



**RE: PUBLIC HEARING  
BEFORE THE LIVINGSTON  
COUNTY ZONING  
BOARD OF APPEALS**

**Case No's: RE: SU-9-22 & V-3-22**

**Date:** September 21, 2022

**Court Reporter:** Ann Marie Hollo, CSR, RDR, CRR

Paszkievicz Court Reporting  
Phone: 618-307-9320  
Toll-Free: 855-595-3577  
[www.spreporting.com](http://www.spreporting.com)

LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
STATE OF ILLINOIS

PUBLIC HEARING  
BEFORE THE LIVINGSTON COUNTY ZONING BOARD OF APPEALS  
REGARDING THE LIVINGSTON WIND PROJECT, LLC  
SPECIAL USE PERMIT CONSIDERATION  
REGARDING CASE NUMBERS SU-9-22 AND V-3-22  
SEPTEMBER 21, 2022

Ann Marie Hollo, CSR, RDR, CRR

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<p style="text-align: right;">Page 2</p> <p>1 PRESENTATION BY RYAN MCDEVITT -- Page 9                  2 PRESENTATION BY SCOTT WENTZELL -- Page 29, 99                  3 PRESENTATION BY DAVID LOOMIS, Ph.D. -- Page 46                  4 PRESENTATION BY DANE SIMPSON -- Page 70                  5 PRESENTATION BY JEFF BRYAN -- Page 75                  6 PRESENTATION BY EVAN RICH -- Page 81                  7 PRESENTATION BY TAYLOR FOLEY -- Page 95                  8                  9 INDEX OF EXHIBITS                  10                  11 EXHIBIT PAGE                  12 Exhibit 43 88                  13 (Exhibit was retained by Mr. Gershon.)                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S                  2 Mr. Scott B. Kains, Esq., Facilitator                  3 Ms. Joan Huisman, Zoning Board Chairperson                  4 Board Members: Mr. Richard Kiefer, Mr. Joe Stock,                  Mr. William Flott, Mr. Richard Runyon, Mr. Dave                  5 Randolph                  6 Livingston County Staff: Mr. Charles Schopp and                  Mr. Jesse King                  7                  8 For Livingston Zoning Board of Appeals:                  Mr. Syed E. Ahmad                  SA Law and Consulting, LLC                  9 411 Hamilton Boulevard, Suite 1720                  Peoria, Illinois 61602                  (309) 643-0310                  syed@salefirm.com                  10                  11 For Livingston Wind Project, LLC:                  Mr. Mark A. Gershon                  Mr. Benjamin M. Jacobi                  POLSINELLI                  13 150 North Riverside Plaza                  Suite 3000                  14 Chicago, Illinois 60606-1599                  (312) 873-3615                  mgershon@polsinelli.com                  15 bjacobi@polsinelli.com                  16 For Livingston County:                  Mr. Andrew J. Keyt                  Ms. Alex Rives                  18 HEYL, ROYSTER, VOELKER &amp; ALLEN                  19 300 Hamilton Boulevard                  Peoria, Illinois 61601                  (309)676-0400                  akeyt@heyloyster.com                  21 arives@heyloyster.com                  22 The Court Reporter: Ann Marie Hollo, CSR, RDR, CRR                  Paszkiewicz Litigation Services                  23 26 Ginger Creek Parkway                  Glen Carbon, Illinois 62034                  (618) 307-9320                  24</p>
<p style="text-align: right;">Page 3</p> <p>1 LIVINGSTON COUNTY ZONING BOARD OF APPEALS                  2 STATE OF ILLINOIS                  3                  4                  5                  6                  7 PUBLIC HEARING                  8 BEFORE THE LIVINGSTON COUNTY ZONING BOARD OF APPEALS                  9 REGARDING THE LIVINGSTON WIND PROJECT, LLC                  10 SPECIAL USE PERMIT CONSIDERATION                  11 REGARDING CASE NUMBERS SU-9-22 AND V-3-22                  12 SEPTEMBER 21, 2022                  13                  14 PUBLIC HEARING BEFORE THE LIVINGSTON                  15 COUNTY ZONING BOARD OF APPEALS REGARDING THE                  16 LIVINGSTON WIND PROJECT, LLC SPECIAL USE PERMIT                  17 CONSIDERATION, on SEPTEMBER 21, 2022, between the                  18 hours of twelve minutes after six o'clock in the                  19 afternoon and nine o'clock in the afternoon of that                  20 day, at Pontiac Township High School, 1100 East                  21 Indiana Avenue, Pontiac, Illinois 61764, before Ann                  22 Marie Hollo, CSR, RDR, CRR, in a certain cause now                  23 pending before the LIVINGSTON COUNTY ZONING BOARD OF                  24 APPEALS, STATE OF ILLINOIS.</p>	<p style="text-align: right;">Page 5</p> <p>1 IT IS HEREBY STIPULATED AND AGREED, by all                  2 parties that the public hearing may be taken in                  3 shorthand by Ann Marie Hollo, RDR/CRR, a Certified                  4 Shorthand Reporter, and afterwards transcribed into                  5 typewriting.                  6 * * * * *                  7 (Hearing started 6:13 p.m.)                  8 MS. HUISMAN: Good evening. Welcome                  9 back to our continuance of our wind farm hearings                  10 for Cases SU-9-22 and Variance 3-22. This is our                  11 second night of hearings. Again, my name is Joan                  12 Huisman. I'm the chair for the Livingston County                  13 Board of Appeals. I'll introduce the folks that are                  14 on the stage again for the purposes of the court                  15 reporter and for purposes of roll call.                  16 To my right is Mr. Scott Kains. He's                  17 the hearing facilitator who will kind of facilitate                  18 and lead us through the meeting this evening. To my                  19 left is an attorney, Syed Ahmad, who is representing                  20 the Livingston County Zoning Board of Appeals. To                  21 the left of Mr. Ahmad is Rich Kiefer. He's the                  22 zoning board member that was not present last night.                  23 He's able to be with us tonight going forward.                  24 Across the table is Richard Runyon,</p>

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1 Dave Randolph, Bill Flott, and Joe Stock, and all  
2 four of them and myself were present last night.  
3 With that, I'll turn it over to Scott  
4 to go over the ground rules.  
5 FACILITATOR KAINS: It will be a lot  
6 more brief tonight than last night.  
7 Just one point of information.  
8 Mr. Kiefer, at the far end of this table, will be  
9 able to participate in discussion and vote on this  
10 issue. He will be provided with a copy of the  
11 transcript so he will have all the information that  
12 was presented last night, and he will be up to speed  
13 on all of the information so he will be able to  
14 participate in the discussion at the  
15 termination -- at the conclusion of this hearing.  
16 A couple of other notes. Please  
17 silence your phones. I've already turned mine down  
18 so as not to be a distraction.  
19 And also we want to let everyone know  
20 that in the event a witness is not available, the  
21 board has determined that we would much rather see  
22 you in person to testify, but in the event a person  
23 is not available to be physically here in the  
24 auditorium, the way we're going to do it is request

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1 that there be a Zoom presentation so the board can  
2 see and hear, and counsel has agreed to have that  
3 technology put together, and I think it's been  
4 tested tonight, and I think we're good to go.  
5 So in the event we do not get to you  
6 if you wish to testify tonight, we will be  
7 continuing the hearing to next Wednesday night as  
8 well, a week from tonight, September 28th, at  
9 6:00 o'clock p.m., and we will announce the location  
10 probably at the conclusion of this meeting. I just  
11 haven't been informed as to whether we will be here  
12 or in the historical courthouse.  
13 So with that said, we have additional  
14 testimony tonight from the applicant, a couple of  
15 more witnesses, and then we're going to request that  
16 counsel walk through the exhibits contained in the  
17 application, and so they can then move those into  
18 evidence to be considered by the board. So it's  
19 going to be another lengthy evening with testimony  
20 and then a lot of questions from the board for  
21 witnesses for the applicant.  
22 We are hoping to get to hear from the  
23 three persons who have submitted sign-in sheets.  
24 And just a reminder: If you do wish to testify and

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1 have your thoughts presented to the zoning board of  
2 appeals, you need to sign a sheet that's outside the  
3 doors as you enter this room if you wish to testify  
4 and let your opinions be known, and you need to sign  
5 up on the sign-in sheet, and then we'll be able to  
6 have you testify. I don't know whether it will be  
7 tonight or it will be next Wednesday.  
8 With that said, Mr. Gershon, you may  
9 proceed.  
10 MR. GERSHON: Thank you and good  
11 evening.  
12 We would like to call as our first  
13 witness, Ryan McDevitt.  
14 Ryan, would you please state your  
15 name and title for the record.  
16 MR. MCDEVITT: Ryan McDevitt. Do you  
17 want me to spell it? R-Y-A-N, M-C-D-E-V-I-T-T.  
18 FACILITATOR KAINS: Mr. McDevitt, we  
19 need you to be sworn. Would you please raise your  
20 right hand.  
21 (Witness sworn.)  
22 FACILITATOR KAINS: All right.  
23 Mr. McDevitt, you may proceed.  
24

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1 RYAN MCDEVITT,  
2 of lawful age, being produced and sworn, testifies  
3 and says:  
4 MR. MCDEVITT: So I'm Ryan McDevitt  
5 with ReGenerate Consulting, and we did the sound and  
6 shadow flicker assessments for the project.  
7 So just the experience of ReGenerate  
8 Consulting. We're an independent consulting agency  
9 that works primarily with renewable energy projects,  
10 and we work with developers, owners, operators, and  
11 turbine manufacturers. I, myself, have been in the  
12 renewable energy industry for a little over 15  
13 years; with ReGenerate Consulting, for a little over  
14 5 years; and have worked on hundreds of projects in  
15 both wind and solar; primarily wind for sound and  
16 shadow flicker in a variety of aspects.  
17 And then ReGenerate -- the entire  
18 ReGenerate team is part of the INCE, which is an  
19 organization who focuses on acoustics and noise  
20 control. And as part of our application to the  
21 INCE, our staff qualifications are reviewed by the  
22 board to ensure that we have at least five years of  
23 experience in noise control.  
24 Some details of the project. So the

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<p style="text-align: right;">Page 10</p> <p>1 primary objective of the sound and shadow flicker 2 assessments was to predict what the sound and shadow 3 flicker results would be at receptors near 4 residences within the project and to compare these 5 results with any applicable regulations for the 6 project. 7 EDF had provided ReGenerate with 8 coordinates for the turbines, locations of the 9 receptors, and sound specifications from the turbine 10 manufacturers. We looked at all 88 turbine 11 locations as we discussed previously. One thing to 12 note is that for the Siemens Gamesa case, we looked 13 at only a subset of those 88, which is a total of 82 14 turbine locations. 15 So just a bit of background on sound 16 for wind turbines. It's generally categorized in 17 two different types of noise. There's aerodynamic 18 noise, and this is the main source of sound. That 19 is basically the noise as the wind goes over the 20 blades and extracts energy from the blades. The 21 byproduct of that is turbulence and noise from the 22 turbines. And then the other aspect is mechanical 23 noise, which is turbine components, such as a 24 generator gearbox, yaw motors, any mechanical</p>	<p style="text-align: right;">Page 12</p> <p>1 the project, then that's considered a potential 2 minute of shadow flicker for the project. 3 And then in addition to that, that 4 could be the worst case results. In order to come 5 up with a more realistic result for a shadow 6 flicker, we also incorporate cloud cover data and 7 wind direction data in order to account for the 8 orientation of the turbine to give a real case 9 result. 10 So just a brief background on 11 regulations that affect this project. So for the 12 sound, the sound is -- the standards for sound here 13 are set forth by the county zoning board and also by 14 the Illinois Pollution Control Board. The pollution 15 control board sets forth the limits of what the 16 maximum amount of sound can be. The county 17 essentially uses those same exact limits with the 18 one difference being that there's a buffer from 19 nonparticipating residences of 150 feet. So when 20 we're modeling it, we take the maximum sound within 21 that 150-foot buffer. For participating residences, 22 we're taking the sound at the receptor location. 23 And then it's covered up by the graph 24 right there, but there's an additional regulation</p>
<p style="text-align: right;">Page 11</p> <p>1 components within the turbine. And those have some 2 impact, but generally much more minimal than 3 aerodynamic noise, and the sound power level 4 specifications from the manufacturer combine the two 5 of those into a single sound power level. 6 The other thing to note is that in 7 sound modeling, multiple sources can have a much 8 more impactful result than just a single source, and 9 that's considered within our modeling for the sound. 10 Background for the shadow flicker 11 access. So shadow flicker is essentially when the 12 rotor of the turbine, which is shown in the diagram 13 there, the area where the blades are, when that area 14 casts a shadow on the ground or on the receptor or 15 something similar. Because of the constant 16 moving -- movement of the blades, it has a 17 flickering effect. And the way that we model that 18 is essentially by taking the inputs of the turbine 19 location, the receptor location, position of the 20 sun, elevation, cloud cover -- all those aspects 21 into account, and then we model it over the course 22 of the entire year by one-minute increments, and if 23 within that one minute, there would be a shadow 24 flicker impact on the receptor or on that portion of</p>	<p style="text-align: right;">Page 13</p> <p>1 within the pollution control board regulations that 2 mentions the discrete tones. So looking at sounds 3 that are within a specific frequency that are 4 dominant compared to other frequencies. 5 Shadow flicker regulations are set 6 forth by Livingston County's ordinance, and shadow 7 flicker has a maximum of 30 hours per year on 8 primary residences. 9 So just to go through some of the 10 modeling procedures. For the sound modeling, we 11 used Openwind software to model the sounds. This 12 software is an ISO 9613-2, which is the most common 13 standard for sound modeling. We're assuming that 14 the turbine is operating a hundred percent of the 15 time. Turbine sound emission uses octave band sound 16 power levels, which are provided by the 17 manufacturer, and the octave band sound power levels 18 are the -- what is required by the Illinois 19 Pollution Control Board regulation. The sound 20 emission was assumed at rated power. So essentially 21 when the turbine is the loudest at any point, 22 there's an additional of 2-decibel safety margin 23 added to account for the uncertainty of the 24 manufacturer's sound specifications.</p>

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1 The ground porosity was set to 0.5.  
2 No miscellaneous attenuation. Any effects of  
3 vegetation is ignored within the modeling. And the  
4 height that the modeling takes place at is  
5 1.5 meters.  
6 In addition to these, there's a  
7 couple of other aspects that make the results a  
8 little bit conservative, and those include any  
9 downtime of turbines -- is not taken into account,  
10 so the modeling assumes that all turbines are  
11 operating. Exclusion of the alternate turbines that  
12 will not be constructed in the end. Turbines that  
13 are operating at lower wind speeds, and therefore  
14 lower sound emission. And the vegetative dampening  
15 that I mentioned.  
16 So modeling assumptions for shadow  
17 flicker. So, this, we model within the windPRO  
18 software. And assumptions for this, again, we're  
19 assuming the turbine is operating a hundred percent  
20 of the time. Shadow flicker is modeled out to ten  
21 times the rotor diameter, each respective turbine.  
22 Shadow flicker is ignored when the sun is less than  
23 3 degrees above the horizon. The same observer  
24 height of 1.5 meters. Receptors are considered to

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1 be perpendicular from all turbine locations. This  
2 is also commonly referred to as greenhouse mode. So  
3 essentially assuming that there's windows on all  
4 sides of the houses.  
5 Cloud cover data was incorporated by  
6 considering from the nearest stations, which, in  
7 this case, we used the average of cloud cover from  
8 Chicago and Peoria.  
9 Turbine orientation, which is the  
10 movement of the turbine, is considered within the  
11 modeling.  
12 And obstacles, such as trees or  
13 buildings or other structures, are considered for a  
14 limited number of receptors within the modeling.  
15 And similar to the sounds, there's a  
16 couple other aspects that do make these results a  
17 little bit conservative. Again, the availability of  
18 the turbines, if the turbines are not operating a  
19 hundred percent of the time; exclusion of alternate  
20 turbines as well. Turbines, when they're not  
21 operating below cut-out wind speed and above, they  
22 are going to cut-in wind speed and above the cut-out  
23 wind speed. So we're assuming the turbines are  
24 spinning 100 percent of the time throughout the

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1 year, and if there's any dust or aerosols within the  
2 air, that could reduce the impact of shadow flicker  
3 as well.  
4 So results for this -- first for are  
5 the sound. So that table at the top there shows the  
6 maximum sound results for the highest receptor  
7 within the project, and this is broken down by  
8 octave band. So the main limiting band in this case  
9 is the 1 kilohertz octave band. And as you can see,  
10 every -- all three of the turbine models considered  
11 are either just below or right at the limit. And  
12 then the three graphs at the bottom all show the  
13 same results, but with the black bars in those are  
14 the pollution control board limits, and then the  
15 green bar shows the maximum, minimum values of  
16 receptors with the average and showing this in the  
17 darker green color.  
18 This is, again, sound results. So  
19 the map there is showing the sound results  
20 throughout the entire project, and this is all the  
21 maps for all octave bands, and alternate models are  
22 given in the report, but this map, in particular,  
23 shows the octave band at 1 kilohertz, which is the  
24 most restrictive band as I mentioned, and it's for

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1 the loudest turbine, which is the Siemens Gamesa  
2 turbine in this case.  
3 And then the tonality aspect within  
4 the pollution control board is shown in that graph  
5 there. So the black line in there is the limits,  
6 and then there's the bars at the bottom there that  
7 show the tonality results, and as you can see,  
8 they're all well below the limits set forth by the  
9 pollution control board.  
10 Results for shadow flicker. So these  
11 three tables show the results of shadow flicker for  
12 each respective turbine. The maximum amount of  
13 shadow flicker for any of the three scenarios at any  
14 receptor is 28.4 hours a year, which is below the  
15 specified limit in Livingston County.  
16 And, again, this is the map for the  
17 Siemens Gamesa turbine, in particular, which is  
18 showing the shadow flicker throughout the project.  
19 And so just in conclusion, as  
20 proposed, the project complies with the applicable  
21 county and pollution control board standards for  
22 sound.  
23 And as proposed, the project complies  
24 with the applicable county standards for shadow

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1 flicker.  
2 MR. GERSHON: Ryan, in our binder,  
3 there are included two different studies. One is  
4 your shadow flicker assessment completed by  
5 ReGenerate and also the sound modeling assessment.  
6 The information provided today is all part of that  
7 study?  
8 MR. MCDEVITT: Yes, it is.  
9 MR. GERSHON: Thank you. No further  
10 questions.  
11 FACILITATOR KAINS: Very good. Thank  
12 you, Mr. Gershon. Thank you, Mr. McDevitt.  
13 MR. GERSHON: I apologize. I should  
14 ask for items 22 and 23 -- I guess we'll put it in  
15 the record later. Thank you. Sorry.  
16 FACILITATOR KAINS: Okay. Thank you.  
17 Questions for the witness from  
18 members of the zoning board of appeals?  
19 MS. HUISMAN: Joan Huisman.  
20 Could you explain how you test for  
21 sound when there's no turbine actually sited  
22 already? And then where the receptor is located?  
23 How is that measured?  
24 MR. MCDEVITT: So all the modeling is

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1 done, not including any ambient noise. So the  
2 regulation within Illinois is just giving modeling  
3 of the turbine sound only. So in the modeling  
4 software, you can put in noise sources, which in  
5 this case, would be the turbines, and the receivers,  
6 which in this case would just be receptors or  
7 houses, and then the software models it to predict  
8 what the sound would be at those receptors.  
9 MS. HUISMAN: So this is all computer  
10 generated?  
11 MR. MCDEVITT: Yes.  
12 MS. HUISMAN: Did you go on-site at  
13 all to any of the locations to see the topography of  
14 the locations, and if -- you know, how the turbines  
15 might sit higher and impact further or maybe not  
16 impact further? Did you do anything on-site at --  
17 MR. MCDEVITT: We didn't do anything  
18 on-site, but in -- within the modeling and the  
19 software, it takes elevation into account for part  
20 of the modeling.  
21 MS. HUISMAN: Okay. Could you -- in  
22 your presentation, you've got the results of your  
23 sound study. There's no page number on it,  
24 but -- the results "dash" sound, and it's got a

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1 table, and then the graphs that have black dots and  
2 then more dark green dots -- that one. What do the  
3 vertical green lines mean?  
4 MR. MCDEVITT: Those are just the  
5 ranges of the receptors. So the ones -- the very  
6 bottom of the bar is the lowest sound result tab,  
7 and the receptor and the top of the bar is the  
8 highest sound result of any other receptor.  
9 MS. HUISMAN: Based on the computer  
10 modeling, were the horizontal green dashes, the  
11 turbine that you tested? The GE turbine on the far  
12 left, that's where it measured in your computer  
13 modeling?  
14 MR. MCDEVITT: Yes. So the green  
15 dashes, the horizontal dashes are just the average  
16 of those bands, but what really matters is the  
17 maximum receptor, just whether they're above the  
18 limits or not, and in this case, all the -- all  
19 receptors were below the limits.  
20 MS. HUISMAN: I couldn't understand  
21 you. All receptors are what?  
22 MR. MCDEVITT: All receptors are  
23 below the noise limits in this case.  
24 MR. GERSHON: If I could ask the

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1 question perhaps a different way. I think you've  
2 got a pointer.  
3 As I understand it, what you're  
4 saying is the green vertical lines, the sound  
5 registered is from the bottom of that line to the  
6 top of that line, correct?  
7 MR. MCDEVITT: Yeah. So that green  
8 vertical line is all of the results at all  
9 receptors. So the very bottom of that line is the  
10 receptor with the lowest amount of noise based on  
11 the modeling, and the top of that line is the  
12 receptor with the most amount of noise based on the  
13 modeling.  
14 MR. GERSHON: Yeah. To be clear,  
15 these are points -- it's a line for graphic  
16 purposes, but these are actually points for the  
17 receptor that are put on.  
18 MR. MCDEVITT: Yeah.  
19 MS. HUISMAN: So are there eight  
20 different receptors?  
21 MR. MCDEVITT: No. There's -- I  
22 don't remember the exact number. I believe it's in  
23 the report, the number of receptors.  
24 MR. GERSHON: 23.

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1 If I could clarify what I think maybe  
2 the question was referring to?  
3 There are eight frequencies that you  
4 test at, which is the reason why, correct, that  
5 there are eight vertical lines shown here?  
6 MR. MCDEVITT: Yes.  
7 MR. GERSHON: And the eight  
8 frequencies are identified by the Illinois Pollution  
9 Control Board as being the frequencies at which  
10 we're required to test?  
11 MR. MCDEVITT: Yes.  
12 So the standard for the Illinois  
13 Pollution Control Board requires you to be under the  
14 limits for octave bands, which are the frequencies  
15 that are specified there. So it's the 31.5 hertz,  
16 63 hertz, 125 hertz, and so on.  
17 So that top line of that table there  
18 where it says the IPCB limit, that's the value that  
19 you can't go above within each respective octave  
20 band, and then the results below that, the three  
21 rows below that, are the maximum result of any  
22 receptor within that octave band specifically.  
23 MR. GERSHON: And I'm going to give a  
24 fairly loaded question here because we just saw your

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1 report. Can you confirm your report identified as  
2 320 homes that you are testing at each of these  
3 receptors?  
4 MR. MCDEVITT: Yes.  
5 MR. GERSHON: Thank you.  
6 And I'm going to point -- because  
7 I've got a pointer here -- just to be clear, when  
8 you say 31.5, so that's the Illinois Pollution  
9 Control Board limit of 31.5 -- I'm sorry -- 31.5  
10 frequency is 69.0, correct?  
11 MR. MCDEVITT: Yeah. So the limit in  
12 that octave band is 69.0 decibels.  
13 MR. GERSHON: And for short -- I  
14 can't see from here -- would one of these, either  
15 this one here, or this one here, I presume, is the  
16 31.5?  
17 MR. MCDEVITT: Yeah. The one on the  
18 far left.  
19 MR. GERSHON: On the far left?  
20 So the one here is the measurement,  
21 31.5. Am I correct that the black line therefore --  
22 MR. MCDEVITT: So, yeah. The black  
23 line would be 69, and then if you look at the top of  
24 that green bar on the far left, that would be 64.7

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1 for the GE turbine, for example.  
2 MR. GERSHON: So, again, there we see  
3 64.7. And if I'm correct again, if I go over to the  
4 second unit here, again, this is the 31.5 frequency.  
5 The requirement by the Illinois Pollution Control  
6 Board is that it's supposed to be a 67; is that  
7 correct?  
8 MR. MCDEVITT: For -- that was --  
9 MR. GERSHON: It does not exceed?  
10 MR. MCDEVITT: That was supposed to  
11 be 69.  
12 MR. GERSHON: I'm sorry.  
13 MR. MCDEVITT: That would be the 31.5  
14 hertz octave band for the Siemens Gamesa turbine.  
15 MR. GERSHON: Right. Just trying to  
16 trip you up on that.  
17 And then, again, the same  
18 here -- that here we're showing both the lowest  
19 reporting and the highest reporting at the 31.5  
20 frequency for that line?  
21 MR. MCDEVITT: Correct.  
22 MR. GERSHON: Is that a little  
23 clearer, or should I explain it further?  
24 MS. HUISMAN: That's sufficient.

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1 MR. GERSHON: Thank you.  
2 MS. HUISMAN: Does sound -- is sound  
3 produced by the turbines impacted by their  
4 orientation or by the speed at which the blades are  
5 turning, spinning?  
6 MR. MCDEVITT: It's not -- not  
7 the orientation. The speed at which it is  
8 turning -- or it's basically based on the wind  
9 speed. That is an impact, but we're assuming that  
10 the turbines are at the maximum sound that they will  
11 produce.  
12 MR. FLOTT: Bill Flott.  
13 When you go down to the sixth and  
14 seventh one, that's where it appears the black line  
15 is closest to the top right there. Does that  
16 indicate that we're close to the limit?  
17 MR. MCDEVITT: Yes. So where it's  
18 closest is the 1,000 hertz octave band. So the  
19 limit is 41.0 decibels, and then for the GE turbine,  
20 the highest receptor is 40.9. For the Siemens  
21 Gamesa, it's just below 31, and then for the Vestas  
22 turbine, it's 40.4 decibels.  
23 MR. FLOTT: Is that a concern to you?  
24 Do you consider moving a turbine because of that, or



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1 the one that's at the highest end of the vertical  
2 line?  
3 MR. MCDEVITT: Yeah. On the graph,  
4 it looks like it's very close, and it is close to  
5 the limit, but it is below the limit in all cases.  
6 MR. GERSHON: If I could perhaps ask  
7 a more loaded question.  
8 Can you explain why we use  
9 conservative -- the conservative methods for testing  
10 this in order to ensure that we're not concerned  
11 about exceeding that? I'm not sure the board  
12 understands.  
13 When you say -- as an example, when  
14 we say the turbine will operate, we test it as  
15 though the turbine operates all the time, which, of  
16 course, it doesn't, and that it operates all the  
17 time at highest speed. Explain why we do that so  
18 that that kind of a connection doesn't concern us.  
19 MR. MCDEVITT: Yeah. So when we're  
20 modeling, it's essentially assuming the absolute  
21 worst case scenario that the wind farm would be  
22 operating, which is all turbines are spinning at the  
23 absolute noisiest that they would be at any given  
24 time, and in that case, all receptors are below the

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1 limit based on those modeling assumptions.  
2 MS. HUISMAN: Well, it does appear  
3 that some of them would be right at the limit if  
4 you're in the 1,000 hertz band and the limit is  
5 41 decibels? I'm looking at the first line of  
6 Illinois Pollution Control Board, limits 41. And  
7 this SG -- I don't remember what that is.  
8 MR. MCDEVITT: That's Siemens Gamesa.  
9 MS. HUISMAN: Siemens Gamesa is right  
10 at your limit. If that's sited at the closest point  
11 to a residence -- to a property line of a residence,  
12 is that the measure that that turbine is going to  
13 produce? So you're going to be right at the limit  
14 or touching it?  
15 MR. MCDEVITT: In the worst case  
16 scenario that we're modeling here, yeah, you'd be  
17 just under the limit.  
18 MS. HUISMAN: What's the highest  
19 speed that these are measured at?  
20 MR. MCDEVITT: Sorry. Could you  
21 clarify that?  
22 MS. HUISMAN: Well, you say that you  
23 modeled this at the absolute highest speed that the  
24 turbines could be, I guess, producing or the highest

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1 wind speed? What -- what is that?  
2 MR. MCDEVITT: So the noise  
3 specifications from the manufacturer are specified  
4 by wind speed. So if you start at 3 meters a second  
5 and go up to 4, that 3 meters a second is going to  
6 be the least amount of noise, and as you go up, and  
7 you get to rated power, which is essentially when  
8 the turbine is producing at full output, that's the  
9 time when the turbine is going to be the noisiest  
10 that it can possibly be, and it's evaporated power.  
11 That's what we're modeling at.  
12 MS. HUISMAN: Okay. I guess I'm just  
13 asking a simple question of if it's below -- the  
14 wind is blowing at 40 miles an hour -- some days we  
15 have that here -- is that the highest wind speed  
16 that those turbines can spin at? And then -- or do  
17 they get shut down? Or what do they produce at  
18 that? What kind of sound do they produce at that  
19 speed? Is that the speed you're talking about?  
20 MR. MCDEVITT: No. The speed I'm  
21 talking about is just when the turbine is at full  
22 output, which is usually around 10 to 12 meters a  
23 second, depending on what turbine.  
24 MS. HUISMAN: And that's blade speed,

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1 not wind speed?  
2 MR. MCDEVITT: That's wind speed.  
3 MS. HUISMAN: That's wind speed?  
4 MR. MCDEVITT: Yeah.  
5 MR. GERSHON: Madam Chair, do you  
6 mind, could I ask Scott Wentzell to answer the first  
7 part of that question, how we address speed of the  
8 turbines?  
9 FACILITATOR KAINS: Mr. Wentzell,  
10 just a reminder, you're still under oath from last  
11 night.  
12 MR. WENTZELL: Yes. Thank you.  
13 SCOTT WENTZELL,  
14 of lawful age, being produced and previously sworn,  
15 testifies and says:  
16 MR. WENTZELL: Modern wind turbines  
17 are equipped with yaw motors that will rotate the  
18 blades such that when the wind is blowing at a  
19 certain speed around 12 meters per second, the wind  
20 turbine reaches its maximum output. So the blades  
21 will begin to "feather." They'll open up; they'll  
22 catch less wind. The turbine won't spin any faster,  
23 and the turbine will continue to produce at its  
24 maximum output. There's a different peak to that.

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1 So each model will be different. They'll reach a  
2 maximum wind speed in excess of 40 miles per hour.  
3 And at that point, the turbine will shut itself off,  
4 open the blades so that it doesn't produce any lift,  
5 and a mechanical brake will lock that unit in place.  
6 So the tip speed and thus the noise has an upper  
7 limit based on the mechanics of the turbine.  
8 MR. STOCK: I have a question, if  
9 this thing works.  
10 MS. HUISMAN: It was working.  
11 MR. STOCK: Has there been any  
12 testing done on any existing things? Do you guys  
13 have any information on that?  
14 MR. MCDEVITT: Testing as far as the,  
15 like, operational --  
16 MR. STOCK: Wind turbines in service.  
17 MR. MCDEVITT: We haven't done that  
18 as part of this project at all. We haven't done any  
19 on-site measurements or consideration of operation.  
20 MR. STOCK: I'm not talking about  
21 this one. I'm talking about any existing, any of  
22 the past ones you've put in. Have you done any  
23 testing on them?  
24 MR. MCDEVITT: There's been a number

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1 of studies on operational wind farms and noise  
2 impacts, but nothing specific that I think directly  
3 relates to this.  
4 MR. STOCK: Okay.  
5 MR. GERSHON: Again, if you wouldn't  
6 mind, Scott may have some experience with that  
7 question as well.  
8 Can you discuss testing of existing  
9 wind farms?  
10 MR. WENTZELL: Sure. Sorry. I'm  
11 going to answer this slightly differently, which is  
12 that the sound numbers are, again, directly from the  
13 manufacturer, and this is a representation that they  
14 make to developers, and so they are testing their  
15 equipment before ever bringing this to market. It's  
16 a rated number that they -- they're contractually  
17 representing. I'm not aware directly of sound  
18 testing done on post-construction, but that doesn't  
19 mean that it hasn't occurred.  
20 MS. HUISMAN: Joan Huisman again.  
21 I may come back to a noise question  
22 in a minute, but regarding shadow flicker,  
23 have -- are any of the turbines sited right now to  
24 where flicker is going to impact a neighboring home?

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1 MR. MCDEVITT: Neighboring as in not  
2 participating?  
3 MS. HUISMAN: Any house that's going  
4 to be within close enough to a turbine where flicker  
5 is going to impact that, the actual house unit or  
6 immediate yard around it, are there any turbines  
7 sited close enough to where the flicker is going to  
8 impact a residence?  
9 MR. MCDEVITT: You mean any shadow  
10 flicker?  
11 MS. HUISMAN: Any shadow flicker.  
12 MR. MCDEVITT: Yes, but it's below  
13 the 30-hour-per-year limit within the county  
14 ordinance.  
15 MS. HUISMAN: Do you know how many  
16 there are?  
17 MR. MCDEVITT: Not off the top of my  
18 head.  
19 MS. HUISMAN: Okay. That's fine.  
20 You can pull that -- you don't have to answer that  
21 immediately.  
22 And in the case of shadow flicker,  
23 does the orientation of the turbine lessen or  
24 reduce -- the potential to reduce the flicker on

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1 anything?  
2 MR. MCDEVITT: Yes. So let me go  
3 back.  
4 So the orientation of the turbine is  
5 taken into account in the modeling. If you look at  
6 the diagram there, if you imagine that the receptor  
7 is in the middle of that dark circle on the ground,  
8 if the turbine turns 90 degrees one way, then  
9 there's a very good likelihood that that shadow  
10 would not be a giant circle. It would just be like  
11 a small line and might miss that house entirely at  
12 that point.  
13 MS. HUISMAN: Is there a possibility  
14 that flicker is impacting a residence or impacting  
15 anything in the footprint that causes a problem that  
16 the orientation can be adjusted during the day to  
17 reduce the flicker?  
18 MR. GERSHON: If I could  
19 ask -- sorry. If I could ask Scott again to address  
20 that.  
21 MR. WENTZELL: Sure. So the  
22 turbine -- okay. My apologies.  
23 The turbines automatically will  
24 follow the wind so that the blades will catch the

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1 wind as designed, and so there -- it wouldn't be  
2 possible to reorient the turbine without stopping  
3 the turbine.  
4 MR. GERSHON: If I could, a related  
5 question.  
6 Can you perhaps explain -- Livingston  
7 County follows what is now pretty much a standard in  
8 the industry in the United States of a 30-hour  
9 shadow flicker rule. Can you explain what that  
10 means when we say "30-hour"?  
11 MR. MCDEVITT: Sure.  
12 So going back to what I mentioned  
13 before. When I'm doing the modeling for the shadow  
14 flicker, we're going through and doing every single  
15 minute throughout the year to know whether there's a  
16 potential for shadow flicker, and then add in the  
17 orientation of turbine and cloud cover, as I  
18 mentioned, but what the shadow flicker is, is  
19 essentially a summation throughout the year of the  
20 total shadow flicker throughout that -- throughout  
21 the entire year.  
22 MS. HUISMAN: One last question.  
23 What are the measurements that you  
24 can take then to alleviate shadow flicker if it

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1 becomes a problem?  
2 MR. WENTZELL: So we've approached  
3 all nonparticipating homeowners that are modeled to  
4 experience over 15 hours of shadow flicker, so half  
5 of the Livingston County requirement.  
6 The good neighbor agreement -- we'll  
7 discuss that further. That good neighbor agreement  
8 includes financial compensation at the landowner's  
9 discretion to install vegetative screening, fencing,  
10 drapes, window blinds, something of that nature to  
11 effectively block the shadow flicker from their  
12 homes.  
13 MS. HUISMAN: And if the county  
14 requested it, could a sound study be done after the  
15 siting of the turbines or after the turbines are  
16 constructed to doublecheck that the noise levels are  
17 meeting the Illinois Pollution Control Board's  
18 standards?  
19 MR. WENTZELL: I believe if that's  
20 your prerogative, yes. I believe if that is your  
21 prerogative, yes.  
22 MS. HUISMAN: Okay. Thank you.  
23 FACILITATOR KAINS: Are there any  
24 other questions from members of the zoning board of

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1 appeals of either of these witnesses, Mr. Wentzell  
2 or Mr. McDevitt?  
3 MR. RUNYON: Richard Runyon.  
4 You said that there's no  
5 post-construction testing done on these for the  
6 sound or the shadow flicker, right? Because I  
7 didn't quite get what your answer was just a minute  
8 ago. It's our prerogative for what?  
9 MR. WENTZELL: So excuse me. My  
10 response was simply that the county could require  
11 that of us.  
12 I would note that there are over 300  
13 homes that we modeled for both noise and shadow  
14 flicker, and so that the large study -- but perhaps  
15 for the homes that are closest to that limit, that  
16 seems to be a reasonable request.  
17 MR. RUNYON: So there's no study done  
18 after you're done constructing these to see that  
19 you're meeting the requirements then?  
20 MR. GERSHON: I'm going to  
21 ask -- just for Scott. I am not aware of any county  
22 that requires that.  
23 But I think what -- Scott, just to  
24 clarify, what you were saying is that the zoning

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1 board certainly has power in recommending approval  
2 to set conditions, and you could require a  
3 condition -- as an example, that those homes that  
4 are closest to the top of that limit, be tested  
5 again?  
6 Remember, that green line is 350  
7 homes?  
8 MR. MCDEVITT: [Indicated.]  
9 MR. GERSHON: So that green line  
10 represents 320 homes. I would assume that the  
11 concern is not the ones on the bottom of that line.  
12 The concern is those that are closest to it, and you  
13 could require then the homes that are closest to it  
14 be tested.  
15 MR. WENTZELL: I do want to clarify  
16 my response, which is that the pollution control  
17 board limits -- or noise directly from the turbines  
18 themselves do not consider ambient noise, which Ryan  
19 is our resident expert, but I don't know how we  
20 would model that or test that relative to the  
21 regulatory requirements, because in this case, there  
22 would be baseline noise, which is why this is a  
23 modeled standard.  
24 MS. HUISMAN: This is a simple

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1 person's suggestion. That's why we model now. If  
2 you put receptors out there and measure with what  
3 the sound is now, and there's no turbine there,  
4 you'd have a measure of what the ambient noise is,  
5 and then when the turbine is sited, then you measure  
6 it again, and in our ordinance, we do have that  
7 ability to require testing to be done so that  
8 through the life of the project, we're sure that  
9 we're meeting the Illinois Pollution Control Board  
10 standards.  
11 So I don't know anything about sound,  
12 other than when it's loud enough to make my ears  
13 hurt, but that's what I would do is I would measure  
14 it now when there's no turbine there and then  
15 measure it after the turbines are there. I know  
16 that takes money and time, but that -- since it's  
17 something that's in our ordinance. If you don't  
18 test it before, then we test it after, and if  
19 ambient noise is in there and the decibels are too  
20 high, that's -- you know, it has to fit in the  
21 environment that the turbine is sited in. If  
22 there's other noise there, there's other noise  
23 there. If it all comes up too high, we have to  
24 somehow protect our homeowners that are in the area

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1 or the residents if it bothers them, and if -- give  
2 us the ability to check that, so . . .  
3 MR. GERSHON: If I could ask Ryan a  
4 couple of questions, just because I've dealt with  
5 this with the Illinois Pollution Control Board.  
6 Does ambient noise change? The  
7 ambient noise -- if we did a test today as to what  
8 the ambient noise is in the location, that noise  
9 could change based on other changes in that area,  
10 correct?  
11 MR. MCDEVITT: Correct.  
12 MR. GERSHON: So I think one of the  
13 issues -- I'm trying to make this question.  
14 One of the issues that the Illinois  
15 Pollution Control Board has identified -- and the  
16 Illinois Pollution Control Board does have the  
17 power -- I'll ask the question.  
18 Can you confirm that the Illinois  
19 Pollution Control Board does have the power to  
20 address violations of their noise standards?  
21 MR. MCDEVITT: Yes.  
22 But one thing I would point out,  
23 though, is the pollution control board -- pollution  
24 control board standards assume that there's no

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1 ambient noise in there already. So if you were to  
2 incorporate ambient noise, then you're likely going  
3 to be over the standards, just because the standards  
4 themselves are assuming that it's turbine-only noise  
5 right now.  
6 MR. GERSHON: And to be clear on  
7 that, they set those standards knowing that they  
8 weren't identifying ambient noise?  
9 MR. MCDEVITT: Right.  
10 MR. GERSHON: And presumably,  
11 therefore, would have set it higher if they were  
12 setting standards for both ambient noise and the  
13 turbine?  
14 MR. MCDEVITT: Correct.  
15 FACILITATOR KAINS: Based upon these  
16 questions, any other questions from members of the  
17 zoning board of appeals?  
18 MR. FLOTT: Bill Flott.  
19 I just want to point out that the  
20 graph that we have of shadow flicker is not readable  
21 in our handout.  
22 MR. GERSHON: Scott, if I can  
23 respond.  
24 We will be providing the county and

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1 the board with a copy of the digital copy of this,  
2 but I believe -- I'd have to confirm -- every one of  
3 these items is also in your study.  
4 MR. MCDEVITT: Yes. All items here  
5 are taken directly from the report.  
6 MR. GERSHON: Which, admittedly -- in  
7 the application binder, which, admittedly, I'm not  
8 trying to be humorous, because it took a lot.  
9 Admittedly, we had more time to copy those documents  
10 than the new ones. So there should be a clean copy  
11 of any study you're looking at. In fact, if you  
12 want to identify which study you were having trouble  
13 reading, I can also find that at the break for you  
14 so you know where to find it in your study. Is it  
15 this one here?  
16 FACILITATOR KAINS: Anything else?  
17 Anything else for either Mr. Gershon, Mr. Wentzell,  
18 or Mr. McDevitt from the board?  
19 Very good.  
20 Questions for any of these gentlemen  
21 who have testified from members of units of local  
22 government?  
23 Questions from attorneys representing  
24 interested parties?

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1 Questions from the public in the  
2 room?  
3 Questions related to this testimony  
4 from Livingston County staff and consultants?  
5 MR. SCHOPP: Yes. We have one  
6 question kind of in regards to between tonight and  
7 your study and the lag time from when you buy the  
8 turbines and do construction on this. So if you're  
9 going to use -- end up having a different turbine  
10 model than the three that you did in the study,  
11 would you be willing to remodel it and present that  
12 information to the county to make sure you're still  
13 in compliance with those regulations?  
14 MR. WENTZELL: Yes. We expect to  
15 submit a new shadow flicker and noise report prior  
16 to requesting building permits.  
17 MR. SCHOPP: I guess the follow-up to  
18 that is even if you use these turbines or even  
19 remodel it prior to construction, once you finalize  
20 the final turbine locations and some can vary from a  
21 hundred feet in there?  
22 MR. WENTZELL: Correct, yes. We will  
23 issue a report regardless.  
24 MS. HUISMAN: So with regard to the

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1 turbines -- and you have chosen the model that  
2 you're using, and there's three listed at least for  
3 these studies -- maybe in other sections. Although  
4 in this documentation, there's others. Have you  
5 narrowed it down to these three, the three that are  
6 listed for shadow and for noise review, or are there  
7 other ones on the table?  
8 MR. WENTZELL: These are the three  
9 most likely manufacturers, and, in fact, currently  
10 the only manufacturers offering turbines below  
11 500 feet here in the United States. The Siemens  
12 Gamesa unit may or may not be available in future  
13 years.  
14 We -- each of these turbine  
15 manufacturers change their equipment year to year.  
16 Like I mentioned the other evening, it's like a car,  
17 and in doing so, the specifications will change  
18 slightly. Often that means changing slightly the  
19 nameplate capacity or the horsepower of that motor,  
20 and we've seen this quite a bit with these three  
21 manufacturers. What that likely means for us is  
22 that it will be a unit based off of the same  
23 technology with slightly different nameplate  
24 capacity or horsepower.

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1 For instance, a 3.4 may become a 3.5,  
2 or a 3.46 might be a 3.6 in a few years. That would  
3 ultimately mean that fewer turbine locations would  
4 be constructed. Although I cannot say that  
5 definitively.  
6 That 75 to 81 range I provided is  
7 still our best understanding. So by using not all  
8 the 88 pad locations, having the  
9 hundred-foot -- ability to move a turbine within a  
10 hundred feet, which is both an FAA allowance and a  
11 county allowance, as well as having hopefully  
12 multiple manufacturers to choose from, we'll be able  
13 to optimize beyond what you've seen already in the  
14 shadow flicker and noise reports and obviously  
15 continue to operate within the guidelines.  
16 FACILITATOR KAINS: Based upon  
17 additional questions and testimony, any other  
18 questions for these gentlemen from the board?  
19 From members of units of local  
20 government?  
21 Any questions from licensed attorneys  
22 representing interested parties?  
23 Any questions for these gentlemen  
24 from the public?

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1 Questions from Livingston County  
2 staff and consultants?  
3 MR. SCHOPP: No.  
4 FACILITATOR KAINS: Thank you.  
5 All right. Mr. McDevitt, for the  
6 time being, you are off the witness stand, and  
7 please be advised that you could be recalled, so we  
8 would ask that you remain present through the  
9 remainder of this hearing.  
10 Now, Mr. Gershon, I believe you have  
11 one more witness in your case in chief.  
12 MR. GERSHON: We do. Although we  
13 have added a couple of people who are here in the  
14 audience as witnesses. They'll be much shorter  
15 presentations, but our last formal presentation is  
16 from Dr. Dave Loomis, who was here.  
17 Dr. Loomis, would you please state  
18 and spell your name for the record and your title  
19 and company.  
20 DR. LOOMIS: Sure. My name is David  
21 Loomis. D-A-V-I-D, L-O-O-M-I-S.  
22 FACILITATOR KAINS: Mr. Loomis, if  
23 you could, please raise your right hand and be sworn  
24 by the court reporter, please.

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1 (Witness sworn.)  
2 FACILITATOR KAINS: All right. Now,  
3 Mr. Loomis, you may proceed with your presentation.  
4 MR. GERSHON: Before -- Mr. Loomis,  
5 before you begin, I'd like to confirm that the  
6 information on your study is in your report as part  
7 of the application -- sorry. Yeah. Our Exhibit 13,  
8 the economic impact analysis for Livingston County  
9 Wind Project in Livingston County, Illinois, can you  
10 confirm that what we're looking at is part of that  
11 study?  
12 DR. LOOMIS: That's correct.  
13 MR. GERSHON: Thank you.  
14 DAVID LOOMIS, Ph.D.,  
15 of lawful age, being produced and sworn, testifies  
16 and says:  
17 DR. LOOMIS: Well, thank you for the  
18 opportunity to speak tonight.  
19 As I said, I'm David Loomis, and I'm  
20 a professor of economics at Illinois State  
21 University, and also cofounder of the Center for  
22 Renewable Energy. It's also -- was based at  
23 Illinois State University. I was a group of three  
24 faculty that created a Bachelor of Science in

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1 renewable energy at the university that also  
2 included curriculum in economics.  
3 And I'm president of Strategic  
4 Economic Research, LLC, my consulting firm. I've  
5 done research, academic research, peer-reviewed  
6 publications looking at economic impacts of wind and  
7 solar energy, and I've also done economic impact  
8 analyses like the one that's before you tonight  
9 for -- well, dozens. I haven't counted. Probably a  
10 hundred such wind, solar and transmission projects.  
11 I'd like to point out there's three  
12 specific areas here in terms of the economic impacts  
13 of the project. The first -- and I won't dwell on  
14 this because I think it's pretty self-evident, and  
15 Scott had mentioned it before last evening. This is  
16 a new source of income for local farmers,  
17 landowners. Landowners will receive over  
18 \$150 million in payments over the life of the  
19 project.  
20 I'll spend a little more time on the  
21 next three bullet points because they need a little  
22 bit more explanation, and I'll go over briefly  
23 property tax methodology, but I promise not to put  
24 you to sleep here.

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1 Illinois has a law that provides  
2 standard valuation. The equalized assessed value of  
3 a wind project is mandated by law. Before we had  
4 this law, each county assessor had to come up with  
5 the fair market value of a wind farm, and that was  
6 deemed not to be acceptable on both sides, because  
7 county assessors had a difficult time in valuing  
8 wind projects. They may not have experience like  
9 they do with residential homes, commercial  
10 buildings, and so forth.  
11 It was also difficult from the  
12 developer standpoint, because if EDF were coming in,  
13 they would not know what their property tax bill was  
14 going to be for the next 30 years until typically  
15 after it's built, and then it's too late, and the  
16 assessor then comes and says this is what it's  
17 valued.  
18 So we have a standardized law.  
19 The -- and then so that's just for the assessed  
20 value, and then that's going to pay the property tax  
21 rate that is subject to any property within that  
22 specific location.  
23 We had to make some assumption in  
24 this. The law accounts for the fact that we have

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1 inflation, and so it includes a trending factor. So  
2 even though there's a standard valuation on a  
3 per-megawatt basis, they allow that factor, that  
4 value, to increase over time.  
5 At the time I did this study -- and I  
6 always seek to be conservative -- I assumed that  
7 that inflation factor was going to be held constant  
8 over the life of the project, which we assumed to be  
9 40 years, and I assumed that 2.2 percent inflation  
10 rate. I wish we could go back in time and have a  
11 2.2 percent inflation rate for the next 40 years.  
12 That -- in studies that I'm doing, still I think  
13 very, very conservative. I have upped that to  
14 2.8 percent because this is -- I hope the Fed gets  
15 this under control and that we go back to more  
16 normalized inflation there, but this is one of the  
17 assumptions.  
18 It also includes depreciation.  
19 Depreciation of the wind project will happen at  
20 4 percent a year.  
21 Now, it's important as we already  
22 located -- mentioned here, that we have multiple  
23 sites of the turbine, and so the actual taxes paid  
24 are going to be dependent on the actual locations.

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1 So the numbers represented here are looking at the  
2 total project area, and I'm saying that these are  
3 going to be proportional to the total project area.  
4 And it -- if depending on the final placement of the  
5 turbines, the dollars may shift slightly from, say,  
6 one school district to another if -- depending on  
7 those final locations.  
8 Based on my analysis -- and the full  
9 tables are in the report for all the years, but I  
10 just cut out those middle years for the sake of  
11 readability here -- you can see the taxable value of  
12 the wind farm will be over \$46 million. The total  
13 taxes paid in the first year will be almost  
14 \$4 million. That will decline due to depreciation.  
15 So each and every year, it gets hit with 4 percent  
16 depreciation, but it also gets hit with that  
17 2.2 percent inflation that I assumed it will get hit  
18 with whatever the Consumer Price Index is. So this  
19 is already going to be higher than this. This was a  
20 conservative look, assuming 2.2 percent inflation.  
21 We had 8 to 9 percent inflation over the next year,  
22 and so these numbers are already going to be higher  
23 than what I had assumed in the study.  
24 But you see that it starts out high

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1 and then it goes lower. There is a point at which  
2 the project is fully depreciated. Depreciation  
3 can't go more than 70 percent or 30 percent of the  
4 original value. That's the minimum of that taxable  
5 value. And then that trending factor starts to take  
6 over, and property taxes increase along with that  
7 inflation factor.  
8 So you see the total taxes paid of  
9 over \$104 million annual average here over the  
10 expected 40-year life of \$2.6 million. So you see  
11 that it starts out close to 4 million, but over the  
12 whole life of the project, the annual average is  
13 lower.  
14 I won't read all of these numbers,  
15 but you see that Livingston County, the county fund  
16 itself would look over the life of the project to  
17 get 13 -- almost \$13.5 million. Townships, the tax  
18 rates are much lower than the county level. And,  
19 again, the project is spread out among multiple  
20 townships. So the township dollars are smaller than  
21 the county numbers.  
22 And then all the different taxing  
23 bodies get tax revenue from the project, including  
24 community colleges, library, fire districts, and

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1 there's several multi-township districts that cross  
2 over multiple townships.  
3 But the biggest beneficiary of  
4 property tax revenue is school districts, and so we  
5 have multiple school districts listed here. These,  
6 again, are going to be dependent on the final  
7 turbine locations, and there may be some movement of  
8 dollars between one school district and another,  
9 dependent on the final placements.  
10 Let me move on to the economic  
11 impacts. So the property tax revenue is an input  
12 into our economic impact analysis. So I wanted to  
13 show that first.  
14 The methodology that I used in  
15 determining the economic impacts is a tool called  
16 "JEDI," Jobs and Economic Development Impact. It's  
17 a model that was developed by the National Renewable  
18 Energy Laboratory, which is part of the U.S.  
19 Department of Energy. And it's built upon an  
20 economic development platform called "IMPLAN."  
21 IMPLAN is an economic development and economic  
22 multiplier data that is used by all economic  
23 development companies. It's one of two major  
24 platforms for this type of development and analysis,

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1 and we have updated it with the very latest economic  
2 multipliers, specific to Livingston County and  
3 specific to the State of Illinois.  
4 When you're doing an economic impact  
5 analysis, you wanted to -- we're going to look at  
6 two inputs. So this is looking at the investment  
7 that's made into the community that -- initial  
8 capital expenditures. This would also include all  
9 the money that EDF spends in terms of development.  
10 It would include not just the wind farm, but you  
11 heard about a substation that they needed for ComEd.  
12 So all of that investment in the community is taken  
13 into account. That's on a one-time basis because  
14 this is during construction, and it's not going to  
15 be repeated, but then we look at operating  
16 expenditures. So we heard about operations, wind  
17 turbine technicians before. The -- not just the  
18 personnel, but also the money that's going to be  
19 spent going in the community, whether that be  
20 vegetation management, snow removal, and so forth.  
21 That will typically be handled by local contractors.  
22 And what we want to do is separate  
23 that out into these three buckets that are in the  
24 middle. We want to look at local expenditures, and

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1 in this case, we're going to look at -- determine  
2 local to be Livingston County. So we want to say  
3 how much of that money is actually being spent in  
4 Livingston County?  
5 Then we want to say how much of that  
6 money in that middle box is being spent in the State  
7 of Illinois, but maybe outside of Livingston County?  
8 There may be spillover effects in the surrounding  
9 counties.  
10 And then, finally, we want to  
11 separate out the non-regional expenditures. So here  
12 we're looking at those things that are going to be  
13 imported from outside the state. So we don't care  
14 whether it's imported from, you know, Indiana or  
15 whether it's imported from China. It's not going to  
16 be an injection of capital and investment in the  
17 local community.  
18 And this is important because on the  
19 right-hand side, we're going to take those  
20 investments where each of those boxes, and do what  
21 we call the multiplier effect, where we're going to  
22 say if you inject money into the local economy, how  
23 much of that money stays within the local economy?  
24 And so we do this on a

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1 sector-by-sector basis, and this is what the  
2 modeling does. You say if you spend X number of  
3 dollars in this sector of the economy, how then does  
4 that result in purchases in other sectors of the  
5 economy? And now that they have more purchases,  
6 what then does that sector of the economy send  
7 elsewhere? And so we take those multipliers and say  
8 how much does a dollar recirculate throughout the  
9 local economy?  
10 So we're going to do that for  
11 Livingston County. We'll do that for the State of  
12 Illinois. And then we want to separate out the  
13 economic leakage is, again, all those dollars that  
14 flow outside of our region of interest.  
15 And we're going to do this in three  
16 areas. The first is on-site labor and professional  
17 services. So this is going to be what is commonly  
18 called our direct impacts. These are the easiest to  
19 measure, right? Because you can know when EDF is  
20 constructing this project, and we can start counting  
21 noses of people that are actually working on the  
22 project, and so those direct impacts are visible and  
23 usually what you see.  
24 But the second is the equipment

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1 production and supply chain impacts, and so these  
2 would be manufacturing and supply chain.  
3 I'll note here that we didn't assume  
4 any of the turbines and turbine parts were coming  
5 from certainly Livingston County and certainly not  
6 in the State of Illinois. So when we think about,  
7 you know, the big dollar amounts of equipment, we  
8 were assuming that those were leakages. Those are  
9 coming from outside of the local area, but what we  
10 did try and estimate is to say there's going to be  
11 concrete and rebar for the foundations. Typically,  
12 that is sourced very locally because it's very  
13 expensive, if not impossible, to transport your  
14 concrete very long distances, right? So it's going  
15 to be purchased locally. Concrete, rebar,  
16 construction workers, laborers in this will  
17 typically come, to the extent possible, from the  
18 local community.  
19 And then, thirdly, we have the  
20 induced impacts. Induced impacts come from people  
21 having jobs either from the direct and indirect.  
22 They have jobs, and then they spend money in the  
23 local community. So these are typical household  
24 purchases like spending money at the grocery store,

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1 going -- dining out, going to the movie theater, and  
2 that is captured under those induced impacts.  
3 So what are the results that we found  
4 for Livingston County? I'll say these are  
5 conservative estimates of based on my experience and  
6 model. We're looking at for Livingston County, a  
7 hundred on-site labor impacts, and these are coming  
8 from within Livingston County. So it's not counting  
9 those people that may come from outside of the  
10 county.  
11 Another 267 coming from -- it  
12 shouldn't say "module." It should say "turbine and  
13 supply chain impacts."  
14 And then the induced impacts are  
15 those household purchases, and so that total is 414  
16 jobs, again, coming from Livingston County. You can  
17 see much higher numbers when we look at the State of  
18 Illinois. The State of Illinois numbers do include  
19 the Livingston County numbers. So those are  
20 inclusive, and it would be inappropriate to add  
21 those two together because the State of Illinois  
22 numbers do include Livingston County.  
23 On the operations side, it's 15 in  
24 terms of our model labor impacts for direct. That



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1 may -- those are based on industry standard wages.  
2 I don't have exactly what EDF would pay future wind  
3 turbine technicians. So to the extent that they pay  
4 above-average wages, the number of jobs may come  
5 down from my 15 estimates. So we had a range of 10  
6 to 15 of the on-site wind turbine technicians.  
7 There's another 11 jobs in terms of those supply  
8 chain impacts, and 7 induced impacts -- jobs for a  
9 total of 33.  
10 This is earnings. So this is just to  
11 say these are the earnings associated with the jobs  
12 in the previous slide. The jobs numbers that I  
13 report are all full-time equivalents. So I will  
14 take -- so if it were considered to be a part-time  
15 job, that would not be a job in my study. It would  
16 be 0.5 of a job if it was half-time. And these on  
17 the one-time impacts are considered for a year. So  
18 we're looking at \$23 million in earnings in  
19 Livingston County and another \$1.4 million annually  
20 for the life of operations.  
21 And then, finally, we have output.  
22 Economic output is the value of goods and services  
23 in the economy. So it would be measuring like gross  
24 domestic product is for the total U.S., but if you

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1 think about kind of the gross domestic product of  
2 Livingston County, that would be the value of goods  
3 and services. So we would see expected output of  
4 both increase of over 56 million during construction  
5 and \$6.4 million on an annual basis during the life  
6 of the project.  
7 So, in summary, I think our headline  
8 conclusions really are the 414 local jobs in  
9 Livingston County during construction, 33 ongoing  
10 and annual long-term jobs during the life of the  
11 project, \$66.8 million to school districts,  
12 \$13.4 million to Livingston County, and  
13 104.5 million in total property taxes over all the  
14 property tax districts.  
15 FACILITATOR KAINS: Thank you,  
16 Dr. Loomis.  
17 Mr. Gershon, do you have questions  
18 for Dr. Loomis?  
19 MR. GERSHON: No further questions.  
20 Thank you.  
21 FACILITATOR KAINS: Thank you.  
22 Ladies and gentlemen of the zoning  
23 board, questions for Dr. Loomis?  
24 MR. RUNYON: Richard Runyon.

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1 Who does the studies? How do you  
2 determine that there's going to be a hundred people  
3 from -- is this on?  
4 MS. HUISMAN: It's hard to hear you.  
5 Maybe put it a little closer.  
6 MR. RUNYON: Who does these studies?  
7 And how do you determine that there's going to be a  
8 hundred people from Livingston County working here?  
9 DR. LOOMIS: So this is based on that  
10 IMPLAN software and the modeling that's done looking  
11 at those. There's 546 different sectors, and it's  
12 specific to Livingston County, and it says in these  
13 sectors, how do -- how does one sector relate to  
14 another sector within Livingston County? So you get  
15 an investment in one sector of the economy. How  
16 does that then cycle through within Livingston  
17 County there? So it's based on, you know,  
18 ultimately government statistics of the economy, but  
19 delivered through that IMPLAN software.  
20 MR. RUNYON: So there's no actual  
21 data?  
22 DR. LOOMIS: In terms of those -- the  
23 hundred people that would --  
24 MR. RUNYON: The jobs.

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1 DR. LOOMIS: These are estimates, and  
2 maybe I'll anticipate the question that we had  
3 before.  
4 I have done kind of -- this is  
5 looking into the future for the wind farm being  
6 built. I have done an analysis after a wind farm  
7 was built here in Illinois to say what have been the  
8 economic impacts kind of post-construction and how  
9 close was I? So I have done a study like this for a  
10 permitting hearing like this.  
11 And then the project got built, and  
12 they wanted to say did the -- you know, did the jobs  
13 materialize? How close were the estimates that we  
14 looked predictively? And we -- and the estimates  
15 were -- I don't know the exact percentage. It was  
16 within 5 percent of what the modeling had told us,  
17 with the exception -- and this is something that I  
18 found out looking at this.  
19 When I say, you know, that these are  
20 going to be Livingston County jobs, they will be  
21 hired, and they'll be working in Livingston County,  
22 but oftentimes -- the particular project that I was  
23 looking at hired union labor, and the company and  
24 the contractor does not get to choose -- once they

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1 hire and are in contract with the union, those jobs  
2 go according to union rules and seniority and so  
3 forth. And so in this particular county, some of  
4 the jobs that -- the union was in that county, but  
5 it also had adjacent counties, and so we found that  
6 workers were coming from adjacent counties that were  
7 there because that's the way the union rules work,  
8 but if you account for the fact that they were hired  
9 by the local union, those were -- the estimates were  
10 very accurate.

11 MS. HUISMAN: Joan Huisman.  
12 With regard to the -- you mentioned  
13 concrete and rebar coming locally. It's hard to  
14 transport that, and cost effectively to do that,  
15 bring it into a project like this. So could you be  
16 a little more specific with which products with  
17 regard to this farm are going to be sourced, like,  
18 from within Livingston County, or even closer to the  
19 actual footprint, so we can have a better idea of  
20 which local businesses may benefit from this?

21 DR. LOOMIS: Yeah. It's hard to give  
22 you, you know, specifics. I can do the concrete and  
23 rebar because I have seen that again and again as  
24 we've come down. It will depend on, you know, the

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1 local contractor that actually builds the project  
2 and then where they source, but my experience has  
3 been in Illinois, that they do use a lot of local  
4 contractors and reach out to those, but I can't give  
5 you, you know, a -- you know, a list of dollars  
6 spent by -- you know, by industry or by product.

7 MS. HUISMAN: Okay. How about during  
8 the operational phase? Is there -- are there any  
9 products then that can be sourced locally to -- that  
10 like oil, for example, to -- I know the turbines  
11 take oil. Can that be sourced through local  
12 companies, or does that have to come from outside of  
13 this area?

14 DR. LOOMIS: I'm not exactly sure of  
15 in terms of EDF's purchasing practices, but the  
16 things that I account for in my modeling and  
17 specifically breakout in addition to the on-site  
18 labor impacts of things like vehicle, gasoline, you  
19 know, hardware, that they go to a Menards or a Home  
20 Depot, you know, replacement tools. Snow removal,  
21 vegetation management are all things that we look  
22 at.

23 MR. GERSHON: Dr. Loomis, if I could.  
24 As you mentioned, I'd like to ask

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1 Scott if you would discuss what EDF's actual  
2 practices are.

3 MR. WENTZELL: Is that okay? Okay.  
4 Thank you.

5 So the short answer is, is it's too  
6 early, and we don't know what might come locally,  
7 but I can speak to our commitment to working  
8 locally. We like working with local contractors,  
9 and so we make all major subcontract bids available  
10 to any local company that's qualified to bid on that  
11 project. We're a business, right? So we seek the  
12 lowest cost invested, best available resources to  
13 get the job done, but we're deeply committed to  
14 working with the community to find local contractors  
15 that can service those bids.

16 That's done through -- their  
17 construction would be done through the Johnson  
18 (phonetic) Construction Company that we're  
19 partnering with. They are often the main  
20 contractor, and they will subcontract out for major  
21 construction work. So they might call in somebody  
22 else to sort of -- to deliver certain materials, et  
23 cetera, during operations.  
24 We -- again, we're going to look

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1 locally as much as possible. I'd rather hire  
2 someone locally to plow our roads than to have  
3 somebody drive from Chicago to do that. It just  
4 doesn't make any sense.

5 But, again, I can't speak exactly to  
6 what we might procure here in the county. It comes  
7 down to a calculus of qualifications and cost. But  
8 all things being equal, we would rather work with a  
9 community member.

10 MS. HUISMAN: And a follow-up  
11 question to that then.

12 During the construction phase, the  
13 jobs that you're looking at for project development  
14 and on-site labor, that's all non-EDF employees, or  
15 it would be a contractor? And is that different  
16 than the operations when things switch over to  
17 operations? Is that still the same kind of labor  
18 pool?

19 MR. WENTZELL: The majority of roles  
20 that you would think of during construction would be  
21 serviced through a construction firm. So we,  
22 ourselves, are not going to hire construction  
23 workers. Although you will hear from some workers  
24 soon.

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1 We will have staff on-site, and so  
2 they're generally helping to manage the process with  
3 strict compliance with our build specs and all  
4 permit conditions that we might have with our  
5 stormwater prevention plan, verifying that  
6 installations are done in a manner that  
7 exceeds -- meets or exceeds our requirements.  
8 I don't know the exact number of  
9 folks. It will vary across time. But we do have  
10 staff on-site during construction. During  
11 operations, those 10 to 15 employees will be direct  
12 hires. They will work directly for EDF. Any  
13 additional jobs that Dr. Loomis identified would be  
14 contracted out -- the vegetation management,  
15 delivery of oil, to servicing quotes, et cetera.  
16 FACILITATOR KAINS: Are there any  
17 other questions from the zoning board of appeals  
18 members for either Mr. Wentzell or Dr. Loomis?  
19 Then questions from members of units  
20 of local government for either of these gentlemen?  
21 Questions from attorneys representing  
22 interested parties?  
23 Questions from the general public for  
24 either Mr. Wentzell or Dr. Loomis?

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1 And questions from Livingston County  
2 staff and consultants?  
3 MR. SCHOPP: I just have one  
4 question. It's more personal to clarify for myself.  
5 You did the study based on, you know,  
6 a 255-megawatt project, not necessarily the number  
7 of turbines, but the total of 255 megawatts?  
8 DR. LOOMIS: That's correct.  
9 So the valuation for property taxes,  
10 the total is going to stay the same regardless of  
11 number of turbines, if that -- because the valuation  
12 is on a per-megawatt basis.  
13 MR. GERSHON: Dr. Loomis, I'll admit  
14 that I should never ask questions that I don't know  
15 the answer to, but are you familiar with the  
16 Illinois statutory assessment requirements? I'm not  
17 sure the board understands why you're saying that if  
18 the megawatts stayed the same, the dollars generated  
19 for taxes stay the same?  
20 DR. LOOMIS: So you start out in  
21 terms of the fair cash value of the property, in  
22 this case, the wind farm in question, and then the  
23 equalized assessed value is one-third of the fair  
24 cash value, and then that is what gets multiplied by

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1 the tax rate that you're going to do, and so that  
2 equalized assessed value is what is now in statute  
3 of how we're going to value it based on number of  
4 megawatts and based on the trending factor.  
5 MR. GERSHON: And whether you may or  
6 may not be aware, in Illinois, we have a statute  
7 that sets what the assessment is, as you talked  
8 before, for that fair market value. It's based on  
9 the nameplate, number of megawatts for that turbine.  
10 So when we're saying that the number of turbines is  
11 the issue -- it's the amount of megawatts -- that's  
12 because it's that nameplate megawatts that drives  
13 that price, correct?  
14 DR. LOOMIS: Correct.  
15 MR. GERSHON: Thank you.  
16 FACILITATOR KAINS: Based upon the  
17 additional questions, does anyone have any questions  
18 for Dr. Loomis?  
19 Thank you. You may step down.  
20 MS. HUISMAN: With that, we're going  
21 to take about a 15-minute recess. We need a break.  
22 I have 7:39, 7:40. Be back at 7:55. Thank you.  
23 (Whereby a short break was taken.)  
24 FACILITATOR KAINS: All right. We're

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1 back on the record.  
2 The discussion was just where we are  
3 going to have next Wednesday's session of this  
4 meeting, and that announcement will come later in  
5 the evening.  
6 All right. Mr. Gershon, you have  
7 additional witnesses. So you may call your next.  
8 MR. GERSHON: Thank you. I'd like to  
9 call Dane Simpson, the director of the Great Plains  
10 Laborers Employers Trust.  
11 Dane, if you would spell your name  
12 for the record.  
13 FACILITATOR KAINS: Mr. Gershon, if I  
14 could just have him sworn first, and then he  
15 can -- just raise your right hand. The court  
16 reporter will swear you in, sir.  
17 (Witness sworn.)  
18 FACILITATOR KAINS: All right. Now,  
19 Mr. Gershon, you may proceed.  
20 MR. GERSHON: Thank you.  
21 If you would spell your name for the  
22 record.  
23 MR. SIMPSON: Dane Simpson. D-A-N-E,  
24 S-I-M-P-S-O-N.

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1 MR. GERSHON: Dane, you're here to  
2 discuss the benefits of the construction. If you  
3 would please discuss those for us.  
4 DANE SIMPSON,  
5 of lawful age, being produced and sworn, testifies  
6 and says:  
7 MR. SIMPSON: Sure. Like I said, I'm  
8 with the Great Plains Laborers-Employers. We  
9 represent 9,000 construction craft laborers and  
10 3,000 contractors in North Central Illinois. But  
11 here specifically, we're talking about Laborers  
12 Local 996. Laborers Local 996 is primarily  
13 Livingston, Woodford County. They have close to 300  
14 members, and, you know, pay a livable wage to folks.  
15 We have about 60 families that live and work in  
16 Pontiac with about 120 in Livingston County.  
17 What does this project mean for us?  
18 It's not every day that \$375 million economic  
19 development comes to Livingston County. So we're  
20 here today to champion this project.  
21 Over my shoulder here, the men and  
22 women you see in orange, those are my unit 996  
23 members. I want to thank them for being here. They  
24 worked 8 to 10 hours yesterday in the heat. They

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1 worked another 8 to 10 hours today, mostly downtown  
2 here in Pontiac. These are the men and women that  
3 will be working on this wind farm if you so approve  
4 it.  
5 The impact of this wind farm for  
6 these members means they're going to have the  
7 ability to pay their local utilities, pay their  
8 local property taxes, buy their groceries in  
9 Livingston County. They're going to purchase  
10 vehicles and provide for their families in  
11 Livingston County.  
12 Not only will this project provide a  
13 livable wage that allows them to make these  
14 purchases, but it also provides health insurance. I  
15 didn't have an opportunity to pull, but I could have  
16 pulled how many insurance claims and contributions  
17 that would be made locally to hospitals, OSF here,  
18 but it also provides retirement and training.  
19 That training allows us to tap into  
20 local high schools and provide career opportunities  
21 for our youth. Laborers Local 996 typically employs  
22 about 12 to 15 apprentices per year, but  
23 they -- we've been working closely with different  
24 high school programs and statewide coalitions to

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1 provide opportunities for some of these students,  
2 maybe even in Pontiac or Dwight High School, that  
3 may not be going on to college. It's a pretty good  
4 career. It has great benefits.  
5 But to folks specifically on this  
6 project, what does this type of project provide  
7 construction craft labor? Because I know those jobs  
8 are usually written off as part-time or seasonal  
9 work.  
10 A project of this magnitude typically  
11 provides about 100 to 120,000 man hours into the  
12 local construction craft laborers local.  
13 But one of the other things that we  
14 see, not only on working on this project, but  
15 there's definitely been some correlation between  
16 wind farms in Central Illinois and local school  
17 contracts. Just from my recollection, you know, the  
18 wind farm in McLean County was done Gridley -- or  
19 El Paso Gridley Grade School is doing a construction  
20 project right now, an addition to their grade  
21 school. The wind farm in Minonk is doing an  
22 addition to Fieldcrest High School.  
23 And you can go through almost every  
24 single wind farm project that we've done in Central

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1 Illinois. In about two or three years after the  
2 project has been completed and operational, it  
3 dovetails a sizable capital improvement project to  
4 one of the local school districts. Gibson City,  
5 Minonk, and Carthage over on the west side of the  
6 state. It will be interesting to see once this  
7 project gets permitted and gets operational, what  
8 that impact is going to do not only for the  
9 construction workers, but the local school, and  
10 giving us a second opportunity to put our members to  
11 work.  
12 And one of the things that, you know,  
13 I want to make sure that we put out there is that if  
14 there are local folks that want to get an  
15 opportunity to work with this project, we submit  
16 applications for the first week of every month.  
17 They can go on to the website, [www.illaborers.org](http://www.illaborers.org),  
18 and submit an application for the program.  
19 FACILITATOR KAINS: Thank you,  
20 Mr. Simpson.  
21 Mr. Gershon, do you have any  
22 additional questions of this witness?  
23 MR. GERSHON: No additional  
24 questions. Thank you.

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1 FACILITATOR KAINS: Questions for  
2 Mr. Simpson from members of the zoning board of  
3 appeals?  
4 Questions from members of units of  
5 local government?  
6 Questions from attorneys representing  
7 interested parties?  
8 Questions from any members of the  
9 general public in the room tonight?  
10 Any questions from Livingston County  
11 staff and consultants?  
12 MR. SCHOPP: We have no questions.  
13 FACILITATOR KAINS: Thank you.  
14 Thank you, Mr. Simpson. You may step  
15 down.  
16 Mr. Gershon, call your next witness.  
17 MR. GERSHON: Thank you. I'd like to  
18 call Jeff Bryan, the retired superintendent of  
19 Tri-Point School District.  
20 FACILITATOR KAINS: Mr. Bryan, if you  
21 could please raise your right hand to be sworn.  
22 (Witness sworn.)  
23 FACILITATOR KAINS: Mr. Gershon, you  
24 may proceed.

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1 MR. GERSHON: Mr. Bryan, will you  
2 first spell your name for the record.  
3 MR. BRYAN: J-E-F-F, B-R-Y-A-N.  
4 MR. GERSHON: And if you would,  
5 please, discuss the benefits to local schools that  
6 you see from this project.  
7 JEFF BRYAN,  
8 of lawful age, being produced and sworn, testifies  
9 and says:  
10 MR. BRYAN: Okay. I recently retired  
11 from Tri-Point Schools. I'd been there the last  
12 nine years. I really have been a part of this  
13 probably since day one, the re-ordinance procedure  
14 we did a number of years ago. I think I spent a lot  
15 of nights in this same room with a lot of the people  
16 up here on the stage, and I appreciate all their  
17 hard work over the time in order to get us to this  
18 point.  
19 I find myself in an enviable position  
20 of being associated with a school district that may  
21 be looking at its second wind farm. I have had the  
22 experience of being through the Kelly Creek  
23 construction project. I testified on behalf of that  
24 project to the Kankakee County Board and the Ford

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1 County Board as they went through the approval  
2 process for that. And I'd like to share with you a  
3 little bit about what we've been able to do since  
4 that project has occurred and what we think we can  
5 do with an additional project as we move forward.  
6 I believe our laborer representative,  
7 which is Mr. Simpson; is that correct? He indicated  
8 that school districts have a tendency to be involved  
9 in capital projects following the siting of a wind  
10 farm in their school district.  
11 We're no different than any other  
12 school district. We just completed about a  
13 \$5 million geothermal heating and cooling project in  
14 two of our campus locations: Our high school in  
15 Cullom and our school down in Piper City. About  
16 three summers ago, we were the recipient of those  
17 projects. We replaced 40-year-old boilers in both  
18 those campus locations that were at the end of their  
19 useful life. Without the additional EAB and tax  
20 revenue from the Kelly Creek project, we would have  
21 been unable to finance a project of that magnitude.  
22 A school district that has about an  
23 \$8 million budget has a hard time coming up with the  
24 cash to do a \$5 million project in a single year,

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1 but we were able to do that, thanks again to the  
2 additional EAB received when the Kelly Creek project  
3 was built. That resulted in almost a 40 percent  
4 increase in our EAB and our tax revenues from one  
5 year to the next.  
6 During the nine years I've been at  
7 Tri-Point, we've had one new home constructed in our  
8 school district, one new home. That's not a lot of  
9 EAB growth in terms of residential, and we know farm  
10 ground is a very slow methodical increase in its  
11 value in terms of tax value. So those -- you know,  
12 that project enabled us to do a project we would not  
13 have been able to do prior to that.  
14 This project, according to  
15 Dr. Loomis, would generate around \$2 million in just  
16 the first year. After it's up and running, we would  
17 get our first tax revenue. Those dollars primarily,  
18 about 60 percent of those dollars are slated for the  
19 education fund. By existing tax rates that we have  
20 in education, building, transportation, and our  
21 other funds, the education fund is about 60 percent  
22 of our total tax rate. So those dollars are going  
23 directly to teachers, to aides, to student needs,  
24 technology upgrades, and we eventually hope a

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1 revitalization project for our campus. That's kind  
2 of our last piece of the puzzle for us to upgrade.  
3 The last time with the Kelly Creek  
4 Farm, we were able to give substantial raises to our  
5 certified teaching staff. They had been underpaid a  
6 number of years. We just didn't have the dollars to  
7 be competitive in the area with other school  
8 districts. We were able to give substantial raises.  
9 We were able to bring our noncertified, all of our  
10 aides, all of our support staff to at least a \$15  
11 per hour starting wage and then a salary schedule  
12 beyond that, and that was about three years ago. So  
13 those guys have progressed from that time forward.  
14 You know, this additional \$2 million  
15 would be another almost 33 percent increase in our  
16 local tax revenue prior to and then following the  
17 construction of the project. So a lot of good that  
18 it's done.  
19 I would also want to make sure that I  
20 clear up a misconception that has lingered over the  
21 course of a number of years, and that is that when  
22 you get wind farm money, you lose state money. That  
23 used to be correct. Prior to the evidence-based  
24 funding model that we use in school districts now,

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1 there was an old formula that was based on local  
2 resources and revenues, numbers of students, daily  
3 attendance. A lot of that went into the formula.  
4 And for about every dollar that you received locally  
5 in additional resources, you would lose 50 cents of  
6 your state dollars, and that's no longer true.  
7 So when we received our Kelly Creek  
8 money, first year, we saw no decrease in our state  
9 aid. As a matter of fact, we saw a slight increase  
10 as the legislature has added additional dollars to  
11 the evidence-based funding model formula budget line  
12 in the state board. We get our small share of that  
13 increase like every other school district in the  
14 state.  
15 Thank you.  
16 FACILITATOR KAINS: Mr. Gershon, do  
17 you have any questions of Mr. Bryan?  
18 MR. GERSHON: No further questions.  
19 Thank you.  
20 FACILITATOR KAINS: Thank you.  
21 Members of the zoning board?  
22 Any members of the public?  
23 Anybody with any questions for  
24 Mr. Bryan?

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1 Mr. Bryan, thank you, sir.  
2 MR. BRYAN: Thank you.  
3 FACILITATOR KAINS: You may step  
4 down.  
5 Mr. Gershon, call your next.  
6 MR. GERSHON: Evan Rich.  
7 FACILITATOR KAINS: And, Mr. Rich,  
8 once you get seated, if you could raise your right  
9 hand to be sworn in as a witness.  
10 (Witness sworn.)  
11 FACILITATOR KAINS: Thank you, sir.  
12 Mr. Gershon?  
13 MR. GERSHON: Mr. Rich, first, would  
14 you explain -- I believe are you a neighboring  
15 resident to the future project?  
16 MR. RICH: Yeah, I am. I live in the  
17 Saunemin area. So that will put me just a few miles  
18 west of the western edge of the project.  
19 MR. GERSHON: Thank you. And I  
20 believe you wish to speak about local and community  
21 benefits for the project?  
22 MR. RICH: Yes, I do.  
23 MR. GERSHON: Thank you.  
24

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1 EVAN RICH,  
2 of lawful age, being produced and sworn, testifies  
3 and says:  
4 MR. RICH: So, yeah. My name is Evan  
5 Rich, and I appreciate the opportunity to just take  
6 a few minutes, and I'll try and be brief.  
7 But, yes, I do live in the Saunemin  
8 area, and really just my aim is to give hopefully  
9 just a perspective of a neighbor.  
10 I've been pretty humbled. I didn't  
11 think I knew a lot about wind towers before I came  
12 here as far as being an expert, and that's been  
13 confirmed here tonight with some great minds in the  
14 room.  
15 So I graduated here from Pontiac in  
16 2010. So I was thinking back -- if my math is  
17 right, I was in high school when the first wind  
18 towers came to Livingston County here.  
19 So I think back to that project right  
20 northeast of town, and as a high school student, not  
21 necessarily the top thing on my mind, I kind of  
22 understood the importance of wind power through  
23 being in FFA and some of those details, but I've  
24 kind of had some hard questions that I think since

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1 then have really -- I've really been able to  
2 formulate in what has turned into support of this  
3 project, too.  
4 So the two words that really come to  
5 mind for me as a resident when I think about this  
6 are longevity and sustainability. And I look at,  
7 for example, that project northeast of town that's  
8 now been there for pushing 15 years and see that  
9 it's still operating as a resident. I see that  
10 there are still folks working on those towers.  
11 They're still -- to Mr. Simpson's point, that  
12 driveways are still being plowed and a lot of  
13 influence here in the county. So I see that as a  
14 good thing.  
15 But I think of that longevity and  
16 sustainability, and I put it in two buckets just as  
17 a resident thinking about this. I think about wind  
18 power in general, and I think about wind power  
19 specifically for Livingston County, and what I  
20 thought of it in general, just that 30,000-foot  
21 view, is this an investment that's good for me and  
22 Livingston County as I spend what's hopefully going  
23 to be the rest of my life in this county?  
24 And I think about the power usage

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1 that's going to be here just in the energy sector in  
2 general. Again, it is the 30,000-foot view. I  
3 don't know about everybody else in the room, but  
4 we've got more electronic devices in our houses, not  
5 less. And there's a lot of talk about electric  
6 vehicles being on the road. So the basic laws of  
7 supply and demand tell me that if we're supplying  
8 power to a demand that is just going to continue to  
9 raise or increase, then I look at that as a resident  
10 and say I'd like to be in the county that's going to  
11 be on that side of the supply curve or producing  
12 some of that power, and I think that's important  
13 just from a longevity standpoint.  
14 The second thing that came to mind  
15 for me kind of in that 30,000-foot bucket was what  
16 happens to these turbines when they are  
17 decommissioned when they do reach their life span?  
18 So we've seen these operate north of town, but what  
19 happens beyond that?  
20 Actually, I just heard coincidentally  
21 on the radio from -- it was from a St. Louis public  
22 radio station talking about how they can actually  
23 recycle these windmill blades now, and I think  
24 almost three-quarters of the windmill blade can be

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1 ground down and used for cement production. So that  
2 was just a detail that I didn't know that made me  
3 feel better as a resident that if my wife and I are  
4 going to live here throughout our lives that when  
5 these are decommissioned, there's something that  
6 could be done with them. If any of us can  
7 appreciate not putting something in a landfill, it's  
8 probably those of us in Pontiac that have them right  
9 outside our back door.  
10 That's kind of the second bucket that  
11 for longevity and sustainability for me that's  
12 really important is how it impacts Livingston  
13 County, and I'm not going to mention any numbers. I  
14 think they've all been well stated here tonight, but  
15 as I think about that, I think of the impact on  
16 workers, the impact on schools as a tax base, and  
17 infrastructure for that matter, and for farmers and  
18 landowners as well.  
19 So as far as for workers, there  
20 were -- I think there's been two fellow FFA members  
21 that were able to work wind tower jobs in Livingston  
22 County that were in my FFA chapter here in Pontiac  
23 that were able to work those jobs in the county. In  
24 a county that's surrounded by a lot of larger towns,

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1 to see that opportunity for students to remain in  
2 the county or come back to the county after they've  
3 gotten an education somewhere else and have a  
4 high-paying -- not just a job, but potentially a  
5 career and a profession and something that's more  
6 than just 8:00 to 5:00, wake up and go to work and  
7 go home. It is revitalizing for me as somebody who  
8 moved back to Livingston County after going to  
9 school.  
10 And I think it was Dr. Loomis who  
11 pointed out there's going to be post construction  
12 about 33 new jobs for Livingston County. So just  
13 one example of that.  
14 I think of rural schools as well. I  
15 think there's a downhill effect that occurs with  
16 rural schools when I think about that for families,  
17 and for, there again, folks who want to raise a  
18 family in the county.  
19 But the other thing I think that  
20 that -- those dollars can contribute to for schools  
21 is hedging against consolidation. We're a rural  
22 county for the most part and especially the eastern  
23 side of the county. That's no secret. And I've  
24 seen a lot of other rural places that have been hit

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1 by consolidation. And I love being able to hear the  
2 comments from Mr. Bryan about how this is really  
3 kind of hedged against that -- and against it for  
4 the Tri-Point School District.  
5 So, again, longevity and  
6 sustainability for school districts that support  
7 some smaller communities and the residents in those  
8 communities. There's a downhill effect there, and I  
9 think that helps.  
10 The last thing specific for  
11 Livingston County that I heard a ton about tonight  
12 is specific to the farmers and the landowners, for  
13 that matter, that these towers are going on. Seeing  
14 that there's already a projection of where these  
15 towers are going tells me that there's interest from  
16 farmers and landowners to have them put there, and I  
17 kind of look at that as a farm kid and say they've  
18 made the decision that with their property, it's  
19 something they want to pursue, and I personally  
20 don't think that should be stripped of them to  
21 pursue that opportunity.  
22 Farms, we realize, are really just  
23 family-run businesses, and I think most of us can  
24 agree in this room that a business that can

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1 diversify, develop another income stream to be more  
2 independent, more sustainable, is a good thing, and  
3 not to mention that the farm ground over in that  
4 part of the county isn't necessarily the most  
5 productive. So, you know, another added benefit  
6 that can be in there is that it does -- extra income  
7 on those acres does level the playing field a little  
8 bit for ground in the eastern part of the county  
9 that's not quite as productive as some flat, black,  
10 classic farm ground areas.  
11 So I think there, again, longevity  
12 and sustainability are top of mind for me both for  
13 the county and just for wind power in general  
14 because I want to live in Livingston for the  
15 remainder of my life and certainly take this project  
16 seriously.  
17 So I appreciate you listening, and I  
18 appreciate all the consideration.  
19 MR. GERSHON: Thank you. No further  
20 questions.  
21 FACILITATOR KAINS: Thank you,  
22 Mr. Rich.  
23 Any questions for Mr. Rich based upon  
24 his testimony from the zoning board?

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1 Any questions for Mr. Rich from  
2 anyone else in the room?  
3 Mr. Rich, thank you. You may step  
4 down.  
5 MR. RICH: Thank you.  
6 MR. GERSHON: Thank you.  
7 At this point, our team has been  
8 working today to address some of the questions and  
9 issues that were raised yesterday. We take your  
10 concerns and your questions very seriously. So at  
11 this point, we're switching to a different  
12 PowerPoint, which was put together today. A copy of  
13 this was handed in as Exhibit 33 -- 43. I  
14 apologize. Exhibit 43.  
15 (Exhibit 43 was identified for the  
16 record.)  
17 MR. GERSHON: So you have that copy  
18 again for the members of the commission. Because  
19 this was finished at about 5:15 this evening, we  
20 only had time to make the copy for the record. We  
21 will provide you with copies of this for all the  
22 members the next time.  
23 At this point I'd like to ask Scott  
24 Wentzell to come forward, and our initial question

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1 to ask Scott -- first, do you want him to restate  
2 his name for the record? He's certainly still under  
3 oath.  
4 FACILITATOR KAINS: No. I think we  
5 know who Mr. Wentzell is.  
6 I'm going to reiterate and remind you  
7 that you are still under oath, sir.  
8 MR. WENTZELL: Yes, sir.  
9 MR. GERSHON: One of the first  
10 questions that was raised was regarding the  
11 emergency response system.  
12 And, Scott, if you would discuss our  
13 interactions with the fire districts.  
14 MR. WENTZELL: Absolutely.  
15 So we -- first let me reiterate our  
16 commitments, and that is, of course, to working with  
17 fire districts on both training and preparation, in  
18 addition to the tax dollars that were hopefully  
19 going to be distributed to these fire districts to  
20 help bolster their resources internally.  
21 Over the last few months, I've met  
22 with each of the fire chiefs in the fire districts  
23 within the proposed special use area servicing the  
24 special use area. Those would be the Campus



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1 Emington Fire District, the Kempton Fire District,  
2 and the Cullom Fire District.  
3 During those meetings, I shared a  
4 copy of our emergency response plan, which is in  
5 your binder as -- Mark, help me.  
6 MR. GERSHON: You can go ahead. I'll  
7 find it.  
8 MR. WENTZELL: Thank you.  
9 Regardless, I've shared that plan  
10 with them.  
11 MR. GERSHON: If I can interrupt.  
12 It's Exhibit 21 in our binder.  
13 MR. WENTZELL: So an exact copy of  
14 Exhibit 21.  
15 This is an emergency -- this  
16 is -- this plan has been developed by our internal  
17 health and safety team over years of experience  
18 working in small communities and big communities of  
19 wind farms all over the country. It's a document  
20 that's provided to our employees. In fact, it's the  
21 bedrock of our safety training. And copies of this  
22 document will be included in our O & M, building,  
23 and provided to every employee working on the site.  
24 You'll see in that emergency response plan a

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1 commitment for training -- or to training with and  
2 for local fire districts. That training gets  
3 scheduled during the construction of the site prior  
4 to operations with the commencement of operations,  
5 and then we are committed to ongoing training at the  
6 request of those fire districts, and so that's  
7 something that we do regularly with local  
8 communities that we operate in.  
9 MR. GERSHON: The next -- the  
10 next -- the next issue that we'd like to ask Scott  
11 to comment on were some of the questions on the M-8  
12 turbine siting.  
13 Scott, can you provide additional  
14 information regarding that site?  
15 As a reminder to everyone, Exhibit 24  
16 in your binder, which we discussed yesterday, is  
17 both the Illinois Department of Natural Resources  
18 letter regarding the EcoCAT consultation, and  
19 supporting letter for the property owner.  
20 MR. WENTZELL: Yes. Thank you.  
21 First, I'd just like to clarify that  
22 the IDNR has two separate recommendations, and they  
23 are that: Recommendations.  
24 The first is for setbacks from

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1 perennial streams without forested riparian areas,  
2 without trees along them for the lake, and a  
3 separate setback for forested areas along streams,  
4 defining those forested areas as 5 acres or more.  
5 The majority of the area on Broughton  
6 Creek is not forested, and thus qualifies for this  
7 500-foot setback. Unfortunately, for the Rose  
8 family, there's a row of trees along the bend in the  
9 curve, which just barely reaches that threshold of 5  
10 acres, and under the IDNR recommendation, would  
11 qualify for this 1,000-foot setback.  
12 You'll hear in a minute from my  
13 colleague, Taylor. I'll steal some of his thunder.  
14 The Rose family maintains these trees to prevent  
15 erosion along the bend in the curve. There's a  
16 ranching operation on one side, crops on the other.  
17 They're doing the right thing here to try to protect  
18 their property, properties of the neighbors  
19 downstream.  
20 So what I'd like to introduce to the  
21 record and show here is first a map with a 500-foot  
22 setback from that -- from Broughton Creek. This  
23 would align with a perennial stream setback as  
24 recommended by the IDNR. This turbine is compliant.

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1 I'd add that we visited the site.  
2 We -- collectively, our consultants do not believe  
3 that the habitat quality of this site justifies an  
4 increased distance as recommended under the forested  
5 riparian setback.  
6 Just according to this map, there's  
7 lots of colors. Each of the various colors  
8 represent a different setback. So these will be  
9 jurisdictional setbacks from the county, setbacks  
10 from property lines, setbacks from roads, setbacks  
11 from homes. The home to the northeast, the  
12 participating home, which I think is important here,  
13 noting the setback distance. The blue line, the  
14 blue-shaded area would be the 500-foot setback from  
15 the creek.  
16 Now, in advance of the slide, going  
17 forward, you can see the blue area is expanded, and  
18 that turbine is now within the blue area, and, in  
19 fact, the blue area encompasses or reaches the  
20 borders of all the other setback areas. And so  
21 turbine M-8 cannot move anywhere on this property.  
22 Turbine M-8 would need to be dropped.  
23 And I'm here tonight speaking on  
24 behalf of the Rose family. This is the only turbine

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1 proposed on any property owned by them, and we  
2 believe the only location that is suitable for a  
3 turbine on any of their property. The family has  
4 signed a letter of support asking for your approval  
5 to waive this setback recommendation specific to  
6 this turbine.  
7 FACILITATOR KAINS: Mr. Gershon,  
8 before you go forward, I'm just going to -- as  
9 you're taking several of these exhibits and  
10 discussing them with your witness, are there any  
11 questions from the zoning board of appeals members  
12 with respect to Exhibits 21 and 24 that Mr. Wentzell  
13 has just testified to? Any questions?  
14 MR. GERSHON: Scott, if I could, we  
15 have Taylor here who is also going to talk about the  
16 exact same exhibits, so it might be useful to hear  
17 both of them on the exhibits in case -- if that  
18 helps with any questions.  
19 FACILITATOR KAINS: Very good, but I  
20 just wanted, for clarity, as you go through the  
21 exhibits, if the board has questions, I want them  
22 addressed right then. So, yeah, you may proceed  
23 with your other witness.  
24 MR. FOLEY: Thank you.

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1 TAYLOR FOLEY,  
2 of lawful age, being produced and previously sworn,  
3 testifies and says:  
4 MR. FOLEY: So these are two pictures  
5 that were taken today. The inset figure on the  
6 bottom is a map showing the same location as the  
7 figures on the two previous slides, and the yellow  
8 star is where these two images were taken.  
9 This is the closest point along the  
10 creek to the proposed turbine location just to show  
11 some of the current conditions of the creek and the  
12 forested cover that exists.  
13 As Scott mentioned, the Rose family  
14 has cleared all the trees except for anything along  
15 the stream banks to maximize the -- maximize the  
16 work area in the adjacent fields. So the only trees  
17 that exist are one or two rows of trees and hedges  
18 to minimize erosion.  
19 Switching topics a bit. This was an  
20 additional question that was raised.  
21 MR. GERSHON: Taylor, can you hold on  
22 to this?  
23 Based on your first-person experience  
24 with this riparian area and your experience with

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1 wind turbine impacts, do you have an opinion as to  
2 whether this turbine M-8 will have an impact on  
3 wildlife?  
4 MR. FOLEY: This turbine setback  
5 would not have any appreciable difference in  
6 wildlife impacts.  
7 MR. GERSHON: And I know -- I believe  
8 you had a conversation today with the landowner?  
9 MR. FOLEY: Correct. So when we went  
10 out to take these pictures, the landowner was  
11 working in the field, and that's when she -- we had  
12 the conversation, and she was describing the reason  
13 for the trees was to prevent erosion along the  
14 stream.  
15 MR. GERSHON: Thank you. Please go  
16 ahead.  
17 MEDIATOR KIRN: Are you going to a  
18 different exhibit yet?  
19 MR. GERSHON: We are going -- yes, we  
20 are going to a different exhibit.  
21 FACILITATOR KAINS: Okay. Then let's  
22 just see if we have any questions for either  
23 Mr. Foley or Mr. Wentzell from the board.  
24 Very good. All right. You may

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1 proceed.  
2 MS. HUISMAN: [Indicated.]  
3 FACILITATOR KAINS: Yeah. The chair  
4 has asked me to just notify you that the board does  
5 reserve the right with all of your witnesses to  
6 recall them at a future evening or a future time  
7 that we may have another hearing. So they need to  
8 be around.  
9 MR. GERSHON: Understood. Thank you.  
10 FACILITATOR KAINS: Very good.  
11 MR. FOLEY: So on this slide, we have  
12 illustrated the INAI sites that we discussed last  
13 night at the last meeting, as well as the closest  
14 turbine to each of those sites. As a reminder, the  
15 IDNR recommended setbacks from INAI sites was  
16 one-quarter mile. As you can see on the table on  
17 the right, the nearest turbine that we have to any  
18 of these sites is seven-tenths of a mile. So nearly  
19 three times the recommended setback.  
20 There is one additional site, an INPC  
21 site, that has a recommended setback of one mile.  
22 That's the bottom row, the table there. They were  
23 also above the one-mile setback of that site.  
24 Specifically raised was Don Gardner's

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1 Prairie Restoration. You can see our nearest  
2 turbine there is 1.75 miles. So significantly  
3 farther than the quarter-mile setback that was  
4 requested.  
5 We think that that -- these setbacks  
6 should eliminate the potential for any impacts to  
7 other wildlife species, not just birds and bats,  
8 from any of these sites.  
9 MR. GERSHON: I think that is all  
10 we're going to do on this slide. If you have any  
11 questions.  
12 FACILITATOR KAINS: Any questions  
13 from the zoning board for Mr. Foley on this  
14 particular document or exhibit?  
15 All right. Very good. Thank you.  
16 Mr. Gershon, proceed.  
17 MR. GERSHON: So as you'll notice,  
18 we're skipping slides here given the hour.  
19 We were asked to address two larger  
20 issues, one of which was to walk through the  
21 individual standards and how we meet those. That's  
22 complementary to what's already in your binder,  
23 those standards. We thought it would be more  
24 valuable, given the hour, to walk through the

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1 application, the second item we're asked to do, and  
2 to walk through each of the exhibits so that you  
3 know what's in those and have some time before our  
4 next meeting to do that.  
5 So I'm going to again ask Scott if  
6 you'll walk us through that.  
7 MR. WENTZELL: Thank you.  
8 And so I will go in order of Exhibit  
9 Number -- please stop me with questions on any  
10 exhibit.  
11 FACILITATOR KAINS: Mr. Wentzell,  
12 when you are done discussing an exhibit, if you  
13 could just let us know. Then if we have questions,  
14 we'll have them for you.  
15 MR. WENTZELL: Okay. So Exhibit 1,  
16 this is tab 1 in your binder. This is the  
17 introduction to our special use permit application.  
18 And you'll see on each of my slides, I've included a  
19 reference where applicable to any WECS article that  
20 is covered by that exhibit. So in this case,  
21 Section 56-616(b)(1) is addressed in Exhibit 1.  
22 FACILITATOR KAINS: Any questions on  
23 this particular exhibit from the board?  
24 From the public?

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1 Going to the next one, sir.  
2 MR. WENTZELL: Great.  
3 Exhibit 2 is the bulk of the text  
4 with the special use permit. This is where we  
5 address many of the requirements or at least refer  
6 to many of the requirements under the WECS article.  
7 I won't read all of them to you, but you can see  
8 them here on this slide.  
9 I'd also point you to Exhibit 30,  
10 which includes a checklist of all references  
11 throughout the special use permit application, which  
12 accomplishes a similar goal.  
13 FACILITATOR KAINS: Any questions  
14 with respect to this exhibit from the board?  
15 From the public?  
16 Go ahead, Mr. Wentzell.  
17 MR. WENTZELL: The next would be  
18 Exhibit 4. This is a special use land map. So to  
19 orient you, here we have in pink all of the  
20 participating properties within Livingston Wind  
21 Project and within the special use area. It's  
22 divided into a map book. Each property has a  
23 reference number and a key. That key is a separate  
24 exhibit, which we'll speak about. There are two

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1 versions of this map. One presented without  
2 topography and one with topography, and it's  
3 required under the WECS article.  
4 FACILITATOR KAINS: Questions from  
5 the zoning board with respect to this exhibit?  
6 MR. FLOTT: Not a question, but a  
7 comment. Bill Flott.  
8 The map doesn't have the names of  
9 roads or highways or even the towns, and I sat and  
10 looked at it for quite a while today, and I thought,  
11 well, this is Cullom, but I think the map  
12 could -- needs some work.  
13 FACILITATOR KAINS: Any other  
14 questions or comments from the board?  
15 From the public?  
16 MR. WENTZELL: So I'd just like to  
17 address this and point out that there are numerous  
18 maps included with this -- this application that do  
19 include roads and the references.  
20 MS. HUISMAN: Could you point us to  
21 them, or how are we going to get to those maps so we  
22 know? We'd like to see -- I personally would like  
23 to see, like, the site plan where we can actually  
24 see some of these turbines placed. I'm old, and it

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<p style="text-align: right;">Page 102</p> <p>1 is hard to read this even with my glasses on and see 2 where the turbines are located and then have any 3 clue of if they're close to meeting our setback 4 requirements, other than the verbiage I know that 5 you put in there that you meet it. It would be 6 helpful, and these are things we've seen in the past 7 from other wind farm areas that have provided with 8 maps like that so we can see what the setbacks 9 actually are for what your plan is today. 10 MR. WENTZELL: If I may to the next 11 exhibit? 12 Exhibit 5 is the overview concept 13 map. This shows locations of facilities, wind 14 turbines, collection lines, transmission, 15 substation, access roads, and meteorological towers. 16 This is one of several maps that does this. I 17 believe that it will be three or four exhibits from 18 that, that addresses your specific question. 19 FACILITATOR KAINS: Any other 20 questions, comments from the board with respect to 21 Exhibit 5? 22 MS. HUISMAN: So on this map, are 23 there, like, lay-down yards where you've 24 got -- where the work is going to be staged, or is</p>	<p style="text-align: right;">Page 104</p> <p>1 A copy of these maps is, I believe, 2 on both the county's website and our website that 3 allows for zooming in on all applications. 4 MR. WENTZELL: Yes. 5 MR. GERSHON: Thank you. 6 MR. WENTZELL: Additionally, we have 7 maps in our office in Pontiac that are large format 8 that can be viewed, and I'll commit to bring those 9 to the next hearing. 10 Okay. Are there questions, or are we 11 ready to move forward? 12 FACILITATOR KAINS: Anything else 13 from the board with respect to Exhibit 5? 14 From the public with respect to 15 Exhibit 5? 16 Go on to 6. 17 MR. WENTZELL: Okay. So if you're on 18 6, we include the infrastructure that you 19 referenced. So this would be -- this is everything. 20 These are all the points that we looked at, and so 21 there are homes, the blue dots. Again, this is hard 22 to view on this scale here. 23 This shows every turbine, every 24 underground collection line, transmission lines,</p>
<p style="text-align: right;">Page 103</p> <p>1 that on future maps? Anything that's going to be 2 constructed within the footprint of the wind farm? 3 Can you point to those things on this map and help 4 us see exactly where they're located? Even 5 something as simple as -- I'm not picking up on a 6 quick look. Where is the substation going to be as 7 it's laid on this map? 8 MR. WENTZELL: Okay. Sure. I can 9 orient you on this map. 10 I would, as a follow-up item, refer 11 you both to Exhibit 7, which we'll get to in a 12 moment. Exhibit 7 includes zoomed-in maps of every 13 turbine, including all applicable setbacks, as well 14 as Exhibit 6, which is the full site plan that 15 includes the facilities that you referred to. This 16 is a large -- very large project. 130,000 acres. 17 It's difficult to represent in a single map. We've 18 compiled map books to try to make that a bit easier 19 to view. I do -- would suggest doing this on a 20 computer screen where you can zoom into these maps. 21 It's just very hard to represent on paper, but let 22 me attempt to do this. 23 MR. GERSHON: And, Scott, if I could 24 ask you a question.</p>	<p style="text-align: right;">Page 105</p> <p>1 substations, the lay-down yard, and the facility. 2 The substation is located -- let's 3 see -- approximately right here in the center of the 4 project. There's a transmission line heading north 5 and then west connecting to here. This is the ComEd 6 substation, which we referenced yesterday, the site 7 of the variation request. Our O &amp; M facility is 8 located just outside of Cullom. That property will 9 be annexed into Cullom, and it will become part of 10 the tax base within Cullom. 11 FACILITATOR KAINS: Questions, 12 comments, from the board with respect to Exhibit 6? 13 Questions from the public? 14 MR. MCCARTY: All these maps are -- 15 FACILITATOR KAINS: Sir, could you 16 come forward? 17 MR. MCCARTY: Can we get a copy 18 of -- anybody from the maps? 19 FACILITATOR KAINS: Hang on, sir. 20 Just for the record, could you please state your 21 name. 22 MR. MCCARTY: Jerry McCarty. 23 FACILITATOR KAINS: Okay. 24 M-C-C-A-R-T-Y?</p>

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1 MR. MCCARTY: Yes.  
2 FACILITATOR KAINS: Very good. All  
3 right. Mr. McCarty, what is your question?  
4 MR. MCCARTY: Can we get a copy of  
5 all of the maps at our request? Come to your  
6 office?  
7 MR. WENTZELL: You can view all the  
8 maps in our office, and they're all available both  
9 on the county's website as well as our project  
10 website, and I'd be happy to direct you to those.  
11 MR. MCCARTY: Okay.  
12 FACILITATOR KAINS: Perhaps,  
13 Mr. McCarty, after tonight's hearing, you can meet  
14 with Mr. Wentzell and arrange a time.  
15 MR. MCCARTY: Yep.  
16 FACILITATOR KAINS: Okay. Very good.  
17 Thank you, Mr. McCarty.  
18 Any other questions, comments from  
19 the public or the board with respect to Exhibit 6,  
20 this map, site plan map?  
21 All right. Number 7.  
22 MR. WENTZELL: Okay. So this, I  
23 believe, starts to answer some of the questions.  
24 Recognizing how impossible it is to do the map on

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1 the left, we've produced the maps on the right.  
2 The county WECS article has specific  
3 setback distances for wind turbines, and so for  
4 every wind turbine in the project, we've produced an  
5 amount and an appropriate scale to show that turbine  
6 relative to the adjacent setbacks. There are  
7 numerous setbacks. Many are conditions under your  
8 WECS article. These are setbacks from homes, from  
9 roads, from transmission lines.  
10 In addition, there are setbacks like  
11 we were discussing several slides ago from creeks  
12 and streams and from wetlands. There are -- I'm  
13 blanking. There are many setbacks listed within the  
14 application themselves. These are all setbacks  
15 pertinent to this project.  
16 FACILITATOR KAINS: Questions with  
17 respect to Exhibit 7 from the board?  
18 Questions with respect to this  
19 exhibit from the public?  
20 MR. SCHOPP: I do have one question.  
21 The last two pages, the setback with  
22 the language that's addressed in that, could you  
23 explain to the board that when they're looking at  
24 this, that you're basically approving that setback

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1 waiver language, the way you have it worded here?  
2 MR. WENTZELL: I'd be happy to do  
3 that on a separate exhibit, Chuck, but I'd like to  
4 go there now if that's okay with the board.  
5 MR. SCHOPP: I have that on the tab.  
6 MR. WENTZELL: Obviously it's a  
7 separate slide, a separate exhibit.  
8 So, first, let's look at this. This  
9 is language. This is directly pulled from the lease  
10 agreement that every stream/landowner has entered  
11 into, and I'd point you to right here.  
12 "The owner hereby waives such  
13 setbacks and shall execute any documents reasonably  
14 requested by grantee to evidence of a correct waiver  
15 of said setbacks."  
16 Specifically within the county's WECS  
17 article, the county grants homeowners the right to  
18 waive setbacks from their homes. By participating  
19 in this wind project, homeowners have done so. We  
20 have -- and the WECS article as shown here, allows  
21 the homeowner to waive that distance all the way  
22 down to 1.1 times the height of the wind turbine.  
23 We're not requesting that type of setback. We are,  
24 in all cases, staying at least 1,500 feet away from

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1 any primary residence.  
2 In addition, we still need to comply  
3 with shadow flicker and noise. And so in all cases,  
4 we're abiding by those standards as well.  
5 MR. GERSHON: And, Scott, just a  
6 reminder from your prior testimony, does EDF, the  
7 applicant, have any powers of eminent domain,  
8 condemnation, or other abilities to force or require  
9 somebody to sign an agreement?  
10 MR. WENTZELL: No. And, in fact, we  
11 encourage every landowner, to the extent that they  
12 would like to, have an attorney review and have  
13 comment on any lease document before they're signing  
14 it.  
15 MS. HUISMAN: Mr. Wentzell, is that  
16 screenshot in this binder? Is that slide in this  
17 binder in Exhibit 7? I'm not finding it, so I don't  
18 know if I'm just missing it, or is that part of your  
19 new presentation that we don't have a copy of yet?  
20 MR. RUNYON: The last number 7.  
21 MR. WENTZELL: So it's the very last  
22 page in Exhibit 7.  
23 MS. HUISMAN: So just on the  
24 right-hand side, that portion is not on this

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1 document?  
2 MR. WENTZELL: The -- correct, the  
3 second to last page.  
4 The landowner at the top is included.  
5 I've truncated it for this slide. Under Section 1,  
6 purpose of easement includes the language here. The  
7 Exhibit 7 does not include the language in the WECS  
8 article.  
9 MS. HUISMAN: Okay. Thank you.  
10 MR. WENTZELL: Yes.  
11 FACILITATOR KAINS: With respect to  
12 Exhibit 7, any other questions from the members of  
13 the zoning board?  
14 Questions from anyone else?  
15 Exhibit 8.  
16 MR. WENTZELL: Great.  
17 Exhibit 8. So this exhibit contains  
18 resolutions as well as community benefit agreements  
19 from various local units of government.  
20 And so, first, we have the Tri-Point  
21 resolution. This is resolution 2022, '23. There's  
22 the Village of Cullom resolution 2022 A, and the  
23 Village of Emington resolution 2021-22.  
24 To summarize these various

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1 resolutions and agreements, in each case, the local  
2 unit of government has, to the extent applicable,  
3 waived setback distances, and so that would be their  
4 1.5-mile jurisdiction in the case of Emington and  
5 Cullom, as well as the 1.5-mile setback distance  
6 from school district property in the case of  
7 Tri-Point.  
8 Additionally, Tri-Point has signed a  
9 letter of support that accompanies this exhibit.  
10 The Village of Cullom and Village of Emington has  
11 done so similarly.  
12 Finally, there is a community benefit  
13 agreement for both Cullom and Emington. Neither of  
14 these jurisdictions, under current tax code, benefit  
15 directly from the wind farm. Although we recognize  
16 that they do have an administrative role, and so  
17 this document acknowledges their administrative role  
18 and participation as a unit of government locally.  
19 FACILITATOR KAINS: Questions or  
20 comments from the board for Mr. Wentzell on  
21 Exhibit 8?  
22 Any other questions for Mr. Wentzell  
23 on Exhibit 8?  
24 Go ahead to the next one.

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1 MR. WENTZELL: Exhibit 9 is our  
2 application for variation, which was reviewed in my  
3 testimony yesterday, Tuesday, September 20th.  
4 MR. GERSHON: And for the benefit of  
5 the commission, within Exhibit 9, the variation  
6 application, are there descriptions of each of the  
7 standards for variations and our response to those?  
8 MR. WENTZELL: Yes, there are.  
9 There's also a letter of support from the Rose  
10 family -- or excuse me. Sorry. Not from the Rose  
11 family; from the adjacent property owner. In this  
12 case, Scott (sic) Fox, who's adjacent to the parcel  
13 that we're seeking a variation.  
14 MR. GERSHON: To confirm, that's Tom  
15 Fox.  
16 MR. WENTZELL: Correct.  
17 MR. GERSHON: And while it's not what  
18 we're here for -- we have had a lot of  
19 information -- can you just give a couple of  
20 sentences to remind people what this variation is?  
21 MR. WENTZELL: Yes.  
22 So we're seeking the variation  
23 against the WECS article substation setback. This  
24 WECS article setback requires a 1,600-foot setback

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1 from the property line of any property to contain a  
2 primary residence, a home. In this case, we are  
3 seeking a variation to construct a substation within  
4 10 feet of the adjacent property line of a property  
5 containing a primary home. However, this is a large  
6 farm parcel, and the adjacent property -- excuse  
7 me -- the adjacent home is over 2,500 feet away from  
8 the proposed substation.  
9 In addition, the neighboring property  
10 owner, who is not a participating member of the  
11 Livingston Wind Project, has signed a letter of  
12 support acknowledging the benefits of this project  
13 to his neighbors and seeking your approval for a  
14 variation.  
15 MR. GERSHON: And to clarify, that  
16 letter of support is also in Exhibit 9?  
17 MR. WENTZELL: Correct.  
18 MR. GERSHON: Thank you.  
19 FACILITATOR KAINS: And who is that  
20 by?  
21 MR. WENTZELL: The letter was written  
22 by Tom Fox, who is the neighboring property owner.  
23 He's also the resident of the home.  
24 MS. HUISMAN: Okay. With regard to

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1 the letter from -- if this is from Tom Fox, it's not  
2 signed. So we would not accept that as his  
3 statement or his letter without his testimony to  
4 support it, but the other letters that you've got  
5 here, if it's signed by him personally, then we  
6 would look at this differently.

7 With regard to the variance request,  
8 is this the testimony that we'll hear regarding the  
9 Exhibit 9? This is it? Are there any other  
10 pictures? Is there going to be any other testimony,  
11 any other description of the property? I was under  
12 the impression that that might have been a road when  
13 I looked at this initially without your  
14 interpretation? If that's not the case and that's  
15 just a property line, is there any kind of natural  
16 boundary? Do you have any photos that would show us  
17 what it actually looks like, what the setting looks  
18 like? We took a pretty good look at variance  
19 requests when we're going to go down to 10 feet off  
20 of a setback.

21 MR. GERSHON: Madam Chair, if I  
22 could -- we could certainly bring it back up -- we  
23 presented yesterday the aerial view, the location of  
24 the parcel, location of the substation, and location

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1 of properties. I'm happy to bring those slides back  
2 up. If you wouldn't mind, because I'm afraid we're  
3 overtaxing our assistant here, I'd rather bring that  
4 up afterwards, rather than try to go back and forth.

5 MS. HUISMAN: That's fine.

6 MR. GERSHON: If you remember, it was  
7 an aerial shot that showed where it was, what was  
8 located next door, et cetera, and I believe that  
9 same drawing is also within your binders.

10 MS. HUISMAN: Yeah, that's what I'm  
11 looking at now. If we can come back to it, I just  
12 wanted to make sure this was it, and if this was the  
13 time to ask the question, I was going to ask the  
14 question now.

15 MR. WENTZELL: I'd be happy to speak  
16 a bit more to the need for the variation. This  
17 substation is -- if you think of this like a power  
18 outlet, this is how we plug into the power grid.  
19 It's a required piece of infrastructure. That ComEd  
20 transmission line bisects properties at an adjacent  
21 angle from southwest to northeast, cutting through  
22 farms in such a way that there are no properties  
23 that could host this type of facility and comply  
24 with the county WECS article.

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1 I'd also point out that this  
2 substation setback is specific to the WECS article.  
3 Although this substation will particularly be owned  
4 by ComEd. We are constructing it on their behalf.  
5 It will be a utility-owned piece of infrastructure,  
6 and once that conveyance happens prior to the  
7 operation of the project, that substation would  
8 comply with applicable siting standards under  
9 Illinois law. So we're seeking a variation to  
10 construct the substation to hold that permit to  
11 build it, but we won't be operating that substation.

12 FACILITATOR KAINS: Reserving, of  
13 course, the additional information that was  
14 requested with respect to this particular exhibit,  
15 are there any other questions or comments with  
16 respect to Exhibit 9 from the board?

17 With respect to Exhibit 9, questions  
18 or comments from anyone else?

19 Very good. Now, before going on to  
20 Exhibit 10, it's 9:00 o'clock, just about  
21 9:00 o'clock.

22 Madam Chair?

23 MS. HUISMAN: We'll go into recess  
24 for this evening.

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1 Our next meeting is scheduled for  
2 September 28th starting at 6:00 o'clock.

3 Have we narrowed down the location to  
4 the historic courthouse?

5 FACILITATOR KAINS: [Indicated.]

6 MS. HUISMAN: Okay. So the location  
7 of that meeting is going to be at the historic  
8 courthouse. I think it's 112 West Madison,  
9 possibly, in Pontiac. If you need additional  
10 information on where that's located, please come  
11 forward after the meeting, and we can get you the  
12 address.

13 MR. AHMAD: 112 West Madison Street.

14 MS. HUISMAN: 112 West Madison is the  
15 address of the historic courthouse.

16 The second floor, the county  
17 boardroom, is where we will convene for  
18 September 28th at 6:00 o'clock.

19 Thank you for all in attendance, and  
20 thanks for the testimony. We appreciate it.

21  
22 (Hearing ended 9:00 p.m.)  
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CERTIFICATE OF REPORTER

I, Ann Marie Hollo, Certified

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financially or otherwise interested in the outcome  
of the action.

Dated this 27th day of September, 2022.

\_\_\_\_\_  
Certified Shorthand Reporter  
State of Illinois



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