect?

23 A. Yes, to the extent that those are
24 predictable and we feel comfortable including those.

1 So one example would be, we have all the salvage value
2 and costs associated with steel and the turbine. We
3 don't include the battery, because that's still a
4 little bit of a volatile market in terms of salvage
5 value. So we assume unfortunately that's going to be
6 disposed and hopefully finds the market.

7 Right now blades are not included in the
8 salvage value for some of the same reason, but that's
9 a market that's very quickly changing, at least the
10 recycling market. It is building up with blades. We
11 have examples of a couple companies in Iowa now that
12 are setting up operations and operating to grind up
13 blades and use them as reenforcement for concrete and
14 asphalt and other things. So we expect that to
15 increase in the years ahead as that -- the number of
16 blades coming out moves to scale.

17 Q. And is the report that you prepared,
18 does that account then for the removal of all of the
19 required improvements under the County's Ordinance and
20 under the AIMA?

21 A. Yes. It accounts for the removal of
22 everything down to 60-inches below grade which
23 should -- well, obviously would cover all of the
24 roads, gravel, aggregates, all the above-ground

1 structures, the wiring and at least the first 60
2 inches of the spread foundations for each turbine.

3 Q. And so after the project is
4 decommissioned, the area should be ready to be reused
5 for agricultural purposes or any other future use?

6 A. That is the intent of the
7 decommissioning and a requirement of Ag Mitigation
8 Agreement.

9 MR. GRIFFIN: That's all the questions I
10 have for Mr. Butler. Thank you.

11 MR. KAINS: Thank you, Mr. Griffin.
12 Thank you, Mr. Butler, for your testimony.

13 Time for questions for Mr. Butler, first from
14 members of the Wind and Solar Committee.

15 Mr. Wise.

16 MR. WISE: Okay. So you say that it
17 would be 60 inches in-depth. So the foundation would
18 essentially remain, but be covered by 60 inches?

19 THE WITNESS: The upper 60 inches would
20 be per all the -- of the ordinance and the Ag
21 Mitigation Agreement would be essentially jackhammered
22 out and removed and then, you know, backfilled.

23 MR. WISE: Okay.

24 THE WITNESS: So the lower part of the

1 spread foundation would remain.

2 MR. WISE: All right. Now, one thing
3 that, of course, has been discussed multiple places,
4 blah, blah, blah, remediation of the soil. Would
5 there be any contaminations of the soil in any way,
6 shape or form from these that would have to be
7 remediated when the -- it's decommission?

8 THE WITNESS: No. As has been discussed
9 in response, no remediation is expected.

10 MR. WISE: Okay. Thank you.

11 MR. KAINS: Thank you, Mr. Wise. Any
12 other questions for this witness from Members of the
13 Wind and Solar Committee?

14 (No response.)

15 MR. KAINS: All right. Questions for
16 the witness from members of units of local government,
17 County Board, any school districts?

18 (No response.)

19 MR. KAINS: Very good. Members of the
20 public, questions for this witness on decommissioning
21 and decommissioning cost estimates.

22 MS. MILLER: Yeah.

23 MR. KAINS: Yes. Becky Miller, come on
24 up.

1 MS. MILLER: I can just shout from here.

2 MR. KAINS: Okay. If we can all hear
3 you. If you're in the back row and you can't hear
4 her, raise your hand.

5 MS. MILLER: I'll use my teacher voice.

6 MR. KAINS: There you go. Thank you,
7 Ms. Miller.

8 MS. MILLER: Can you guarantee that
9 you'll bring in a crane to decommission these, or do
10 you -- the nacelle will then also cost?

11 THE WITNESS: This plan calls for crane
12 removal of them.

13 MS. MILLER: So that would be written in
14 the planned documents?

15 THE WITNESS: It is in the planned
16 document, correct.

17 MS. MILLER: Okay. Then you said in
18 Iowa they are starting to recycle these blades. So
19 you have a cost factor of now transporting these
20 blades back to Iowa to be ground up, and I don't know
21 that financially that makes a lot of sense. And if
22 that falls through, what's the backup plan for getting
23 rid of these blades?

24 THE WITNESS: The plan currently assumes

1 the blades are going to be taken off-site and disposed
2 of appropriately.

3 MS. MILLER: Disposed of where?

4 THE WITNESS: Landfill.

5 MS. MILLER: What landfill?

6 THE WITNESS: It would depend on the
7 time of the disposal who's accepting it. That market
8 changes, you know, annual basis. You know, we can't
9 guarantee where any -- any disposal would happen in
10 the short term.

11 MS. MILLER: Like one of the blade
12 graveyards that's out west possibly even, or -- I
13 mean --

14 THE WITNESS: No. As you said, it would
15 probably be in a more local landfill facility.
16 Transportation that far --

17 MS. MILLER: But you haven't reached out
18 to any landfills around here or have a plan for that,
19 correct?

20 THE WITNESS: No. That's not expected
21 to happen in this short of a term.

22 MS. MILLER: Thank you.

23 THE WITNESS: Uh-huh.

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

1 Are there any other questions from the public
2 for this gentleman?

3 Yes, is it Ms. Wallace?

4 MS. WALLACE: Yes.

5 MR. KAINS: Okay.

6 MS. WALLACE: I'm a teacher as well, but
7 I don't I have that loud of a voice.

8 MR. KAINS: Ms. Wallace, see if that
9 microphone might be working.

10 MS. WALLACE: Yes.

11 MR. KAINS: Great. Jamie, do you have
12 her name?

13 COURT REPORTER: I do.

14 MR. KAINS: Okay. Very good. Go right
15 ahead.

16 MS. WALLACE: Can everyone hear me okay?

17 Mr. Griffin, I first wanted to let you know
18 that we are having a hard time hearing you in the
19 back. So if you want to slide over to this seat when
20 I'm finished, but that would be appreciated.

21 MR. GRIFFIN: Thank you.

22 MS. WALLACE: Thank you. My question
23 for the decommissioning plan, I believe I understood
24 correctly, Mr. Wise brought up that the lower part of

1 the foundation will remain; is that correct?

2 THE WITNESS: Yes.

3 MS. WALLACE: So that's -- that's
4 forever in the ground?

5 THE WITNESS: The lower portion, yes.
6 The ordinance and the state's Ag Mitigation Agreement
7 require the top 60 inches to be removed. They believe
8 that is sufficient to allow for future use of the
9 property in agricultural use. And that's from the
10 Illinois Department of Agriculture requirements.

11 MS. WALLACE: Okay. So can any crops be
12 planted there after the fact?

13 THE WITNESS: Yes, that's -- that's the
14 intent you'll have -- still have 5 feet of soil before
15 you reach any potential part of that foundation.

16 MS. WALLACE: Okay. Thank you.

17 THE WITNESS: Yes.

18 MS. WALLACE: Then my question is, is
19 the decommissioning plan going to be available for the
20 public to review at any point?

21 THE WITNESS: It is included in the
22 submitted package already, and I expect that to be
23 updated as the design is finalized and going forward.

24 MS. WALLACE: Okay. Where would

1 somebody that lives near these things be able to go
2 and see this information at?

3 MR. KEYT: I might be able to help that.
4 There's -- I believe the application's posted online,
5 and I believe the decommissioning plan on the county's
6 website -- is posted online on the county's website,
7 and I believe decommissioning plan is Exhibit 12.

8 MS. WALLACE: Okay. On the county
9 website.

10 MR. KEYT: Correct.

11 MS. WALLACE: Okay. Thank you.

12 MR. KAINS: Thank you, Ms. Wallace. Are
13 there any other questions from folks in the -- members
14 of the public?

15 Yes, ma'am, if you could please come up to
16 this microphone.

17 MS. ROMINE: Here?

18 MR. KAINS: Yes, ma'am. And I'm trying
19 to remember your name from last time.

20 MS. ROMINE: Joyce Romine.

21 MR. KAINS: I have it down right here.
22 Okay. Ms. Romine, good morning. Your questions for
23 the witness, please.

24 MS. ROMINE: Yes, I would. How many of

1 these have been decommissioned since your expected 25
2 or 30 years lifespan? Have many already gone through
3 that process?

4 THE WITNESS: A variety of the turbines
5 have been decommissioned for various reasons to
6 replace the turbines with newer equipment. But as far
7 as I know of there has been no full-scale
8 decommissionings of a wind project because they all
9 are still fairly functional and not reaching their end
10 of their life.

11 MS. ROMINE: So we don't know really
12 what to expect at the end of the time? Things could
13 change between now and then as far as the disposal of
14 all this equipment and things like that, so?

15 THE WITNESS: Well, and let me clarify
16 that, the whole scale removal of a wind farm. All the
17 turbines are fairly routinely replaced for a variety
18 of reasons. So there is a lot of experience in the
19 removal and replacement of turbines, but not
20 whole-scale decommissioning.

21 MR. VASILION: Is it okay if I
22 interject?

23 MR. KAINS: Not -- not yet.

24 MR. VASILION: Okay.

1 MR. KAINS: Maybe not never,
2 Mr. Vasilion, because you have counsel. You may
3 consult with him with respect to redirect examination.

4 Okay. Ms. Romine, any other questions?

5 MS. ROMINE: Well, that was the main
6 thing I'm wondering, you know, none of us know 25, 30
7 years from now how things might go, but I am concerned
8 to know. And another question would be, if your
9 company and any of these other programs like this go
10 out of business between now and then, it sounds good,
11 but who's to say what's going to happen at the end of
12 that time.

13 THE WITNESS: I can address probably two
14 pieces of that, then I may have to defer to the -- to
15 the county. That's the intent of the five-year review
16 period is to make sure the costs are always updated to
17 the current methodology and current science and
18 current experience of the industry. And then the
19 surety piece of the decommissioning requirements is
20 what's intended to make sure that even if this project
21 owner is not able to decommission it, the county has
22 the financial backing to get it done.

23 MS. ROMINE: Well, I also do have some
24 thoughts about the quality of the ground after which

1 you're taking away. But maybe that's another issue
2 too.

3 MR. KAINS: You can address those
4 thoughts when it's the time for public comment or
5 public testimony, all right.

6 MS. ROMINE: All right.

7 MR. KAINS: Okay. Do you have any other
8 questions for this gentleman.

9 MS. ROMINE: Not -- not right now.
10 Thank you.

11 MR. KAINS: Ms. Romine, thank you.

12 MS. ROMINE: Thank you.

13 MR. KAINS: Appreciate your questions.
14 Anybody else with questions for this witness who are
15 either opposed to the application or neutral on the
16 application?

17 MR. STARK: Yeah, I do.

18 MR. KAINS: Yes, sir. Please come
19 forward.

20 MR. STARK: I'm just trying to get
21 something straight here.

22 MR. KAINS: Sure. That's what these
23 public hearings are about.

24 What's your name again?

1 MR. STARK: My name's Mike Stark,
2 S-T-A-R-K.

3 MR. KAINS: Mike Stark.

4 MR. STARK: Yes.

5 MR. KAINS: Okay. Very good, Mr. Stark.
6 Your questions for Mr. Butler.

7 MR. STARK: Just only one question of
8 Mr. Butler. If, God forbid, your company does go out
9 of business, who does the actual work to remove it and
10 once the time comes for removal?

11 THE WITNESS: That's what the cost
12 estimate is intended, and the surety costs --

13 MR. STARK: Not the recycling. Who
14 removes it?

15 THE WITNESS: If the company -- if
16 Invenergy were gone or the project owner were gone --

17 MR. STARK: Yes.

18 THE WITNESS: -- then that's what would
19 fall to the county to -- and that's what the surety
20 bond is for, to protect the county to make sure they
21 have the --

22 MR. STARK: So the county is, like, the
23 people's response plan?

24 THE WITNESS: Presumably. I'd have to

1 let the county speak to what their method would be in
2 that situation.

3 MR. STARK: All right. That's my
4 question. Thank you, sir.

5 MR. KAINS: Very good questions. Thank
6 you, Mr. Stark.

7 Any other questions for the witness from
8 members of the public who are either opposed to the
9 project or neutral on the project?

10 (No response.)

11 MR. KAINS: All right. Very good. All
12 right. Questions from Vermilion County staff and
13 consultants, Mr. Keyt, Ms. Rives.

14 MR. KEYT: I got a few.

15 **CROSS-EXAMINATION,**

16 **QUESTIONS BY MR. ANDREW J. KEYT:**

17 Q. Mr Butler, in terms of the
18 decommissioning plan, which is included in the
19 application as Exhibit Number 12, between now and when
20 the construction begins, that could be a period of
21 time where a market could change or fluctuate, and my
22 presumption is that you'd be committed to updating the
23 decommissioning plan and cost estimates prior to that
24 time; is that fair?

1 A. Absolutely. I expect there will be a
2 third-party review from the county, as well as
3 additional changes as the design finalizes. I think
4 in the last hearing we spoke about the number of
5 turbines and the potential models, this is kind of the
6 most conservative estimate right now that uses the 81
7 turbine design.

8 Q. And you hit on one thing. So the county
9 would typically retain a third-party engineer to
10 review those costs and you'd be obviously open to that
11 discussion, fair?

12 A. Yep.

13 Q. In terms of recycling versus disposal of
14 materials, so one concern, of course, that the county
15 has is if for some reason the project goes fallow or
16 there's nobody around to decommission it and the
17 county has to do that, that could occur before that
18 30-year period, and so some of the cost estimates that
19 the county may have to include, may include things
20 like transportation to either some recycling site that
21 may be farther away, or to a site that would accept
22 this disposal of that equipment; is that fair?

23 A. Yes.

24 Q. So some of the things you've talked

1 about, at least so far, has there been any
2 transportation cost analysis of taking the blades to a
3 landfill at this point?

4 A. Yes. But not to a specific location.
5 Our transportation costs in all of the disposal items
6 incorporated into the back end of the cost estimate,
7 but not to any specific facility.

8 Q. So my question is, how do you determine
9 the transportation cost if you don't have a specific
10 facility you're taking it to?

11 A. Just using industry averages in a, you
12 know, typical radius that they would be land filled
13 somewhere, you know, within the Midwest, and that's
14 kind of our assumption. They're not going to get
15 trucked across the country.

16 Q. So in terms of whether or not there is a
17 local landfill that would be able to take the
18 materials, at this juncture you've not made that
19 determination as of yet?

20 A. Not to a specific landfill, but there's
21 nothing to prevent any landfills from taking it.
22 They're qualified as hazardous materials. It would
23 just be a size and space constraint issue at the time.

24 Q. And are you talking about the wind

1 turbine components specifically, or are you also
2 including BESS system?

3 A. Also including the BESS system.

4 Q. Is there no hazardous materials within
5 the BESS so that a landfill would be able to --

6 A. Well, that would be maybe more of a
7 battery electronics recycling disassembly and -- you
8 know.

9 Q. And has that cost been evaluated?

10 A. Yes. That cost has been put in here,
11 yes.

12 Q. Okay. Is there a line item for that in
13 Exhibit 12?

14 A. Sorry, I just lost the page here. There
15 is, yes. That would be in the salvage value summary,
16 4.10, \$4.5 million.

17 Q. So then, I guess, would those -- do you
18 have a breakdown as to what goes into that \$4.5
19 million in relation to the battery energy storage
20 system decommissioning?

21 A. Not included in here physically, but we
22 could provide that, yes.

23 Q. All right. Yeah, I think it may be
24 helpful if that information is provided to the

1 county's engineer.

2 A. Yep, absolutely.

3 Q. If we get do that point, so. But it
4 sounds like in terms at this point in terms of
5 transportation costs, it hasn't been specifically
6 determined what landfill could take it, the materials,
7 specifically the volume of materials that might be
8 going, because some landfills won't take the volume of
9 materials that's requested, but -- but that hasn't
10 been determine yet. And then also there would need to
11 be a determination as to where the battery energy
12 storage system materials would go, if that's -- if I'm
13 understanding you correctly?

14 A. Yes.

15 Q. In terms of the BESS system, have you
16 been involved in a battery energy storage system
17 decommissioning at all?

18 A. Not yet, no.

19 Q. In terms of a turbine or group of
20 turbines in relation to a project, have you been
21 involved in a decommissioning of either a single
22 turbine or a group of turbines?

23 A. Yes, we have.

24 Q. And where was that at?

1 A. Our team has worked on them across the
2 country; Iowa, Wisconsin, other locations. Mainly in
3 the -- when companies are repowering, changing out
4 turbines.

5 Q. Of those projects that you have been
6 involved in decommissioning, has it been -- and it
7 sounds like it's been in the context of a repower; is
8 that correct?

9 A. For the most part, yes.

10 Q. In that context, were they -- were the
11 towers themselves removed or just the nacelle
12 replaced?

13 A. I'm going to say some of both with the
14 experience on the team that I was working on this
15 project. The kind now that I'm speaking is, you know,
16 got other engineers and construction managers working
17 this. I know they've worked on projects that have
18 involved both.

19 Q. And I understand there may be estimates
20 involved with how much that cost was going to be, but
21 has there been -- of course, then if you've actually
22 decommissioned it, somebody's had to actually go out
23 and do the decommissioning?

24 A. Yes. And those estimates are based on

1 their experience within the industry.

2 Q. And do you have the actual costs that
3 those projects had in relation to those turbine
4 removals?

5 A. I don't have them, but I could -- we
6 probably could do additional research and obtain those
7 for you.

8 Q. Okay. And then in terms of the salvage
9 value, I think your understanding and I think
10 Invenergy's understanding is that the salvage value is
11 up to the discretion of the county under the terms of
12 the AIMA; is that fair?

13 A. Absolutely, yes.

14 Q. In terms of -- and just going back to
15 the BESS again real quick. In terms of the
16 decommissioning of the BESS, it sounds like the
17 electronic components may need to be recycled or
18 disposed of separately from some of the, perhaps,
19 metal materials that are composed within the battery
20 system; is that correct?

21 A. Absolutely.

22 Q. In terms of -- in terms of the cost
23 estimates that have been done on projects that then
24 actually got decommissioned, has there been an

1 increase in the costs -- the actual cost of removal
2 versus the cost estimate?

3 A. I don't have that information, and
4 stepping back a few questions, let me clarify one.
5 I'm talking about decommissioning and projects being
6 decommissioned. I'm not aware of any that have been
7 decommissioned by a county or agency to have a direct
8 comparison to the decommissioning plan, to have that
9 apples-to-apples comparison you're talking about. You
10 know, companies have repowered and brought down entire
11 projects or portions of projects, but never to compare
12 with decommissioning plan like this, to my knowledge.

13 Q. Okay.

14 MR. KEYT: I think that's all the
15 questions I have for you. Though, I may have others.
16 I think we probably have a stipulation that would
17 eliminate some of the questions. But we can deal with
18 that at a different time.

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

21 Redirect examination. Mr. Griffin, have you
22 had the opportunity to consult with Mr. Vasilion about
23 any questions that you might have for this witness?
24 Because you get to ask the questions, not your project

1 manager.

2 MR. GRIFFIN: Very true.

3 **REDIRECT EXAMINATION,**

4 **QUESTIONS BY MR. JAMES R. GRIFFIN:**

5 Q. So I just want to confirm that the
6 purpose -- one of the purposes of preparing the
7 decommissioning plan is to provide cost estimates,
8 correct?

9 A. Yes, it is.

10 Q. And what is that cost estimate then used
11 for?

12 A. To determine the surety bond or
13 mechanism for the county to ensure that they have the
14 funds appropriate to decommission if required.

15 Q. And so that's essentially an insurance
16 policy that the county gets in the amount of the
17 decommissioning that's available in the event the
18 company were to not undertake its obligation to
19 decommission the project?

20 A. Correct, yes.

21 MR. GRIFFIN: That's all the questions I
22 have.

23 MR. KAINS: All right. Very good.
24 Thank you, Mr. Griffin.

1 All right. Final questions for the witness
2 come from Members of the Wind and Solar Committee.

3 Any last questions?

4 Mr. Chairman.

5 MR. FOUREZ: I realize the foundations
6 and we're going to leave them five feet underground
7 and they're massive, but I also know that over time
8 things tend to heave and come up out of, you know,
9 rocks and things work their way to the surface. Has
10 there been any research and how stable that's going to
11 be over time? And if at some point the
12 decommissioning is to be considered completed but
13 sometime down the road, if that becomes an issue, does
14 the farm operator, the landowner have any recourse to
15 address the fact that the massive concrete blocks are
16 no longer five feet under the ground or three feet or
17 two feet because -- especially when we're doing
18 accurate agricultural production practices, things
19 that we bury six-feet deep over time tend to be three
20 and a half feet deep. Is there any consideration of
21 that?

22 THE WITNESS: So let me answer I think
23 the three questions there. One is, yes, everything --
24 I mean, gets removed to 60 inches, so below would be

1 left, and that's at the direction of the Illinois
2 Department of Agriculture. That's their belief that
3 that's -- to answer the later questions that it's a
4 safe distance to allow future farming and that they
5 should not see any future impacts from that.

6 To the stability of the foundation, by design
7 it's intended to be able to withhold the structure of
8 the wind turbine, so I would not anticipate in any
9 number of years that the movement of that without
10 significant erosion of the overlying soils.

11 And I forgot the third question was -- oh, it
12 was what kind of assurance, and I wouldn't be able to
13 answer that. That would be a contractual item that
14 the owner would have to discuss with the landowner.

15 MR. KAINS: Very good. Thank you.

16 Any other questions from Members of the
17 Committee?

18 Mr. Greenwell.

19 MR. GREENWELL: So how deep is the
20 foundation? You're going down five feet, which gets
21 the stem and a little bit of the foundation, but how
22 much remains there?

23 THE WITNESS: I don't have that
24 information in front of me, but I'm trying to see if I

1 have the -- the diagram of the spread foundation, and
2 I do not have that in front of me. The cost estimate
3 only assumes removing that.

4 MR. KAINS: All right. Any other
5 questions from Members of the Committee for
6 Mr. Butler?

7 (No response.)

8 MR. KAINS: All right. Very good.
9 Thank you. Thank you, Mr. Butler. You may step down.

10 (Witness excused.)

11 MR. KAINS: All right. Mr. Griffin,
12 call your next.

13 MR. GRIFFIN: Dr. David Loomis.

14 MR. KAINS: Good morning, sir.

15 D R. D A V I D L O O M I S,

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. Thank you.

20 Mr. Griffin, go right ahead.

21 **DIRECT EXAMINATION,**

22 **QUESTIONS BY MR. JAMES R. GRIFFIN:**

23 Q. Dr. Loomis, what is your current place
24 of employment?

1 A. Strategic Economic Research, LLC.

2 Q. And what does Strategic Economic
3 Research, LLC do?

4 A. We look at the economic impacts and
5 property tax implications of energy projects that
6 would include wind, solar, transmission, battery
7 storage and other technologies.

8 Q. And what did you do concerning the
9 Musketeer Project application?

10 A. I was the lead analyst on the project, I
11 supervised all the analysis, reviewed all of the
12 spreadsheets and coordinated the writing of the
13 report.

14 Q. And can you please summarize your
15 educational background for the Committee?

16 A. Yeah, I have both a bachelor, master and
17 Ph.D. in Economics from Temple University.

18 Q. And can you please summarize your
19 professional background?

20 A. I was a Professor of Economics at
21 Illinois State University for 26 years. I taught in
22 their regulatory economics graduate program and also
23 was the cofounder of the Center for Renewable Energy
24 there at the University as well as the Institute for

1 Regulatory Policy studies housed within the Economics
2 Department at ISU.

3 Q. And, Dr. Loomis, I'm going to provide to
4 the county in a moment a copy of your resume, which
5 will be marked as Applicant's Exhibit Number 11. Are
6 those statements in your resume true and correct?

7 A. Yes.

8 Q. Dr. Loomis, you have testified numerous
9 times in public hearings in order to this and been
10 accepted as an expert witness in the field of
11 performing economic analysis of renewable energy
12 projects, correct?

13 A. Yes.

14 MR. GRIFFIN: I would ask that
15 Mr. Loomis be certified as an expert for the purposes
16 of this hearing.

17 MR. KAINS: Mr. Keyt, Ms. Rives, any
18 questions for Dr. Loomis?

19 MR. KEYT: No questions.

20 MR. KAINS: Any objection to him serving
21 as an expert witness in this hearing?

22 MR. KEYT: No objection.

23 MR. KAINS: I have found Dr. Loomis to
24 be an expert witness. I've heard his testimony, I've

1 heard his background in at least 15, perhaps 20 public
2 hearings such as these in counties throughout the
3 state. Dr. Loomis -- Dr. Loomis does economic impact
4 statements for a lot of different governmental
5 entities with respect to renewable energy. I do find
6 that he is an expert in his field. Perhaps the most
7 qualified guy in the Midwest to talk about this. Not
8 that that makes any difference in whether this
9 Committee and the County Board should ultimately
10 consider his testimony greater than anyone else, but
11 Dr. Loomis is an expert in his field and he will be
12 treated as such and accorded an unlimited amount of
13 time to testify, should he need it. So he's in as an
14 expert witness.

15 Go right ahead, Mr. Griffin.

16 MR. GRIFFIN: And I'd ask that
17 Applicant's Exhibit Number 11, his resume, be
18 introduced.

19 MR. KAINS: Any objection, counsel?

20 MR. KEYT: No objection.

21 MR. KAINS: Exhibit 11,
22 Dr. Loomis's resume or CV shall be admitted into
23 evidence in this hearing and shall be considered by
24 the Board.

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Go right ahead.

QUESTIONS BY MR. GRIFFIN:

Q. Dr. Loomis, you prepared an economic impact analysis report for this project, correct?

A. Yes, I did.

Q. And that's included in the application?

A. Yes.

Q. And you also have a presentation here that summarizes that report that you prepared?

A. Yes.

Q. Please go through your summary of the report and the PowerPoint.

MR. KAINS: Let's go off the record, Jamie.

(A discussion was held off the record.)

MR. KAINS: All right. We're going to go back on the record now. All right. Dr. Loomis, if you feel comfortable, you may begin your presentation.

THE WITNESS: Great. Good morning. My name is David Loomis and I -- as I said before, I'm a professor emeritus at Illinois State University. I prepared peer-reviewed publications in the area of wind and solar and their economic impacts. Next slide.

1 I'll do two parts of the presentation. I'll
2 look at the economic impacts, and then secondly I'll
3 look at the property tax revenues that will flow from
4 the project. Next slide.

5 In preparing this report we used a software
6 called IMPLAN. IMPLAN is industry standard software
7 that's used by most economic development managers to
8 look at the economic impacts of infrastructure
9 projects. So it could include things like building a
10 factory, building a hospital, and so forth. It's not
11 specific to the energy industry or renewable energy in
12 general. And the purpose is really to look at data
13 that's local. So what IMPLAN enables us to do look is
14 to look at Vermilion County, in particular, and then
15 the state of Illinois and know the industry segments
16 that are present and how those industry segments
17 interact with one another. What are those
18 interrelationships between the different industries.
19 Next slide.

20 In order to prepare this report I get
21 detailed cost estimates on the capital expenditures
22 and operating expenditures that Invenergy has for this
23 project, and that's on the left-hand side. In the
24 middle we look at separating those expenditures into

1 what those -- what those expenditures will be done
2 locally. So at the county level, what of those
3 expenditures will be done at the state and regional
4 level and then what are going to be spent outside of
5 the region. And then we would apply the appropriate
6 multiplier effect where money reverberates throughout
7 the economy in those interrelationships between the
8 industries. But for those expenditures that are made
9 outside of the area, we call those economic leakage
10 and they don't get that multiplier effect. And so a
11 lot of the turbine equipment itself would be assumed
12 to be non-regional expenditures and would not get this
13 multiplier effect. Next slide.

14 We see the result in two -- in three
15 different categories. The first are the direct
16 impacts. And this is what typically gets quoted if
17 you don't have an economic impact study. It will be
18 during construction. The number of construction
19 workers that will be on site or the number of wind
20 turbine technicians and a site supervisor that will be
21 at the wind plant. Those are direct expenditures
22 because they are hired by Invenergy or their EPC
23 contractor to build the project or to maintain the
24 project during the life of the wind project.

1 The second impact, though, is also real but
2 oftentimes don't get -- those do not get quoted unless
3 you do a study like this, and that's the supply chain
4 impact. We recognize that there are purchases that
5 are made that are going to boost up companies and the
6 local economy. These are going to be employment
7 effects that are going to be felt in companies here in
8 Vermilion County and not direct employees of
9 Invenergy. So these would be supplies of concrete,
10 rebar, things that would make sense to purchase
11 locally and not transport over long distances. As
12 well as purchases that will be made during the life of
13 the project during operations.

14 Third is the induced impacts. Because people
15 have jobs and income in those direct and indirect
16 aspects, they're also -- then money that people get to
17 spend on ordinary household purchases. They're going
18 to buy groceries, they're going to dine out, they're
19 going to spend money on entertainment in the local
20 area, and that's what's called an induced impact.
21 Those are household purchases because people have
22 income as a result of the project. Next slide.

23 So I'll briefly go through the report. We'll
24 spend a little time on the jobs, but we also talk

1 about earnings and output. Next slide.

2 So when we look at the total employment
3 impact for Vermilion County, we see 165 jobs during
4 construction for the county. Another 137 jobs in
5 terms of those indirect or supply chain impacts. And
6 another 56 on the induced impacts. For a total of 358
7 jobs. These are full-time equivalent jobs. Some of
8 these may be part time, but we've done the math to
9 make them full-time equivalent. And this -- or you
10 could think of these as job years. These are defined
11 as full-time equivalent lasting one year during
12 construction.

13 Now, when you do move down to operations,
14 this is during the life of the project, some people
15 call these, you know, permanent jobs or ongoing jobs.
16 These are expected to last for the life of the
17 project. That would include on-site direct impacts of
18 7.8. The indirect impacts of 5.7 jobs. And induced
19 impacts of 7.5. For a total of 21. And you see on
20 the right-hand column, I won't highlight that, but
21 we've also done the impacts for the state of Illinois
22 where we're capturing those interrelationships between
23 counties across the whole state or sourcing that would
24 happen outside of Vermilion County but still within

1 the state of Illinois. Next slide.

2 This is just looking at it graphically in the
3 three different bars measuring direct, indirect and
4 induced impacts. Next slide.

5 Now, I don't have the table, but I'll just go
6 through the earnings. The earnings would include in
7 Vermilion County 42 -- over \$42 million during
8 construction and \$1.2 million ongoing on an annual
9 basis in terms of earnings. So really what that means
10 is for those direct and indirect jobs, those are good
11 paying jobs. The income per job is high.

12 The induced impacts are not as well paying.
13 You can see the bar is not as big, and that's because
14 they tend to be more retail jobs, at the grocery
15 store, at -- you know, at a restaurant and so forth.
16 Next slide.

17 Finally, we look at output. Economic output
18 is a measure like gross domestic products. We're
19 looking at the value of goods and services in total
20 and in the economy. So this is different from
21 earnings. Earnings is tied to a job. And output can
22 be other expenditures that would include the landowner
23 payments that will be made as a result of this
24 project, and so that will inject money into the local

1 economy, but it is not earnings, they're not earning
2 it, it's lease payments or rental payments for hosting
3 a turbine.

4 Property taxes would be another thing that
5 would be included in output. Again, it's not
6 earnings, it's transfer payments from the company to
7 units of local government, but that does then spur
8 spending and job growth in the local community. Next
9 slide.

10 The second big area that I wanted to review
11 was property taxes. Next slide.

12 There are a number of assumptions that go
13 into an analysis of the property taxes. Illinois has
14 a state law that values a wind project and it's based
15 on the capacity of the project. So it's not based on
16 the capital expenditures, it's not based on how
17 productive or how good of a site. This is -- it is
18 solely based on the megawatt capacity, installed
19 capacity of the wind farm. This number is adjusted
20 for inflation annually. The state of Illinois calls
21 it a trending factor, but really it's just a consumer
22 price index for all urban wage earners, and that
23 number, then the valuation is adjusted on an annual
24 basis. So in order to get these tax figures for a

1 30-year timeframe we need to assume something about
2 future inflation. The future inflation will be
3 assumed, and this is 2.35 percent as the CEI for the
4 next 30 years. We consider that to be a very
5 conservative, meaning low estimate of what future
6 inflation is going to be. So these numbers will
7 likely be higher than the estimated amounts. We also
8 assumed that we have to assume the tax rate. The tax
9 rate is assumed to remain constant for the next 30
10 years. So this is at a current tax rates. And,
11 finally, the law allows the project owner to take
12 depreciation. The depreciation is relatively low at 4
13 percent a year, and the project can never be fully
14 depreciated and never the value can never go to zero.
15 The depreciation is capped at 70 percent. So, in
16 other words, 30 percent of the value remains to be
17 taxed and then it still gets that inflation
18 protection.

19 With that as the background, on the
20 assumptions, you can see our estimate of \$101.5
21 million over the 30 years. You can see that it does
22 decline from over \$5 million and declines slightly,
23 that's because of the interplay between inflation,
24 which is causing -- that 2.35 percent is pushing the

1 value up, but the 4 percent depreciation is pulling it
2 down. So you get a net decrease over time. But once
3 that reaches its maximum depreciation, which will
4 happen here in year 16, you can see that it hits the
5 bottom and then it will start rising there and you see
6 the year and the property taxes in year 30 are higher
7 in the year 16. So it's fully depreciated and it
8 starts rising again for an annual average, if you just
9 took that total and divide it by the 30 years you get
10 3.385 percent. All of these numbers I abbreviated on
11 the slide, but the entire 30 year, year by year, it's
12 marked out in our report, and I think that's important
13 to note, because as you do see, it starts out at \$5
14 million, and so if you took 30 years times \$5 million,
15 that would be an overestimate, but 1.1 -- at \$101
16 million is the total over the 30 years. Next slide.

17 These property taxes get paid to each of the
18 taxing entities. You see there 771,000 going to
19 Vermilion County. That ends up being \$15.6 million in
20 total over the 30-year time period. You see that the
21 townships and the multi-township assessment districts
22 all get a portion of their revenue appropriate to the
23 number of turbines that are in each taxing
24 jurisdiction. Next slide.

1 Fire districts and the road and bridge
2 districts will also get funds. Rankin Fire District
3 getting \$3.9 million over the 30 years. Next slide.

4 Library districts, conservation districts and
5 others will all get tax revenue from this project.
6 But as you know, as you live in Illinois the biggest
7 taxing entity for property taxes is school districts.
8 So the next slide.

9 We see both the community colleges, which
10 will get \$7.3 million on the Danville Area Community
11 College, a little bit less for Parkland Community
12 College. Next slide.

13 And then the K through 12 school districts,
14 this would include Hoopeston, which would get \$46.5
15 million, Armstrong 61 is 3.3 million. The high school
16 district would get a little over 3 million.
17 Paxton-Buckley-Loda is 1.8 million, and 5.8 million
18 for Pontiac Unit 10. Next slide.

19 If we look at just historically Vermilion
20 County and how much has come in from wind and solar,
21 there has been a -- quite a bit of revenue generated
22 in the county from existing projects. Our company has
23 done a survey looking at historical property taxes
24 that have flowed from the various wind and solar

1 projects all over the state of Illinois to rank these.
2 These are the numbers in total for Vermilion County.
3 And you do see that pattern of slight decreases on a
4 year-by-year basis based on that depreciation and
5 inflation working against each other. Next slide.

6 So, in summary, the Musketeer Wind Project
7 will support 358 jobs during construction, 21 jobs
8 during the life of the project, those are long-term
9 jobs, \$60.6 million to the school districts in total
10 over the life of the project, \$15.6 million to the
11 county, and over \$101 million to all the taxing
12 entities.

13 That concludes my presentation.

14 MR. KAINS: Thank you, Doctor.

15 Additional direct examination, Mr. Griffin.

16 MR. GRIFFIN: No additional questions.

17 MR. KAINS: All right. Very good. All
18 right. Questions for the witness first from Members
19 of the Wind and Solar Committee.

20 Mr. Chairman.

21 MR. FOUREZ: Looking at the local
22 economic impact when you factor in the lease payments
23 for the landowners, is there any breakdown on that,
24 local resident landowners versus absentee landowners?

1 Because those lease payments that are going to
2 nonresidents, don't actually affect the local
3 community other than the fact that they may reinvest
4 in their farmland, but that's a lot. So there's a
5 breakdown -- a certain percentage of that lease
6 payment is going out of the local community. Is that
7 factored in in any way, or is there a way to do that?

8 THE WITNESS: Yeah. We do factor that
9 in to look at those payments that we think will stay
10 within the county and those that are going outside the
11 county. My best method is to look at those -- at the
12 tax bills and where the tax bills are getting sent.
13 If the tax bill is being sent outside of Vermilion
14 County we do not include those landowner payments in
15 the Vermilion County economic impact analysis. If it
16 is somebody who lives in McLean County where I'm at,
17 we would include it in the state of Illinois
18 multiplier, but not in Vermilion County, and then if
19 they happen to live, you know, in Florida or Arizona,
20 that has no economic, we -- we consider it no economic
21 impact for the state of Illinois or for the county.
22 As you point out, there may be reinvestment, there may
23 be funds that do flow back in there, but we consider
24 it to be a zero value for the economic impact.

1 MR. FOUREZ: Okay. Thank you.

2 MR. KAINS: Any other questions from
3 Members of the Committee for Dr. Loomis?

4 (No response.)

5 MR. KAINS: Questions from Members of
6 the County Board, members -- yes, Chairman Miller.

7 MR. MILLER: Doctor, I have a question
8 about the last slide where there's showing a
9 diminution of revenue coming from wind farms that
10 Vermilion County are currently operating. And you
11 said something about the competitiveness between
12 inflation and depreciation. I'm confused by that
13 because I thought the revenue was dependent upon
14 capacity.

15 THE WITNESS: Yeah. A great question.
16 So when -- when it starts -- or actually when the
17 legislation was passed, it was passed with the fair
18 market value being \$360,000 per megawatt. So when
19 this project actually is placed in service and on
20 those tax rolls, it will get the full affect of
21 historical inflation on a year-by-year basis between
22 when that law was passed and when it gets put into
23 service. Then when it gets put into service, you have
24 inflation at whatever level it actually historically

1 is versus a 4 percent depreciation. So if inflation
2 turns out to be, you know, 2.5 percent or 3 percent,
3 so it would raise the value, but then the company on a
4 year-by-year basis can take 4 percent. So the
5 assessed value that's going to be against that, your
6 tax rate will be lower because it's the difference
7 between the inflation that's raising the value and the
8 4 percent depreciation.

9 In a case where inflation goes higher than 4
10 percent, you'd actually see the value of the wind farm
11 go higher. It would increase year after year.

12 MR. MILLER: I wish I could say I
13 understood you, but I would be lying, so.

14 THE WITNESS: I'm happy to -- if you
15 have a follow-up question I'm happy to --

16 MR. MILLER: I'll visit with you later.

17 THE WITNESS: Okay.

18 MR. MILLER: Thank you.

19 THE WITNESS: I would be happy to do
20 that.

21 MR. KAINS: Thank you, sir. Any other
22 questions from Members of the County Board, members of
23 units of local government, including school districts?

24 (No response.)

1 MR. KAINS: Interested parties, members
2 of the public who are either opposed to the
3 application or neutral on the application?

4 (No response.)

5 MR. KAINS: Questions from Vermilion
6 County staff and consultants, Mr. Keyt, Ms. Rives.

7 MR. KEYT: I've got a couple.

8 **CROSS-EXAMINATION,**

9 **QUESTIONS BY MR. ANDREW J. KEYT:**

10 Q. So if I look at the new long-term jobs
11 in Vermilion County, you've estimated those to be 21
12 new jobs, correct?

13 A. Correct.

14 Q. And of those jobs 7.8 of them would be
15 on site?

16 A. Those would be the direct jobs, yes.

17 Q. So then of the remainder of the 21, not
18 the 7.8, what are the remainder of those jobs coming
19 from?

20 A. So they would be coming from supply
21 chain impacts. So those could be spending in the
22 local area. Certainly as we just saw, the property
23 tax that would be paid from this, some of those would
24 go towards all of those taxing districts and spending

1 that the taxing entities would make. For example, if
2 a school district were to hire or rehire a teacher
3 with the additional tax revenue that would come from
4 that, that would count as an indirect impact here in
5 this analysis.

6 Q. So then you have the earnings from those
7 local impacts at about \$1.2 million, almost \$1.3
8 million in local earnings?

9 A. Yes.

10 Q. And so that comes out to about \$61,000
11 per job? Is that what you're estimating for all of
12 those 21 jobs?

13 A. Yes, for all of those.

14 Q. Now, do you make that calculation or are
15 you relying on the IMPLAN to make that calculation?

16 A. IMPLAN makes that calculation based on
17 the current economic conditions in Vermilion County.

18 Q. How does IMPLAN find its data to include
19 within the analysis?

20 A. So it relies on government statistics to
21 be able to parse that out. One of the difficulties
22 that you have is that county level data is usually not
23 reported for a couple of years, whereas state-level
24 data and things like unemployment rate and so forth

1 are reported more frequently. So what they will do is
2 take what they have of the higher level data and then
3 kind of share that out among the different counties,
4 and then when the county data comes out, the
5 county-level data comes out, that is, you know, a
6 little bit older, they will true that up on a
7 continuous basis.

8 Q. So for Vermilion County do you know what
9 the latest year of data that's available or that is
10 included within the plan?

11 A. Not specific for Vermilion County that
12 IMPLAN included. In the earlier part of the report,
13 we try and lay out kind of the economic condition for
14 Vermilion County. So in section 3 we have pulled the
15 latest data, the county-level data that's available
16 for -- for employed persons, unemployment rate, etc.,
17 and some of them are 2024. You'll notice as the end
18 date in some like real median household income is
19 2023. So, again, they -- they lag in terms of when
20 they're reported.

21 Q. Excuse me. So then in relation to local
22 total economic impact, you're estimating that at
23 4.598 -- I'm sorry, \$4,598,411? Did I understand that
24 correctly?

1 A. Yes, that's based on IMPLAN's estimates.

2 Q. Okay. And so that comes out -- if I'm
3 understanding you correctly, does that include the
4 local earnings?

5 A. Yes.

6 Q. All right. So then what is the local
7 output? Like, how is -- what is an example of local
8 output financially that would then be calculated into
9 the IMPLAN data?

10 A. Output would include things, like I
11 mentioned, those landowner payments would not be
12 earnings but they would be included in the value of
13 goods and services. In the county, property tax
14 payments, the 1.1 -- or \$101 million for property tax
15 payments, those annual numbers would be figured into
16 the estimates of local revenue, but not as earnings
17 because Invenergy is not, you know, employing
18 somebody.

19 Q. So tell me if I'm correct or incorrect,
20 you're including the property tax payments into the
21 local revenue and supply chain impacts?

22 A. That's correct. During operations they
23 get fed into those -- the economic impacts.

24 Q. And then you're including the landowner

1 payment into the local revenue and supply chain
2 impacts?

3 A. Yes.

4 Q. So then have you looked to see what
5 local payments would be coming out and factored those
6 in?

7 In other words, let me rephrase that. The
8 landowners that are not local to Vermilion County,
9 have those been removed out of that equation?

10 A. Yes.

11 Q. Okay.

12 A. So we only include those landowner
13 payments when we -- we look at it on a
14 parcel-by-parcel basis on where the turbines will be
15 placed and then we look at where those tax bills will
16 be sent, is it Vermilion County, elsewhere in Illinois
17 or outside of Illinois, and we only count those
18 payments that are going to property tax bill addresses
19 that are sent are here in Vermilion County.

20 Q. So how many of the current layout of the
21 project -- how many of those landowner payments are
22 going to Vermilion County residents?

23 A. I don't have that figure.

24 Q. How many within the state of Illinois

1 but not in Vermilion County?

2 A. Yeah, I don't have that number.

3 Q. Okay. How about outside the state of
4 Illinois?

5 A. Again, I don't have the percentages.

6 Q. Where is the -- where is -- who has that
7 number?

8 A. I can look that up. We have that in
9 our -- input into the model. So I can certainly get
10 that information to you.

11 Q. Has there been any determination of what
12 negative impacts the project could have on the local
13 jobs?

14 A. What negative impacts are you thinking
15 of?

16 Q. I'm asking you. I'm not the expert. So
17 I'm asking you, what are the negative impacts that
18 could come from the project that have been calculated
19 in or not?

20 A. We have not calculated in any negative
21 impacts here. The amount of land that will actually
22 be taken out of agricultural production, my
23 understanding is on the order of 1 acre per turbine.
24 That given the size of this project would be really

1 rounding error in the lost agricultural production due
2 to access roads and turbine placement. And so my
3 opinion there are no negative impacts that need to be
4 netted out of these -- of these impacts.

5 Q. Okay.

6 MR. KEYT: That's all the questions I
7 have. Thanks.

8 MR. KAINS: All right. Very good.
9 Thank you, Mr. Keyt.

10 Redirect examination, Mr. Griffin.

11 MR. GRIFFIN: I don't have anything.
12 Thank you.

13 MR. KAINS: All right. Final questions
14 of the witness come from Members of the Wind and Solar
15 Committee.

16 (No response.)

17 MR. KAINS: All right. Very good.
18 Thank you, Dr. Loomis. You may step down.

19 (Witness excused.)

20 MR. KAINS: Mr. Griffin, do you have any
21 more witnesses?

22 MR. GRIFFIN: No, we do not.

23 THE COURT: All right. Then it's time
24 to hear from members of the public, but we're going to

1 take a break.

2 Also, Mr. Griffin, during the recess, if you
3 could work with Dr. Loomis on finding the answers to
4 Mr. Keyt's questions about payments to Vermilion
5 County farmers outside of Vermilion County and outside
6 the state. Those were your areas of inquiry,
7 Mr. Keyt?

8 MR. KEYT: Correct.

9 MR. KAINS: Okay. If you could --
10 because I know Dr. Loomis probably has other places to
11 go, so let's get that nailed down before he has to
12 take off.

13 All right. Folks, what we're going to do
14 after the break is we're going to hear from witnesses
15 who wish to testify in favor of the project, folks who
16 are against the project and folks who are neutral on
17 the project, okay.

18 Now, when you testify, you'll come up here,
19 you'll say what you want to say, you'll be subject to
20 cross-examination from Members of the Wind and Solar
21 Committee, from the attorneys, from other members of
22 the public who are on the opposite side of your
23 position, and that evidence -- or that testimony will
24 be considered as evidence by this Committee and

1 ultimately by the County Board. There's a distinction
2 between testimonial evidence and public comment, okay.
3 If you want to testify, you're subject to
4 cross-examination, but that information can be
5 considered by the decision-making body. If you want
6 to give public comment, you're not subject to
7 cross-examination. I think if you were here back on
8 August 11th, you saw a number of gentlemen come up and
9 give public comment. Their comment is heard but it is
10 not considered evidence and it's not subject to
11 cross-examination. So you'll have the opportunity to
12 do one or the other after the recess. You can testify
13 and there is a public comment time limit.

14 Mr. Chairman, I'm in so many different
15 counties, I don't recall what is your time limit for
16 public comment?

17 MR. FOUREZ: Ordinarily, for the
18 comment, county meetings is three minutes.

19 MR. KAINS: Okay. So public comment is
20 three minutes. If you think you might go longer than
21 three minutes, you might want to testify, which
22 requires me to swear you in and then you're subject to
23 cross-examination and all of that stuff. But -- so
24 you be thinking about what you would like to do during

1 the recess, whether you wish to testify or later on
2 give public comment. But as for now, the Wind and
3 Solar Committee of Vermilion County is in recess. It
4 is 10:27. We will come back at 10:45. We're in
5 recess until 10:45. Thank you.

6 (A recess was taken at 10:27 a.m.)

7 (Resume at 10:49 a.m.)

8 MR. KAINS: All right. We're back on
9 the record. It's 10:49 a.m. Prior to taking a recess
10 Dr. Loomis had testified. Mr. Keyt had several
11 questions for him.

12 And, Mr. Griffin, do you have the answers by
13 way of an offer of proof.

14 MR. GRIFFIN: I do, yes. The question
15 related to the participating landowners and this was
16 how Mr. Loomis calculated the direct payment impacts
17 based upon where the tax bills would be sent to.

18 So 23.32 percent of the tax bills for the
19 participating properties are being sent to addresses
20 in the county. 50.65 are being sent to addresses in
21 the state of Illinois.

22 MR. KAINS: What was the number?

23 MR. GRIFFIN: 50.65 percent. 73.97
24 percent of the tax bills are being sent in the state

1 of Illinois, Vermilion County and elsewhere. And out
2 of state is 26.03 percent.

3 MR. KAINS: All right. Very good.

4 Thank you, Mr. Griffin.

5 Does that satisfy your questions, Mr. Keyt?

6 MR. KEYT: It does.

7 MR. KAINS: All right. Very good. All
8 right. It is now time for members of the public to
9 testify. First, we will hear from folks who are in
10 favor of the application.

11 Previously Mr. Griffin had called to testify
12 in support of the application a Mark Eighner, the
13 Mayor of Rankin. He also called Bryce Leigh, Rankin
14 Fire Protection District, trustee/president, and a
15 Russ Hiatt, a farm manager who has four farms in the
16 footprint of the wind farm. So other than those three
17 gentlemen, Mr. Eighner, Mr. Leigh, and Mr. Hiatt, is
18 there anyone else who wishes to testify, come up here
19 and make a statement who are in support. All right.
20 This gentleman. Anybody else?

21 Good morning, sir.

22 MR. CLARK: Good morning.

23

24

C A R L C L A R K,

1
2 was called to testify and, having been first duly
3 sworn, testified as follows:

4 MR. KAINS: Okay. Very good. Could you
5 please state your name for the record.

6 MR. CLARK: My name is Carl Clark.

7 MR. KAINS: Okay. Mr. Clark, how do you
8 spell your first name?

9 MR. CLARK: Carl, C-A-R-L.

10 MR. KAINS: And Clark?

11 MR. CLARK: C-L-A-R-K.

12 MR. KAINS: All right. And where do you
13 live, Mr. Clark?

14 MR. CLARK: I live in Rankin, Illinois.

15 MR. KAINS: All right.

16 MR. CLARK: But in the country south of
17 Rankin.

18 MR. KAINS: And that is -- are you
19 located within Vermilion County?

20 MR. CLARK: Yes, sir.

21 MR. KAINS: Okay. Then by rule you have
22 30 minutes, if you wish to use all that time to
23 testify. But you may go right ahead, sir.

24 MR. CLARK: Okay. I'm going to

1 apologize, I'm not very good at public speaking here.
2 A little nervous. But, anyway, I came here to state
3 that I am for the wind turbines. I farm here in rural
4 Rankin. I do have some hesitations. I have
5 hesitations about the turbines that have been in the
6 area. I have said that, you know, they look too
7 dense. I don't like flashing red lights in the
8 evenings. I never thought the wind turbines made a
9 whole lot of sense because the wind doesn't always
10 blow. In listening to the testimony, I did come here
11 in August and listen to the first part of it and I
12 listened all day today. I was satisfied with the
13 answers that were provided. I was very pleased with
14 what the Vermilion County Board had asked, because I
15 feel like they were doing their due diligence to make
16 sure that they were addressing the concerns of people.

17 So in relation to my concerns, the density of
18 the towers, we're using much larger towers than the
19 other farm -- other turbines in the area, the other
20 farms. So it doesn't seem like the layout's going to
21 be as dense, maybe it has less pollution or stands out
22 there as far as the landscape. So that's a positive.
23 The flashing red lights in the evening, you know, I
24 enjoy having campfires on my back patio and those sort

1 of things, and, you know, like I said, on evenings
2 when I see the flashing red lights, and where I'm at,
3 I have wind farms to the east and south and to the
4 west. And with using the ADLS towers that's being
5 implemented on this, I feel that that is a great
6 compromise to it. We only have the lights coming on
7 during the time it seems like it's appropriate to have
8 them on.

9 The battery storage system, I really like
10 that concept, you know, it offers this buffer, and
11 this is my understanding, I'm no expert in this field,
12 but it does offer a buffer to this wind turbine deal.
13 I do have a cousin that worked in an energy storage
14 system up in Chicago and -- as an engineer, and, you
15 know, they would do programs like this just to handle
16 power load in Chicago to allow people to purchase
17 power at a lower cost, and they showed the
18 effectiveness of this. And so the idea that we can
19 capture this power when wind turbines are working, use
20 it as a buffer, that's all great.

21 The decommissioning plan was discussed today,
22 I felt was very acceptable. One statement that I want
23 to make is I do farm. I don't know if I expressed
24 that that is my occupation here. I do farm. I farm.

1 I'm a third-generation family farm. My parents
2 purchased the farm and -- or my grandparents purchased
3 the farm in '66 up in this area, northern Vermilion
4 County. I have been here ever since. I plan to
5 continue. I -- I absolutely am going to be here for
6 the next -- I'm 44. I will likely be here for the
7 next 44 years. So I will directly see this. And so I
8 might see the decommissioning of this if we're 30
9 years, and I am not concerned. I feel that the 60
10 inches is well within our local needs to raise a good
11 crop. I feel that the -- you know, I do install
12 drainage work -- drainage tile on my own farms. I
13 don't feel that the 60 inches is going to be within
14 any those drainage concerns, no more than any other
15 thing that's been out here. We've worked with the
16 soil and water district that have asked us to mitigate
17 around the wetland areas, or farm over the wetlands or
18 whatever. This might just be another obstacle that we
19 have to work around, but the actual footprint of this
20 concrete that stays underneath the ground, it's not
21 really that much of a concern to me.

22 So I feel with the questions that you guys
23 have asked, the statements that have been made, I
24 think you've been provided enough information, and I

1 know that I have. That I would absolutely encourage
2 you to accept this proposal and -- and you fully have
3 my support and Invenergy does to proceed as they have,
4 so -- and what they've offered. You know, I'm in
5 support. So that's all I have for now.

6 MR. KAINS: All right. Thank you,
7 Mr. Clark. We're going to have questions for you now.

8 MR. CLARK: Okay. Understood.

9 MR. KAINS: But, first of all, I want to
10 say for somebody who's not comfortable --

11 MR. CLARK: Oh, I'm shaking.

12 MR. KAINS: -- I think you did extremely
13 well, and I think folks who are not accustomed to
14 public speaking, if you're nervous, it's okay. But if
15 you just speak what's on your mind, speak what's from
16 your heart, you know, what's in your heart, then, you
17 know, you end up coming across very well, just like
18 Mr. Clark did.

19 All right. Questions for this gentleman,
20 first from members of the Wind and Solar Committee.

21 (No response.)

22 MR. KAINS: Questions from members of
23 the County Board or other members of units of local
24 government.

1 (No response.)

2 MR. KAINS: Questions from members of
3 the public who are either opposed to the project or
4 neutral on the project.

5 Okay. We'll have Becky Miller and then the
6 lady in the back row.

7 MS. MILLER: How many turbines did you
8 sign up for with them?

9 MR. CLARK: So my personal farm, I -- I
10 have 327 acres. On my personal acreage I have a
11 160-acre field, but I am in partnership with my
12 siblings that has one turbine proposed.

13 My parents were John and Carol Clark who
14 passed away earlier this year. They have
15 approximately 1,000 acres and there were, I believe, 2
16 additional wind turbines that were potentially sited
17 on their ground.

18 MS. MILLER: Are there neighbors whose
19 homes are within a mile or two of these turbines?

20 MR. CLARK: The neighbor, there is one
21 neighbor that is amongst -- well, there's two
22 neighbors that are just to the west of us, and I know
23 that they have agreed for their grounds to be signed
24 up with Invenergy as well. So they were -- they were

1 okay -- or, no, they had agreed to it. There's really
2 not a lot of houses out in the area where I'm at. Our
3 main farm is there on the Rossville Road, 9 miles west
4 of town, so -- west of Rossville.

5 MS. MILLER: So the closest -- can you
6 give me in a ballpark idea the closest houses that did
7 not sign up, how close they would be to your turbines?

8 MR. CLARK: Honestly, I am the type of
9 person that keeps to myself. I don't know who signed
10 up or isn't signed up. I'm assuming that the -- you
11 know, the layout, the map, it's all on the people that
12 have done it. There's wind turbines that are --
13 connect to our farms, connect to next farm that's next
14 to us. So I don't have any sort of knowledge of what
15 people that were opposed to it did, so.

16 MS. MILLER: Okay. One more question.
17 Did any of you reach out to your neighbors and talk
18 about -- have a discussion, are you for this, are you
19 against it, do you want to live by it, do you not want
20 to live by it?

21 MR. CLARK: I did not reach out. You
22 know, I don't have very many neighbors being out in
23 the country. So, no. The farmer neighbors -- the
24 farming community has been very supportive of it, but

1 the individuals that own the houses, directly -- I
2 mean, I guess, I'm just not that social person. I
3 don't even know who they are, so.

4 MS. MILLER: Okay. Thank you.

5 MR. KAINS: All right. Very good.
6 Thank you.

7 Okay. The lady in the back row. Does your
8 voice carry?

9 MS. EDWARDS: I think so.

10 MR. KAINS: Okay. What's your name?

11 MS. EDWARDS: Wendy Edwards.

12 MR. KAINS: Wendy? How do you spell
13 that?

14 MS. EDWARDS: W-E-N-D-Y.

15 MR. KAINS: Okay. Edwards is your last
16 name?

17 MS. EDWARDS: Yes.

18 MR. KAINS: Okay. Very good. Go ahead
19 with your questions then for Mr. Clark, please.

20 MS. EDWARDS: I'm curious to know how
21 much money you make with -- as letting them have their
22 windmills on your farm.

23 MR. CLARK: So me personally, I am --
24 they paid an amount. I don't know if I'm legally

1 allowed to say that.

2 MS. EDWARDS: Okay. So if the amount of
3 money doesn't matter, does that -- is that what swayed
4 your opinion? Is that why you're for it because
5 you're going to be making a profit off of this?

6 MR. CLARK: I have to say yes. I --
7 I -- I know there's money income, there's an economic
8 impact for myself. I'd like to think that I would say
9 I'm bias enough. I -- I -- I try to listen to both
10 sides of it. That was one of the reasons why I'm
11 here. I kind of wish that the opposition had the
12 opportunity to speak before I did so that I could
13 listen to what people had to say, because I -- I don't
14 want things that affect all the neighbors or, you
15 know, hurt other people. And the money thing, it's
16 tough. Yes, it will help me. It's maybe 50 percent
17 of the reason why I would be for it, you know, they
18 are proposed to be on the farm, but -- I did go to
19 college for electrical engineering. I do understand
20 the need for electricity. I know that we've all seen
21 or heard stories about people's Ameren bills going up
22 very high, cost of electricity, we more coal plants
23 that seem to be getting shutdown in the area and those
24 talking points seem to all hit home with me. It seems

1 like we need to have more energy made, and I think
2 that wind power is a great solution for that, that
3 will benefit everybody. And I think about the
4 location of where the turbines are at. I know that
5 there's not a lot of people in northern Vermilion
6 County. I know there's not -- there's not really a
7 lot of industries or anything like that that are
8 trying to come in and provide money or opportunity or
9 jobs. You know, so I think those weigh on my decision
10 more than the money, or you alluded to, money helps, I
11 mean, but that's also the reason why we -- we farm.
12 You know, we're trying to make money with our farm as
13 well. So I don't know if that's really a challenge
14 there.

15 MR. KAINS: All right. Very good.
16 Thank you, Ms. Edwards, for your questions.

17 Any other questions from folks in the public
18 who are either opposed to the project or neutral on
19 the project?

20 (No response.)

21 MR. KAINS: Questions from Vermilion
22 County staff and consultants, Mr. Keyt.

23 MR. KEYT: No questions.

24 MR. KAINS: No questions. Mr. Griffin,

1 did you have any questions for this witness?

2 MR. GRIFFIN: No, I do not.

3 MR. KAINS: Okay. Very good. All
4 right. Final questions come from Members of the Wind
5 and Solar Committee. Anybody on the Committee with
6 any questions for this gentleman?

7 (No response.)

8 MR. KAINS: All right. Mr. Clark, thank
9 you for your testimony. You may step down.

10 (Witness excused.)

11 MR. KAINS: Anyone else in support of
12 the application, in support of the project who wishes
13 to testify.

14 (No response.)

15 MR. KAINS: All right. Then a show of
16 hands, folks who are opposed to the project who wish
17 to testify. Becky and Ms. Wallace. Okay. And
18 Ms. Romine.

19 Okay. Becky Miller.

20 MS. MILLER: I'll go first. I got
21 experience, you know.

22 MR. KAINS: Yeah. I know it. You're
23 good at this.

24

B E C K Y M I L L E R,

1
2 was called to testify and, having been first duly
3 sworn, testified as follows:

4 MR. KAINS: Okay. And you are Becky
5 Miller?

6 MS. MILLER: I am Becky Miller from
7 Indianola, Illinois. I live out of town on a farm.
8 And --

9 MR. KAINS: Is that in Vermilion County?

10 MS. MILLER: It is.

11 MR. KAINS: Okay. Very good. You have
12 a half hour.

13 MS. MILLER: And I'm hope that I won't
14 be that long, and I'm sorry that I bore you with the
15 same story you've heard before, so.

16 MR. KAINS: It's okay. Because this
17 Committee may not have heard your testimony. And I
18 never get bored by listening to your passion.

19 MS. MILLER: Oh, thanks.

20 MR. KAINS: Go right ahead.

21 MS. MILLER: I got involved with this 2
22 years ago trying to keep out a combination wind and
23 solar project from southern Vermilion County. Would I
24 love for the whole thing to go away. Yes, I would, so

1 I could get back to my life instead of having high
2 blood pressure due to this.

3 You hear about infrasound affecting people,
4 and I am one of those people, and it is brutal. And I
5 first discovered it on a trip out west. When you
6 drive through Kansas there are turbines everywhere.
7 Each year it seems like there are more and more.
8 Going out there on a trip, pack trip where you cannot
9 get ahold of anyone, there's no communication, no cell
10 service, you can't get ahold of the outfitter, and
11 you're driving out there and you know they're waiting
12 on you to arrive, and you're like, what the heck? Am
13 I getting sick? It feels like I have a fist shoved in
14 my chest. Kind of like last air, I don't know how to
15 explain it. There's butterflies in your stomach, and
16 my left ear stops up. I will tell you, I am not -- I
17 do have -- I hate to call it handicap, I am not built
18 like a lot of people. The plumbing from my ear is not
19 normal compared to most people.

20 So driving out there, all of a sudden I have
21 these symptoms. I'm like, oh, no, what do I do? How
22 do I get ahold of this guy? Do I turn around and get
23 back home? There's no way to get ahold of him. He
24 doesn't even have a satellite phone, nothing. So I

1 decide, okay, no guts, no glory, I keep on driving.
2 And pretty soon it goes away. That's weird. And
3 pretty soon I'm driving along and it happens again.
4 That's weird. Pretty soon I figure out, I'm looking
5 around and I'm looking for some kind of trees, maybe
6 cedar trees, or cedar fever. I don't know. Finally I
7 realize the only thing I've seen every time this
8 happens there's turbines. I'm driving through the
9 middle of a turbine field. Hmmm?

10 So I go on my trip, have a great time, kind
11 of forget about it. Making the drive home, two-day
12 trip driving home, starts happening again. Low and
13 behold, there's turbines again. So I'm like, I'm not
14 sure I believe all this infrasound stuff.

15 So I start reaching out to people that I find
16 online who have built bunkers in their basements to
17 get away from it, who have tried insulating their
18 houses to get away from it. And I'm like, could I ask
19 you some questions? And they're, yes. And I explain
20 my symptoms, and they're like, oh, yeah, that's it.
21 It is brutal.

22 So now I am a retired teacher, taught
23 elementary school, I still actively substitute teach,
24 I don't want to give it up yet, and lasts fall -- I

1 mean, last spring I did a leave of absence for a
2 teacher, and the whole building was full of the worse
3 illness you can imagine. I survived that. First day
4 of spring break I get sick. And ever since then my
5 left ear has been stuffed up. And I can tell you, I
6 don't want the turbines surrounding my houses, which
7 is what I would have if the project in the southern
8 part of the county goes through. Because I've had a
9 stuffed up ear since March. It's brutal. It messes
10 up your equilibrium, your balance, you get brain fog
11 from it, it's not fun.

12 The southern part of the county, some of
13 these turbines would have been placed next to Salt
14 Fork South. We have hearing impaired students, we
15 have students with heart issues, and it just makes --
16 when you invite this into your community, you're
17 bringing in a whole lot of problems.

18 At the Coles County Wind hearing, I went to
19 that, thought I want to check in and see that, several
20 nights to that. There was a retired judge who made
21 the comment on the blinking red lights. Don't worry,
22 you'll get use to them. Kind of like a train, you get
23 where you're numb to it, you don't -- you just don't
24 notice it.

1 When I walk out of my house now, when I look
2 to the north when I walk out the door, all I see is
3 blinking red lights from a big column. When I pull
4 out of the my driveway, which faces west, now I get to
5 look at blinking red lights that are down at Newman.
6 And I can promise you, some of us will never get use
7 to seeing blinking red lights. And that's it. So
8 thank you.

9 MR. KAINS: All right. Thank you.

10 MS. MILLER: Oh, questions.

11 MR. KAINS: Questions. First of all,
12 questions from Members of the Wind and Solar Committee
13 for Ms. Miller.

14 (No response.)

15 MR. KAINS: Questions from members of
16 units of local government, County Board Members,
17 members of units of -- members from school districts.

18 (No response.)

19 MR. KAINS: Questions from folks who are
20 either in support of or neutral on the application.

21 Are you in support of it, Mr. Stark, or are
22 you --

23 MR. STARK: I'm neutral.

24 MR. KAINS: You're neutral.

1 MR. STARK: Yes.

2 MR. KAINS: Okay. All right. Very
3 good. Come -- come up -- or perhaps stand and --

4 MR. STARK: I can stand.

5 MR. KAINS: -- holler -- not holler, ask
6 Becky.

7 MS. MILLER: Go ahead. Yell at me.
8 That's fine.

9 MR. STARK: All right. Becky, you said
10 that doctors have not been able to help you at all?

11 MS. MILLER: Correct.

12 MR. STARK: Did they give you any --

13 MS. MILLER: I went to -- I went to two
14 of the best, you know, Chicago area ear, nose and
15 throat people. They have no idea -- well, they just
16 tell me, one of them tells me my tube is smaller than
17 most peoples. But they offered no help.

18 MR. STARK: Thank you.

19 MR. KAINS: Thank you for your
20 questions, Mr. Stark.

21 Any other folks who are in support of the
22 application or neutral on the application with
23 questions for Ms. Miller?

24 (No response.)

1 MR. KAINS: All right. Very good.
2 Vermilion County staff and consultants,
3 Mr. Keyt, Ms. Rives.

4 MR. KEYT: Yeah, very quickly.

5 **CROSS-EXAMINATION,**

6 **QUESTIONS BY MR. ANDREW J. KEYT:**

7 Q. How far do you live away from this
8 particular project?

9 A. From this one?

10 Q. Correct?

11 A. I live, this is -- this one is on the
12 northern end of the county. I live in the southern
13 end of the county.

14 Q. How far is it?

15 A. Vermilion County is really big and I
16 can't tell you how many miles it is from north and
17 south.

18 Q. From Indianola to Rankin, I'll just
19 represent to you that's a little over 40 miles.

20 A. I understand that.

21 Q. Okay.

22 A. But there are people that live up there
23 that will be affected by this.

24 Q. I understand. But in relation to you,

1 you would agree that --

2 A. Correct.

3 Q. -- about 40 miles or more away?

4 A. Correct.

5 Q. Okay.

6 MR. KEYT: That's all the questions I
7 have.

8 MR. KAINS: Cross-examination.
9 Mr. Griffin, do you have any questions for the
10 witness?

11 MR. GRIFFIN: No questions.

12 MR. KAINS: All right. And final
13 questions for the witness come from Members of the
14 Wind and Solar Committee.

15 (No response.)

16 MR. KAINS: All right. Very good.
17 Thank you, Ms. Miller, you may step down.

18 (Witness excused.)

19 MR. KAINS: Ms. Romine, you want to be
20 next?

21 And you're Joyce Romine?

22 MS. ROMINE: Joyce Romine.

23 MR. KAINS: And where do you live?

24 MS. ROMINE: I live at rural Potomac,

1 Illinois.

2 MR. KAINS: Okay. And is that in
3 Vermilion County.

4 MS. ROMINE: Yes, it is.

5 MR. KAINS: Then by rule you have 30
6 minutes to testify, if you so desire.

7 MS. ROMINE: I hope I don't.

8 MR. KAINS: Go right ahead, ma'am.
9 Thank you.

10 MS. ROMINE: Thank you. First of all,
11 we've -- we've not really heard, or I haven't myself,
12 heard how much money we're really talking say per
13 turbine or something. What is the per farm estimated
14 income to be? I don't personally know. But is it
15 based on how many you have on your farm? I have 2
16 small farms in Vermilion County, and I -- I am against
17 it. I just am concerned about many, many things. One
18 is the money. Another is we hear the large sums of
19 money that are brought up, but we should remember that
20 that's divided over the 30 years.

21 MR. KAINS: Ms. Romine, I'm going to
22 interrupt you, because I made a mistake. I neglected
23 to swear you in as a witness.

24 MS. ROMINE: I'm sorry.

1 MR. KAINS: That's my fault, not yours.
2 I was just so happy to see you up here.

3 MS. ROMINE: Okay.

4 J O Y C E R O M I N E,

5 was called to testify and, having been first duly
6 sworn, testified as follows:

7 MR. KAINS: Okay. Very good. I'm sorry
8 to interrupt you, but --

9 MS. ROMINE: That's okay. I'm sorry I
10 didn't think of that myself.

11 MR. KAINS: Well, fortunately
12 Mr. Henderson on the County Board is really on the
13 case.

14 Thank you, Mr. Henderson.

15 Okay. You were talking about your concerns
16 about the money being spread out over the 30 years.

17 MS. ROMINE: Yes. And, again, the sums
18 sound large, but over 30 years, well, who knows. And
19 another thing, I -- a good point was brought up about
20 this five-foot-deep concrete. I can see over time --
21 I do think, I would have to disagree a little bit with
22 Mr. Clark, but I think it will with some time work its
23 way up toward the top and become quite a problem with
24 farmers that have to deal with it.

1 Another point, the turbines themselves, quite
2 often you see blades that have fallen off or missing,
3 or whatever, when they fall, do they fall in one
4 piece? Do they spread out over the entire several
5 acres of your land or some? And then who cleans that
6 up? Do they individually -- does the company come
7 clean that up per blade?

8 Right now I think that's my main thoughts.
9 Again, I'm concerned about the money over the 30
10 years, and also I am not against the schools and so on
11 getting an income from it, I think that's fine. But
12 is it really enough to warrant the problems that I see
13 associated with it?

14 So I think that's it for me for now. Thank
15 you.

16 MR. KAINS: Very good. Thank you,
17 Ms. Romine.

18 Questions for Ms. Romine first from Members
19 of the Wind and Solar Committee?

20 (No response.)

21 MR. KAINS: Questions from members of
22 units of local government, County Board, school
23 districts.

24 (No response.)

1 MR. KAINS: Questions from members of
2 the public, folks who are in support of the
3 application for the project and folks who are neutral.

4 (No response.)

5 MR. KAINS: Questions from Vermilion
6 County staff and consultants, Mr. Keyt, Ms. Rives.

7 MR. KEYT: No questions.

8 MR. KAINS: Cross-examination,
9 Mr. Griffin.

10 MR. GRIFFIN: No questions.

11 MR. KAINS: All right. Very good. And
12 final questions come from Members of the Wind and
13 Solar Committee.

14 (No response.)

15 MR. KAINS: All right. Very good,
16 Ms. Romine. Thank you for your testimony. You may
17 step down.

18 MS. ROMINE: Thank you.

19 (Witness excused.)

20 MR. KAINS: Thank you. And, Breanne
21 Wallace, you're next.

22 Good morning, ma'am.

23

24

B R E A N N E W A L L A C E,

1
2 was called to testify and, having been first duly
3 sworn, testified as follows:

4 MR. KAINS: Okay. And you're Breanne
5 Wallace.

6 MS. WALLACE: Yes, Breanne Wallace. My
7 address 11490 State Route 9, Hoopeston.

8 MR. KAINS: Hoopeston. Okay. And you
9 live in Vermilion County?

10 MS. WALLACE: Yes, sir.

11 MR. KAINS: Okay. Very good. By rule
12 then you have 30 minutes to present your testimony.

13 MS. WALLACE: Thank you. Hello
14 everyone. I'm a proud Vermilion County resident, now
15 residing in this county for 15 years. I have a unique
16 perspective, as I was raised in the northwest suburbs
17 of this state.

18 I would like to share with everyone present
19 today that Invenergy prides themselves on building
20 relationships with residents who will be directly
21 impacted by this project. However, when we received
22 our good neighbor agreement, the property outlined in
23 the details is not where I reside or what I own. I
24 called Invenergy bringing this to their attention. I

1 tried to guide whoever I spoke to, it was a male, by
2 phone, and I tried to help him use Google Maps to
3 guide where my property is. Invenergy has yet -- has
4 yet to remedy that problem. I was told to sign my
5 good neighbor agreement and that they would send an
6 updated agreement later.

7 My property is approximately 3.5 acres. My
8 property will be affected by this project, as they are
9 placing, to my knowledge, up to 4 turbines nearby.
10 Again, it's difficult because I've not received an
11 actual document that states that.

12 What I do know is one turbine will be located
13 with -- definitely within one mile of my private pond
14 that is located on my property. My family has poured
15 thousands of dollars digging, stocking and cleaning my
16 pond up since taking ownership 5 years ago. I have
17 major concerns about the effect the turbine will have
18 on fish, frogs and turtles and various animals, such
19 as deer, owls, birds and blue herrings that visit our
20 pond on a daily basis.

21 Also to my knowledge no one from Invenergy
22 ever came to my property or left me a door hanger, as
23 they stated at the August meeting.

24 In my May 2025 phone conversation with

1 Invenergy, they were unaware of my pond's location and
2 did not elaborate on how high pond will fair once
3 these turbines are being built or are operational.

4 Unfortunately, at the August meeting I could not be in
5 attendance for the entire time. I think I left maybe
6 30 to 40 minutes. And was there any info presented by
7 expert witnesses on any studies conducted on wildlife?

8 A question I do want to ask, was the battery
9 system part of the original plan? Was this plan for
10 the BESS disclosed to the city of Hoopeston council in
11 April of 2024 when it was voted to shrink the barrier
12 zone?

13 I feel I'm a stakeholder in this project. I
14 have been present at the initial city council meeting
15 in Hoopeston and I attended August hearing for this
16 project. The August hearing was the first I have
17 heard of the BESS going into place. My opinion -- my
18 opinion is that there was not enough public knowledge
19 of BESS going in. My friends, family, and community
20 members that I have talked to had no clue that this
21 was part of the plan.

22 I have done a lot of research and I have been
23 very glad that I have had this opportunity -- at the
24 August meeting it was brought up that there's another

1 operational BESS system in Grand Ridge, Illinois, I
2 believe that's the only other one that's operational
3 in the state. Upon my research I -- again, I'm not
4 sure, I'm really new to learning about all this, but
5 it sounded like that this project was expanded over
6 time. Like it started smaller and then it expanded
7 out. Is that the plan for this project? It has been
8 an enlightening experience, again, to participate in
9 learning about this project. I'm blessed to get to be
10 able to participate at the hearing and learn as much
11 as I can.

12 However, I am disappointed the hearing can't
13 take place at later time for more people to attend and
14 learn about this project firsthand. I'll be the first
15 to tell you, I don't know much about agriculture. I
16 didn't grow up in a farming community. But as a
17 mother of two young girls, I'm very concerned about
18 the number of projects that are getting approved in
19 this state. What will the long-term food effects be
20 with how many acres are being taken out for turbines,
21 solar farms and eventually BESS systems. We as a
22 county owe it to the future generations of this county
23 to ponder that question.

24 MR. KAINS: Very good, Ms. Wallace.

1 Thank you for your testimony.

2 Questions for Ms. Wallace first from Members
3 of the Wind and Solar Committee.

4 (No response.)

5 MR. KAINS: From members of units of
6 local government, County Board, school districts.

7 (No response.)

8 MR. KAINS: Questions from members of
9 the public who are in support of the application or in
10 favor of the application for the project, or neutral
11 on the project.

12 (No response.)

13 MR. KAINS: Questions from Vermilion
14 County staff and consultants, Mr. Keyt, Ms. Rives.

15 MR. KEYT: No questions.

16 MR. KAINS: No questions. Very good.
17 Cross-examination, Mr. Griffin.

18 MR. GRIFFIN: I do not have a question,
19 but, Ms. Wallace, Greg Vasilion is the project -- the
20 developer, the lead developer and he would be happy to
21 talk to you about a good neighbor agreement or
22 questions that you have.

23 MR. KAINS: I would love for there to be
24 some dialog between Ms. Wallace and the company.

1 MS. WALLACE: It just seems like we've
2 had 4 years to have these conversations and they've
3 not been heard. So you can see why I'm a little upset
4 about that.

5 MR. KAINS: Yes, ma'am. All right. So
6 no cross-examination, counsel?

7 MR. GRIFFIN: No, I don't.

8 MR. KAINS: Very good. And final
9 questions for Ms. Wallace come from Members of the
10 Committee.

11 (No response.)

12 MR. KAINS: Ms. Wallace, thank you for
13 your testimony.

14 MS. WALLACE: Thank you.

15 MR. KAINS: Anybody else who wishes to
16 testify who's opposed to the project.

17 (No response.)

18 MR. KAINS: Folks who are neutral on the
19 project who would like to come up and testify.

20 (No response.)

21 MR. KAINS: Rebuttal evidence from the
22 Applicant, Mr. Griffin.

23 MR. GRIFFIN: No rebuttal evidence.

24 MR. KAINS: All right. Very good. All

1 right. Now according to the rules, public comment
2 related to the project. Public comment is not
3 testimony or evidence to be considered by the
4 Committee. But you can have -- are you wanting to --
5 okay. I saw Mr. Keyt turn around and glare at me so I
6 thought I'd forgotten something. Because I do that
7 from time to time.

8 All right. Public comment is not testimony
9 or evidence to be considered by the Committee. But if
10 you wish to give public comment and have not already
11 testified, you would have 3 minutes.

12 So public comment, folks in favor. Anybody
13 want to come up and give a public comment for 3
14 minutes?

15 (No response.)

16 MR. KAINS: Folks who are opposed. Yes,
17 ma'am, Ms. Edwards. Come on up.

18 All right. Ms. Edwards, you may give public
19 comment, and your time begins now.

20 MS. EDWARDS: I'm a lifelong resident of
21 Hoopeston. I'm embarrassed to say that I haven't been
22 paying enough attention about what's been going on
23 with this project, and I didn't become as alarmed
24 until I found out about the battery storage part of

1 the project.

2 I am concerned about the turbines because,
3 again, like everybody else that lives in the area,
4 nobody likes these blinking lights that are all around
5 us. I understand there are other health concerns that
6 are legitimate. That is also a concern.

7 The pollution involved with the project is a
8 major concern. In 2013 Hoopeston had a terrible tire
9 fire where our city water was polluted. I don't
10 believe the EPA properly addressed that issue. I
11 believe that our -- my son was a firefighter during
12 that time -- or was not -- sorry, my son is a police
13 officer. During that fire, without any proper
14 equipment, he took lawn hoses, garden hoses and
15 sprayed off houses to try to keep the fire from
16 spreading. All of the firefighter's equipment had to
17 be replaced. It was all polluted. I think that's
18 going to be -- you know, with the lithium battery, you
19 know, what happens with these firefighters? What
20 happens with their equipment? What happens with their
21 health?

22 I was told by somebody who was very involved
23 in environmental issues and who unfortunately now is
24 deceased, but he estimated that every -- every

1 firefighter and first responder that was involved in
2 the tire fire is going to be dead within 15 years. I
3 can tell you that many of them are. Several have
4 already passed. We have a firefighter who is --
5 doesn't know whether his health condition is caused by
6 at this moment. But what's going to happen when one
7 of these lithium fires happen to our community, to our
8 water? We need to be thinking about our water and our
9 children and our grandchildren and what we're leaving
10 them.

11 MR. KAINS: All right. Very good.
12 Thank you, Ms. Edwards, for your comments.

13 Any other folks who are opposed? Yes, sir.
14 Good morning, sir.

15 MR. WALLACE: You don't remember me?

16 MR. KAINS: I'm trying to.

17 MR. WALLACE: I'm the other Wallace,
18 Larry Wallace.

19 MR. KAINS: Awe, there you are.

20 MR. WALLACE: You don't remember my
21 cheery face?

22 MR. KAINS: There you are in my notes.

23 MR. WALLACE: Okay.

24 MR. KAINS: All right. Mr. Larry

1 Wallace, public comment. You have 3 minutes. Go
2 right ahead, sir.

3 MR. WALLACE: My main concern is the
4 gentleman that was talking about the decommissioning
5 of the place and everything. Are these some kind of
6 composite where you can -- if they do break or
7 something, they can cut them up and -- you know, I
8 hate to see them hauling in, it takes like half the
9 road. Can they cut them up and take them back to this
10 place, like, in Iowa and chop them up? Is that what
11 I'm -- or do they have to take them all back in one
12 piece? I mean, you don't know?

13 MR. KAINS: Mr. Wallace, this is just
14 your time to comment.

15 MR. WALLACE: Oh, okay. I'm --

16 MR. KAINS: It's okay. You can say
17 whatever you want.

18 MR. WALLACE: I just -- I just -- I
19 think it would be -- transportation costs on hauling
20 one of them back in one piece would be a hell of a lot
21 more than trying to cut up in chunks and -- I don't
22 think our landfill in Hoopeston will accept it. I'm
23 not sure, but --

24 MR. KAINS: These are things you can

1 address that you can talk to the Committee about right
2 now. You can explain to these folks right here in the
3 front row.

4 MR. WALLACE: Is that something that --
5 I mean, Vermilion County is going to have to pay for
6 this eventually, so. Nobody knows?

7 MR. KAINS: Well, they -- they don't
8 have to answer questions.

9 MR. WALLACE: Yeah.

10 MR. KAINS: You get to make whatever
11 comment you want to make, but they can sit there and
12 think about --

13 MR. WALLACE: Think about it, yeah.

14 MR. KAINS: Think about what you're
15 addressing, so, yes, sir.

16 MR. WALLACE: And the battery situation,
17 I like what Mrs. Edwards said about, you know, are we
18 going to be adequately -- are our fire departments
19 going to be able to handle that after? They have to
20 get special training or something so they don't get
21 hurt.

22 So thank you.

23 MR. KAINS: All right. Very good.
24 Thank you, Mr. Wallace, for your comment. We

1 appreciate it.

2 Anybody else who wants to make a public
3 comment who's opposed?

4 Yes, ma'am. Come forward, please. And what
5 is your name?

6 MS. RIECHES: My name is Megan Rieches.

7 MR. KAINS: How do you spell your last
8 name?

9 MS. RIECHES: R-I-E-C-H-E-S.

10 MR. KAINS: All right. Go right ahead
11 Ms. Rieches.

12 MS. RIECHES: I was not going to speak
13 today. I was just coming for information. But when
14 you told us to speak from our heart, I thought I'm a
15 mom I have to do this even though it's really scary
16 being up here.

17 We moved to the country 5 years ago, my
18 husband and my 2 boys. My family home looks to be a
19 mile and a tenth away from 2 of the wind turbines. 2
20 miles away from the battery plant. I am here to say
21 as a resident, as a mom of two boys that play outside
22 all the time, we do not want these turbines and we do
23 not want this battery plant. Please help us by
24 keeping these out of our beautiful country skies. We

1 want to enjoy our sunsets, we want to be outside, and
2 we do not want the turbines or the plans.

3 Thank you.

4 MR. KAINS: Thank you, ma'am.
5 Appreciate your comment.

6 Anyone else opposed who wishes to make a
7 public comment?

8 (No response.)

9 MR. KAINS: Public comment from folks
10 who are neutral.

11 Yes, Mr. Stark.

12 MR. STARK: This will be quick, because
13 I've been thinking about this for months.

14 MR. KAINS: All right. Well, you can
15 condense months into 3 minutes. How's that?

16 MR. STARK: It will be 3 minutes.

17 MR. KAINS: All right. You go right
18 ahead, Mr. Stark.

19 MR. STARK: I really think we gotta go
20 back to nuclear engineering. France has been doing
21 for years and years successfully with no major
22 mishaps. And I think that we can produce more power
23 from one or two nuclear plants and have a lot less
24 turbines cluttering the countryside.

1 And that's all I have to say.

2 MR. KAINS: Very good. Thank you,
3 Mr. Stark.

4 All right. Public comment, anyone else who
5 is neutral?

6 (No response.)

7 MR. KAINS: All right. That concludes
8 public comment related to the project.

9 Receipt of written comments regarding the
10 application.

11 Mr. Keyt, Ms. Rives, are you aware of any
12 written comments that have been submitted to Vermilion
13 County?

14 MR. KEYT: I am not aware of any written
15 comments that have been received by the county.

16 MR. KAINS: Any Members of the
17 Committee, have you received any written comments?

18 (No response.)

19 MR. KAINS: All right. Very good. Next
20 in the rules of procedure, evidence from Vermilion
21 County, Mr. Keyt, Ms. Rives, do you have any evidence
22 you wish to present?

23 MR. KEYT: Not at this time.

24 MR. KAINS: All right. Closing

1 statements by counsel. Do you have a closing
2 statement, Mr. Griffin?

3 MR. GRIFFIN: Yes, I do.

4 MR. KAINS: Okay. You may proceed. Do
5 you want to come up to the podium?

6 MR. GRIFFIN: Thank you, very much.
7 Appreciate all the time and effort from the Committee.
8 And we appreciate the opportunity to come here and
9 present our application to you. And also thanks to
10 all involved here in running this very well-organized
11 and informed of hearing.

12 I'm going to just focus briefly, very briefly
13 on just two important elements of this project.
14 First, as the Committee knows, Vermilion County has a
15 fairly extensive wind energy ordinance that
16 establishes regulations and requirements and necessary
17 reports that must be filed. It covers setbacks,
18 noise, shadow flicker, decommissioning, environmental
19 aspects. And that's a rigorous requirement for any
20 project to have to satisfy. But this project has
21 satisfied all those requirements as we've shown by the
22 reports that have been submitted in the application
23 and the testimony. This project does meet all of
24 those requirements. It does satisfy all of the

1 setbacks, the noise limits, shadow flicker limits,
2 environmental requirements. IDNR has reviewed this
3 project and concluded it will not have any significant
4 negative impacts on the environment. U.S. Fish and
5 Wildlife has also reviewed that and has approved the
6 project design and plans that have been implemented to
7 avoid any negative impacts.

8 You've -- this is an application that's been
9 prepared with the assistance of very highly qualified
10 professional consultants, some of whom you heard
11 testify during this hearing. So that's number one.
12 This is a project and application that complies with
13 the requirements that the county has established.

14 Number two, is this is a project that has
15 significant community support. This project has
16 significant support from the many landowners who have
17 signed up to participate in this project. It has
18 support from the local municipalities who have signed
19 agreements with this project. It has support from the
20 school district. It has support from local fire
21 protection districts. And I think that community
22 support is a result of the time and effort that
23 Invenergy has spent over the past several years in
24 engaging with the community to create a project that

1 does have significant community support, will be
2 welcomed by the members of the community and is going
3 to provide significant economic impacts to the
4 community as Dr. Loomis spoke about during his
5 testimony.

6 So based on compliance with the requirements
7 of the County's Ordinance and, importantly, the
8 significant community support, we would ask for a
9 positive recommendation from this Committee.

10 Thank you.

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

12 Any closing statements from anybody in the
13 audience? Anybody have anything else they would like
14 to say on this issue?

15 (No response.)

16 MR. KAINS: Very good. Thank you.

17 At this time the Vermilion County Wind and
18 Solar Committee will close the evidence in this
19 hearing. There's no more evidence to be considered.
20 And now it is time for the Committee to discuss with
21 counsel, their counsel, the lady and gentleman in
22 front of me, issues related to the project and to the
23 application. Specifically, there are findings of
24 fact, findings that this Committee makes of fact that

1 will then be transmitted to the Vermilion County
2 Board, basically a summary of the case. And also
3 there will be a discussion on conditions that would
4 attach to the citing permit should it be approved.

5 Mr. Keyt, are you ready to proceed with your
6 work relating to the findings of facts and conditions,
7 or is that something that you want to take up after a
8 lunch recess. I note that it's 11:39. So it's up to
9 you, and I guess it's up to Members of the Committee.

10 MR. KEYT: Yeah, I think -- so two
11 things for the Committee that we'll have to take up
12 written document-wise are -- one, is the draft set of
13 findings of fact. The other is the draft set of
14 recommended conditions to the County Board, if the
15 County Board chooses to approve it. Just in terms of
16 the mechanics of this process, and then we'll discuss
17 whether to recess here in a second. We would take up
18 the draft set of findings of fact first, and then we
19 would go to -- and those are entirely within the
20 Committee's purview, how you want those ultimately to
21 read. Same is with the set of -- draft set of
22 conditions, recommended conditions, those are entirely
23 within your purview. At the end of that, then once
24 we've set those draft findings and conditions, it then

1 goes to whether or not to recommend an approval, a
2 denial or approval subject to conditions to the County
3 Board.

4 Keeping in mind for everybody in the
5 audience, that ultimately where this goes is the
6 Committee makes a recommendation to the County Board
7 and then the County Board takes this issue up at its
8 next meeting, which I believe is October 14, and then
9 the County Board has the final decision on whether to
10 approve the project, deny it, or approve it subject to
11 conditions.

12 There is a state citing law that does
13 constrict how we view these things, or to restrict our
14 discretion in these matters. The citing statute very
15 clearly states that if they've complied with the
16 ordinance requirements and standards, that the County
17 Board shall approve the permit, that's the language in
18 the state statute. The Committee's role then at this
19 juncture is to take up the findings of fact, the
20 conditions, and then ultimately make that
21 recommendation to the County Board.

22 Ultimately this is up to the Committee if you
23 want to recess, but what I would suggest is, we are
24 adding it into the findings of fact information that

1 came up today, of course. And I would suggest that
2 probably is about another 15 minutes-ish, somewhere in
3 there. And then we can print those off, provide those
4 to the Committee and then give you time to review
5 those. We have condensed those from the draft version
6 that you had before. So that the draft version you
7 had before, I think it's 20-ish pages. We've
8 condensed down to about 12 pages. But it's up to the
9 Committee if you want to recess. I think that would
10 probably make the most sense. Probably recess until
11 12:15 or so. And then that would give you time to
12 review the draft set of findings and the draft set of
13 conditions and then make the votes on those. If that
14 makes sense to the Committee, but it's up to you.
15 Everyone's nodding in agreement, I think.

16 And if you need more time we can always take
17 more time. Nothing requires you to vote today, but
18 I'm guessing you probably don't want to come back
19 another day to do that. So we can probably get
20 through those and get you a draft copy of the findings
21 and then we can come back at 12:15 to take those
22 matters up.

23 Does that make sense to everybody?

24 (No response.)

1 MR. KAINS: All right. Very good. The
2 Wind and Solar Committee shall be in recess until
3 12:15 p.m. Come back to discuss findings of fact and
4 condition and vote on a recommendation.

5 So the Committee is in recess until 12:15.
6 Thank you.

7 (A recess was taken at 11:42 a.m.)

8 (Resume at 12:19 p.m.)

9 MR. KAINS: We have come to the part of
10 the proceedings where the Wind and Solar Committee is
11 to deliberate and vote on findings of fact and
12 conditions that would attach to the citing
13 application, if it were to be approved, and then a
14 vote on a recommendation to the full County Board.

15 So at this point, I will turn it over to
16 Mr. Keyt, a representative for the -- the attorney for
17 the county.

18 MR. KEYT: Okay. Committee Members, I
19 think, as I explained before, we basically have 3
20 tasks to get through, which I'll be -- try to be
21 efficient with.

22 First one as you go through the findings of
23 fact, a draft set, again, these findings of fact are
24 entirely within your purview, how you want them to

1 read, and then we'll go through a draft set of
2 conditions, and then ultimately a recommendation to
3 the County Board on what your recommendations then
4 will be.

5 I'm going to go through these in somewhat of
6 summary fashion, because I think those of you
7 familiar, already have some familiarity with how these
8 read. But I will also for the new members,
9 expeditiously review those portions that are -- and
10 how it's structured.

11 So I'm going to start with the findings of
12 fact, that is the document I just handed out to you
13 revised with information from today. It is 12 pages
14 long. Just in terms of its structure, the first 3
15 pages -- 2 and a half pages, I'll say, relate to here
16 is the hearing, this is when the application was
17 filed, this is the public hearing process, these are
18 the witnesses that testified. And if you look on page
19 2 then we get into the exhibits from the Applicant,
20 and then -- then we start in with the findings of
21 fact. So we literally take every exhibit that has
22 come into the record, we identify those for the
23 record, and then those exhibits then are listed out as
24 part of the findings of fact that are listed here.

1 And then also if you look right above that on page 2,
2 it lists out every witness that has testified. That's
3 just a summary of what we -- what the application was,
4 when it was filed, and then what exhibits have come
5 into the record.

6 Then we get into the actual specific findings
7 of fact. And I'm going to go through these -- I'm not
8 going to read them all in excruciating detail for you,
9 but I will go through how these are laid out. And
10 then findings of facts run from about page 3, all the
11 way to page, I think, 11. And then on page 11 -- no,
12 go all the way to page 12, and then on page 12 is at
13 the very -- about half-way down is what the
14 recommendation will be to the County Board.

15 So I'm going to walk through these findings
16 of fact for your review. Again, if there's anything
17 you want to change as we go, just tell me. And if
18 there's any questions as we go, just shout them out.

19 So the way it's organized is, you start with
20 the ordinance requirement. So the ordinance
21 requirement is listed out in bold. Right under that
22 then is a regular font, not in bold, is where the
23 application or the testimony, the information came
24 from that either satisfies that requirement or does

1 not satisfy that requirement.

2 So I'm going to walk through that now. First
3 part is they have to file an application with the
4 county and pay their application fee. They've paid
5 that. They have submitted their application to the
6 county. And then subpart B listed there: The county
7 shall utilize the following factors to consider the
8 application along with the ordinance and applicable
9 state and federal laws and regulations. This county
10 has 10 factors. Those are listed on pages, I believe,
11 we're 3 through about the top of page 6. I'm going to
12 walk through that information that's in those factors
13 there. And if there's anything you want to change or
14 adjust, let me know.

15 So the first factor, number 1, deals with the
16 existing uses and, where applicable, zoning or nearby
17 property. Vermilion County is not zoned, but the
18 applicable uses in the nearby areas are agricultural
19 largely. There are some residences nearby as you did
20 hear some testimony about, that is listed there as
21 to -- that there is a mix of agricultural property
22 largely, but there are some scattered residential uses
23 in the vicinity of the project. They have met -- or
24 in their design does show compliance with the setback

1 requirements of the county and of the state of
2 Illinois' requirements that we have to adopt. So they
3 have they met those setback requirements. They have
4 in their sound modeling and their shadow flicker
5 modeling demonstrated compliance with those
6 requirements as well. Those are kind of the big 3
7 requirements that you always have to address at the
8 outset.

9 If you turn to page 4 then, at the top of
10 page 4, we then get to the extent to which property
11 values may be diminished. So if you look at there is
12 an exhibit, Exhibit 14 was the market impact analysis
13 that was provided in their application. And then you
14 recall the testimony of Mr. MaRous. His testimony was
15 that there would not be any negative impact to the
16 property values. We did not hear any testimony or
17 documentary exhibits -- documents that would indicate
18 to the contrary.

19 Part number 3 deals with the extent to which
20 the destruction of property, those are mostly morals
21 and general welfare of the public.

22 But before I move on to that, as to those
23 first 2 factors, number 1 and number 2, is there any
24 requested changes or modifications to those particular

1 sections?

2 (No response.)

3 MR. KEYT: Okay. Hearing none. I'm
4 going to move on to the longest factor that we have,
5 which deals with the health, safety, morals and
6 general welfare of the public.

7 So based on the testimony that we've had is
8 it likely, or at least according to the testimony and
9 exhibits produced will not reduce surrounding property
10 values. We reference there Exhibit 14.

11 The project is anticipated to bring new local
12 long-term jobs. There is 21 that were referenced
13 within the testimony of Dr. Loomis.

14 The project does have some economic benefits
15 to participating landowners, the taxing bodies within
16 the project area, some of those economic benefits will
17 flow to residents outside Vermilion County. That's
18 referenced in their application and the testimony of
19 Dr. MaRous.

20 There was some concern related to battery
21 energy storage system facility in that there have been
22 some, quote, thermal events, closed quote, at some of
23 the BESS projects developed by Invenergy. And there
24 may be some additional issues that may exist related

1 to decommissioning costs but those are matters that we
2 can deal with largely on the building permit side. So
3 the county, when it comes to the building permit, just
4 so everybody understands, Vermilion, like most
5 counties, is a two-step process. Right now we're in
6 the citing permit process. That then goes,
7 recommendation to the County Board. County Board
8 makes a decision on the citing permit. But before
9 they can build or construct anything, they have to
10 come back and get a building permit. So before they
11 can get that building permit, there's a number of
12 things, which I'll walk through, particularly the
13 condition, but there's a number of things they would
14 have to do. One in relation to decommissioning, which
15 we heard some testimony about, is subject to the
16 county's engineer, third-party engineer reviewing the
17 decommissioning cost estimates. So there was some
18 questions in relation to decommissioning that we
19 talked about, but those are all going to be subject to
20 the county's third-party engineer.

21 Okay. Next, witness Becky Miller testified
22 the concern she has over infrasound. Though she
23 resides approximately 40 miles from the proposed
24 project. She also provided some testimony related to

1 health events relating to being near a wind project,
2 but provided no information indicating a medical
3 diagnosis relating to the events described.

4 There was some testimony from a nearby
5 landowner, I think it was Breanne Wallace, who owns
6 approximately 3 and a half acres and one turbine will
7 be approximately 1 mile from a pond. She is concerned
8 about the turbine, potentially negatively having an
9 impact on wildlife at the pond.

10 Any changes to that subparagraph 3 that's
11 listed there?

12 (No response.)

13 MR. KEYT: There is one -- there's a
14 couple just typographical things I'll -- but to the
15 substance, is there any changes anybody wishes to make
16 to that subparagraph?

17 (No response.)

18 MR. KEYT: Okay. Paragraph 4 deals with
19 the relative gain to the public as opposed to the
20 hardship imposed upon individual property owner.

21 The project will provide some benefits to --
22 or significant benefits to participating landowners in
23 the form of annual lease payments, which are expected
24 to be approximately \$2.6 million per year. Project

1 will provide additional significant benefits to the
2 public in the form of tax contributions.

3 Any changes to that paragraph number 4?

4 (No response.)

5 MR. KEYT: Going once, twice.

6 (No response.)

7 MR. KEYT: Okay. Moving on to -- I'm
8 going to cover 5 through 8 in one shot and then I'll
9 ask if anybody has any changes.

10 Subparagraph number 5 deals with suitability
11 of the subject property for the planned purpose.
12 There is an Illinois state citing statute, that is 55
13 ILCS 5/5-12020, you don't have to remember that, but
14 citing the statute does mandate that agricultural use
15 and industrial use properties are subject to having
16 wind projects sited upon them. That's also referenced
17 in the County Ordinance.

18 Wind energy projects are compatible with the
19 surrounding agricultural and limited residential uses
20 do not cause interference with the continued use of
21 enjoyment of those surrounding uses and allow the vast
22 majority of land in the project area to continue to be
23 used for those agricultural purposes.

24 Any additions, subtractions to that

1 subparagraph 5?

2 (No response.)

3 MR. KEYT: Okay. Hearing none.

4 Paragraph 6 deals with the length of time the
5 property has been vacant and is currently utilized
6 considered in the context of land development in the
7 area. It's not really applicable to this particular
8 instance, because none of the properties that are
9 proposed as part of the project are or have been
10 vacant. But -- so it's not really pertinent to our
11 review.

12 Number 7 deals with the care with which the
13 community has undertaken to plan its land use
14 development. Vermilion County does have an ordinance.
15 Went through a pretty lengthy text amendment process
16 during that period. So we've drafted -- the Vermilion
17 County Ordinance has been carefully considered,
18 approved by County Board, and the Musketeer Wind
19 Energy Project satisfies the standards of the
20 ordinance on any one of the statewide citing law.

21 Any changes to that paragraph number 7?

22 (No response.)

23 MR. KEYT: Okay. Hearing none. Factor
24 number 8 deals with the community need for the use

1 proposed by the Applicant. The only portion here
2 deals with renewable energy is in demand as a
3 cost-effective way to meet growing energy demands.
4 That's referred to in the application.

5 There is the Illinois citing statute, plus
6 Illinois does have a public policy of promoting
7 renewable energy within the state. And the project
8 does help meeting the growing needs for electrical
9 power within the area.

10 Any changes to subparagraph number 8?

11 (No response.)

12 MR. KEYT: Going once, twice.

13 (No response.)

14 MR. KEYT: Okay. Number 9 deals with
15 that factor in the impact on wildlife and wildlife
16 habitat. And there the Applicant has consulted with
17 the Illinois Department of Natural Resources and the
18 United States Fish and Wildlife Service. And they
19 performed a desktop wetland study of the project.
20 There are no rivers located in the project area. The
21 study did identify several creeks, but there are no
22 turbines sited within potential wetlands within the
23 project area.

24 Also prior to completion -- or prior to

1 construction, excuse me, the Applicant will complete
2 infield wetland delineations in accordance with the
3 U.S. Army Corps of Engineers wetland delimitation
4 manuals. And the project is currently sited to avoid
5 impacts to the wetlands and water bodies identified in
6 the desktop wetland study.

7 Any changes to that subparagraph number 9?

8 (No response.)

9 MR. KEYT: Okay. That takes us to
10 subparagraph 10, the impact on drainage facilities and
11 public property. The project is not anticipated to
12 increase runoff or other drainage issues. Pursuant to
13 the Agricultural Impact Mitigation Agreement the
14 project will identify and repair any damage to private
15 drain tiles. The project is not located on any public
16 property.

17 Any changes to subparagraph 10?

18 (No response.)

19 MR. KEYT: Okay. Moving on. I'm going
20 to start then, there are a number of, I'm going to
21 say, generally we call them technical requirements of
22 the county. So within the ordinance itself the --
23 there are several technical requirements that the
24 Applicant has to satisfy. I'm going to walk through

1 these in sort of a summary fashion.

2 So subparagraph (d)(1) that starts on page 6,
3 the Applicant -- the application that they file for
4 approval has to contain a project summary, which
5 includes a general description of the project, its
6 approximate nameplate capacity, potential equipment
7 manufacturers, the number of wind towers, nameplate
8 generating capacity, the maximum height of the wind
9 towers, the maximum diameter of the wind rotors, and
10 general location of the project, and any description
11 of the Applicant, owners and operator, including their
12 respective business structures. The summary of that
13 project, and the requisite information that is
14 required by the Ordinance then is listed there under
15 subparagraph (1). They did provide that information.

16 Is there any changes or adjustments anyone
17 wants to make to the information provided there in
18 subparagraph 1?

19 (No response.)

20 MR. KEYT: Okay. Hearing none. Moving
21 on to subparagraph (2) deals with they have to
22 provides the names, addresses, phone numbers of the
23 Applicant, owner, operator and property owners, if
24 known. So then the available references history of

1 similar projects constructed, maintained or operated
2 by the Applicant, owner, or operator. They have
3 provided that information, just for reference there
4 are 7 Invenergy Projects currently built and operating
5 in the state of Illinois.

6 They do have projects built worldwide and
7 there is -- I believe they have 105 wind energy
8 projects throughout the United States and worldwide.

9 Any changes anyone wants to make subparagraph
10 (2)?

11 (No response.)

12 MR. KEYT: Okay. Hearing none. I'm
13 going to move onto subparagraph (3) deals with the
14 site plan requirements, which would show the primary
15 structure, property lines, setback lines, public
16 access roads, turnout location, substations,
17 electrical cabling from the wind towers to the
18 substation, ancillary equipment, third-party
19 transmission lines, layout of all structures within
20 the geographical boundaries of any applicable setback.

21 They did provide that information, largely it
22 was found in the site plan information they provided
23 as part of Exhibit 1. Group Exhibit 1 included a
24 fairly large number of maps of the individual turbines

1 and what the setbacks were for each of those turbines.
2 That information is relayed there along with all of
3 the underground cabling was delineated out within the
4 Group Exhibit 1.

5 There's also the location of the battery
6 energy storage system, which is approximately 8 acres.

7 Any changes to subparagraph (3)?

8 (No response.)

9 MR. KEYT: Okay. Hearing none. We're
10 going to move subparagraph (4). They have to provide
11 a copy of the Agriculture Impact Mitigation Agreement.
12 That was provided as Exhibit 4.

13 Okay. Part number (5) deals with all
14 required reports, certifications and approvals
15 demonstrating compliance with the ordinance. There's
16 a number of them listed there. And they did provide
17 all of the required studies and reports that are
18 required by Ordinance.

19 Illinois Department of Natural Resources
20 EcoCAT tool was provided.

21 They did perform both a preliminary historic
22 and cultural resources analysis, and they're
23 continuing to consult with the State Historic
24 Preservation Division of the Illinois Department of

1 Natural Resources.

2 The project does show or demonstrate
3 avoidance to archeological and cultural resources as
4 required by Illinois law, including obtaining
5 concurrence from the State Historic Preservation
6 office.

7 They have consulted with U.S. Fish and
8 Wildlife Service in the IPaC review.

9 They have submitted their proposed wind tower
10 layout for the project to the FAA for review. And
11 before they can begin construction they would have to
12 have any of those just by way of reference, the
13 condition would require them to have their
14 determinations of no hazard.

15 And, lastly, then they have engaged with the
16 Vermilion County Soil and Water Conservation District
17 to complete the natural resource inventory, which
18 includes an analysis of observation of different soil
19 types and characteristics, and that is underway,
20 ongoing.

21 Any changes to subparagraph number (5)?

22 (No response.)

23 MR. KEYT: Number (6) then, evidence of
24 financial ability of the Applicant and facility owner

1 to complete and operate the project. They did provide
2 evidence of that in their application. That is part
3 of subparagraph (6).

4 And subparagraph (7) then is any other
5 information required as -- by the county as part of a
6 permit process. There's no other information required
7 at this time.

8 There will be significant other information
9 required during the building permit phase, but not at
10 this stage.

11 Number (8) deals with any waivers for setback
12 requirements, shadow flicker requirements in the
13 Ordinance. The state statutes that have been executed
14 by either occupied community building owners or
15 non-participating property owners.

16 So in the state statute and in the Ordinance
17 there is a requirement that if they are going to be
18 closer than what the setback requirements are of the
19 county or the state, or that they're seeking a waiver
20 of the shadow flicker requirement, which is 30 hours a
21 year, they have to provide us those waivers.

22 This project does not have any requirement to
23 get those waivers, as they are all non-participating
24 property owners or parcels, and all shadow flicker is

1 compliant with the state statute and our Ordinance.
2 So there's no waivers required.

3 Number (9), Applicant shall provide a survey
4 map of all known abandoned mines within the footprint
5 of the commercial wind energy facility and within 1
6 mile radius of the footprint. They did provide that
7 information as part of their application, which was
8 Exhibit 7, which was a map of no abandoned mines.

9 And then that brings us to subparagraph (10).
10 They had to provide sufficient evidence that the
11 project will not overlay any abandoned mine and it
12 will not cause any mine subsidence. And that was
13 provided in the maps that they provided in relation to
14 the project, that's also within subparagraph (9)
15 there.

16 Any changes to -- I think I covered 7, 8 and
17 9 in one shot, and 10? Any changes to 7, 8, 9 or 10?

18 (No response.)

19 MR. KEYT: Okay. Then we're going to
20 move to page 12, is the last page, design and
21 installation and operation. Really, the only items
22 covered here are where the setback compliance is
23 demonstrated, the sound compliance is demonstrated,
24 and the shadow flicker compliance is demonstrated.

1 And those are demonstrated with site plan and
2 supporting maps of part of Applicant Exhibit Number 1,
3 those demonstrate the setback requirements.

4 Applicant Exhibit 11 was sound modeling. So
5 sound modeling demonstrated compliance with the
6 Pollution Control Board Standards, which is what the
7 county has mandated to comply.

8 And then Exhibit Number 8 was the shadow
9 flicker modeling, which demonstrated compliance with
10 the shadow flicker requirements of the state and the
11 Ordinance.

12 Any changes to that design, installation and
13 operation's section that anyone wants to make?

14 (No response.)

15 MR. KEYT: Okay. Hearing none.

16 The last section of this document is a
17 recommendation, which we'll come back to once we've
18 gone through or set these findings in the conditions.

19 But now would be an appropriate time, if
20 anyone wants to make a motion, to set the findings of
21 fact.

22 MR. CRAWFORD: Move to accept.

23 MR. KEYT: Mr. Crawford.

24 MR. GREENWELL: Second.

1 MR. KEYT: Mr. Greenwell. Okay. Roll
2 call vote.

3 Mr. Fourez, do you want me to call that?
4 Okay.

5 Chairman Fourez.

6 MR. FOUREZ: Pardon?

7 MR. KEYT: The roll call vote.

8 MR. FOUREZ: Yes.

9 MR. KEYT: Okay. This is -- well, let
10 me back up.

11 Any discussion? Any further discussion,
12 changes to the findings of fact?

13 (No response.)

14 MR. KEYT: Okay. Hearing none. We'll
15 do roll call. Mr. Fourez.

16 MR. FOUREZ: Yes.

17 MR. KEYT: Mr. Crawford.

18 MR. CRAWFORD: Yes.

19 MR. KEYT: Mr. Greenwell.

20 MR. GREENWELL: Yes.

21 MR. KEYT: Ms. Messmore.

22 MS. MESSMORE: Yes.

23 MR. KEYT: Mr. Wise.

24 MR. WISE: Yes.

1 MR. KEYT: Mr. Seaman.

2 MR. SEAMAN: Yes.

3 MR. KEYT: Okay. Motion carries. Then
4 all that does is set our findings of fact. We're
5 going to jump into the conditions.

6 All right. So everybody should have a copy
7 of the conditions sitting in front of them.

8 All right. So I'm going to dive into the
9 conditions here. I'm going to spare us reading these
10 word for word. But if there's anything anybody wants
11 me to dive into detail, I can. I'm going to start
12 with -- is everybody on the same page with me on what
13 I got and what we're going through?

14 (No response.)

15 MR. KEYT: The first part -- there's 44
16 separate conditions, I believe -- yeah, there's 44
17 separate conditions. These again -- these conditions
18 are essentially in addition to what -- how our
19 ordinance reads to ensure that there's compliance with
20 our Ordinance and that we have teeth, the county has
21 teeth in the event that the project is approved and
22 built that there's teeth that the county has to make
23 sure that everything goes smoothly and operates
24 accordingly.

1 Recommending the conditions to the County
2 Board has no bearing on whether the County Board
3 approves the project or not. It is simply a
4 recommendation. It's just to get them started. That
5 way the County Board doesn't have to start from
6 scratch on developing conditions on their own. So
7 that's the purpose behind the conditions. Again, it
8 does not have any bearing on whether the County Board
9 approves it or not. But subject to that, number
10 (2) -- well, let me back up.

11 Number (1) just has delineated definitions to
12 govern some of these conditions. Some of them refer
13 back to the Ordinance, so it's just Docs Ordinance
14 definitions if there's already an Ordinance definition
15 included.

16 Then we get into commencement of
17 construction. So the project currently is planned to
18 be built within 60 months from the date that the
19 citing approval. They would have 60 months to start
20 their construction phase. And then once they start by
21 pulling their building permit, they then have 24
22 months to complete that construction. So step one,
23 they get citing approval, if it does happen, then 60
24 months from that period, they have to start their

1 construction. Once they start that construction, they
2 have 24 months to get it substantially complete.
3 Meaning towers are up and built. The only thing left
4 at that point would be test power. That phase takes
5 somewhere between 3 to 6 months, depending on the
6 project, but the timeframe -- general timeframe is
7 they would have 60 months to start that construction
8 from the time the County Board approves a citing
9 permit, and then 24 months to complete that
10 construction once they start. They could do this
11 construction in more than one phase. So if they do it
12 in 2 phases, they still would have to start it within
13 60 months, both of them.

14 Any questions, changes anybody has to that
15 subparagraph number (2)?

16 (No response.)

17 MR. KEYT: Okay. Hearing none. On the
18 term of the citing permit, it would be proposed to be
19 valid for 30 years from the time of the commercial
20 operation date. Just so everybody knows, commercial
21 operation date is the time period once the project
22 starts generating electric power for sale onto the
23 grid. So from that period and 30 years forward they
24 would have a citing permit. At the end of that 30

1 years they would either have to decommission the
2 project or come back and extend their citing permit
3 approval. So they could come back and repower it in
4 between there, but at the end of 30 years, if they
5 haven't taken any action on it, they would then have
6 to commence decommissioning.

7 Any changes to the term section of that
8 particular section?

9 (No response.)

10 MR. KEYT: Number (4) deals with
11 compliance, which is fairly boilerplate, and all of
12 the conditions that the county's done in the past.
13 They have to conform with all representations made by
14 the company, its application and in all public
15 hearings of these conditions. Notably they can't --
16 just so everybody knows, they can't expand the project
17 beyond what's been proposed. They can't propose any
18 one turbine to be the citing approval and then come in
19 and build 120 turbines. They're stuck with 81
20 turbines, they're stuck with the locations that are
21 proposed. If they want to amend or change any of
22 that, they would have to come back through a public
23 hearing just like we did today to change that. So
24 they can't expand the project beyond whatever it is.

1 They could feasibly shrink the project by them not
2 having to come back and get approval. But they can't
3 expand it. So the importance there is they're stuck
4 with what they have applied for and received.

5 Number (5) deals with construction hours.
6 And they're limited to sunrise and sunset, with the
7 exception of emergency situations or time-sensitive
8 work. So if they're in the middle of pouring concrete
9 foundations or placing a nacelle or blades on the
10 turbine, those things, once you start them, you really
11 need to finish those, so. But otherwise they're
12 limited to sunset to sunrise -- or sunrise to sunset,
13 excuse me.

14 Number (6) deals with road agreements.
15 Before they would be able to obtain a building permit
16 from the county, they would have to obtain road use
17 agreements from the county, applicable townships in
18 the area, and they have to provide those to the county
19 before they could obtain a building permit.

20 Number (7) deals with schools --

21 MR. GREENWELL: Andrew.

22 MR. KEYT: Yes.

23 MR. GREENWELL: Back on number (5) real
24 quick. Is that pretty standard, sunrise and

1 sunset are --

2 MR. KEYT: Yeah.

3 MR. GREENWELL: -- normal working hours?

4 MR. KEYT: Yeah, sometimes -- some
5 places put actual time on there, you know, like maybe
6 7:00 a.m. to 7:00 p.m., but then you run into this
7 whole issue, sometimes they're starting then before
8 sunrise or, you know, working after sunset. But
9 typically sunrise to sunset is the most common.

10 MR. GREENWELL: Okay.

11 MR. KEYT: Number (7) deals with school
12 buses and vehicular traffic. During the project
13 construction, they would have to have a website set up
14 that essentially provides information to the public
15 about what construction is going on and what -- that
16 might impact the roads. So if there's going to be a
17 road that might be closed, for example, or there might
18 be a turbine blade moving down a road at some
19 particular time, or there's a particular area where
20 there might be construction going on, they have to
21 provide that information to the public in the form of
22 a website so that there's information out there that
23 people can get and obtain and know what's going on
24 when and where.

1 Any changes to -- I think I covered 4, 5, 6
2 and 7 in one shot. Any changes to either -- or any of
3 those proposed or draft conditions?

4 MS. MESSMORE: I don't have any changes,
5 just a question. How do they let the public know what
6 this website is?

7 MR. KEYT: Well, normally what would
8 happen -- normally what would happen is we would, we
9 being the county, would post something on our website
10 saying, to the extent people have questions or
11 information regarding construction, here's the
12 hyperlink and then they just can click on link. It
13 would take them to an external source that is manned
14 by them. That's generally the most efficient way to
15 do it. They sometimes do public outreach, but
16 typically the most efficient way is to direct people
17 to the county website.

18 MS. MESSMORE: Okay.

19 MR. KEYT: Okay. So wind tower model
20 deals with -- as you may recall, there were 2 models
21 proposed within their application -- excuse me.
22 There's 2 models proposed in the application. They
23 can pick from either of those 2 without demonstrating
24 anything else to the county. To the extent that there

1 may be technology that might improve their shadow
2 flicker or it might improve the sound promulgation.
3 In other words, if there's a lessening of sound and
4 they want to use a different model, we want to give
5 them the flexibility of being able to do that. So if
6 they're going to use a turbine other than the ones
7 listed in the table 2 in the application, which is
8 what all their modeling is based off of, we want to
9 give them the flexibility to use a different model, if
10 it's going to lesson the impact to the surrounding
11 community.

12 So that's what paragraph number (8) deals
13 with. As you'll see there, it has to be within the
14 same height limitation as those turbines that are
15 proposed in the application, and obviously satisfies
16 the setback requirements, it has to have the same or
17 less hours of shadow flicker, the same or less sound
18 on nonparticipating residences, and then they have to
19 provide a design certification.

20 MR. FOUREZ: Andrew, I have a question
21 on that part.

22 MR. KEYT: Yes, sir.

23 MR. FOUREZ: If they do make a change
24 like that, is there a process to vet that to make sure

1 on the county's part that what they're changing it
2 into does comply with all these?

3 MR. KEYT: Yeah. I think that --

4 MR. FOUREZ: We listed what we want them
5 to comply with you, but I'm wondering how that's
6 vetted.

7 MR. KEYT: Yeah, that's a good question.
8 So there is an additional condition which kind of
9 relates to this, which deals with the county -- the
10 county will retain a third-party engineer to review
11 the building permit documents that come in. So on a
12 project of this size, they're going to -- there's a
13 large volume of issues for construction drawings that
14 will come, and then the county will have a third-party
15 engineer that will evaluate that information to make
16 sure it is compliant. And so that's the process
17 about -- as to how the county would evaluate that when
18 that information comes in.

19 MR. FOUREZ: Okay.

20 MR. KEYT: And then the last paragraph
21 in there also, just by way of reference, the company
22 shall provide with its application for any building
23 permits, updated sound and shadow flicker models based
24 on the final turbine model selected. And then also

1 there -- the drawings that they would have to provide,
2 same thing, the county's third-party engineer will
3 review those for compliance.

4 Okay. With the post-construction noise
5 study -- well, let me back up. Paragraph number (8),
6 does anybody have changes to paragraph number (8),
7 conditions or those conditions.

8 (No response.)

9 MR. KEYT: Okay. Paragraph number (9)
10 deals with post-construction noise study. This just
11 requires them to do -- actually study the sound coming
12 out, and to the 5 turbine receptor areas that were
13 closest -- or closest to the IPCB limit. So, you
14 know, there's a number of receptor sites that were
15 nowhere near the IPCB limit. But to make sure that
16 the project overall is compliant with IPCB limits, we
17 make them study the 5 closest that were nearest to the
18 IPCB limit.

19 Turbine location, number (10), every turbine
20 has to be located on a parcel for which it was
21 permitted, number 1. Number 2, it -- they can only
22 move a turbine up to 100 feet on that individual
23 parcel. They have to remain compliant with setbacks,
24 of course, and sound and shadow flicker. But

1 occasionally you run into a situation where soil
2 conditions or a particular location where it was
3 proposed, you may run into a situation where it just
4 can't be constructed there, and so that allows them to
5 move that turbine within 100 feet. But that's at --
6 that's the purpose of that condition, is you can't
7 move it 200 feet on the same parcel or 500 feet on the
8 same parcel. They're restricted to it 100 feet.

9 Number (11) is underground collection line
10 locations, is they can adjust those underground
11 collection line locations.

12 ADLS location. The same thing is -- we just
13 reviewed.

14 Number (13) is substation and operations and
15 maintenance building location. You'll recall that
16 they had substations and their O&M building was listed
17 in their application materials. They may locate that
18 on one or either of the locations where they have them
19 currently proposed in the application. This just
20 gives them the flexibility to move that from one or
21 the other of the locations where they're currently
22 proposed in the application. They can't take that
23 Operations and Maintenance shed, just so everybody
24 know, and just move it to another parcel where it was

1 not listed in application. But this gives them
2 flexibility to locate them on either of the parcels
3 proposed for those items.

4 Number (14) is they have to continue the
5 consultation with the Historic Preservation office.

6 Number (15) allows them to do construction in
7 phases, but if they do construction in phases, they
8 have to start that within the 60-month timeframe.

9 (16) is certificates of design plans that
10 they have to provide us.

11 Any changes to -- up to anything I've covered
12 so far? I think I did 9, 10, 11, 12, 13, 14, 15 and
13 16 here in one shot. Any changes to those particular
14 provisions?

15 MR. GREENWELL: Just a question. On
16 number 11, on the last sentence, it says access road
17 locations SG. Is that just a typo, or?

18 MR. KEYT: Say that again, Adrian. On
19 number 11?

20 MR. GREENWELL: Access road locations
21 SGB subject to --

22 MR. KEYT: Oh.

23 MR. GREENWELL: So that should
24 be that --

1 MR. KEYT: Yeah, it should be access
2 road locations --

3 MS. RIVES: Shall.

4 MR. KEYT: Shall be. That's my error
5 here.

6 MS. RIVES: Thank you.

7 MR. KEYT: All right. Any other changes
8 anyone has to -- up to 16 is where we're at now?

9 (No response.)

10 MR. KEYT: There's a number of them in
11 here that are very perfunctory, so we'll -- we'll be
12 able to move a little quicker. But I got a couple
13 here that are important.

14 So number (17) deals with preliminary site
15 preparation. So they have to obtain a building permit
16 before they do any installation of any above-ground
17 structures that are part of their project. They do
18 want to do some installation of up to 5 turbine
19 foundations prior to obtaining a building permit or
20 road use agreement. Now, this is limited, though, to
21 the extent that those activities would not require any
22 cranes. They would not require improvements to public
23 roads and they would not require any overweight or
24 oversize permits. So they would not be able to do

1 those foundation pads if they would require any
2 overweight or changes to the roads or oversize
3 permits. But they could only do up to 5. If they
4 don't involve those things, they could do up to 5
5 before they get a building permit or road use
6 agreement.

7 Any changes or requests as to that paragraph
8 (17)? And we can put some thoughts into that.

9 MR. GREENWELL: Without reviewing the
10 roads ahead of time, how do we know there's not going
11 to be any improvements needed to those roads?

12 MR. KEYT: Well, you may not, but in
13 the -- in the -- before they would be able to start
14 that, we could -- we would -- we would require that
15 evaluation of the roads ahead of time.

16 MR. GREENWELL: Okay.

17 MR. KEYT: Okay. So your evaluation of
18 the roads would occur before they could start that.
19 So if you or the township looks at the road, and say,
20 hey, because of that particular structure of the road,
21 you're going to need an overweight permit or an
22 oversized permit or a road use agreement in place
23 first. You could make that call and say that is to be
24 done before you can start those foundations. But I --

1 the envision of that would be that traffic impact
2 analysis would occur before that they start that. And
3 we could infuse that, that study the roads would occur
4 before any turbine foundation. And I think that's --
5 that would probably protect you. So what I would
6 suggest is probably a last line saying before any
7 turbine foundation work is performed, that there is an
8 analysis of the road. And we can infuse that into
9 that condition.

10 Okay. Any other changes to subparagraph
11 (17)? Otherwise, I infused that, something to cover
12 that issue on the condition.

13 MS. MESSMORE: Is that a common
14 condition typically? I'm just curious, what if the
15 building --

16 MR. KEYT: I would say no.

17 MS. MESSMORE: -- permit is denied?

18 MR. KEYT: Yeah. No -- I would say, no.
19 I would say it's not a real common condition to do
20 that. I think it's largely just market forces that
21 are having them request that particular condition.
22 But I wouldn't say it's common.

23 We can deal with it, though, if that make
24 sense. So in the event, you know, they do that, I'd

1 be a little surprised if they went through that
2 process and didn't have their ducks in a row for the
3 building permit, but --

4 MS. MESSMORE: Right.

5 MR. KEYT: -- be that as it may, we can
6 guard against it.

7 Number (18) deals with county review of
8 building permit. I already covered that issue. The
9 county will retain a third-party engineer to review
10 the building permit to make sure it's compliant.

11 Number (19) deals with nonoperational or
12 obsolete turbines.

13 (20) is liability insurance.

14 And (21) is assignment. All of those
15 provisions are fairly boilerplate, 18, 19, 20 and 21.

16 But any changes to those that anybody might
17 have?

18 (No response.)

19 MR. KEYT: (22) deals with then
20 operating requirements. This is a relatively standard
21 condition into most wind projects that we've seen.
22 And there isn't anything in there that is different or
23 unusual for this particular project.

24 Any changes that anyone wants to make to

1 subparagraph (22)?

2 (No response.)

3 MR. KEYT: Number (23) deals with the
4 aircraft detection lighting system. They proposed an
5 aircraft detection lighting system as part of the
6 project. It is entirely up to the FAA and FCC whether
7 that gets approved. The county doesn't have any
8 control over lighting or structures over 200 feet. So
9 to the extent that -- our requirement is they have to
10 apply for it, and if they get approval from the FAA
11 and the FCC they have to install it. The ADLS system,
12 just so everybody knows, is the system that instead of
13 having static red flashing lights all night long, when
14 a plane comes within 3 and a half miles of the
15 project, the lights would kick on, otherwise they
16 remain off. So this would prevent just static
17 flashing lights all night long, like we see with some
18 other projects. ADLS is a relatively new technology,
19 but it allows the lights on the top of the tower to
20 remain off until such time as an aircraft comes within
21 that zone. When the aircraft leaves the zone, they
22 shut back off.

23 So what this requirement is in here, is that
24 they have to apply for it. If they get approval from

1 the FAA and the FCC they have to install it. If it
2 gets installed then they have to operate it for the
3 length of the project. That particular requirement in
4 the ADLS then is if it becomes nonfunctional for any
5 period of time, they have to notify the county.
6 That's how this is drafted. What we have seen around
7 the state is there's some projects, they become
8 nonfunctional, the ADLS system becomes nonfunctional,
9 and then they essentially remain nonfunctional for
10 extended period of time. And what we don't want is
11 the project essentially coming in, proposing an ADLS
12 system and then in practice it may get installed but
13 then at some point becomes just nonoperational and
14 never repair it. We want them to repair it.

15 So there is a provision that would have a
16 penalty of \$1,000 per day per turbine up to a maximum
17 penalty of \$30,000 a month. So if it becomes
18 nonoperational at some period and it's an extended
19 period of time, it would be a penalty -- maximum
20 penalty of \$30,000 a month. Having a penalty beyond
21 that, that's just is the \$1,000 per turbine per day
22 would be \$81,000 a day times 30 days, that's -- that's
23 too much, it's too high. And so that's why it's
24 limited to that.

1 The Applicant has requested that to be
2 limited to \$10,000 per month. I'll come back to this
3 specific provision.

4 But any changes at this point in time in
5 relation to that ADLS?

6 MS. MESSMORE: I'm just curious, who
7 investigates that within the county?

8 MR. KEYT: Yeah, because the county's
9 not zoned, there's not a Zoning Administrator who does
10 that, part of the reason we infused in here the
11 requirement that they provide notice to the county if
12 they become unoperational is that that way the county
13 isn't necessarily having somebody -- having go
14 investigate it, but within 48 hours of it becoming
15 nonoperational, the requirement they have to notify
16 the county that that's happened.

17 So if that occurs and the county gets that
18 notice, then the county doesn't really have to
19 investigate anything, they just know that it's become
20 nonoperational and they can proceed with imposing
21 whatever the fine would be, so. Now, the county could
22 appoint somebody to do that. They could have a staff
23 person that could investigate that, but because you're
24 not zoned, it's easier just to make them notify you

1 when that happens.

2 Any other questions or changes on number
3 (23)? I may come back to that, just to review a
4 specific issue.

5 (No response.)

6 MR. KEYT: I'm going to cover (24)
7 and -- through (27). I'm just going to tell you,
8 those are relatively boilerplate language;
9 determinations of no hazard, complaint resolution,
10 transmission and communication lines, water usage,
11 those are relatively standard provisions within those
12 wind farms.

13 Any changes then to (24) through (27)?

14 (No response.)

15 MR. KEYT: Number (28) deals with fire
16 protection districts. It's a little bit unique
17 project here because they do have battery storage as
18 part of this. They have submitted a letter from the
19 Rankin Fire Protection District, which would -- it
20 basically says that they're in favor of the project
21 and they're working with them on coming up with
22 emergency plan. This would require them to provide
23 any training or equipment that those fire protection
24 districts might need or require. And also,

1 importantly, the very last sentence deals with
2 reimbursement of responding emergency services for the
3 actual cost of emergency response services
4 attributable to the construction, operation, or
5 decommissioning the project.

6 So if at some point in time there's an
7 emergency that occurs and our emergency responders
8 within that area have to respond to an emergency
9 there, then this provides that the developer, the
10 company's going to have to reimburse what those costs
11 are. That way our fire protection districts aren't
12 out taxpayer funds in responding to the emergency.

13 Any questions as to that subparagraph (28)?

14 (No response.)

15 MR. KEYT: Okay. Then (29), (30), (31),
16 and (32), those are existing underground utility
17 lines.

18 (30) is reimbursement to the county expenses.

19 (31) is validity of conditions.

20 (32) is defense against claims and indemnity.

21 All of those are standard provisions.

22 Number (33) deals with decommissioning and
23 financial assurance. This would require that the
24 company post 100 percent of the decommissioning cost

1 estimate in its financial assurance without any
2 salvage value as a discount prior to applying for a
3 building permit.

4 Any changes through -- up to, I think, (33)?

5 (No response.)

6 MR. KEYT: And then I'm going to cover
7 everything from (34) to (43) in one shot.

8 Project maintenance, annual report, member of
9 the JULIE system, avian bat and wildlife, and
10 environmental, additional site surveys, as-built
11 drawings, cure period, construction site security,
12 aerial application, and proof of compliance. Those
13 are relatively boilerplate within our conditions.

14 Any changes that anyone has to those? I will
15 just note, 2 of them we've added a couple additional
16 provisions in relation to construction site security.
17 If there comes a time during construction when there
18 is a need for increased law enforcement or private
19 security within the project, they have to provide or
20 reimburse the county for the costs associated with
21 that.

22 Aerial application deals with the company has
23 to commit to an aerial application agreement and/or
24 commitment letter to the benefit of non-participating

1 landowners within the project footing, stating that
2 the company would agree to work with the farmers and
3 aerial applicators to curtail and turn turbine blades
4 to create spray lanes to allow for aerial application.
5 That way aerial applicators, if they're coming to that
6 area, they can request that they cease the turbine
7 operation for those particular areas, or turn the
8 turbine such that it doesn't create a hazard.

9 Any changes, though, up to subparagraph (43)?

10 (No response.)

11 MR. KEYT: And I'll add one thing with
12 the requirement under the avian bat and wildlife is
13 that they'll have to perform one-year
14 post-construction -- post-construction bird and bat
15 monitoring. And if further monitoring is necessary
16 they have to -- it shall be determined through a
17 coordination with the Illinois Department of Natural
18 Resources.

19 Up to (43), any changes to those?

20 MS. MESSMORE: I just have a question.

21 MR. KEYT: Yeah.

22 MS. MESSMORE: So Mrs. Wallace came to
23 last hearing, she came to this hearing, she has
24 concerns about her property. It kind of falls into

1 the environmental piece of it. Is there anything that
2 can be done to help relieve her concerns at this
3 point?

4 MR. KEYT: I think the hard -- the hard
5 part with that specific issue is what the IDNR and
6 U.S. Fish and Wildlife Service looks at is whether
7 there is any sort of endangered species or whether the
8 projects would have any some sort of impact. Both of
9 them came back without any impact being a concern. So
10 absent there being some sort of separate wildlife
11 management for that specific pond area, for example,
12 there usually isn't much for the county to step into,
13 because those requirements really come from the
14 Department of Natural Resource. The county doesn't
15 have its own Natural Resources Department to go those
16 things.

17 But to the extent that IDNR looks at
18 post-construction monitoring for bird and bat
19 wildlife, that says, hey, you need to take some action
20 on this particular issue or you need to address this
21 or do more monitoring, they would have to do that,
22 because they have to provide that back to Vermilion
23 County.

24 MS. MESSMORE: Okay.

1 MR. KEYT: And then, finally, number
2 (44) deals with just a fine provision. If -- unless
3 it's covered elsewhere in the ordinance, there's a
4 general fine provision that's listed here, that's
5 \$1,000 per violation per day.

6 Okay. That is -- I think that covers the
7 conditions. I don't think there's been any changes --
8 let me go back to one -- or two of them.

9 There is -- the concern that Adrian had in
10 relation to the turbine foundation work, we've added a
11 sentence that just states that prior to turbine
12 foundation work, pursuant to this paragraph, we talked
13 about this in 17. An agreed-upon traffic and road
14 impact analysis shall be performed to determine
15 whether any road improvements are necessary prior to
16 those -- prior to those turbine foundations being
17 constructed.

18 Okay. Then the next one I just want to
19 address is in relation to the ADLS system. We have
20 suggested a fine provision, that essentially is \$1,000
21 per day up to a cap of \$30,000. Page 6, I'm sorry.
22 Subparagraph (23).

23 That last paragraph there has a cap of
24 \$30,000. The developer's request has been to lower

1 that cap to \$10,000. And then there was also a
2 request that if the company demonstrates it is
3 diligently pursuing repair of the ADLS system, the
4 County Board may waive or reduce the imposition of
5 penalties under this paragraph. So that sentence is
6 permissive in nature. So it would just give the
7 County Board the flexibility to say -- you know, if
8 they are diligently pursuing a repair, the County
9 Board could say, hey, we're okay with that. But it
10 doesn't require them to do that, because it states
11 that it -- the proposal for the developer is that the
12 County Board may waive or reduce the imposition. It
13 doesn't force them or require them to do that.

14 So on those 2 items, whether you have an
15 indication whether you would be willing to reduce that
16 fine, you could do so. And in relation to that last
17 sentence, the company if they are diligently pursuing,
18 the County Board may waive or reduce the imposition of
19 penalties under the paragraph. I would say it's
20 probably okay to do that. I don't think that causes
21 any harm. It only gives the County Board the
22 flexibility to waive it.

23 So unless there's an objection to that last
24 sentence being included, I don't think there's any

1 harm to do it. But if anybody has an objection to
2 that last sentence. Let me know.

3 (No response.)

4 MR. KEYT: Okay. Hearing none. Then
5 the question is, do you want to recommend there be a
6 cap on the fees or fines, and that's up to you. I
7 would generally say, I probably wouldn't recommend a
8 cap, because you're still giving the County Board
9 flexibility then in the last sentence. But it's up to
10 you. I don't -- and, again, all of these conditions
11 are up to the County Board's approval. So, you know,
12 you just saying that we recommend a cap doesn't mean
13 there's going to be, or if you agree that lowering the
14 cap, that doesn't mean the County Board's go --
15 necessarily go along with it. I would suggest just
16 leaving that \$30,000 cap there. The County Board
17 could impose or chose not to impose if we included
18 that last sentence. So I think with those 2 -- or
19 with that revision to subparagraph (23) and the
20 additional sentence to subparagraph (26). Then I
21 think we've covered the potential changes.

22 If there is a motion on the conditions
23 somebody could do so now. What I would suggest, if
24 someone makes -- could make a motion to approve the

1 draft conditions with the recommended changes that
2 have been discussed, you could do so.

3 Motion by Mr. Wise. Is there a second?

4 MR. CRAWFORD: Second.

5 MR. KEYT: Mr. Crawford. Any further
6 discussion?

7 (No response.)

8 MR. KEYT: Okay. I'll do a roll call.
9 Mr. Fourez.

10 MR. FOUREZ: Yes.

11 MR. KEYT: Mr. Crawford.

12 MR. CRAWFORD: Yes.

13 MR. KEYT: Mr. Greenwell.

14 MR. GREENWELL: Yes.

15 MR. KEYT: Ms. Messmore.

16 MS. MESSMORE: Yes.

17 MR. KEYT: Mr. Wise.

18 MR. WISE: Yes.

19 MR. KEYT: Mr. Seaman.

20 MR. SEAMAN: Yes.

21 MR. KEYT: Okay. The motion carries.

22 Okay. Now the easiest part, maybe not the
23 easiest part, but the one where I have to talk the
24 least.

1 If you go back to your findings of fact, at
2 the very end of that document you have a
3 recommendation to make to the County Board. Your
4 choices are to recommend to the Vermilion County Board
5 the citing permit application of Musketeer Wind
6 Energy, LLC, be one of either approved, denied, or
7 approved subject to the conditions attached hereto.

8 I do not tell you how to vote, that is
9 entirely up to you. The only thing I would recommend
10 is if you're going to make a motion to recommend, that
11 it be a motion to recommend subject to conditions.
12 But that is the only recommendation I would give or
13 advice I would give on that particular topic.

14 But is there a motion anyone wants to make on
15 the recommendation to the County Board?

16 MR. CRAWFORD: I move to approve with
17 conditions.

18 MR. KEYT: Mr. Crawford. Is there a
19 second?

20 MR. WISE: I'll second.

21 MR. KEYT: Mr. Wise. Any further
22 discussion?

23 (No response.)

24 MR. KEYT: Okay. Roll call. Mr.

1 Fourez.

2 MR. FOUREZ: Yes.

3 MR. KEYT: Mr. Crawford.

4 MR. CRAWFORD: Yes.

5 MR. KEYT: Mr. Greenwell.

6 MR. GREENWELL: Yes.

7 MR. KEYT: Ms. Messmore.

8 MS. MESSMORE: Yes.

9 MR. KEYT: Mr. Wise.

10 MR. WISE: Yes.

11 MR. KEYT: Mr. Seaman.

12 MR. SEAMAN: Yes.

13 MR. KEYT: Okay. Motion carries. That
14 concludes the business on this particular hearing.

15 The only other business I think we have to
16 cover is at some point in time we're going to have to
17 have a text amendment. The County Board has requested
18 that the Committee hear a text amendment in relation
19 to some of the Wind and Solar Ordinance. It's a
20 relatively simple issue to address. I will
21 communicate with all of you as to a potential date for
22 that. It doesn't have to be in the immediate future,
23 but I'll send out communications to you on that.

24 Any questions anybody has from me or issues

1 that need to be addressed before I turn it back over
2 to your Chair? And at that point it would be
3 appropriate for a motion to adjourn. But any
4 questions anybody has?

5 (No response.)

6 MR. KEYT: Hearing none. I will turn
7 this back over to you, Mr. Fourez.

8 MR. FOUREZ: And I guess --

9 MR. KAINS: One -- one thing I've noted
10 in the rules is there is a provision for public
11 comment unrelated to the project prior to adjournment.
12 So I guess we ask for that.

13 Public comment unrelated to the project.

14 (No response.)

15 MR. KAINS: Very good. Now there's just
16 one more matter of business. Oh, is there other
17 business?

18 MR. FOUREZ: Not that I'm aware of.

19 MR. KAINS: All right. Other business
20 is done. Then one last thing to do.

21 MR. FOUREZ: All right. Seeing that we
22 have satisfied the items on the agenda, do I have a
23 motion to adjourn?

24 MR. GREENWELL: I make a motion.

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MR. FOUREZ: Adrian.

MR. CRAWFORD: Second.

MR. FOUREZ: Chris seconds. All in favor.

MR. SEAMAN: Aye.

MR. WISE: Aye.

MS. MESSMORE: Aye.

MR. GREENWELL: Aye.

MR. CRAWFORD: Aye.

MR. FOUREZ: Opposed?

(No response.)

MR. FOUREZ: We're adjourned.

(Cause adjourned.)

WHICH WERE ALL THE PROCEEDINGS MADE OF RECORD IN THIS CAUSE ON SAID DAY.

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I, Jamie S. Atkinson, 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 22nd day of September, 2025.

Jamie S. Atkinson, CSR
Official Court Reporter
License No. 084-004156