

In The Matter Of:
LIVINGSTON COUNTY ZONING BOARD OF APPEALS

May 20, 2015

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1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS
 2 CASE SU-7-14
 3 PLEASANT RIDGE WIND ENERGY PROJECT
 4 May 20, 2015
 5 6:30 PM
 6 Pontiac Historic Courthouse
 7 Pontiac, Illinois
 8 BOARD MEMBERS
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 10 John Vitzthum
 11 Joan Huisman
 12 Diana Iverson
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1 **CHAIRMAN CORNALE:** We'll get going this
 2 evening. Chuck, roll call, please.
 3 **MR. SCHOPP:** This is the May 20, 2015,
 4 continuation hearing of the Livingston County Zoning
 5 Board of Appeals' review of Livingston County Zoning
 6 Case SU-7-14, Pleasant Ridge Energy, LLC, Pleasant
 7 Ridge Wind Energy Project.
 8 Roll call: Mike Cornale?
 9 **CHAIRMAN CORNALE:** Here.
 10 **MR. SCHOPP:** John Vitzthum?
 11 **MR. VITZTHUM:** Here.
 12 **MR. SCHOPP:** Richard Kiefer?
 13 (No response.)
 14 **MR. SCHOPP:** Diana Iverson?
 15 **MS. IVERSON:** Here.
 16 **MR. SCHOPP:** Howard Zimmerman?
 17 (No response.)
 18 **MR. SCHOPP:** Joan Huisman?
 19 **MS. HUISMAN:** Here.
 20 **MR. SCHOPP:** And Gibs Nielsen?
 21 (No response.)
 22 **CHAIRMAN CORNALE:** All right. I'd like to
 23 thank you everybody for your patience as we are
 24 getting under way a little bit late. We understand.

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1 It happens to all of us.
 2 The first order of business: I believe we
 3 have Mr. Alan Hymans from Patrick Engineering here.
 4 He is going to go over the Patrick Engineering report.
 5 This report has been commissioned by the County to
 6 have prepared kind of as another set of eyes to look
 7 at this particular project.
 8 With that, Mr. Hymans, if you can come
 9 forward and be sworn in.
 10 (Witness sworn.)
 11 **CHAIRMAN CORNALE:** Speak up and into the
 12 microphone.
 13 **THE WITNESS:** Sorry. Is this better?
 14 **CHAIRMAN CORNALE:** We're going to work
 15 through a series of questions. The audience may ask
 16 questions as we get through this.
 17 Is there anything you might preface these
 18 reports with to just kind of give us a background on
 19 any of this? All right. Mr. Griffin is going to have
 20 some questions for you.
 21 **MR. GRIFFIN:** My name is Jim Griffin. I'm
 22 the private attorney hired by the Livingston County
 23 Board.
 24 ALAN HYMANS,

1 a witness, after having been first duly sworn, was
2 examined and testified upon his oath as follows:

3 **EXAMINATION**

4 **BY MR. GRIFFIN:**

5 Q. Where are you employed?

6 A. **Patrick Engineering out of Springfield.**

7 Q. What type of firm is Patrick Engineering?

8 A. **Patrick is basically a full-service
9 consulting engineering firm. And we also do design.**

10 Q. What is your educational background?

11 A. **I am a graduate electrical engineer from the
12 University of Maryland. And I am a Licensed
13 Professional Engineer in the state of Illinois.**

14 Q. How long have you been a Licensed
15 Professional Engineer?

16 A. **About 40 years.**

17 Q. What is your position at Patrick
18 Engineering?

19 A. **I am a Senior Engineer.**

20 Q. Patrick Engineering was retained by
21 Livingston County to perform some analysis relating to
22 the Pleasant Ridge Wind Farm; is that correct?

23 A. **Yes.**

24 Q. And what did the County ask Patrick

1 **County requested was complete.**

2 **I also performed the spot-check analysis on
3 the noise study, and I reviewed the decommissioning
4 cost report for completeness.**

5 Q. Now, Mr. Hymans, the reports prepared by
6 Patrick have already been placed into the record as
7 Livingston County Exhibit 13 and Livingston County
8 Exhibit 14. Are those the reports that your firm
9 prepared on behalf of the County?

10 A. **Yes, they are.**

11 Q. And do those reports provide the analysis
12 that Patrick Engineering performed in this case?

13 A. **Yes, they do.**

14 Q. As to the noise analysis, can you briefly
15 describe what was the result of Patrick Engineering's
16 work?

17 A. **We spot-checked three different locations at
18 the request of the County. The locations were chosen
19 by us. And what we did in that spot-check is we
20 picked a receptor location that was surrounded by
21 turbines within a 2,000 meter radius and determined
22 the noise levels at the receptor.**

23 **We found that, with all of the parameters
24 that we used, the methodology that we used, that none**

1 Engineering to do?

2 A. **The County asked us to review Invenergy's
3 permit application with respect to the County Wind
4 Ordinance and to provide a checklist that the
5 Applicant's information met all of the -- or
6 referenced and provided materials concerning all the
7 elements of the ordinance.**

8 Q. Were you asked to do something concerning
9 the decommissioning?

10 A. **Yes. We were asked -- in our review, we
11 made a comment that the County should look at an
12 independent decommissioning study to verify the costs
13 in the decommissioning report; so we issued a
14 decommissioning report at their request.**

15 Q. What about the noise?

16 A. **As part of our work, we were asked to
17 spot-check the developer's noise study and to
18 basically validate that their results were
19 representative of what might be expected.**

20 Q. What was your personal role in the work that
21 Patrick Engineering performed for the County?

22 A. **Overall, I was the Project Manager for
23 Patrick; and under my direction, it was my
24 responsibility to see to it that the report that the**

1 **of the locations that we spot-checked were in variance
2 to the IPCB requirements.**

3 **Based on that, we felt that spot-checking
4 any of the other locations would validate the study
5 that Invenergy had provided.**

6 Q. As to the decommissioning analysis you did,
7 what was the result?

8 A. **On the decommissioning analysis, we felt
9 that the bottom line was that the costs presented were
10 a little bit lower than we had calculated.**

11 **The Stantec report indicated that the cost
12 per turbine to decommission would be around \$37,000
13 ultimately. Our analysis indicated it was more in the
14 range of 63,400. However, we did qualify the results
15 by indicating that the County should re-evaluate these
16 costs every three to five years because costs change
17 and to provide a more accurate estimate as time
18 progresses.**

19 **MR. GRIFFIN:** Thank you, Mr. Hymans.

20 Mr. Chairman, that's all the questions I had
21 for Mr. Hymans.

22 **CHAIRMAN CORNALE:** ZBA, do you have any
23 questions at this time for Mr. Hymans?

24 We'll reserve our opportunity to ask

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1 questions. We'll allow the others to ask questions.
 2 Units of local government, school districts,
 3 anybody out there representing those entities that may
 4 have questions for Mr. Hymens?
 5 (No response.)
 6 Mr. Blazer, do you any questions for Mr.
 7 Hymans?
 8 **MR. BLAZER:** No questions.
 9 **CHAIRMAN CORNALE:** All right.
 10 Mr. Luetkehans, do you have any questions for Mr.
 11 Hymens?
 12 **MR. LUETKEHANS:** Yes, sir. First of all,
 13 let me apologize to the Board, the ZBA and the County
 14 Board, as well as the residents for my tardiness.
 15 **EXAMINATION**
 16 **BY MR. LUETKEHANS:**
 17 Q. Mr. Hymans, just so the record is very
 18 clear, you and I have never met, correct?
 19 **A. That is correct.**
 20 Q. But you may or may not know that I am one of
 21 the outside counsels for Patrick Engineering; is that
 22 correct?
 23 **A. That's correct.**
 24 Q. And we have not talked about this nor have I

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1 talked to anyone from your staff about this report?
 2 **A. Not to my knowledge.**
 3 Q. Mine neither; so we are safe.
 4 Let's start with the compliance part of your
 5 report. It's listed as Livingston County Exhibit 13.
 6 Your checklist does not indicate whether the
 7 permit application is complete, just that something
 8 was submitted, right?
 9 **A. That's correct.**
 10 Q. A financial commitment letter is required
 11 under the ordinance, correct?
 12 **A. I believe that's correct.**
 13 Q. And it's not a memory game. So if you want
 14 to go to the November 3, 2014, letter, I'm on page 2
 15 of that. Do you have that? I think it's just the
 16 second page.
 17 **A. Yes.**
 18 Q. Okay. If you look at what I'll call the
 19 first full paragraph after the conclusions section,
 20 you would agree that "no financial commitment letter,
 21 however, is included" -- the third bullet point?
 22 **A. Correct.**
 23 Q. It goes on to say in the fourth bullet point
 24 -- let's start with the last bullet point on the same

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1 page. It starts "Part (j)(2)b."
 2 You would agree with me that a
 3 preconstruction baseline survey of existing roads is
 4 required by the ordinance, correct?
 5 **A. Yes.**
 6 Q. And that has not been done here yet,
 7 correct?
 8 **A. That is correct.**
 9 Q. You also note that the Comsearch study and
 10 the Applicant study do not match as far as microwave
 11 paths go, correct?
 12 **A. That's correct.**
 13 Q. Let's go to the decommissioning studies for
 14 a couple minutes. And that's Livingston County
 15 Exhibit 14.
 16 Did you include any costs for crops loss?
 17 **A. I'm not sure exactly where in the report,**
 18 **but there was some comment in the report concerning**
 19 **using machinery to go from tower to tower across**
 20 **farmland. But the cost for running across the**
 21 **farmland in terms of crop damage or other methods or**
 22 **means to do that was not costed.**
 23 Q. So that was just not a cost included?
 24 **A. No.**

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1 Q. I'm just trying to understand.
 2 **A. That's fine.**
 3 Q. I didn't see any costs either for drain tile
 4 crushing?
 5 **A. No, sir.**
 6 Q. One of the things I noticed is you have a 38
 7 percent efficiency marked down based on the fact that
 8 it won't take as long as -- that it can be done in a
 9 year instead of -- I don't know -- it was like 100 and
 10 some weeks or something. Do you recall that?
 11 **A. Yes.**
 12 Q. How did you come about that 38 percent
 13 efficiency?
 14 **A. That was derived by saying that, if the farm**
 15 **could be decommissioned in 52 weeks as opposed to one**
 16 **week per turbine or around 36 weeks, that there would**
 17 **be a level of efficiency that would come out of that.**
 18 **And that efficiency number was determined by our staff**
 19 **to be 52 divided by one-third, strictly on a time**
 20 **basis.**
 21 Q. You would agree with me that, no matter how
 22 many weeks it's done, the labor still has to all go
 23 out -- I mean, you can't do 136 turbines in 52 weeks
 24 as far as strictly labor cost -- I'm taking just labor

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1 costs -- any cheaper than you could over 130 weeks or
 2 whatever?
 3 **A. I can't answer that.**
 4 Q. One thing I think we would both agree that
 5 would be reduced is overhead profit by shortening --
 6 especially general conditions would be reduced by
 7 shortening the time frame, correct?
 8 **A. I would say yes.**
 9 Q. And in your experience, general conditions
 10 are somewhere in the range of 5, 10, 15 percent of
 11 job, correct?
 12 **A. Over that range.**
 13 Q. Depends on the job. Depends on -- but it's
 14 not --
 15 **A. I believe the report used -- I believe it**
 16 **was 2 or 3 percent.**
 17 Q. For general conditions?
 18 **A. Yes.**
 19 Q. Then overhead profit was another 5, 10
 20 percent of that?
 21 **A. I don't recall that number.**
 22 Q. But that would not be an unreasonable
 23 number, correct?
 24 **A. I would think not.**

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1 Q. Do you know what percentage of the costs are
 2 labor rates in your study?
 3 **A. I do not.**
 4 Q. Do you know what labor rate was used?
 5 **A. I do not.**
 6 Q. Did you assume a union contract?
 7 **A. I couldn't tell you. I don't know.**
 8 Q. Okay. Did you call any contractors, whether
 9 they be local or wind farm contractors, to determine
 10 what they would charge for this kind of project?
 11 **A. I know that they did call some salvage**
 12 **yards. The other information as far as costing for**
 13 **contractor labor and work came from internal project**
 14 **experience and recent project costs for contract**
 15 **labor.**
 16 Q. So that would have been the same thing for
 17 trucking and manpower?
 18 **A. Yes, sir.**
 19 Q. I see you used a 30-year average on salvage
 20 costs for steel and copper, correct?
 21 **A. That's correct.**
 22 Q. I looked at the charts that were referred to
 23 in the -- and we might talk about them in a minute --
 24 but I looked at those charts, and I guess my

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1 conclusion -- tell me if I'm wrong -- is that the
 2 prices go up and down; but you're just using the
 3 average because it kind of stays the same throughout a
 4 30-year period?
 5 **A. Yes.**
 6 Q. On the other hand, union costs for
 7 operators, Local 150 members, those have gone up every
 8 year -- maybe not every year, but regularly for the
 9 past 30 years, correct?
 10 **A. If you say so. That, I don't know.**
 11 Q. Okay. You don't know?
 12 **A. I'm not a labor cost specialist; so I can't**
 13 **answer that.**
 14 Q. Have you ever seen labor costs from a union
 15 go down?
 16 **A. Again, I have not paid attention to those.**
 17 Q. Patrick Engineering is part of the Dietzler
 18 Companies, correct?
 19 **A. Yes.**
 20 Q. And the Dietzler Companies also -- whether
 21 they're still in existence or not, I'm not sure at
 22 this point; but they also own a company called Albin
 23 Carlson, correct?
 24 **A. Yes, sir.**

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1 Q. And Albin Carlson is a contractor, correct?
 2 **A. That's correct.**
 3 Q. And they also own a company called Vegter,
 4 V-e-g-t-e-r?
 5 **A. As far as I know.**
 6 Q. I'm not sure if they're still around or not
 7 either.
 8 To your knowledge, did any of your people in
 9 the Springfield office call either the Albin Carlson
 10 people or the Vegter people for any costs?
 11 **A. I don't have that knowledge.**
 12 Q. Can you tell us what costs are included in
 13 your number for cutting and preparing blades for a
 14 salvage?
 15 **A. I don't know how these numbers were arrived**
 16 **at. All I know is that our staff that was educated**
 17 **and has the expertise in creating these cost estimates**
 18 **put these numbers together.**
 19 Q. So if I asked you about the costs for
 20 separating copper from steel or the costs for
 21 stripping the wire to become number 1 copper, you
 22 wouldn't be able to tell us?
 23 **A. No, sir.**
 24 Q. I'm going to show you 201 and 202. I'm

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1 going to give them to you all at once so we don't have
 2 to do this twice.
 3 Have you ever seen these charts before?
 4 **A. No, sir.**
 5 Q. I will tell you that these are the charts
 6 that, if you click on the web sites that your report
 7 has in them for where you got the copper and salvage,
 8 that these are the charts.
 9 **A. Okay.**
 10 Q. If you look at the top, it says, "All values
 11 are in metric tons." Do you see that?
 12 **A. Okay.**
 13 Q. Are these numbers, to your knowledge, if you
 14 know, what scrap is being resold for and not what the
 15 salvage yard cost is?
 16 **A. I do not know.**
 17 Q. As I said, these are in metric tons. Isn't
 18 it true that Stantec was not setting forth metric tons
 19 in its calculation but English tons?
 20 **A. Well, sir, I have a copy of that here. It**
 21 **would appear that their numbers are in English.**
 22 Q. Okay. Just to make sure we are all clear, a
 23 metric ton is 2,200 pounds per ton, correct?
 24 **A. Correct.**

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1 Q. And an English ton is 2,000 pounds per ton;
 2 would you agree?
 3 **A. Yes.**
 4 Q. So it's a 10 percent difference.
 5 So if it is English tons, as we agree it is,
 6 your estimate of scrap value would be 10 percent high,
 7 correct?
 8 **A. Without reviewing further, I can't answer**
 9 **that.**
 10 Q. Let's assume for the sake of my question
 11 that it is. 10 percent of the salvage cost would be
 12 about \$960,000, correct?
 13 **A. Okay.**
 14 Q. Another of the assumptions you made in your
 15 access road excavation and removal was that only 50
 16 percent of the access roads were going to be removed.
 17 Do you recall that, or are you aware of that?
 18 **A. Yes, that's correct.**
 19 Q. Stantec, do you recall if it was assumed
 20 that all the access roads would actually be removed?
 21 **A. Yes.**
 22 Q. It appears, from looking at your report, you
 23 made that assumption because you were asked to by the
 24 County?

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1 **A. We were asked to revise our original report**
 2 **from 100 percent removal to 50 percent.**
 3 Q. Your original report was at 100 percent?
 4 **A. Yes, sir.**
 5 Q. We would agree, would we not, that roads
 6 take away land from the ability to farm if they're on
 7 a farm?
 8 **A. Yes.**
 9 Q. So if all the participants wanted to have
 10 their access roads removed, the total cost to
 11 decommission would go from \$8,621,000 to \$11,831,000,
 12 correct?
 13 **A. I don't know the numbers, but we did qualify**
 14 **our comment in the report.**
 15 Q. Absolutely. I mean, that's how I found it
 16 out. You didn't hide it. I'm just trying to make
 17 sure.
 18 But the access road cost in your estimate --
 19 if you look to page 13, the estimated decommissioning
 20 cost, in the chart, about two-thirds of the way down,
 21 it says, "Access road excavation and removal"?
 22 **A. Yes.**
 23 Q. Again, this is exactly what you did. You
 24 said this is only 50 percent of the cost. But the 50

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1 percent of the cost is \$3,210,000, correct?
 2 **A. Uh-huh.**
 3 Q. So if I was to double that -- and I assume
 4 your original assumption was that that number was more
 5 like \$6,400,000.
 6 **A. Okay.**
 7 Q. Okay. So if I add \$3,210,000 to the \$8,600,
 8 000, I come up with \$11,831,000. Does that sound
 9 right?
 10 **A. Okay.**
 11 Q. Now, if I add the \$960,000 for the metric
 12 ton versus English ton issue, I get \$12,791,000,
 13 approximately. Does that sound right?
 14 **A. Okay.**
 15 Q. Thanks. Let's go to the sound study, where
 16 I know you have a little more information or a little
 17 -- you were more involved. Let's just say that.
 18 That's Livingston County Exhibit 13. Just
 19 so we're clear, as you said, you didn't do all the
 20 wind turbines. You just picked three of them.
 21 **A. Yes.**
 22 Q. Or three receptors, I apologize.
 23 **A. In the original report, we only chose three**
 24 **locations.**

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1 Q. Okay. And then you went back and chose
 2 another three?
 3 A. Yes.
 4 Q. Let's go to the third page of the May 6,
 5 2015, correspondence. So I guess that's your last
 6 report. It's a chart. It's got yellow and pink on
 7 it.
 8 A. Okay.
 9 Q. Now, what it appears you did here -- and it
 10 might say it, and I just forgot exactly how it came
 11 about. But it appears you were asked to also look at
 12 other calculations with and without LNTE blades 100
 13 feet away from the house, et cetera, correct?
 14 A. **We understood that there was information**
 15 **concerning where the readings should be taken.**
 16 Q. Okay.
 17 A. **So what we did was we provided the analysis**
 18 **based on the original assumption that the receptor was**
 19 **located at the residence, and then we provided a**
 20 **comparison to moving that receptor 100 feet away from**
 21 **the residence.**
 22 Q. Just for the record, when you looked at a
 23 receptor, you didn't look at every turbine. You just
 24 looked at one, two, three closest turbines. You made

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1 a judgment call?
 2 A. **On this analysis that we're talking about**
 3 **here, we looked at the receptors where the turbines**
 4 **were the closest to the receptor and then if there**
 5 **were others that were within a reasonably close**
 6 **distance. And in this case, we went from 1,600 feet**
 7 **to over 3,000 feet and included those turbines in the**
 8 **analysis to that receptor.**
 9 Q. Here is what I'm interested in. The only
 10 measurement or the only model you did was not with the
 11 LNTE blades at 100 feet. You modeled the regular
 12 turbine blades too, correct?
 13 At the receptor, you measured, and 100 feet
 14 closer. Is that what this chart shows?
 15 A. **And we also did with LNTE blades.**
 16 Q. Did you do 100 feet with the LNTE blades?
 17 A. Yes.
 18 Q. I don't see that. Where is that?
 19 A. **If you look, 2a-100L.**
 20 Q. Okay. Let me just -- 2a-100L, okay.
 21 A. **That's with the LNTE blade. The 3a-100L is**
 22 **also with the LNTE blade at 100 feet.**
 23 Q. Okay, great. Let's walk through that for a
 24 second.

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1 So you did it twice. You looked at LNTE 100
 2 feet -- or you looked at LNTE at the receptor, right?
 3 A. Yes.
 4 Q. Then you looked at it with the LNTE 100 feet
 5 closer?
 6 A. Correct.
 7 Q. So you did that both -- we'll stay on 2 and
 8 3, 2a and 3a, okay?
 9 A. Uh-huh.
 10 Q. So if I looked at 2aL, I would come up with
 11 38.6 decibels at the 1,000 hertz level. I'm going to
 12 stay at 1,000 hertz.
 13 A. That's correct.
 14 Q. If I measure 100 feet closer to the
 15 turbines, I have 39.2, correct?
 16 A. That's correct.
 17 Q. So I have 0.6 more decibels 100 feet closer?
 18 A. That's correct.
 19 Q. And then if I go to 3a, I actually have the
 20 exact same change between 3a with LNTE blades and 3a
 21 at 100 with LNTE blades. At 100 feet closer, it's
 22 another 0.6, correct?
 23 A. Correct.
 24 Q. And that's actually the exact same amount

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1 with or without the LNTE blades that you get every
 2 time you come 100 feet closer in your chart at 1000
 3 Hertz.
 4 A. Okay.
 5 Q. In the first one, you go from 37 to 37.6?
 6 A. **If you look at the numbers, that's the way**
 7 **it comes out.**
 8 Q. Okay, thanks. So in each instance, that 100
 9 feet equaled 0.6 decibels higher at the 1000 Hertz
 10 level?
 11 A. **Yes, for those two locations.**
 12 Q. And, actually, for all three when you didn't
 13 use the LNTE blades, correct?
 14 Let's just walk through it so we're all
 15 clear.
 16 A. That's correct.
 17 Q. So at 1a, we go from 37.0 to 37.6. 2a, we
 18 go from 40.7 to 41.3. And 3a, we go from 39.9 to
 19 40.5.
 20 A. Okay.
 21 Q. Okay. So those are pretty consistent. As
 22 you get 100 feet closer, we add 0.6 decibels,
 23 according to the model?
 24 A. Yes.

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1 **MR. LUETKEHANS:** Nothing further. Thank
2 you.
3 **CHAIRMAN CORNALE:** Anyone in the audience
4 with questions? Come on up so everybody can hear you.
5 Just to be certain, you are not represented
6 by Mr. Luetkehans; is that correct?
7 **THE WITNESS:** I'm not.
8 **CHAIRMAN CORNALE:** All right. Please state
9 your name for us. Then you can go ahead.
10 **MR. SLAGEL:** My name is Matt Slagel.
11 **EXAMINATION**
12 **BY MR. SLAGEL:**
13 Q. Looking at your engineers' opinion of cost,
14 you're using for your labor rate \$60 an hour in all
15 the line items where you list labor only, without
16 equipment and so forth.
17 **A. Okay.**
18 Q. Did you know that, in Livingston County, the
19 cost of an operating engineer as of June 1 is \$101.83
20 an hour?
21 **A. Okay.**
22 Q. You didn't know that?
23 **A. I did not.**
24 Q. You didn't research to see what the labor

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1 rates were?
2 **A. As I stated earlier, this report was done by**
3 **other members of our staff who are experienced with --**
4 **CHAIRMAN CORNALE:** Mr. Hymens, speak into
5 the microphone for us.
6 **A. The study was done -- these numbers were**
7 **derived by members of our staff who have expertise in**
8 **this, and I had to assume that they knew what numbers**
9 **to use. So the \$60 versus 105, I can't speak to it.**
10 Q. To compound that, the \$60, according to your
11 report, also has to include contractor market as well.
12 So I don't know what labor rate was really used, maybe
13 52 or 55 or something like that.
14 **A. I already explained to the attorney that I**
15 **did not have any input in those numbers. I can't**
16 **speak to that.**
17 Q. Irregardless, all of the labor in this
18 entire report is covered by the --
19 **MR. BLAZER:** I was trying to not to object,
20 but Mr. Slagel is testifying.
21 **CHAIRMAN CORNALE:** Make sure you focus on
22 questions.
23 Q. I guess my question is: How do you justify
24 the report when you didn't check the labor rates? How

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1 do you do that?
2 **A. I personally did not check the labor rates.**
3 **The labor rates were done by members of our staff, as**
4 **I have already stated.**
5 Q. Did I understand that you said you were
6 overseeing all of that?
7 **A. I was Project Manager, and it's my job to**
8 **see to it that the report is complete and contains all**
9 **of the elements necessary to produce the report. But**
10 **I am not technically responsible for what's in that**
11 **report.**
12 Q. So how do you say it's any good?
13 **A. Because I have to rely on my staff to give**
14 **me accurate results.**
15 Q. So you didn't spot-check their work?
16 **MR. BLAZER:** Mr. Chairman, this has been
17 asked and answered three times already.
18 **MR. LUETKEHANS:** I don't know that it's
19 Mr. Blazer's objection.
20 **MR. BLAZER:** I have as much a right to
21 object to this as anybody else.
22 **CHAIRMAN CORNALE:** Mr. Slagel, if you can
23 continue with questions, but he has asked and answered
24 that several times.

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1 **MR. SLAGEL:** I guess that's all I'll ask
2 then. I don't really want to be badgered by
3 Mr. Blazer.
4 **CHAIRMAN CORNALE:** Anyone else in the
5 audience with questions? Anybody else out there?
6 Go ahead.
7 **EXAMINATION**
8 By MS. GERWIN:
9 Q. You say that your staff had experience with
10 this? Have they had experience with decommissioning
11 wind turbines?
12 **A. I have been told that, to my knowledge,**
13 **there have not been any wind turbine farms that have**
14 **been decommissioned. So these estimates are strictly**
15 **that.**
16 Q. They are strictly theoretical at this point?
17 **A. I wouldn't say they were theoretical. I**
18 **would say they are based on engineering expertise or**
19 **doing work of a similar nature.**
20 Q. Have they decommissioned any 40-story
21 structures in a rural location that were made of
22 steel?
23 **A. Not to my knowledge.**
24 Q. Or anything like that?

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1 **A. Not to my knowledge.**
 2 Q. Are staff members professional engineers?
 3 **A. Yes, ma'am.**
 4 Q. Okay. And have they -- I guess I'm just
 5 trying to understand.
 6 It's not theoretical, but it's not really
 7 based on --
 8 **A. They are estimates.**
 9 Q. -- experience?
 10 **A. They are based on experience of**
 11 **decommissioning facilities, but not necessarily**
 12 **40-foot structures like you're talking about of steel.**
 13 **That, I have no knowledge of. But it comes about from**
 14 **other decommissioning projects that they have**
 15 **experience with.**
 16 Q. Okay. And I notice that the numbers were
 17 given in 2014 dollars?
 18 **A. That's correct.**
 19 Q. So you would, I assume, recommend that we
 20 take into account inflation changes?
 21 **A. We did recommend that the report be revised**
 22 **every three to five years.**
 23 Q. I notice the footnote on the November 3 --
 24 footnote 1 says, "The accuracy of setbacks is limited

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1 due to the sources of readily available information.
 2 Patrick did not perform any field verification."
 3 **A. That's correct.**
 4 **MS. GERWIN:** Okay. Thank you.
 5 **CHAIRMAN CORNALE:** Anybody else in the
 6 audience with questions? Anybody?
 7 (No response.)
 8 **CHAIRMAN CORNALE:** ZBA, do you have
 9 questions?
 10 **EXAMINATION**
 11 **BY MS. HUISMAN:**
 12 Q. Mr. Hymens, how did you measure the receptor
 13 locations? Can you describe for me how you measured
 14 at the receptor locations? You chose three. Where on
 15 the receptor locations did you measure from for sound?
 16 **A. The locations were at the lawn of the**
 17 **residence closest to the turbine. The first analysis,**
 18 **the first three spot-checks that we did, the receptor**
 19 **was at the center of the residence.**
 20 Q. For those receptors, how many turbines
 21 impacted each receptor? Is that in this report?
 22 **A. That's in the report.**
 23 Q. Can you point me to where it's at?
 24 **A. If you look at figure PEI-5, it's toward the**

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1 **end. In fact, it's the very last figure.**
 2 **MR. BLAZER:** I don't mean to interrupt, but
 3 I need a little description. I can't find it. Oh,
 4 that thing? Okay. Thank you.
 5 **A. Okay. And on that map, there's three**
 6 **circles. The center of each circle is the receptor**
 7 **that was identified in the study. The circle has a**
 8 **2,000 meter radius.**
 9 Q. So which side of the residence did you
 10 measure from?
 11 **A. On these, it was at the center. The**
 12 **receptor was assumed to be in the center of the**
 13 **circle, which would have been right on the residence**
 14 **location.**
 15 Q. Do you think that matches with the Illinois
 16 Pollution Control Board's requirements?
 17 **A. The Illinois Pollution Control Board**
 18 **requirements reference noise from a Class C land to a**
 19 **Class A land.**
 20 **All of these residences, as far as I know,**
 21 **are on farmland; and the only way to interpret that**
 22 **farmland where the residence is located is that the**
 23 **residence itself is Class A land.**
 24 **So based on that standard, from what I have**

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1 **observed and from what has been done in the past on**
 2 **other wind farms, is that the receptor is located in**
 3 **the center of that residence.**
 4 Q. But you initially measured from the external
 5 wall?
 6 **A. On the labor reports. Not on this one.**
 7 Q. Not on this one.
 8 **A. This one here -- you asked me how many wind**
 9 **turbines we used to the receptor.**
 10 Q. Right.
 11 **A. Within this circle, that's the number of**
 12 **wind turbines to that receptor.**
 13 Q. Okay. And then in your initial study, am I
 14 understanding you correctly that you said you measured
 15 at the receptor at the external wall of the Class A
 16 property?
 17 **A. I didn't measure at the receptor. We**
 18 **predicted the sound at the receptor.**
 19 Q. And you predicted based on the distance to
 20 the external wall?
 21 **A. We based it -- on this study here, we used**
 22 **the turbines that were within the 2,000 meter radius**
 23 **of the receptor.**
 24 Q. So these are the three additional --

1 **A. Excuse me. These receptors, the coordinates**
2 **of these receptors were taken from the Invenergy**
3 **Study.**

4 Q. Were these the three additional receptors or
5 the three initial receptors?

6 **A. These are three initial.**

7 Q. These are the three initial. I thought I
8 understood you to say, in your initial prediction, you
9 predicted to the external wall of the Class A
10 property.

11 I know it seems like splitting hairs, but
12 this is what we've been sitting here listening to
13 night after night. I'm trying to figure out what is
14 correct.

15 **A. On the initial report, the receptor was**
16 **located at the coordinates that were provided in the**
17 **Invenergy study. I did not -- let me rephrase.**

18 **It was assumed that the receptor was at the**
19 **center of the residence where that receptor was**
20 **located. Okay?**

21 **So from that point out 2,000 meters, a**
22 **circle encompassing all those turbines, those were the**
23 **turbines that were used to predict the noise at that**
24 **point, at the center of that circle.**

1 Engineering gone back and measured actual sound
2 measurements or noise measurements?

3 **A. No. We have not taken noise measurements in**
4 **the field.**

5 Q. So we don't have any actual measurements to
6 make decisions off of?

7 **A. These numbers that we presented are**
8 **predictions that come from the prediction models.**
9 **You've probably heard the ISO 9613. That was the**
10 **algorithms and software that we used. That was the**
11 **same that was used in the Invenergy Study.**

12 **MS. HUISMAN:** Okay. Nothing further right
13 now.

14 **CHAIRMAN CORNALE:** Mr. Hymens, I have a few
15 questions for you.

16 **EXAMINATION**

17 **BY CHAIRMAN CORNALE:**

18 Q. As you were initially commissioned to do
19 this report, how did you determine -- you said you did
20 spot checks. How did you determine what location to
21 select?

22 **A. We selected three locations, one in the**
23 **western area of the project, one in the eastern area,**
24 **and one in the southern area.**

1 Q. Okay. So would you interpret the different
2 land classifications -- I'll just use my own property
3 for example. I have a house on about seven acres. I
4 have a barn. I have a shed.

5 How would you classify my property? I have
6 a lawn. I have pasture.

7 Q. According to the IPCB, agricultural land is
8 Class C. In our interpretation of Class A in an
9 agricultural setting, that included the land that the
10 residence sits on, okay? That was as far as I went
11 with it.

12 All of the studies that I had seen for wind
13 farms have used the residence as the receptor
14 location, not the yard, not the lawn or anything else.

15 I understand that there's been quite a bit
16 of discussion concerning that. And that's why -- I
17 can't recall his first name. That's why he was asking
18 about the 100 foot out from the residence. That was
19 to try to take into account some of the discussion so
20 we could show what the difference was between
21 measurement at the receptor -- at the residence versus
22 100 feet out from the residence.

23 Q. All right. With other wind farms or wind
24 turbines, have you gone back -- has Patrick

1 **Then we looked also for receptors that would**
2 **have the maximum number of turbines within that 2,000**
3 **meter radius that would impart sound to that receptor.**

4 Q. Okay. All right. So as I look through your
5 November 3 letter that you had sent to us, on page 7
6 -- you said earlier that none of the -- everything
7 seemed to, we'll say, jive with what Invenergy had
8 provided. But yet I read in here: "Location R059
9 exceeded the regulations by 0.1 dB, while location
10 R240 exceeded by 1 dB."

11 **A. Right. Do you want an explanation?**

12 Q. Yeah.

13 **A. Those readings were based on adding in**
14 **worst-case ambient noise. When did you not add in the**
15 **ambient noise, if you just use what the IPCB**
16 **regulation requires, which is the noise emitted from**
17 **the source to the receptor, none of the locations**
18 **exceeded the IPCB regulations.**

19 **It was only after we added in, just to give**
20 **you an idea, how much extra noise basically was**
21 **necessary to get beyond the IPCB regulations. In**
22 **other words, there's two different levels that you can**
23 **use. There's a rural noise ambient. And under the**
24 **rural noise ambient, none of the sites exceeded the**

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1 **IPCB regulation.**
 2 **The one that we used that did exceed -- we**
 3 **showed both examples. The commercial business ambient**
 4 **noise, which I think you'll find very difficult to**
 5 **find in the areas where this wind farm is going to be**
 6 **placed, that would be an absolute worst case.**
 7 **And that's what I did. I did that to show**
 8 **that, if this was in downtown Pontiac or downtown**
 9 **Bloomington and you were putting this wind farm in,**
 10 **you would have business commercial.**
 11 **But out in the rural areas where the wind**
 12 **farm is actually going, you have the rural ambient;**
 13 **and, under those conditions, there were no areas that**
 14 **exceeded the IPCB regulation.**
 15 **I've got to emphasize, again, the regulation**
 16 **does not require the addition of these noise levels.**
 17 **The regulation only states that it's the sound emitted**
 18 **from the machinery or factory or composite to the**
 19 **receiving land. It does not say anything about**
 20 **ambient.**
 21 **Q. Could the wind turbine itself generate the**
 22 **worst-case scenario?**
 23 **A. In the prediction model, we used what we**
 24 **considered to be the worst-case conditions for the**

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1 **wind turbine. The ambient adds another level, but the**
 2 **ambient is there whether you have a wind turbine or**
 3 **not.**
 4 **Q. Okay. On the decommissioning, Table 13,**
 5 **your estimate is this \$18,559,000?**
 6 **A. Yes.**
 7 **Q. And the submitted Invenergy plan is this**
 8 **previous column?**
 9 **A. The \$19,890,000.**
 10 **Q. And the discrepancy ends up in the actual**
 11 **value of the salvage. Is that -- moreover, that's the**
 12 **bigger -- how your plan has a discrepancy?**
 13 **A. It would appear from the table that some of**
 14 **the demolition costs -- I don't know that those are**
 15 **salvage costs.**
 16 **Q. Okay. Your initial statement though was**
 17 **that you -- that Patrick has determined that it would**
 18 **cost more than they -- or did I mishear that?**
 19 **A. No. The actual cost per turbine?**
 20 **Q. Yes.**
 21 **A. We determined that was not quite twice what**
 22 **the Invenergy Study indicated. And the ultimate cost**
 23 **per turbine to the County was going to be -- I believe**
 24 **it was 38-something or 37.6 or whatever, from**

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1 **Invenergy. And our study indicated 63.8, I believe,**
 2 **something in that neighborhood.**
 3 **Q. Okay.**
 4 **A. So the actual cost to the County -- the**
 5 **major difference is in the revenue, --**
 6 **Q. Okay.**
 7 **A. -- if that's what you're getting at.**
 8 **Q. I'm just trying to figure out where you**
 9 **actually break that --**
 10 **A. The Invenergy indicated about 14 million in**
 11 **revenue, and we indicated about 8.6.**
 12 **Q. Looks like 9.9.**
 13 **A. Or 9.9. And the difference there was that**
 14 **the Invenergy had indicated, part number 1, that there**
 15 **was some salvage value in the aggregate. And it was**
 16 **determined by calls to aggregate locations, aggregate**
 17 **sellers, that they might accept used aggregate; but**
 18 **they don't pay for it. There's no value to them for**
 19 **it. That was one of the items.**
 20 **And the other, I believe, was in the salvage**
 21 **cost or the salvage value of the copper and steel.**
 22 **Q. Okay. Nowhere in this report does it have**
 23 **just a single number of your conclusion, does it? I**
 24 **mean, just a single number total cost to the County?**

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1 **MR. SCHOPP:** Page 10, 6.0. Is that what
 2 you're looking for?
 3 **CHAIRMAN CORNALE:** 10, 6.0?
 4 **A. Yeah. On 10, the last sentence.**
 5 **CHAIRMAN CORNALE:** Okay, great. All right.
 6 ZBA, do we have any other questions for
 7 Mr. Hymans?
 8 (No response.)
 9 **CHAIRMAN CORNALE:** Thank you, Mr. Hymans.
 10 I've got about 8:00. Why don't we take a
 11 ten-minute break. Actually, I've got 7:58. So we'll
 12 get going again at 8:08.
 13 Probably, when we get back, we're going to
 14 start with closing statements. We have a few exhibits
 15 that we need to take care of as well.
 16 (Recess in proceedings.)
 17 **CHAIRMAN CORNALE:** For the record, the
 18 County accepts Pleasant Ridge Exhibit 16C as
 19 "Technical Documentation for Wind Turbine Generator
 20 Systems." There's four separate cut sheets from GE.
 21 This was provided at the request of the Board, myself,
 22 to clarify an issue that was presented in the Slagel
 23 surrebuttal testimony where some numeric values had
 24 changed on the decibel emission at 1,000 hertz.

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1 For those that don't have the information
 2 available, I have reviewed it; and it does, in fact,
 3 concur with the results that were provided. So that
 4 is Pleasant Ridge Exhibit 16C if anyone is interested
 5 in looking at that further.
 6 All right. Mr. Blakeman, I believe we have
 7 some other exhibits we need to take into evidence or
 8 accept.
 9 **MR. BLAKEMAN:** First thing we need to do is
 10 some clarification. We have two Pleasant Ridge
 11 Exhibits 334, both of which have been admitted into
 12 evidence. The first one is an Aerial Property Photo
 13 associated with a witness by the name of Kerber,
 14 K-e-r-b-e-r. And then the second is "Sleep Disruption
 15 Due to Hospital Noises" more recently.
 16 So the first one that was admitted, 334.
 17 "Sleep Disruption Due to Hospital Noises" will become
 18 Exhibit 334A. Any questions about that?
 19 **MR. LUETKEHANS:** Not to -- who is that
 20 under?
 21 **MR. BLAZER:** Robert's rebuttal.
 22 **MR. LUETKEHANS:** I'll issue a new list
 23 tomorrow.
 24 **CHAIRMAN CORNALE:** The County will accept

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1 Pleasant Ridge Exhibit 11B is a neighbor agreement
 2 from Pleasant Ridge Energy.
 3 The County will accept Pleasant Ridge
 4 Exhibit 11C as a "Property Value Guarantee Agreement."
 5 The County will accept Pleasant Ridge
 6 Exhibit 335 as the "Economic Benefits Agreement."
 7 The County will accept Slagel Exhibit 9,
 8 Hankard's surrebuttal, all one Exhibit, several pages
 9 of documentation.
 10 The County will accept Slagel Exhibit 10A as
 11 "My Calculations Versus Original Pleasant Ridge
 12 Application."
 13 The County will accept Slagel Exhibit 10B as
 14 "My Calculations Versus Pleasant Ridge Exhibit 16B."
 15 The County will accept Steidinger Exhibit
 16 Number 2 as "Assessed Valuation Study Response" dated
 17 May 12, 2015.
 18 The County will accept Steidinger Exhibit
 19 Number 5 as -- Exhibit Number 3 as the "Tax
 20 Computation Report, Livingston County -- Several
 21 Properties Within."
 22 The County will accept Hayes Exhibit Number
 23 8 with the exception of those portions of Exhibit 8
 24 referring to Hayes Exhibits 9 and 11, which were not

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1 admitted into evidence. So we will exclude those
 2 particular portions that refer to Exhibit 9 and 11.
 3 The County does not accept Hayes 9. We have
 4 excluded it, "Best Practices Guidelines for Assessing
 5 Sound Emissions from Proposed Wind Farms."
 6 The County will accept Hayes Exhibit 10 as
 7 "Excerpt from California Ridge Wind Energy Project
 8 Sound Analysis Report."
 9 The County does not accept Hayes 11, "Wind
 10 Turbines Can Be Hazardous to Human Health."
 11 The County accepts UCLC Exhibit 189 as a
 12 "Listing Document for Parcel MLS Number 105706."
 13 The County Accepts UCLC Exhibit 195 as the
 14 "Land-based Classification Standards."
 15 The County will accept UCLC Exhibit 201 as
 16 "Commerce Statistics from the United States Geological
 17 Survey."
 18 The County will accept UCLC Exhibit 202 as
 19 "Iron and Steel Stress Statistics US Geological
 20 Survey."
 21 The County will accept County Exhibits
 22 Number 12 as the "Belle-Prairie Drainage District
 23 Commissioner's Correspondence to the Livingston County
 24 Government -- in reply to the Invenergy Exhibit 125."

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1 The County will accept County Exhibit 13 as
 2 "Patrick Engineering Report on the Pleasant Ridge Wind
 3 Energy Project, Summary Review Report."
 4 The County will accept County Exhibit 14,
 5 "Patrick Engineering Review of Decommissioning Costs
 6 for the Pleasant Ridge Wind Energy Project."
 7 All right. After 33 evenings, we're ready
 8 to begin closing statements. Mr. Blazer, take it
 9 away.
 10 Just to be sure, Mr. Blazer, we have
 11 allocated you a lot of minutes. Can you give us a
 12 summary of how you intend to allocate your minutes?
 13 **MR. BLAZER:** I'm guessing -- and you know my
 14 guess isn't anywhere near close -- 45 minutes to an
 15 hour for the first part and probably 15 minutes or so
 16 at the tail end.
 17 **CHAIRMAN CORNALE:** All right. Let the
 18 record indicate 8:17.
 19 **CLOSING ARGUMENT**
 20 **BY MR. BLAZER:**
 21 I was going to ask if you want to have five
 22 or six more hearings.
 23 Before I start, I think it's essential that
 24 I say something. Of all the things Phil and I have

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1 disagreed about, I think he and I can agree about this
 2 one.
 3 You people have done an incredible job. I
 4 don't just mean the ones in the front row but the ones
 5 in the back row that have attended virtually all of
 6 these hearings. I can tell you, in 33 years of
 7 practicing law, I've never been involved in anything
 8 this long, this arduous, this time consuming, this
 9 frustrating.
 10 Particularly with you, Mr. Chairman, I
 11 haven't always agreed with your rulings; but I was
 12 convinced very early on that you were trying to do the
 13 best you possibly could. And nobody can ask for more
 14 than that.
 15 Before I launch into trying to remind you of
 16 everything that has happened in the last seven months
 17 -- good luck -- I just wanted to thank you all for the
 18 attention.
 19 Somebody said -- I think it was Mrs. Ambrose
 20 that said Phil and I get paid for being here. You get
 21 your per diem, and that's about it. I'll stick with
 22 thank you.
 23 All right. I'm going to try and very
 24 quickly first go through your ordinance before I go

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1 through what I think this last seven months was really
 2 about. And I think I can go through your ordinance
 3 quickly because I believe Patrick Engineering has
 4 handled a large share of that for us in one report.
 5 I'm actually just going to go through a few
 6 of the items where they indicate that some information
 7 may be missing or may not have been presented.
 8 I'll start with one that my friend Phil --
 9 and I do have to announce, just on a personal level,
 10 his son and my son just graduated from Notre Dame. I
 11 was going to play the Notre Dame fight song for you,
 12 but it's probably inappropriate. So kudos to the
 13 Luetkehans and Blazer boys.
 14 Anyway, financial insurance, that's one of
 15 the things that's raised as an issue in the Patrick
 16 report. Your ordinance -- it's Section 616(b)(6) --
 17 says, "Financial assurance shall be provided that the
 18 projects can be developed as proposed."
 19 Financial assurance is defined in the
 20 ordinance. And the definition is not, contrary to
 21 what Mr. Hymans said in his report, "a Commitment
 22 Letter." Financial assurance is defined as financial
 23 assurance from a creditworthy party. And then it has
 24 some examples. They're not exclusive examples.

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1 They're just examples.
 2 The form of evidence of financial assurance
 3 that you have received here has really been in two
 4 ways. Number one, the CoBank letter that's part of
 5 the application, which is one of the historic lenders
 6 that Invenergy has used.
 7 But I think far more important is the
 8 testimony that was provided to you by Kevin Parzyck
 9 quite some time ago where he described for you the
 10 financial makeup of Invenergy: \$8 billion in
 11 installed assets. 2.8 billion of that is equity.
 12 That's effectively what the company is worth, hundreds
 13 of millions of dollars in equity just in Illinois.
 14 He gave you as an example how the California
 15 Ridge property, 134 turbines in Vermilion and
 16 Champaign Counties, and how that one was developed,
 17 the nine-figure equity in that project.
 18 I cannot think of financial assurance from a
 19 creditworthy party, as your ordinance defines, that
 20 could be more adequate than what you have received
 21 from this creditworthy party, Invenergy.
 22 Number two -- I actually just wrote these
 23 because I hadn't planned on talking about these --
 24 Phil mentioned a preconstruction baseline survey.

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1 First of all, I highlight the word
 2 "preconstruction." It's not a special use permit
 3 requirement. It's a requirement prior to
 4 construction. And it's something that's done per the
 5 ordinance in the context of the assumption that road
 6 agreements will be negotiated with the appropriate
 7 road authorities.
 8 And that is, in fact, happening, as Robert
 9 Lenz, the attorney for the Road Commissioners,
 10 testified some time ago. He gave you a report on the
 11 status of those negotiations, and they are ongoing.
 12 And, of course, that will include, because it has to,
 13 a preconstruction road survey because that's the
 14 baseline for a road agreement.
 15 Let's look at a few of the other Patrick
 16 Engineering things; and then, like I said, I'm going
 17 to move on to what I think these seven months was
 18 really about.
 19 Patrick mentions Compliance Certificates
 20 will be provided at a later date. Those are the
 21 Certificates of Design Compliance. Again, they looked
 22 at the application. They didn't necessarily --
 23 normally I expect them to look through the entire
 24 record of this proceeding. We did, in fact, provide

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1 both certificates of design compliance both for the GE
 2 100 turbine and the GE 103 turbine. Those are
 3 Pleasant Ridge Exhibits 130A and 130C.
 4 Another one: "Provide copies of project
 5 summary and site plan to applicable microwave
 6 transmission providers and local emergency service
 7 providers." And we actually did provide packages.
 8 Those are -- that's Pleasant Ridge Exhibit 19, which
 9 are the transmittal letters along with the project
 10 description and the draft Emergency Response Plan to
 11 all of the first responders, including OSF Life Flight
 12 in Peoria.
 13 And then Pleasant Ridge Exhibit 20 are the
 14 few responses that we received, including from OSF
 15 Life Flight. And I mentioned, in particular, OSF
 16 because there was some allegation some time ago that
 17 there's some concern that helicopter ambulance
 18 services don't come into wind farms.
 19 Clearly, based on the response that we have,
 20 that's not true. OSF didn't express any concerns
 21 whatsoever. You can see that letter as one of the
 22 documents in our Exhibit 20.
 23 The next one from Patrick does not address
 24 -- this is in connection with any potentially

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1 hazardous materials like oils and lubricants and
 2 things like that. Most of that is actually not in a
 3 specific document. It's Pleasant Ridge Exhibit 26.
 4 This again seems like a thousand years ago
 5 because it was in November. But that was Jacob
 6 Baker's presentation, where he talked about all of the
 7 fluids that are actually used, most of which actually
 8 are not hazardous. They are biodegradable. That's
 9 all in that presentation.
 10 "Wetland delineation has not been performed.
 11 Some access roads may fall within regulated flood
 12 planes." That's not directly a county ordinance
 13 requirement other than the fact that the ordinance
 14 requires that we comply with state and federal law.
 15 That's clearly a federal law issue in the
 16 Clean Water Act. A lot of that is actually covered in
 17 the "Livingston County Soil and Water Conservation
 18 District's Natural Resource Inventory Report," which
 19 is in the record. They discussed that at length.
 20 But beyond that, this project will be
 21 subject to what are called "nationwide permits" that
 22 are issued by the Army Corp of Engineers. Those
 23 permits include permits dealing with the development
 24 and construction of alternative energy facilities.

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1 And, again, if we are fortunate enough to
 2 receive approval, clearly, that is an appropriate
 3 condition, that we comply with all state and federal
 4 permitting requirements. It's a regular part of your
 5 ordinance, and obviously we can't build this if we
 6 don't comply with those requirements.
 7 Next one was: "A phase 1 archeological
 8 study has not been completed." We did submit what's
 9 called a "desktop review." Again, that's a state
 10 requirement of the Illinois Historic Preservation
 11 Agency. We will of course comply with state law.
 12 We're required to. And, again, I would assume that
 13 that would be a condition of any approval, if an
 14 approval is granted.
 15 The next one is: "An IDNR EcoCAT report has
 16 not been completed which would identify potential
 17 threatened endangered species." Actually, that was
 18 completed, and it's referenced in the consultation
 19 letter from the Illinois Department of Natural
 20 Resources, which is Pleasant Ridge Exhibit 110. And
 21 our response to that letter is Pleasant Ridge Exhibit
 22 111.
 23 That's pretty much all that Patrick has to
 24 say about some loose ends that may be out there.

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1 Now let's turn to what I believe took up
 2 most of the last seven months. And it really boils
 3 down to two things, fear and intimidation
 4 I've met some wonderful people during this
 5 process. And I have a note here to myself. It's
 6 probably going to embarrass them, but I said to myself
 7 here: "Mention Tom and Linda Ambrose." And I'm
 8 mentioning them because they're wonderful people.
 9 We've talked at length. We've talked about our
 10 backgrounds. We've talked about religion. We
 11 actually happened to eat at the same place tonight for
 12 dinner.
 13 They are two of the dozens of very good
 14 people that I've met in this county and dozens of
 15 people who are afraid. Where does that fear come
 16 from?
 17 Some folks would probably say -- probably
 18 Phil included -- I hope I don't mind me calling you
 19 Phil. I have a hard time calling you Mr. Luetkehans.
 20 Some folks would probably say it comes from the fact
 21 that we want to put a wind farm here. And if it goes
 22 away, so does the fear.
 23 And in a way, that's probably true. That's
 24 a typical response. And if that sort of response were

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1 taken to its logical extreme, I think we'd all still
 2 be huddled in caves surrounded by open fires. There
 3 would be no cars. There would be no electric lights.
 4 There would be no phones. There would be no cameras.
 5 Anyway, remember what Dr. Roberts said. I
 6 put the word in my notes here, "remember," like I
 7 expect you to remember 4,000 pages of transcript.
 8 Remember what Dr. Roberts said about people's fears
 9 when the telephone came out back in the 1800s.
 10 Now, there have been noise concerns as long
 11 as there's been written documentation. Believe it or
 12 not, there were health concerns about telephones. My
 13 only health concern about the telephone is the amount
 14 it costs me to pay for my kids' phones.
 15 There's a thing called telephone tinnitus,
 16 Dr. Roberts said, telephone ringing in your ear, not
 17 the ringing of the phone but the fact that it can
 18 cause ringing of the ears. There's also things about
 19 cars, the unheard sounds of cars. So it's not new to
 20 have health concerns about noise.
 21 This will sound a little too poetic, but I
 22 think it makes sense. The road of human progress is
 23 pockmarked with fears of the new and the unknown and
 24 what we're not used to. But there's nothing new about

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1 a wind farm in this country or in this state or in
 2 this county.
 3 And just look at what one of UCLC's own
 4 documents points out. It's UCLC Exhibit 42.
 5 "U.S. Department of Energy's Wind Program -- Lasting
 6 Impressions."
 7 "By August 2012, the US wind industry
 8 totaled more than 50,000 megawatts of installed power
 9 capacity.
 10 "Wind power is expanding across the United
 11 States and is deployed in 31 states and territories.
 12 Texas alone has more installed wind power than all but
 13 five countries around the world.
 14 "Over the past 4 years, the U.S. wind
 15 industry represented 35 percent of all new installed
 16 generation capacity. Wind energy will continue to be
 17 a fundamental component of the next era of energy
 18 projects to connect to the electricity grid. Interest
 19 in wind power continues to grow with the proposed
 20 number of wind projects surpassing that of all other
 21 forms of generation."
 22 So I think we have to dig a little deeper to
 23 find the real source of the fear that these folks have
 24 expressed. What is it really that led to that, and

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1 how did that translate into intimidation? What or,
 2 more specifically, who is really responsible for
 3 what's happened here?
 4 We can start with Jerry Punch, who isn't a
 5 doctor, but who talks about adverse health effects
 6 based on what he claims other people have said. That,
 7 according to Punch, is based on what other people have
 8 said in legal proceedings and in proceedings like
 9 this.
 10 This is a quote. "Some of this evidence is
 11 an expert testimony in legal proceedings although I
 12 don't have any of that information to go through
 13 tonight. It's too tedious."
 14 During cross-examination, when he was
 15 presented with those tedious decisions and several
 16 others, Punch claimed that he was not familiar with
 17 them.
 18 But there is one of those that is in this
 19 record. It's Pleasant Ridge Exhibit 87. It's a
 20 decision from a United States Federal Court from just
 21 last year, March 2014. It's in the case of Protect
 22 our Communities Foundation versus Jewell. And
 23 Ms. Jewell is the Secretary of the Department of the
 24 Interior.

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1 Here's what this case says. The EIS --
 2 that's Environmental Impact Statement -- "The EIS
 3 subsequently discusses exposure to" -- they call it
 4 ILFN -- "infrasound and low frequency noise above 85
 5 dB, the accepted threshold for audibility, noting that
 6 excessive exposure at such levels has been associated
 7 with a condition termed 'vibro-acoustic disease,' a
 8 thickening of cardiovascular structures such as
 9 cardiac muscle and blood vessels.
 10 "The EIS explains that risk of VAD is
 11 limited to rare situations such as military operations
 12 and work carried out in connection with the Apollo
 13 space program where infrasound levels can reach 125
 14 dB, vastly exceeding the levels of infrasound produced
 15 by wind turbines.
 16 "Plaintiffs contend, however, that the EIS
 17 is deficient due to BLM's" -- Bureau of Land
 18 Management -- "refusal to accept the view that ILFN
 19 can have adverse effects on human health at pressure
 20 levels below the threshold of audibility.
 21 "According to Plaintiffs" -- and you've
 22 heard a lot of this here as well -- "inaudible ILFN
 23 has been documented to cause insomnia, vertigo, ear
 24 pressure or pain, fatigue, unsteadiness, dizziness,

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1 tinnitus, headaches, external auditory canal
 2 sensation, irritability, memory and concentration
 3 loss, loss of motion, cardiac arrhythmias, stress, and
 4 hypertension.
 5 "To support these allegations, Plaintiffs
 6 rely on a scientific study conducted by Dr. Salt and
 7 Hullar" -- and you probably don't remember this, but
 8 those are the studies that Phil tried to use with
 9 Dr. Ellenbogen -- "indicating that inaudible ILFN is
 10 powerful enough to stimulate the ear's cochlear outer
 11 hair cells, thereby causing significant annoyance and
 12 harm to human beings.
 13 "Plaintiffs also rely on the study conducted
 14 by Dr. Nina Pierpont, which discusses 'Wind Turbine
 15 Syndrome,' an ostensible medical condition caused by
 16 wind turbine noise. Dr. Pierpont's study suggests
 17 that ILFN from wind turbines causes significant health
 18 problems.
 19 "Federal Defendants and Tule maintain that
 20 BLM did evaluate the evidence and expert testimony
 21 invoked by Plaintiffs but ultimately rejected it as
 22 flawed and unpersuasive. The Court agrees.
 23 "BLM relied upon epidemiologist Dr. Mark
 24 Roberts' expert opinion, which calls into question the

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1 scientific validity of the Pierpont study. Scientific
 2 evidence challenges the notion that adverse health
 3 effects from wind turbines sound are plausible.
 4 "Dr. Pierpont's peer-review process appears
 5 to be among colleagues and friends and not a single-
 6 or double-blind process. Nontraditional references
 7 such as newspaper articles and television interviews
 8 are used to support Dr. Pierpont's hypothesis.
 9 "BLM also invoked expert testimony from Dr.
 10 Arlene King, the Chief Medical Officer of Ontario,
 11 Canada, disputing any connection between wind turbine
 12 noise and human health.
 13 "The EIS does not, however, merely critique
 14 one particular doctor's theory, as Plaintiff's
 15 contend. Rather, the EIS provides recent explanation
 16 and scientific support for BLM's conclusion that
 17 inaudible ILFN emissions from wind turbines do not
 18 adversely impact human health."
 19 So Punch is part of the problem, but he's
 20 not the biggest example. He's just repeating what
 21 he's been told by people who are as unqualified as he
 22 is to provide medical opinions.
 23 And that starts with this book by Nina
 24 Pierpont. It really hurt to have to spend \$20 to buy

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1 this thing. It's not just by Nina Pierpont, but by
 2 Nina Pierpont and her husband, Calvin Luther Martin.
 3 Here is what we know about this book.
 4 Pierpont is a pediatrician. She's not an
 5 epidemiologist, a neurologist, an otolaryngologist, or
 6 an audiologist. She claims to have obtained
 7 information about 37 people. Punch actually claimed
 8 that she saw them in her practice, which wasn't true.
 9 He ultimately admitted that.
 10 She admits that she actually only spoke to
 11 23 of them on the phone. She never met any of these
 12 people face-to-face. She never conducted an
 13 independent medical exam. And even she admitted the
 14 limitation of her methods.
 15 This is from the book. "Despite what I see
 16 as the virtues of my approach, this study has clear
 17 limitations."
 18 **MR. LUETKEHANS:** Objection. Is this book in
 19 evidence? I don't believe it is.
 20 **MR. BLAZER:** This is all in the transcript.
 21 **MR. LUETKEHANS:** Okay. That's fine.
 22 **MR. BLAZER:** The excerpts that I'm reading
 23 from, Phil, is one of my exhibits. It was admitted
 24 during my cross of Dr. Punch. I can give you the

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1 exhibit number later, if you want, excerpts from Wind
 2 Turbine Syndrome.
 3 **MR. LUETKEHANS:** Okay.
 4 **MR. BLAZER:** Sorry. I didn't write down the
 5 exhibit number here.
 6 Anyway, as I was saying, "Despite what I
 7 see as the virtues of my approach, this study has
 8 clear limitations, one being that it was conducted
 9 entirely by clinic interview, over the telephone.
 10 "On the one hand, this had the benefit of
 11 allowing me to have an international group of
 12 subjects. On the other, it limited the type of data I
 13 could collect.
 14 "As a result, my ability to say that a
 15 certain symptom during exposure is due to turbines is
 16 confined to medical conditions which are diagnosable
 17 by medical history. A medical history is all the
 18 information a patient tells the doctor about his
 19 illness, past health and experience, and his habits."
 20 And despite that concession and the
 21 acknowledged necessity for medical histories, Pierpont
 22 did not obtain medical histories from all the people
 23 she spoke to. "Limited medical records were provided
 24 by the adults of families A and B, A1, A2, B1, B2, and

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1 by a young man in family C4." So that's five people
 2 out of the 23 that she spoke to that she got medical
 3 histories from.
 4 "I requested medical records from all
 5 families but, since no more were forthcoming, I
 6 stopped asking and pursued those parts of the study
 7 not dependent on physical examination or test results
 8 and for which I had a uniform study tool, the
 9 interview."
 10 And here is why she really stopped asking.
 11 In a different section of the book -- and, again, it's
 12 in the excerpt, Phil -- she identifies all of the
 13 symptoms that she found out about from these people,
 14 pre-existing symptoms before they were ever "exposed"
 15 to a wind turbine.
 16 "Eight adult subjects had a history of
 17 serious medical illness including lupus, breast
 18 cancer, diabetes, coronary artery disease,
 19 hypertension, atrial fibrillation with
 20 anticoagulation, Parkinson's disease, ulcer, and
 21 fibromyalgia.
 22 "Seven subjects had histories of mental
 23 health disorders including depression, anxiety,
 24 post-traumatic stress disorder, and bipolar disorder.

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1 "Eight subjects had pre-existing migraine
 2 disorder, including two with previous severe sporadic
 3 headaches that I interpreted as migraine.
 4 "Eight subjects had permanent hearing
 5 impairments, defined subjectively or objectively,
 6 including mild losses, losses limited to one ear, or
 7 impairments of binaural processing.
 8 "Six subjects had continuous tinnitus or a
 9 history of multiple discrete episodes of tinnitus
 10 prior to exposure.
 11 "Twelve subjects had significant previous
 12 noise exposure, defined as working in noisy industrial
 13 and construction settings; working on or in a diesel
 14 boat, truck, bus, farm equipment, or aircraft; a
 15 military tour of duty; or operating lawn mowers or
 16 chain saws for work.
 17 "Eighteen subjects were known to be motion
 18 sensitive prior to exposure, as defined by car
 19 sickness as a child or adult, any episode of sea
 20 sickness, or a history of two or more episodes of
 21 vertigo."
 22 And after learning all of these things about
 23 these people that reflected the subjects before
 24 exposure to wind turbines, Pierpont and her husband

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1 invented the phrase "Wind Turbine Syndrome" to
 2 describe exactly the same conditions.
 3 And let's not forget even Pierpont, the
 4 author of this book -- which, by the way, you may or
 5 may not recall; Punch admitted remarkably -- after he
 6 spent so much time talking about the virtues of this
 7 book, he admitted that he actually has never read it.
 8 Anyway, Pierpont admits herself that you
 9 have to go to a qualified doctor to determine what it
 10 is that somebody might have. There's a quote. "For
 11 those who read this report and recognize their own
 12 symptoms, the appropriate medical specialist to
 13 consult would be a neurotologist or otoneurotologist
 14 who is an otolaryngologist, ear, nose, and throat
 15 doctor, who specializes in balance, the inner ear and
 16 their neurological connections."
 17 That's Pierpont. Who else is responsible
 18 for what's going on here? It's a minor point. But
 19 Hewson comes out from Virginia to scare all of you
 20 into thinking that you will be stuck with a massive
 21 decommissioning bill.
 22 The ordinance says that you have to have an
 23 estimate from a Registered Professional Engineer. We
 24 went through some of that just a few minutes ago.

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1 That's kind of like Pierpont's expert doctor. You
 2 need someone who is qualified to give you a
 3 decommissioning estimate.
 4 Hewson, on the other hand, isn't a
 5 professional engineer. He has no construction
 6 experience. And he has no experience with
 7 decommissioning anything.
 8 You know, you've heard from both our
 9 witness, Dave Rautmann, and from Patrick Engineering
 10 that there haven't been any wind farms decommissioned.
 11 But there have been all kinds of other things
 12 decommissioned historically: buildings, towers, water
 13 towers, all kinds of things that professional
 14 engineers can use as examples to generate an estimate.
 15 Hewson had no experience with anything like
 16 that. But, frankly, that's not relevant in the
 17 context of spreading fear. It's really just about the
 18 narrative, the scary message, not the qualifications.
 19 So David Rautmann says 37,000, plus or
 20 minus, per turbine. Patrick Engineering says 63 and
 21 change, call it 64. But Hewson, who has no
 22 qualifications of any kind, tells you that it's
 23 between \$185,000 and \$233,000 per turbine.
 24 Now, this is from someone whose opinion on

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1 decommissioning -- remember -- like you're going to
 2 remember -- this is a guy who's testified many times
 3 before on this subject. His opinion has never been
 4 accepted anywhere. And we know why.
 5 It's not hard to get to his numbers when you
 6 tell people that, rather than the 9 to 12 months that
 7 Rautmann and Patrick agree on -- when you tell people,
 8 like Hewson did, that it will take 5 1/2 years. And
 9 it's not hard to get 5 1/2 half years when you tell
 10 people that it's going to take 125 man hours to flip a
 11 switch.
 12 But Hewson really isn't the main source of
 13 fear and intimidation. I view him as just a bit
 14 player. Maybe it's somebody like Gruen. He never
 15 determined the economic benefits from a wind farm
 16 before. But, of course, he had no qualms about trying
 17 to go head-to-head with someone the caliber of
 18 Professor Loomis. But his effort was much more
 19 important in terms of what he chose not to talk about.
 20 This leads to the first and probably the
 21 most disturbing example of intimidation that has
 22 occurred in this county.
 23 We start with Pleasant Ridge Exhibit 302
 24 because remember -- again, remember -- Hewson said

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1 nothing about Dr. Loomis's estimate of the financial
 2 benefits to Prairie Central School District, nothing.
 3 Didn't touch it.
 4 So we start with Pleasant Ridge Exhibit 302,
 5 which is the Prairie Central Community Unit School
 6 District Number 8 Board goals.
 7 Here are the Board goals. Formulate a plan
 8 to reduce staff commensurately with declining
 9 enrollment and loss of revenue.
 10 Prepare a "cut" list for the succeeding
 11 school terms amounting to roughly \$2 to \$2.5 million
 12 in response to reduced general state aid and
 13 categorical reimbursement losses (Illinois financial
 14 crisis).
 15 In light of declining enrollment, develop a
 16 plan for the reduction of facilities and consolidation
 17 of students (building closure, attendance centers).
 18 Communicate to internal and external
 19 population the need for downsizing in staff and
 20 facilities and the need for bond conversion.
 21 And, on the heels of that, this happens.
 22 Pleasant Ridge Exhibit 306, the Prairie Central Board
 23 meeting minutes from August 21, 2014. Superintendent
 24 Capasso reported the following.

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1 "Pleasant Ridge Wind Farm: Capasso
 2 re-introduced the topic and referred the Board to
 3 reading material produced by the Center for Renewable
 4 Energy (Illinois State). The question remains as to
 5 the net result of the interaction between a wind
 6 farm's assessment and general state aid. The Board
 7 will consider a resolution on the matter after
 8 additional fact-finding and, hopefully, a visit from
 9 an expert on the matter at a future meeting."
 10 This one reflects "Guests Present" --
 11 wherever I put it -- "None."
 12 Now we go to the next month. It's Pleasant
 13 Ridge Exhibit 185, September 18, 2014. First, it's
 14 now a packed house of guests present, a lot of people
 15 in this audience.
 16 But it started with Dr. David Loomis and an
 17 individual named Matt Alderman presenters from the
 18 Center for Renewable Energy, Illinois State
 19 University. Then there's a list, as I said, of a
 20 whole bunch of other folks. Then it starts.
 21 "Marcus Maier asked Dr. Capasso who
 22 authorized him to give a public opinion about Pleasant
 23 Ridge and whether or not the presenters had biases on
 24 wind energy.

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1 "The Board suggested that comments or
 2 questions specifically regarding the Pleasant Ridge
 3 Wind Farm be held until the presentation."
 4 Then, under "Finance," Dr. Loomis makes a
 5 presentation -- "made a detailed presentation and
 6 fielded questions and comments on wind energy."
 7 And then there's a list of some of the
 8 guests who were present who start saying the same
 9 things that you've heard here for the better part of
 10 seven months: property value impacts, health impacts.
 11 You name it and they talked about it that night.
 12 At the tail end of the finance discussion,
 13 "Proposed bond issuance: The Board will take up the
 14 matter of bond issuance at its November meeting. The
 15 amount earlier proposed is \$4.33 million with pay-off
 16 over (3) three years."
 17 The next one is Pleasant Ridge Exhibit 183.
 18 October 16, 2014.
 19 **MR. LUETKEHANS:** I apologize. What number
 20 was that?
 21 **MR. BLAZER:** 183.
 22 **MR. LUETKEHANS:** Thank you.
 23 **MR. BLAZER:** Sure. "Public comment: All
 24 comments were about the proposed Pleasant Ridge Wind

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1 Farm. Brad Steidinger, Stephen Knauer, Nate Kelson."
 2 Under "Finance, proposed wind farm: Having
 3 heard information about the proposed Pleasant Ridge
 4 Wind Project at two meetings and considered the
 5 advantages and disadvantages for not only the school
 6 system but also residents, the Board declared its
 7 position to be neutral."
 8 So you never heard from Dr. Capasso. This
 9 is what Dr. Capasso wasn't allowed to tell you.
 10 Pleasant Ridge Exhibit 303, January 15,
 11 2015. "Moved by Schlatter seconded by Dotterer at
 12 7:06 p.m., we enter a public hearing concerning the
 13 intent of the Board of Education to sell \$4.330
 14 million in working cash fund bonds."
 15 President Haberkorn stated the purpose of
 16 the hearing. Superintendent Capasso gave reasons for
 17 issuing \$4.33 million in working cash fund bonds:
 18 "Deficit spending in education,
 19 transportation funds
 20 "Significantly reduced state funding
 21 "Widening gap between the cost of educating
 22 (need of) children and revenues
 23 "Diminishing working cash fund"
 24 And here's a really telling comment. "Asked

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1 for written and oral comments from the public" on
 2 those issues; "received none."
 3 And that's brings on the next statement in
 4 these minutes. "Finance: With word that personal and
 5 corporate income tax rates will be rolled back, state
 6 funding for schools will be further reduced for the
 7 current fiscal year. It is estimated that Prairie
 8 Central will lose an additional \$1.1 million, forcing
 9 the use of 1.8 million in working cash funds to cover
 10 deficits in education and transportation, rather than
 11 the budgeted \$700,000."
 12 And then, finally, just this past March,
 13 Pleasant Ridge Exhibit 307, March 19, 2015. The
 14 discussion was all about the financial mess and not
 15 about the wind farm; so no local residents are
 16 present.
 17 "Moved by Slagel and seconded by Dotterer
 18 that we approve a resolution providing for the
 19 issuance of \$4,330,000 in taxable general obligation
 20 school bonds, series 2015, for the purpose of
 21 increasing the working cash fund of the District,
 22 providing for the levy of a direct annual tax," et
 23 cetera.
 24 What do we have for Dr. Capasso's report on

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1 finance?
 2 "Categorical Payments: Categorical payments
 3 have virtually stopped. Only the lunch program
 4 appears to be active presently. The ISBE has informed
 5 superintendents that districts should expect few
 6 categoricals for the rest of the fiscal year, but that
 7 all 24 payments in general state aid are scheduled.
 8 The information, if accurate, will enlarge Prairie
 9 Central's loss of state monies since 2011 from \$1.76
 10 million to \$2.5 million."
 11 Now, we do have an example of what happens
 12 when intimidation isn't a factor because nobody got to
 13 the Try-Point School District. So you heard from
 14 Superintendent Jeff Bryan who came here with his
 15 entire school board to tell you that even \$35,000
 16 matters. And for Prairie Central, we're talking about
 17 a whole lot more than the \$35,000.
 18 But getting back to Gruen, like Hewson,
 19 again, he's just another bit player. Nor do I
 20 actually blame the people who muzzled Dr. Capasso.
 21 That again was a result of the fear that came from
 22 somewhere else.
 23 And you may be really surprised to hear this
 24 coming out of my mouth, but I don't think the blame

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1 lies with Ted Hartke either. Hartke is a victim of
 2 the same fear mongering that you all have been
 3 subjected to.
 4 You know the story. Three months of
 5 promises to get quotes for sound proofing. Three
 6 months when Invenergy consistently turned off the
 7 turbines near his house just because he asked for it
 8 without any proof that there was anything wrong.
 9 Three months of what turned out to be false promises
 10 by him.
 11 And then we get to this process, and what do
 12 we hear on cross-examination? He won't identify the
 13 contractors he claims to have spoken to. He won't
 14 identify the employee of the construction company that
 15 he says gave him the idea to demand that Invenergy buy
 16 his house. And, most important of all, he won't
 17 identify the doctor who can substantiate his claims.
 18 Remember, that's even what Pierpont
 19 recommends: Go see a qualified doctor. But,
 20 actually, we do know there is a doctor for the Hartkes
 21 out there. It's just that he or she will not support
 22 what Hartke claimed here.
 23 This is Pleasant Ridge Exhibit 136. It's
 24 Hartke's script for his presentation to Boone County

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1 in May 2013.
 2 Here is what he said: "Our son had a
 3 pre-existing sleep problem, and we have been seeing a
 4 specialist for two years now." That's two years
 5 before the wind farm got there.
 6 "Up until the turbines went live, Phillip's
 7 symptoms had been improving dramatic; and, in early
 8 January, at his last check-up with the specialist, we
 9 had discussed weaning him off of his sleep meds.
 10 "Since the turbines turned on in January,
 11 Phillip's symptoms have been gradually returning/
 12 becoming worse." That's what he says.
 13 So a medical professional clearly diagnosed
 14 Mr. Hartke's son with a pre-existing sleep disorder
 15 having nothing to do with wind turbines. But when it
 16 came time to provide any link between that
 17 pre-existing condition or anything like it and what
 18 Hartke now is complaining about, what did we see?
 19 Pleasant Ridge Exhibit 237, the letter from the
 20 Vermilion County State's Attorney speaking on behalf
 21 of the Vermilion County Board, who Hartke then says,
 22 of course, are all liars.
 23 And here is what the State's Attorney says
 24 on January 9, 2015. "No medical or scientific

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1 evidence has been forwarded to the Vermilion County
 2 Board to substantiate any medical issues related to
 3 the operation of wind farms in Vermilion County."
 4 Let's not forget Hartke's School
 5 Superintendent, Bill Mulvaney. You had the original
 6 letter -- a couple of people gave it to you -- where
 7 he claimed to have been told information that Hartke's
 8 children were suffering from sleep deprivation due to
 9 wind turbines.
 10 What you didn't get from anybody else -- but
 11 you did from us -- was Pleasant Ridge 236, the
 12 Vermillion County Board's response to Bill Mulvaney.
 13 "The County also attended meetings elsewhere
 14 and spoke to school superintendents and met with other
 15 officials to gain from their experience. None of the
 16 comments made by you seem to reoccur in Bloomington or
 17 Champaign. We appreciate your comments; and, if you
 18 have more specific information, we would be happy to
 19 forward it to the appropriate persons.
 20 "My experience in court shows that judging
 21 cause and effect should be carefully done. Other
 22 communities observe no such issues; and, even here,
 23 other residents have no such complaints."
 24 We know that Mr. Mulvaney didn't provide any

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1 such information in response to the Board's invitation
 2 because that's the first line of Pleasant Ridge
 3 Exhibit 237. "To confirm our recent conversation with
 4 regard to Mr. Mulvaney's letter, we have not received
 5 any report from a licensed physician or qualified
 6 medical person to substantiate any of the points
 7 raised in Mr. Mulvaney's letter."
 8 Where did Mr. Mulvaney actually end up on
 9 the issue? That's Pleasant Ridge Exhibit 123.
 10 "Nowhere was the wind farm windfall bigger than in
 11 Armstrong, where a school system which barely tops 200
 12 students raked in more than \$1 million in new tax
 13 dollars.
 14 "That's more than a third of the system's
 15 \$2.9 million in total revenue last year. About \$1.5
 16 million of that was local property tax revenue.
 17 "Superintendent Bill Mulvaney said the wind
 18 turbines more than doubled the school system's
 19 equalized assessed valuation.
 20 "'They have been a huge boon ... and, from a
 21 financial point of view, they will keep us alive for a
 22 minimum of ten years,' said Mulvaney, who knew the big
 23 pay day was coming."
 24 How does Hartke deal with that? Does he

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1 provide any medical support for his claims? He
 2 doesn't. As I said, he calls the Vermilion County
 3 State's Attorney and the County Board liars.
 4 Why was he so unwilling to disclose medical
 5 information to them or to you? Do you really think,
 6 having seen him, that if he had it, he wouldn't give
 7 it to you?
 8 And why at the same time was he so willing
 9 to accuse the Vermilion County Board with the State's
 10 Attorney of being liars? Because his rhetoric doesn't
 11 match the science.
 12 How do we know that? Because there is
 13 evidence in this record, at least three forms. Apart
 14 from all the studies around the world that Roberts
 15 bored you with on November 18.
 16 Let's start with a question that Phil asked
 17 of Dr. Ellenbogen. "And would we all agree that the
 18 World Health Organization is a reputable body?
 19 Answer: very."
 20 This is Pleasant Ridge Exhibit 295. It's an
 21 excerpt from the WHO noise guidelines for Europe. I
 22 covered this with Punch, and Hankard testified about
 23 it as well.
 24 The WHO guidelines address outdoor to indoor

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1 conversions because the measurement is always outside
 2 and you have to convert them to determine what the
 3 levels are inside. Because if you're going to talk
 4 about sleep disturbance, you have to know what the
 5 levels are inside where people are sleeping.
 6 In the chart that they have, they ultimately
 7 -- considering all the factors, they end up with a
 8 reduction from the outside number to the inside number
 9 of 21 dB, 21 decibels. For example, if you are at 45
 10 outside, you're going to be at 24 inside.
 11 According to the list of WHO guidelines --
 12 they have a list of decibel levels and what can result
 13 from those levels -- at 30 dB or below, you are below
 14 the level where there are no substantial biological
 15 effects.
 16 Now, we don't have indoor measurements from
 17 Hankard because Hartke wouldn't let him in the house.
 18 And he wouldn't let Schomer on his property either.
 19 So we have to rely on WHO's outdoor to indoor
 20 conversions? Or do we?
 21 Proof of the pudding. Here is another
 22 surprising one. We can rely on this Cape Bridgewater
 23 Study. Hartke -- Hankard mentioned this. Page 187 of
 24 the study: "Conducting noise level measurements

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1 inside dwellings where the background level is often
 2 below 20 dBA presents an issue with respect to the
 3 noise floor of the instrumentation."
 4 In other words, it's so quiet inside those
 5 houses, even with turbines operating, that their
 6 meters were bottoming out.
 7 But most important, what they're seeing
 8 inside those houses are levels well below the level at
 9 which the World Health Organization says no
 10 substantial biological effects.
 11 Second source of the evidence is the study
 12 that was conducted just a couple of months ago. It's
 13 Pleasant Ridge Exhibit 325. "Health-based audible
 14 noise guidelines account for infrasound and
 15 low-frequency noise produced by wind turbines."
 16 Among the authors -- and this name was
 17 mentioned a couple of times -- Geoff Leventhall, who
 18 is one of the most renowned acousticians in the
 19 world, and reviewed by Timothy Joe Wade, United States
 20 Environmental Protection Agency.
 21 What's the conclusion of that study? And
 22 it's important -- remember, it's been suggested here
 23 that, even if we meet the IPCB guidelines, that might
 24 not be enough because there might be some health

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1 impact, regardless of whether we meet them or not.
 2 This is what that study said. "The purpose
 3 of this paper was to investigate whether current
 4 audible noise-based guidelines for wind turbines
 5 account for the protection of human health given the
 6 levels of infrasound and low-frequency noise typically
 7 produced by wind turbines."
 8 They go through it all. ". . . Supporting a
 9 hypothesis that controlling audible sound" -- in other
 10 words, meeting the noise guidelines -- "produced by
 11 normally operating wind turbines will also control for
 12 low-frequency noise."
 13 "Overall, the available data from this and
 14 other studies suggest that health-based audible noise
 15 wind turbine siting guidelines provide an effective
 16 means to evaluate, monitor, and protect potential
 17 receptors from audible noise as well as infrasound and
 18 low frequency noise."
 19 But there's even more direct evidence that
 20 these anti-wind groups use people like Hartke to
 21 pursue their own ends, someone who wasn't here but yet
 22 spoke the loudest about what these people with a
 23 political agenda are willing to do, how they will use
 24 anyone; and that's an individual from Michigan named

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1 Cary Shineldecker, the 53 year old industrial
 2 designer.
 3 What did Punch try to tell you about
 4 Shineldecker?
 5 "Question: When you referred to the slide
 6 last month, you said one of the houses belongs to an
 7 individual named Cary Shineldecker near Ludington,
 8 Michigan; is that correct?
 9 "Answer: Mason County, yes.
 10 "Question: And it's your opinion that he
 11 was suffering from Wind Turbine Syndrome?
 12 "Answer: It is.
 13 "Question: You've met him personally, Mr.
 14 Schineldecker?
 15 "Answer: I've met him a couple of times."
 16 And you heard from Dr. Ellenbogen, who is
 17 eminently qualified, compassionate, caring, and, most
 18 important, outraged at what people like Punch do.
 19 Again, qualifications do matter. And Dr.
 20 Ellenbogen, unlike anybody else you either heard from
 21 or heard about, actually did conduct a full
 22 independent medical examination of that 53-year-old
 23 industrial designer. And what was the diagnosis?
 24 Obstructive sleep apnea and irregular heart rhythm.

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1 So Punch tried to bring Ellenbogen down to
 2 his level. This is on January 22.
 3 "Question: And is a report issued by those
 4 agencies inherently biased in favor of the wind
 5 industry?
 6 "Answer: I don't know. Some of these other
 7 people -- Dr. Ellenbogen certainly has testified on
 8 behalf of the wind industry many times in many places.
 9 "Question: Dr. Ellenbogen has testified on
 10 behalf of the wind industry many times and in many
 11 places?
 12 "Answer: I think he is has.
 13 "Question: Really? What do you base that
 14 on?
 15 "Answer: Well --
 16 "Question: What do you base that on?
 17 "Answer: It's my understanding that he has.
 18 I know he participated in this one.
 19 "Question: You said 'many times in many
 20 places.' What do you base that on?
 21 "Answer: I don't have -- okay. I don't
 22 know what states. I understood he was testifying in a
 23 number of states.
 24 "Question: Who told you that?

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1 "Answer. I don't know. I don't know. I
 2 don't have any definite factual information. My
 3 impression was based on information from sources I
 4 don't recall, but it's not worthy of discussion here,
 5 I don't think, in terms --
 6 "Question: Oh, I think it's very worthy of
 7 discussion.
 8 "Answer: Well --
 9 "Question: Let me try it this way. Do you
 10 have any information to suggest, imply, or confirm
 11 that Dr. Ellenbogen has ever in his entire career
 12 testified in any proceeding other than his testimony
 13 in this proceeding?
 14 "Answer: No, I don't. But it's not worthy
 15 of discussion here."
 16 Ultimately, Punch had to admit what we all
 17 saw.
 18 "Question: So you tried to check him out?
 19 "Answer: I was impressed with him, okay?
 20 "Question: He's an impressive guy, isn't
 21 he?
 22 "Answer: He's an impressive guy."
 23 Anyone who has met or heard Dr. Ellenbogen
 24 doesn't need somebody like Jerry Punch to tell him

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1 about his humanity.
 2 If you need more substantiation, you have
 3 the most extensive, real, complete study ever
 4 conducted on the impacts of wind turbines on health,
 5 Pleasant Ridge Exhibit 63, the November 2014 Health
 6 Canada Study.
 7 This is what Dr. Ellenbogen said about that
 8 study. "In that study, they looked not only at a
 9 medical literature review, which is a study, but it's
 10 not really a study. It's really an examination of
 11 existing knowledge.
 12 "Where this Health Canada Study, they
 13 actually did physiology, measuring sleep, cortisol
 14 levels, sound pressure levels of wind turbines. And
 15 this is in Canada. And they did not show relationship
 16 between sleep problems and noise from wind turbines."
 17 Here is the conclusion from that study.
 18 "While it can be seen that many variables had a
 19 significant impact on measured sleep, calculated
 20 outdoor wind turbine noise levels near the
 21 participant's home was not found to be associated with
 22 sleep efficiency, the rate of awakenings, duration of
 23 awakenings, total sleep time, or how long it took to
 24 fall asleep."

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1 Punch tried to twist that one as well. Here
 2 is an example of what he described as his lack of bias
 3 against the wind industry.
 4 "Question: WTN" -- which is what they use
 5 for wind turbine noise. "WTN noise was found to be
 6 statistically related to measured long-term cortisol
 7 levels and systolic and diastolic blood pressure.
 8 That's on your slide 21, right?
 9 "Answer: Right.
 10 "Question: And that's what you quoted out
 11 of Health Canada Report, right?
 12 "Answer. Yes. Under the title of "Noise,
 13 Stress, and Adverse Health Effects.
 14 "Question: Right. Okay. Remember last
 15 night, when we were talking about this, you
 16 characterized this quote that you quoted in your slide
 17 as an admission. Do you remember saying that?"
 18 And then he says he doesn't remember; so I
 19 read it to him where he said it is an admission by
 20 Health Canada that were these effects.
 21 "Question: Do you remember testifying to
 22 that last night?
 23 "Answer: Pretty much, yes.
 24 "Question: So, first, if you have the

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1 Health Canada Study there, this quote that's in your
 2 slide, what section of the Health Canada Study is that
 3 from?
 4 "Answer: Self-reported questionnaire
 5 results.
 6 "Question: All right. And you do know
 7 that's not the principal conclusion of the study,
 8 don't you?
 9 "Answer:" -- he's trying to fight on this --
 10 "No. I took a -- I selected this to make a point that
 11 even your own exhibits indicate there's a relationship
 12 between physiological measures and wind turbine noise.
 13 "Question: All right. Well, why don't we
 14 see what those people said about the line you quoted.
 15 It's at the top of page 3.
 16 "For the record, Mr. Punch -- Dr. Punch --
 17 it's 5, 3, and it's the second bullet.
 18 "Answer: Gotcha. Thank you.
 19 "Question. Okay. That's the one you
 20 elected to quote to the Zoning Board, correct?
 21 "Answer: Yes.
 22 "Question: Okay. Now could you go to the
 23 top of page 3 of the report. And here is what Health
 24 Canada said about the part that you quoted from the

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1 questionnaires.
 2 "The following were not found to be
 3 associated with WTN exposure:
 4 "Self-reported sleep (e.g., general
 5 disturbance, use of sleep medication, diagnosed sleep
 6 disorders)
 7 "Self-reported illnesses, (e.g., dizziness,
 8 tinnitus, prevalence of frequent migraines and
 9 headaches, and chronic health conditions (e.g., heart
 10 disease, high blood pressure, and diabetes) and
 11 "Self-reported perceived stress and quality
 12 of life.
 13 "While some individuals reported some of the
 14 health conditions above, the prevalence was not found
 15 to change in relation to WTN levels."
 16 And then I asked him: "Now, was it your
 17 decision to quote a portion of this report that the
 18 study rejected, or did someone else ask you to do
 19 that?
 20 "Answer: Nobody asked me.
 21 And the fear mongering doesn't just apply to
 22 humans. It even spreads to livestock. And, again, I
 23 was going to say you may remember, but it was back in
 24 November or January. Terry VanDerWalle, an eminently

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1 qualified biologist, wildlife biologist, talked to you
 2 about the fact that there are no impacts, and not just
 3 based on his expertise, but on the real world
 4 experience on two veterinarians who practice in the
 5 midst of wind farms in Illinois.
 6 So where else does the fear come from?
 7 They also tried to make it come from a small
 8 cluster of anti-wind acousticians, from Rand, Ambrose,
 9 James, and Schomer.
 10 Remember, it's Ambrose who worked on Hartke;
 11 and it's Schomer who Hartke wanted us, Invenergy, to
 12 hire in the California Ridge Noise Study. Why did
 13 Hartke want him? Schomer's theory about direct
 14 physical content. It's what Pierpont talks about too.
 15 And they tried to use Schomer in support --
 16 **MR. LUETKEHANS:** Objection. He cannot --
 17 there is no evidence in the record as to why Hartke
 18 wanted Dr. Schomer to represent him. That's not in
 19 the record.
 20 **MR. BLAZER:** I'm allowed to extrapolate in
 21 closing argument.
 22 **MR. LUETKEHANS:** It can be Mr. Blazer's
 23 opinion. He can state it as his opinion, but he can't
 24 state it as a fact.

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1 **MR. BLAZER:** All right fine. It's my
 2 opinion.
 3 Anyway, the theory that Schomer and Pierpont
 4 generate has been completely discredited by the person
 5 who actually developed that theory. His name is
 6 Dr. Neil Todd.
 7 And I asked Punch about this when I showed
 8 him our Exhibit 56, which is that big fat
 9 environmental impact report from that Tule Wind
 10 Project, which ended up being the federal decision
 11 that I read to you a little bit earlier.
 12 "Question: And you and Mr. James and
 13 Ms. Pierpont all relied on the work of Dr. Neil Todd
 14 to support your theory, right?
 15 "Answer: Yeah. I mean, yes."
 16 "Question: This is fine for now. And you
 17 refer to him, as a matter of fact, in Pleasant Ridge
 18 Exhibit 292, the Audiology Today article that you
 19 wrote with Mr. James?
 20 "Answer: That's correct.
 21 "Question. And you know the next question.
 22 I think you've been asked it before. You do know that
 23 Dr. Todd, who you rely on, has rejected your
 24 interpretation of his research, right?

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1 "Answer: I know he's rejected Pierpont's
 2 book's interpretation. I didn't know he rejects my
 3 interpretation.
 4 "Question: Have you read his rejection of
 5 this VVVD Theory?
 6 "Answer: I've read that he rejected it.
 7 I'm not sure I've read a complete statement. I don't
 8 know if he wrote an article or -- I'm aware that he
 9 rejected it.
 10 "Question: Let's see if I can refresh you a
 11 bit because this has been quoted in a number of
 12 different places."
 13 I refer to a page.
 14 "The work of Dr. Pierpont relied heavily on
 15 the research of Dr. Neil Todd from the faculty of Life
 16 Science University of Manchester who recently
 17 reprimanded Pierpont for misinterpretation and use of
 18 his research.
 19 "Pierpont's Wind Turbine Syndrome Theory has
 20 incorrectly sought to insert airborne noise issues
 21 into a paper that is entirely about vibration through
 22 direct contact with the skull.
 23 "Dr. Todd states the following concerning
 24 Pierpont's interpretation of his research -- and this

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1 is the part I want to focus on to see if this is what
 2 you've heard before."
 3 I'm talking now to Punch. "This is quoting
 4 Dr. Todd."
 5 "Our research is being cited to support the
 6 case that Wind Turbine Syndrome is related to a
 7 disturbance of the vestibular apparatus produced by
 8 low frequency components of the acoustic radiations
 9 from wind turbines.
 10 "Our work does not provide the direct
 11 evidence suggested. We described a sensitivity of the
 12 vestibular system to low frequently vibration of the
 13 head through direct physical contact at about 100
 14 hertz and not air-conducted sound.
 15 "That's what you have heard or read before;
 16 is that correct?
 17 "Answer: That's right."
 18 It's also explained -- I'm not going to read
 19 the whole thing because I'm probably close to where I
 20 said I was going to done. Anyway, I'm nowhere near
 21 done.
 22 Pleasant Ridge 299, written by the expert
 23 Dr. Jeff Leventhall. It's actually his testimony in a
 24 proceeding in Wisconsin where he says basically the

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1 same thing, except for one thing. This, I will read.
 2 "There was publicity on Pierpont's work on
 3 2nd August 2009 in a UK newspaper. As this article
 4 referred to his work, Todd finally came out and
 5 repudiated Pierpont and her use of his research."
 6 The response from Dr. Todd was published on
 7 9th of August; and, shortly after this, all references
 8 to him disappeared from Pierpont's web page. But six
 9 years later, you're still hearing about it.
 10 And what did Schomer, the person Hartke
 11 wanted, say about the California Ridge Study? This
 12 isn't all of it. It's the cover. There is his name
 13 on it.
 14 "In summary, no turbine-only noise levels
 15 exceeded the IPCB limits. The average of the
 16 turbine-only noise levels measured when turbine
 17 operations were at or near maximum are 45 dB at the
 18 top dB in the 500 hertz octave band and 39 dB in the
 19 1,000 hertz octave band. These levels are 2 dB below
 20 the limits of 47 and 41 respectively."
 21 Now, that of course takes us to this notion
 22 of sensation in the Cape Bridgewater Study that you
 23 heard so much about, where people were complaining
 24 about sensations when the wind turbines were turned

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1 off.
 2 And a lot was made of the fact that a wind
 3 company paid for it, as if that's some admission of
 4 something.
 5 And it actually is, just like when Invenergy
 6 agreed to hire Schomer at Hartke's request. It's an
 7 admission that the wind industry is not in the
 8 business of hurting people and has nothing to hide.
 9 So they cooperated completely, and the
 10 result was complaints when the turbines were shut off.
 11 But the folks like Rand and Schomer, it doesn't
 12 matter. It's still all about the narrative.
 13 And just look at what the principal
 14 opposition witness who spoke about the Cape
 15 Bridgewater Study said to you.
 16 "I reviewed the study. I've read the
 17 executive summary. I've read the conclusions, which
 18 are both pretty long. I've read parts of the
 19 narrative. I've read parts of it. I haven't read it
 20 all. I don't think anybody has at this point."
 21 That was Punch again, once again touting the
 22 virtues of something that he didn't read.
 23 You only heard from one person who had the
 24 training, the experience, and the patience to read the

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1 entire study, and that was Mike Hankard.
 2 Anyway, let's go back to those acousticians
 3 that you were told would say Invenergy did something
 4 wrong or was doing something wrong. We never did hear
 5 from Randy James, and we all know why.
 6 Punch confirmed how folks who are behind
 7 what happens here operate. "Following the rules of
 8 public meetings does not work. The meetings are (a) a
 9 charade, (b) a farce, (c) a hoax, and (d) altogether a
 10 mockery of public participation.
 11 You see, these folks, even Hartke, do just
 12 fine when they can spread their opinions without risk
 13 of being called to task, like in a town hall meeting
 14 last June in this County, without a risk of actually
 15 having to back up what they say.
 16 And as Mr. Bunting pointed out, when Hartke
 17 was done with his presentation, he wouldn't name the
 18 contractors. He wouldn't name the guy from
 19 construction. He wouldn't name the doctor. But he
 20 had no problem naming the child.
 21 And that unfortunately is the effect of
 22 single-mindedness, of what some people call the
 23 "tyranny of certainty." I must be right. I can't be
 24 wrong. Everyone else is wrong. And folks like that

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1 can't face the possibility that they just made a
 2 colossal mistake and that they have dislocated their
 3 families in the process.
 4 So children get used. We all know children
 5 are very impressionable, particularly when it comes to
 6 their parents. I'm struck in that context by one of
 7 the things about Hartke's story about his little girl
 8 at the dentist's office.
 9 Here is what he said: "My daughter drew
 10 this after her dentist appointment on March 6. I took
 11 her to the dentist appointment. We got back to my
 12 office. She does her thing. Grabs the colors or
 13 whatever. Pens and highlighters is all I have. And
 14 she made this. And I thought: Oh, my God! I didn't
 15 know what to think about this."
 16 So Hartke wants us to believe that this
 17 little girl came up with this on her own, no coaching,
 18 no parental involvement. But that, of course, ignores
 19 what we've all seen every day of this hearing.
 20 (Holding up sticker).
 21 You get the people who are really
 22 responsible for what happens in situations like this,
 23 and what happens? Again, we all know what happened
 24 with Randy James.

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1 So we move beyond all those claims about
 2 health impacts, and we come to the other thing that
 3 scares the heck out of people. It's been said that a
 4 person's home is the largest, most significant
 5 investment they will make in their entire lives. So
 6 it's completely understandable that people who hear
 7 their property values will drop by 25 to 40 percent
 8 are going to freak out. In the hands of the right
 9 people who have their own political agenda, that fear
 10 can be used to their purpose.
 11 So let's start first with the facts.
 12 Professor Fehr and Mike MaRous. A slew of studies.
 13 Tens of thousands of transactions. No statistically
 14 significant impact.
 15 In response to all that, we get McCann. And
 16 let's not forget Mike Punch. He used Shineldecker
 17 too. The first slide you see here -- you may have
 18 heard the name before -- is a resident's initiative
 19 belonging to Cary Shineldecker.
 20 "This is also a property that I've had some
 21 experience with going back to June 2011."
 22 By the way, he also reminded you of one
 23 other thing.
 24 "It's been a while since I've testified

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1 before this board. I'm not sure if it's any of the
 2 same members or new members or if you are -- I'm not
 3 remembering all the names and faces, but I did testify
 4 previously at the Deer Run Project."
 5 Now, we have a lot of issues with what
 6 Mr. Steidinger did. And what he tried to do is
 7 contrary to every accepted methodology recognized in
 8 the real estate industry. But there's one thing he
 9 says that is most fundamentally the reason why you've
 10 sat through so many nights of this. This is from
 11 February 18.
 12 "Question: Okay. You also said on your
 13 slide 26 as your second bullet, 'Perception of wind
 14 farms will be a key factor on how much more loss could
 15 be realized before the market stabilizes.' Does that
 16 sound right? That's what you said?
 17 "Answer: Sure.
 18 "Question: Okay. And I think you said when
 19 you were talking about that statement in your slide
 20 that, until we find a way to change the perception,
 21 then I think you said the impacts will continue, or
 22 something like that. Does that sound like what you
 23 said?
 24 "Answer: Yeah. Yeah, basically what I'm

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1 saying is if my report is based -- the effects are
 2 because of the wind farm, then we do have some adverse
 3 effects from that, and we would need to address that
 4 somehow.
 5 "Question: So you need to address the
 6 perception.
 7 "Answer: Well, perception is a key element,
 8 yeah.
 9 "Question: Right. So, for example, if
 10 somebody provides false information that leads
 11 potential buyers to believe their investment in
 12 property near a wind farm is a bad idea, property
 13 values can go down, right?
 14 "Answer: Yes, that would be correct."
 15 And now you know why the anti-wind folks
 16 work so hard to spread their message of fear as much
 17 as possible. It's not really just about the fact that
 18 McCann will say anything his clients want him to say,
 19 like a facility that's overrun by rats won't have a
 20 negative impact on surrounding property values.
 21 No, with McCann, the problem goes a lot
 22 deeper. For McCann, it's part and parcel of the
 23 political agenda that's behind all of the stuff I'm
 24 talking about, all of the stuff you have heard for

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1 seven months.
 2 This is Pleasant Ridge Exhibit 186. It's an
 3 excerpt from a presentation he did on march 29, 2013,
 4 in Indiana. You may remember I walked him through
 5 this.
 6 "Anti-wind activist or lobbyist?
 7 * No.
 8 * Independent appraiser bound by the USPAP.
 9 * Characterization, claims, or allegations
 10 to the contrary are false."
 11 Well, except for what he did less than a
 12 month later, April 15, 2013, a letter to the US House
 13 of Representatives Committee on Ways and Means
 14 lobbying against the extension of the federal
 15 production tax revenue.
 16 And you know what? I just have to say --
 17 lawyers don't like to use this word. Hartke had no
 18 problem with it. We don't. But there's no other way
 19 to describe McCann as anything other than just a
 20 bald-faced liar. He's not just a simple liar because
 21 his lies were under oath. This is a guy who commits
 22 perjury.
 23 From something as silly as misrepresenting
 24 the fact that the Appraisal Institute never

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1 peer-reviewed his webinar to a couple of things that
 2 are a whole lot more serious.
 3 Pleasant Ridge Exhibits 197 A and B are the
 4 MPAC study, the Ontario Study by the organization from
 5 2012.
 6 Here is what McCann told you it says. And,
 7 again, you may remember; you may not. He had a
 8 presentation where he has the cover of that report to
 9 make it seem like everything else after it comes from
 10 that report, except that it didn't. He created it.
 11 Here is what he says:
 12 "Less than 1 kilometer, 25 percent negative
 13 impact; 1 to 3 kilometers, 26.3 percent negative
 14 impact; 3 to 5 kilometers, 21.1 percent negative
 15 impact."
 16 Here is what the study actually says.
 17 "To further confirm its findings, MPAC also
 18 conducted an additional analysis using approximately
 19 2,000 sales and resales following similar logic to the
 20 Lansink, L-a-n-s-i-n-k, Study." That's one of the
 21 studies McCann was trying to rely on.
 22 The main differences between the February
 23 2013 Lansink Study and MPAC's resale analysis is the
 24 sample size and the determination of the increase in

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1 the market between resales. Using 2051 properties and
 2 generally accepted time adjustment techniques, MPAC
 3 cannot conclude any loss in price due to the proximity
 4 of an industrial wind turbine."
 5 "Of the 2051 sales used in MPAC's resale
 6 analysis" -- remember what he told you about these
 7 percentage drops? Here is what MPAC says.
 8 "Of the 2051 sales used in MPAC's resale
 9 analysis, 2002 had higher second sales. Nine sold for
 10 the same price twice, and 40 sold for less the second
 11 time. Of the 40 that sold for less the second time,
 12 39 are outside 5 kilometers, three miles, of an
 13 industrial wind turbine. One is within 2 to 5
 14 kilometers, 1.2 to 3 miles, of an industrial wind
 15 turbine. And none are within 2 kilometers, 6/10 of a
 16 mile. That means 97.5 percent of these properties
 17 sold for more the second time."
 18 But as you said, Mr. Chairman, a few times,
 19 you want to know about what's happening in Livingston
 20 County. So there's the infamous house in Flanagan.
 21 Now, we can't really forget about the mattress
 22 floating in the basement or the mold on the walls.
 23 But let's give McCann the benefit of the
 24 doubt on that one and say it might have been a simple

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1 mistake. He didn't knock on the door. It's
 2 inexcusable when someone is doing what McCann said he
 3 was doing, but let's put it aside.
 4 Here is what McCann said to you about that
 5 property.
 6 "Question: You had mentioned earlier this
 7 evening sort of in response to one of my questions
 8 something about T1, 2, and 3.
 9 "Answer: Yes.
 10 "Question: And I kind of lost of track. I
 11 was focusing on you rather than taking notes. What
 12 was your point about T1, 2, and 3?"
 13 As you may have guessed, I was simply
 14 baiting him to try and get him to repeat his answer.
 15 "Answer: You were asking about resales, and
 16 I was describing that that's a property that was sold
 17 and resold and, in fact, resold again. The property
 18 sold three times; so it resold twice. And the more
 19 recent sale showed the biggest drop after the turbines
 20 were built.
 21 "Question: And actually those three sales
 22 you specifically called out in your report, right?
 23 "Answer: I did.
 24 "Question: On page 29, first paragraph of

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1 your report?
 2 "Answer: I think I still need these. Yes.
 3 "Question: What was the point of your
 4 discussion in this paragraph in your report?
 5 "Answer: Well, the paragraph is
 6 self-explanatory, that it sold three times, it's
 7 target sale T1, 2, and 3, losing value each time, but
 8 the first sale was in 2009 while the Minonk project
 9 was pending.
 10 "And what I'm addressing here is what
 11 somebody remembered or referred about the Hinman study
 12 that was done in 2010 by the Twin Groves Wind Farm in
 13 McLean County.
 14 "And What that ISU student, Jennifer Hinman,
 15 had opined is that something called Wind Farm
 16 Anticipation Stigma Theory -- because in her study she
 17 was finding that, before the turbines are actually
 18 built, the property values are dropping to some
 19 degree. But then she goes on to say that after the
 20 projects are built, that the property values soar.
 21 "And that's not what this resale shows.
 22 This shows, after the property -- after the project
 23 was built, the property value dropped 28 percent,
 24 which that's not soaring in my book.

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1 "Question: And it's your opinion that those
 2 price drops are due exclusively to the proximity to
 3 the wind farm?
 4 "Answer: It's perfectly consistent with
 5 what the majority of the data shows, yes, sir.
 6 That last sale that was so central to
 7 McCann's testimony happened in February 2012. And the
 8 Minonk Wind Farm didn't even start construction until
 9 months later.
 10 How does McCann justify creating a wind farm
 11 that doesn't exist? He had every opportunity to
 12 justify it or to explain it or to apologize for it.
 13 We were told that he might be back in
 14 surrebuttal, but he never materialized. You know,
 15 there are really only two ways that you can deal with
 16 something like that, especially under oath. You can
 17 either face up to it and take your lumps, or you just
 18 stay away.
 19 And I suppose it's no more than we should
 20 expect when McCann is faced with the second MaRous
 21 Report, Pleasant Ridge 312, the Assessed Valuation
 22 Study. And I suppose Phil did the best he could under
 23 the circumstances with MaRous. He tried to challenge
 24 him on a few of the comparables. He also tried to

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1 quibble with him about how much a shed might be worth.
 2 But there were two subjects Phil avoided: The MPAC
 3 study and that the missing wind farm.
 4 And there's something else McCann avoided,
 5 18 counties in Illinois, a million properties, and one
 6 conclusion. "Without exception, the interviewees
 7 reported that there was no market evidence to support
 8 a negative impact upon residential property values as
 9 a result of the development of and the proximity to a
 10 wind farm facility."
 11 Either as a request by a county board in an
 12 attempt to appropriately assess newly constructed
 13 residences or to support currently assessed values,
 14 the Supervisor of Assessments has been particularly
 15 attentive to market activity in the area of the wind
 16 farms.
 17 "Exclusive of one tax appeal filing in
 18 Vermilion County, the assessor's offices have not
 19 experienced a tax appeal based upon wind farm-related
 20 concerns.
 21 "As the available market data do not support
 22 the claim of a negative impact upon residential
 23 values, residential assessed values have fluctuated
 24 consistently countywide as influenced by market

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1 conditions, with no regard for proximity to a wind
 2 farm.
 3 "Agricultural properties are tax based on a
 4 productivity formula that is not impacted by market
 5 data and external influences."
 6 Again Mr. Chairman, referring to your
 7 statement that you want to hear about the situation in
 8 Livingston County, here is what your own assessor had
 9 to say.
 10 "Each of the interviewees was familiar with
 11 the wind farms located within their respective county.
 12 Livingston County Supervisor of Assessments" -- I'm
 13 going to really butcher this last name -- "Mr. Duane
 14 Kiesewetter, formerly had lived within approximately
 15 0.75 mile of a wind turbine. He stated that he was
 16 able to hear the wind turbine in the distance, but he
 17 had 'no concerns."
 18 But, again, we really can't even lay the
 19 entire blame at McCann's feet. He's just a
 20 functionary, a bad one; but he's just a functionary.
 21 Where I think it gets us to -- I'm going to
 22 quote you again, Mr. Chairman -- "I, however, would
 23 like to warn each of you that, as you testify, your
 24 testimony is subject to cross-examination. Be careful

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1 as you include evidence of your conversations that you
 2 may or may not understand as you could be questioned
 3 on it. If you make a reference to a fact, I will have
 4 to allow any line of questioning regarding it.
 5 "Additionally, I ask that you somewhat vet
 6 your sources. Much of the testimony and comments by
 7 all involved has revolved around the Internet. I
 8 understand it is a great tool, very efficient and
 9 generally reliable. However, I'm here to tell you
 10 that, for everything you read on the Internet, there
 11 is another Internet source that will contradict that
 12 first source.
 13 "Consider the credentials of each source and
 14 weigh in your own mind if you feel it would be a
 15 believable source. After all, you are putting your
 16 own name behind your opinion as well.
 17 And there, finally, is where the real fault
 18 lies, with the biggest game of "telephone" in human
 19 history. Some of you are as old as I am. Some of you
 20 are a little bit older. A game of telephone. Johnny
 21 fell on the playground and skinned his knee; and by
 22 the time it makes the rounds of the school, Johnny has
 23 an amputated leg and is on life support. And some
 24 folks have figured out how to take full advantage of

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1 that.
 2 Punch talked about the position of the
 3 anti-wind movement, the organized movement. Don't
 4 install wind turbines anywhere. Wind really isn't an
 5 economically viable source of renewable energy anyway
 6 when you look at the financial aspects of it, and all
 7 the government subsidies should just simply stop.
 8 And we have the Society for Wind Vigilance,
 9 Pleasant Ridge Exhibit 274. Look at some of the names
 10 on that list. They are names that popped up in these
 11 hearings; but, of course, none of these people
 12 testified here, probably because it was too tedious.
 13 Nissenbaum, James, Salt, Thorne.
 14 And Punch identified the rest of the
 15 anti-wind groups for us. Here is a part of that list
 16 -- it's Pleasant Ridge Exhibit 282 -- the list from
 17 National Wind Watch, Opposition and Action Groups.
 18 And if we follow your request, Mr. Chairman,
 19 again, just to focus on the local area, right there,
 20 is Illinois Wind Watch.
 21 Okay. Let's get to Special Use Factors.
 22 Special Use Factor Number 1 is consistent in all
 23 respects with the Livingston County Comprehensive Plan
 24 and the Livingston County Zoning Ordinance. The

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1 County Claim Commission said yes three times before
 2 this, including most recently in 2010. That one is
 3 attached to our plan consistency report.
 4 The Livingston County Regional Planning
 5 Commission has reviewed Heartland Wind LLC's special
 6 use application to Livingston County for a wind energy
 7 conversion system. The proposed Heartland Wind LLC
 8 project consists of approximately 165 wind energy
 9 turbines and electrical transmission lines.
 10 The land proposed for the wind energy
 11 turbines and other infrastructure is used for
 12 agricultural purposes and located within the
 13 Livingston County 'AG' agricultural zoning district.
 14 Section 5.2 of the ordinance identifies windmills as a
 15 special use in the AG Zoning District.
 16 "The Application for Special Use has been
 17 referred . . . This document constitutes the
 18 Commission's report to the Zoning Board.
 19 "A primary goal under the Comprehensive Plan
 20 is to preserve and protect farmland for the continued
 21 agricultural use. The Comprehensive Plan calls for
 22 maintaining the rural character of the County by
 23 planning for the preservation of prime agricultural
 24 land and for supporting the preservation and expansion

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1 of agricultural and natural resource businesses.
 2 "The proposed Heartland Wind LLC project is
 3 located across parts of Esmen, Sunbury, and Amity
 4 Townships. The project proposes to use approximately
 5 1 percent of leased land for the wind farm, leaving
 6 remaining 99 percent for agricultural use.
 7 "When a WECS project terminates, the
 8 turbines, access roads, and other infrastructure must
 9 be decommissioned and removed from the land.
 10 "Accordingly, while the WECS project during
 11 its proposed development will remove a small
 12 proportion of the project area from agriculture use,
 13 the proposed special use is generally consistent with
 14 the primary goal of the Comprehensive plan to preserve
 15 prime agricultural land.
 16 "This report was prepared and approved by
 17 the Livingston County Regional Planning Commission" --
 18 I can't tell what the vote is -- "with the Livingston
 19 County Regional Plan Commission recommending to the
 20 Zoning Board of Appeals as a condition of approval
 21 zoning case" -- et cetera -- "that the applicant
 22 Heartland Wind LLC offers a good neighbor program to
 23 offset any perceived detriments," et cetera.
 24 And they said that project was, just like

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1 the two before it, was consistent with the
 2 Comprehensive Plan.
 3 Now, for the first time, your Planning
 4 Commission said no. For the first time out of four,
 5 they said no. Let's look at what happened.
 6 First, let's look at what happened when
 7 Chuck Schopp announced that that Planning Commission
 8 meeting was coming up at the hearing immediately
 9 before that Planning Commission meeting happened.
 10 "We're going to review this, but there's no
 11 testimony given. That's basically a discussion
 12 between me and not a public meeting. I'm the only one
 13 that speaks so -- unless they have questions. It's
 14 not an open forum for questions and answers from
 15 everybody else. It's just kind of a closed issue."
 16 People in the audience are disturbed about
 17 it. "Audience voice: Is there public comment
 18 allowed? -- at the end of the meeting after a decision
 19 may have been made.
 20 "Ms. Gerwin: On the issue of the Regional
 21 Planning Commission meeting, if the Objectors were
 22 going to present witnesses, would they present them
 23 then, or are you not going to allow any witnesses from
 24 anybody else?

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1 "Mr. Schopp: Neither side is going to have
 2 any witnesses."
 3 And at the very, very end of that
 4 discussion, there is Ms. Gerwin. "Okay, I know what
 5 to tell them."
 6 Now, what actually happened? This is from
 7 the recommendation that's in this record. Here is the
 8 recommendation from the report.
 9 "Livingston County Zoning Case SU-7-14.
 10 What is presented in the Pleasant Ridge Wind Energy
 11 Application is not in compliance with the Livingston
 12 County Comprehensive Plan." How did they get to that
 13 limited conclusion?
 14 Page 3, "During this Planning Commission
 15 Review, it was noted that concerned citizens had not
 16 finished providing information at the Zoning Board of
 17 Appeals hearing, and it was pondered if more evidence
 18 is needed to be presented to allow for a complete RPC
 19 review."
 20 Also on page 3, Mr. Schopp presented his
 21 report regarding the zoning case, et cetera.
 22 Transcript from November 18 when Joann Blank presented
 23 her Plan Consistency Report. A copy of the transcript
 24 from the December 8th hearing held by the Livingston

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1 County Board of Appeals in which the Plan of
 2 Compliance was questioned.
 3 At this December 8 meeting, a group of
 4 interested citizens questioned the proposed use
 5 regarding health, aesthetics, and property values.
 6 Page 4: Ms. Woodburn expressed her concerns
 7 about this impact statement when she compared this
 8 information to the information provided in the IDNR
 9 report regarding this zoning case. Now, the IDNR
 10 report is about endangered species. It's not about
 11 the Comprehensive Plan.
 12 Pages 4 to 5: Planning Commission member
 13 Keith Bahler mentioned that he had attended some of
 14 the Zoning Board of Appeals hearings for this zoning
 15 case and expressed his concerns. The residential
 16 goals of the Comprehensive Plan were mentioned and how
 17 the proposed development could have an effect on
 18 residential development and property values.
 19 The review of past projects was mentioned
 20 along with a discussion relating to setback distances.
 21 So now we're getting into the issue of County Wind
 22 Ordinance and objections to current setbacks.
 23 The project's effect on value was mentioned
 24 as well as perception issues. Planning Commission

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1 Member Richard Runyon then commented about the fourth
 2 bullet point on page 12 of the applicant's Stantec
 3 report. This refers to municipal plans.
 4 As Village President of the Village of
 5 Chatsworth, Mr. Runyon expressed that he did not
 6 believe that the Village of Chatsworth had been
 7 contacted about this statement; so he questioned the
 8 value of this report.
 9 Here is a point that Mr. Runyon apparently
 10 misunderstood. And it's from our Exhibit 44, which is
 11 the Plan Consistency Report.
 12 "Is the land use change consistent with
 13 municipal plans, if applicable? The proposed land use
 14 is consistent with the County's plan. No adjacent
 15 communities have conducted individual plans;
 16 therefore, the project will be subject to jurisdiction
 17 under County land use policy."
 18 Then we get to something familiar to
 19 Dr. Capasso, page 5, despite what Mr. Schopp made
 20 clear before this board on January 29. "Throughout
 21 the hearing, the public at times participated in the
 22 discussion, in part questioning how the RPC could make
 23 a decision when they have not reviewed all of the
 24 evidence. The public also provided comments offering

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1 additional information about the project."
 2 So you have a recommendation based on false
 3 information, on improper factors, and on public
 4 pressure.
 5 Your Planning Commission certainly wasn't
 6 alone historically the first three times, because here
 7 is what the Springfield Sangamon County Regional
 8 Planning Commission has to say. This is Pleasant
 9 Ridge Exhibit 57.
 10 "The SSCRPC finds that while some living
 11 near wind farms may find the sound generated by such
 12 facilities to be an annoyance -- and this annoyance
 13 may have certain effects and be related to negative
 14 opinions concerning wind energy facilities -- there is
 15 no current reliable empirical or epidemiological
 16 evidence that the sounds generated have adverse health
 17 effects. This includes the effects reported as coming
 18 from low-frequency and infrasound."
 19 And if you look at our Comprehensive Plan
 20 Report, which is Pleasant Ridge Exhibit 44: "Will the
 21 land use change constitute a precedent of an
 22 incompatible use and be a detriment to adjacent
 23 property." That's one of the considerations in the
 24 Comprehensive Plan.

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1 "The proposed project is compatible with the
 2 current agricultural zoning and will not affect the
 3 agriculture land use of adjoining properties. The
 4 presence of the wind turbines will not prevent
 5 participating landowners from running fully
 6 operational farms as only the land occupied by the
 7 turbine footprints would be taken out of production.
 8 The turbine and access road foot prints are extremely
 9 small when compared to the project area, as a whole
 10 (less than" -- remember, we had 1 percent for Deer Run
 11 -- "(less than one half of one percent)."
 12 There certainly is precedent in this County,
 13 as suggested in the Comprehensive Plan. Wind farms
 14 were found to be consistent with the Comprehensive
 15 Plan every single time the issue came up until now.
 16 Now let's look at the Natural Resource
 17 Inventory Report from the Soil and Water Conservation
 18 District. Here is the introduction.
 19 "This Natural Resource Information Report
 20 was prepared by the Livingston County Soil and Water
 21 Conservation District at the request of Invenergy."
 22 It's not required. It's not in the
 23 ordinance. But Invenergy did it anyway, like the
 24 proposed Agricultural Impact Mitigation Agreement that

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1 we'd love to negotiate with you, an agreement that no
 2 other wind company has ever proposed -- and, yes, like
 3 the property value guarantee -- not because there will
 4 be any impact on property values, but because, unlike
 5 the perspective of people like McCann and Rand and
 6 Illinois Wind Watch, your citizens are pawns of a
 7 political chess game.
 8 What else does that report from the Soil and
 9 Water Conservation District say? It is consistent
 10 with the Planning Commission's prior recommendations
 11 and completely inconsistent with what they said now.
 12 "Only a portion of the 58,300 acre project
 13 area will actually host wind power facilities. The
 14 land occupied by project facilities has been estimated
 15 to be less than one half of one percent of the total
 16 participating project area, assuming 136 turbines and
 17 associated access roads are constructed."
 18 There's obviously a whole lot more in this
 19 report. And he'll cut my legs off if I read any more
 20 of it, so just one summary.
 21 "It is anticipated that an Agricultural
 22 Impact Mitigation Agreement will be established
 23 between Invenergy and Livingston County to address
 24 construction standards and policies pertaining to

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1 topsoil replacement, repair of damaged drain tile, and
 2 prevention of soil erosion.
 3 "Best management practices from the USDA's
 4 Natural Resources Conservation Service and other
 5 sources are included in the appendix to this report
 6 for reference.
 7 "Specific areas of concern are outlined
 8 below and further detailed in the individual site
 9 summaries and maps. In the majority of cases, the
 10 concerns identified in this report are easily
 11 mitigated by adherence to the recommended best
 12 management practices.
 13 "In those cases where more complex issues
 14 have been identified we recommend relocating or
 15 rerouting turbines and/or access roads in order to
 16 minimize the potential for damages.
 17 "Throughout the survey process, Invenergy
 18 has actively sought input from the Livingston County
 19 Soil and Water Conservation District and has
 20 demonstrated a willingness to incorporate the findings
 21 of this report into their plans."
 22 "And there, members of the Board, when
 23 combined with the evidence of this proceeding" --
 24 haven't put you to sleep yet, have I? -- that

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1 completely dispels any rational basis for the Planning
 2 Commission's recommendation. The recommendation that
 3 is completely contrary to every other recommendation
 4 that it had ever made. It is the proof that this
 5 facility will in fact be consistent with your
 6 Comprehensive Plan.
 7 "**Number 2:** Will not be detrimental to or
 8 endanger the public health, safety, morals, comfort,
 9 or general welfare."
 10 I'm not going to repeat everything. I think
 11 we've covered that.
 12 "**Number 3:** Is located in a zoning district
 13 where such use is permitted." Your wind ordinance
 14 specifically allows a wind farm as a special use in an
 15 Ag District."
 16 "**Number 4:** Complies with the requirements
 17 set forth in the zoning district where it is to be
 18 located," et cetera.
 19 As I said earlier, I think the Patrick
 20 Engineering report has confirmed that for you.
 21 "**Number 5:** Will not be injurious to the use
 22 and enjoyment of other property in the immediate
 23 vicinity for the uses already permitted or
 24 substantially reduce the value of neighboring

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1 property."
 2 And, again, I think I've covered that, and I
 3 won't reread what MaRous said. You know what MaRous
 4 said, and you know what McCann did.
 5 "**Number 6:** Will not impede orderly growth,
 6 development, and improvement of surrounding properties
 7 for those uses permitted in the zoning district."
 8 Mayor Goldberg (phonetic), Forrest,
 9 certainly confirmed that, and it's also addressed in
 10 our Comprehensive Plan Report, Exhibit 44.
 11 "Will the land use change conflict with
 12 existing commitments or planned public improvements?"
 13 There are no known conflicts with existing
 14 or planned public improvements or approved
 15 developments. The project land use is compliant with
 16 the County Zoning Ordinance as well as plan elements
 17 such as the preservation of agricultural land use.
 18 Of course, on the contrary, as Professor
 19 Loomis and Mike MaRous pointed out, this project, like
 20 the other projects, will be an economic engine that
 21 will spur growth and improvement.
 22 "**Number 7:** Is provided or will be provided
 23 with adequate utilities, access roads, drainage, and
 24 necessary facilities."

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1 That's confirmed in our project plan in this
 2 record; and it's also again summarized in the
 3 Comprehensive Plan Report.
 4 "**Number 8:** Is the land use change located
 5 where the needed infrastructure services have been or
 6 can be provided."
 7 The project was designed to utilize existing
 8 infrastructure and the agricultural land use. Access
 9 roads to service the turbines and collection systems
 10 will be constructed by Pleasant Ridge. A
 11 nine-mile-long overhead transmission tie-in line to an
 12 existing substation will be constructed by Pleasant
 13 Ridge and represents new infrastructure.
 14 "**Number 8:** Is provided with ingress and
 15 egress so designed as to minimize traffic congestion
 16 in the public streets."
 17 Here again, in the project plans, the
 18 testimony from Attorney Lenz on behalf of the Township
 19 Road Commissioners, and it's also again summarized in
 20 the Comprehensive Plan Report.
 21 "Will the land use change contribute to
 22 unsafe traffic patterns or undue congestion?"
 23 Let's not forget, when Kevin Parzyck spoke
 24 last week, you remember, Mr. Chairman, you asked him

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1 about consulting with the school district with respect
 2 to the traffic plan, and he said "absolutely."
 3 "Construction and operation of the project
 4 will require some temporary and permanent improvements
 5 to existing road ways. These improvements will be
 6 completed and financed by Pleasant Ridge. Roadway use
 7 and repair agreements will ensure that Pleasant Ridge
 8 repairs any damage to county or township roads as a
 9 result of project construction.
 10 "Traffic disruptions, which are a normal
 11 consequence of any major construction project will be
 12 managed with appropriate barriers, markings, and
 13 flags.
 14 "Upon completion of project construction,
 15 there will be minimal project traffic associated with
 16 the routine maintenance of turbines. No impact to
 17 local traffic patterns or traveler safety are expected
 18 to occur."
 19 And so here we are, finally, after seven
 20 months. At least for now, I'm done. Thank you.
 21 **CHAIRMAN CORNALE:** Thank you. 98 minutes.
 22 All right. I've got 9:55. I think we're done for the
 23 evening. Tomorrow night, we're going to meet in
 24 Fairbury back at the Walton Centre. Are we still on

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1 for 7:30? Do we want to do 7:30? 8:00 tomorrow night
 2 at Walton Centre. All right?
 3 Tomorrow night we'll hear closing
 4 statements. We'll do as best we can. Probably a
 5 couple of hours worth.
 6 Mr. Luetkehans, you'll have your
 7 opportunity. And then I'll have the list that is
 8 available on line for all of you to look at. And
 9 we'll just start in alphabetical order and work our
 10 way down.
 11 If you don't go when we call -- we're
 12 probably going to go through this one time unless this
 13 goes over to the next night. We'll get through it
 14 once; so be ready. Your time limit is two minutes,
 15 Just so we're all clear on that.
 16 **MR. BLAKEMAN:** If the two attorneys could
 17 give me their updated list of exhibits, based on what
 18 happened tonight?
 19 **MR. LUETKEHANS:** You'll have that tomorrow
 20 from us. And we'll also delete 63, as you requested.
 21 **MR. BLAZER:** I'll mark the list as an
 22 exhibit as well?
 23 **MR. BLAKEMAN:** Actually, I changed my mind
 24 on that. It's probably not the best way to do it. So

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1 just update the list tomorrow, and we'll figure out
 2 what we're going to do to get it on the record.
 3 **MR. LUETKEHANS:** I didn't hear you.
 4 **MR. BLAZER:** We had talked about marking the
 5 actual list as an exhibit.
 6 **CHAIRMAN CORNALE:** With that, I need a
 7 motion to recess.
 8 **MR. VITZTHUM:** I'll make that motion.
 9 **CHAIRMAN CORNALE:** Vitzthum motions and
 10 Huisman seconds.
 11 All in favor? Opposed? Hearing adjourned.
 12
 13 (Hearing recessed at 10:00 p.m.
 14 to reconvene on 05/21/15 at 8:00 p.m.)
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 16
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1 CERTIFICATE OF REPORTER
 2
 3 I, BRENDA L. ZEITLER, CSR-RPR, License No.
 4 084-004062, do hereby certify that the foregoing
 5 transcript, consisting of pages 4182 through 4304,
 6 both inclusive, constitutes a true and accurate
 7 transcript of the original stenographic notes recorded
 8 by me of the foregoing proceedings had before the
 9 Livingston County Zoning Board of Appeals at the
 10 Pontiac Historic Courthouse, Pontiac, Illinois, on the
 11 20th day of May, 2015.
 12
 13
 14 Dated this 11th day of June, 2015.
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24

Brenda L. Zeitler, CSR-RPR
 Illinois License No. 084-004062

	4241:24	4288:17	4281:2	4191:20;4192:2;
	A2 (1)	active (1)	admission (4)	4193:21;4194:4;
	4241:24	4252:4	4265:17,19;4273:3,7	4199:2,5;4200:5;
	ability (2)	actively (1)	admit (1)	4226:1;4246:7;
	4200:6;4241:14	4298:18	4263:16	4257:17
\$	able (2)	activist (1)	admits (2)	agreed (2)
	4197:22;4286:16	4279:6	4240:10;4244:8	4226:11;4273:6
\$1 (1)	above (2)	activity (1)	admitted (8)	agreement (7)
4256:12	4237:4;4267:14	4285:15	4222:11,16;4224:1;	4223:1,4,6;4229:14;
\$1.1 (1)	absolute (1)	actual (6)	4240:9,13,23;4244:5,7	4296:24;4297:1,22
4251:8	4218:6	4216:1,5;4219:10,	adult (2)	agreements (2)
\$1.5 (1)	Absolutely (2)	19;4220:4;4304:5	4242:16;4243:19	4229:6;4302:7
4256:15	4200:15;4302:2	actually (34)	adults (1)	agrees (1)
\$1.76 (1)	accept (20)	4199:20;4204:19,24;	4241:24	4238:22
4252:9	4220:17;4222:8,24;	4205:12;4218:12;	advantage (1)	agricultural (15)
\$101.83 (1)	4223:3,5,7,10,13,15,18,	4220:9;4221:11;	4287:24	4215:7,9;4286:3;
4206:19	22;4224:3,6,9,15,18,	4227:5;4228:22;	advantages (1)	4289:12,13,21,23;
\$11,831,000 (2)	21;4225:1,4;4237:18	4230:7;4231:2,7,16;	4250:5	4290:1,6,15;4296:2,24;
4200:11;4201:8	accepted (4)	4232:17;4233:11;	adverse (6)	4297:21;4300:17;
\$12,791,000 (1)	4237:5;4246:4;	4240:7,10;4244:7;	4236:5;4237:19;	4301:8
4201:12	4277:7;4281:2	4252:20;4253:20;	4239:2;4265:13;	agriculture (2)
\$18,559,000 (1)	accepts (3)	4256:8;4261:21;	4278:2;4295:16	4290:12;4296:3
4219:5	4221:18;4224:11,13	4264:13;4269:5;	adversely (1)	ahead (2)
\$185,000 (1)	access (13)	4271:23;4273:5;	4239:18	4206:9;4209:6
4245:23	4199:15,16,20;	4274:14;4280:16;	Aerial (1)	aid (3)
\$19,890,000 (1)	4200:10,18,21;	4282:21;4283:17;	4222:12	4247:12;4248:6;
4219:9	4231:11;4290:8;	4292:6;4297:13;	aesthetics (1)	4252:7
\$2 (1)	4296:8;4297:17;	4303:23	4293:5	airborne (1)
4247:11	4298:15;4300:23;	add (4)	affect (1)	4270:20
\$2.5 (2)	4301:8	4201:7,11;4205:22;	4296:2	air-conducted (1)
4247:11;4252:10	according (6)	4217:14	afraid (1)	4271:14
\$2.9 (1)	4205:23;4207:10;	added (1)	4233:15	aircraft (1)
4256:15	4215:7;4236:7;	4217:19	AG (2)	4243:14
\$20 (1)	4237:21;4258:11	adding (1)	4289:15;4299:15	Alan (2)
4239:24	Accordingly (1)	4217:13	AG' (1)	4185:3,24
\$233,000 (1)	4290:10	addition (1)	4289:13	Albin (3)
4245:23	account (4)	4218:16	Again (28)	4196:22;4197:1,9
\$3,210,000 (2)	4210:20;4215:19;	additional (6)	4196:16;4200:23;	Alderman (1)
4201:1,7	4259:14;4260:5	4213:24;4214:4;	4218:15;4221:12;	4248:17
\$35,000 (2)	accuracy (1)	4248:8;4251:8;	4229:21;4231:4;	algorithms (1)
4252:15,17	4210:24	4280:18;4295:1	4232:1,9,12;4242:11;	4216:10
\$37,000 (1)	accurate (3)	Additionally (1)	4246:24;4252:19,21;	alive (1)
4189:12	4189:17;4208:14;	4287:5	4261:19;4267:22;	4256:21
\$4,330,000 (1)	4252:8	address (5)	4273:21,21;4275:23;	allegation (1)
4251:19	accuse (1)	4230:23;4257:24;	4280:7;4282:17;	4230:16
\$4.33 (2)	4257:9	4278:3,5;4297:23	4286:6,18,22;4288:19;	allegations (2)
4249:15;4250:17	acknowledged (1)	addressed (1)	4300:2;4301:2,17,19	4238:5;4279:9
\$4.330 (1)	4241:21	4300:9	against (2)	allocate (1)
4250:13	acoustic (1)	addressing (1)	4265:3;4279:14	4225:12
\$6,400,000 (1)	4271:8	4283:10	agencies (1)	allocated (1)
4201:5	acousticians (3)	adds (1)	4262:4	4225:11
\$60 (3)	4259:18;4268:8;	4219:1	Agency (2)	allow (4)
4206:14;4207:9,10	4274:2	adequate (2)	4232:11;4259:20	4190:1;4287:4;
\$700,000 (1)	acre (1)	4228:20;4300:23	agenda (3)	4291:23;4292:18
4251:11	4297:12	adherence (1)	4260:23;4276:9;	allowed (3)
\$8 (1)	acres (1)	4298:11	4278:23	4250:9;4268:20;
4228:10	4215:3	adjacent (2)	aggregate (4)	4291:18
\$8,600 (1)	across (4)	4294:14;4295:22	4220:15,16,16,17	allowing (1)
4201:7	4192:19,20;4235:10;	adjoining (1)	ago (6)	4241:11
\$8,621,000 (1)	4290:3	4296:3	4228:9;4229:10;	allows (1)
4200:11	Act (1)	adjourned (1)	4230:16;4231:4;	4299:14
\$960,000 (2)	4231:16	4304:11	4244:24;4259:12	alone (2)
4199:12;4201:11	Action (1)	adjustment (1)	agree (10)	4235:12;4295:6
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