

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

March 8, 2018

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1 030818ZONING
 2
 3 MCLEAN COUNTY ZONING BOARD OF APPEALS
 4 MEETING
 5 March 8, 2018
 6 Case Number SU-18-02
 7
 8 ZONING BOARD MEMBERS PRESENT:
 9 Brian Bangert
 10 Chris Carlton - 1st Alernate
 11 Rick Dean
 12 James Finnigan - Chairman
 13 Julie Turner.
 14 Chris Carlton
 15 Mary Beth Taylor - 2nd Alternate
 16
 17
 18 Court Reporter:
 19 Bobbi Hamlin, CSR, RMR, CCR
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 23
 24 ALSO PRESENT:
 PHILIP DICK, Director of Building & Zoning
 SAMANTHA WALLEY, Assistant State's Attorney
 JERRY STOKES, Assistant County Engineer

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1 **CHAIRMAN FINNIGAN:** We're going to call the McLean County
 2 Zoning Board to order.
 3 Will the secretary call the roll.
 4 **SECRETARY:** Mark Judd.
 5 (No response.)
 6 **SECRETARY:** Brian Bangert.
 7 **MR. BANGERT:** Here.
 8 **SECRETARY:** Michael Kuritz.
 9 (No response.)
 10 **SECRETARY:** Rick Dean.
 11 **MR. DEAN:** Here.
 12 **SECRETARY:** Julia Turner.
 13 **MS. TURNER:** Here.
 14 **SECRETARY:** Greg Zimmerman.
 15 (No response.)
 16 **SECRETARY:** Jim Finnigan.
 17 **CHAIRMAN FINNIGAN:** Here.
 18 **SECRETARY:** Chris Carlton.
 19 **MS. CARLTON:** Here.
 20 **SECRETARY:** Mary Beth Taylor.
 21 **MS. TAYLOR:** Here.
 22 **CHAIRMAN FINNIGAN:** We have a quorum, so we can
 23 conduct business.
 24 This is a continuation of case SU-18-02.

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1 And before we get started, we're going to rule on
 2 Mr. Luetkehans' Motion to Strike.
 3 **MS. ANTONIOLLI:** Can I address the Motion to
 4 Strike before you rule?
 5 **MS. WALLEY:** It's up to you.
 6 **MS. ANTONIOLLI:** If I may?
 7 We had prepared a motion in opposition to the
 8 Motion to Strike, but I can just go through that orally here
 9 before you make a decision. Would that be okay?
 10 **CHAIRMAN FINNIGAN:** Whatever you want to do.
 11 **MS. ANTONIOLLI:** Okay. Amy Antonioli from Schiff
 12 Hardin on behalf of EDP&R Renewables.
 13 And on behalf of the Applicant, as I said, I
 14 prepared a response to the opposition to Motion to Strike,
 15 but I'll just summarize that briefly.
 16 We ask that the Zoning Board deny the motion for
 17 three main reasons. First, there is no requirement in the
 18 county zoning ordinance or the general principles that apply
 19 to zoning hearings that the Applicant present testimony on
 20 every fact in or appendix attached to the application.
 21 The general principles that Opponents cite to, for
 22 example, cite that when a document is presented at hearing
 23 it must be -- a foundation must be laid. And for example,
 24 when an expert talks about a study, that study must be

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1 presented.
 2 And those general principles talk about what
 3 happens during the hearing, the procedures at the hearing,
 4 but not what must be submitted during the hearing, not what
 5 must be submitted as part of, you know, evidence, not that
 6 every part of the application must be testified to.
 7 So, second, the Opponent's basis for relying on
 8 Klaeren in support of the motion is based on flawed
 9 reasoning. Klaeren -- in Klaeren in the Illinois Supreme
 10 Court looked at property owners whose property rights were
 11 being affected and whether they were given due process at a
 12 special use permit hearing that was quasi judicial.
 13 And in that case the Supreme Court found that those
 14 landowners whose property rights were affected should have
 15 been given the right to cross-examine adverse witnesses.
 16 What that case doesn't discuss is, it doesn't require that
 17 an Applicant present evidence on every fact in or appendix
 18 attached to its citing application.
 19 And just to be clear, again, Klaeren talks about
 20 procedures at hearing, but not what must be presented at
 21 hearing.
 22 Moreover, the Opponents can't state that their due
 23 process rights were violated in any way at this hearing.
 24 They have had ample opportunity to cross-examine all of our

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1 witnesses and this Zoning Board has made that available to
 2 them.
 3 They had every opportunity also, to call witnesses
 4 to challenge our appendixes and failed to do so. So now
 5 they can't rely on that in action to claim a violation or
 6 failure of due process.
 7 And finally, granting the Motion to Strike would
 8 just set bad precedent. It would be unduly burdensome for
 9 the Zoning Board, the Applicant and the public if every
 10 Applicant were required to present testimony on every fact
 11 in or appendix attached to the application.
 12 And I'm confident that the members of this Zoning
 13 Board have a wealth of experience and knowledge and can give
 14 each of the facts and the appendixes attached to our
 15 application the weight that it deserves.
 16 So, I would move that the Motion to Strike be
 17 denied.
 18 **CHAIRMAN FINNIGAN:** Well, my little paragraph
 19 was kind of like what you were going to say, but you said it
 20 a whole lot better.
 21 So, therefore, we are going to deny the Motion to
 22 Strike.
 23 **MS. ANTONIOLLI:** Okay. Thank you.
 24 **CHAIRMAN FINNIGAN:** My counsel wants me to read

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1 it into the record.
 2 With regard to Mr. Luetkehans' Motion to Strike it
 3 has been stated throughout this hearing strict compliance
 4 with the rules of evidence are not required in this
 5 proceeding. The studies referenced in the Special Use
 6 Application were tendered to The Board and the zoning staff
 7 along with other documents. This was offered without
 8 foundation and accepted -- readily accepted.
 9 Mr. Luetkehans and his clients were provided an
 10 opportunity to provide their own evidence and counter the
 11 evidence Applicant has offered in their case in chief.
 12 The Board recognized that the Applicant bears the
 13 burden of proof and not Mr. Luetkehans or any other
 14 interested parties, but this acknowledgement does not change
 15 the ultimate opinion of the hearing body.
 16 Therefore, I am going to deny the Motion to Strike.
 17 Thank you.
 18 **MS. ANTONIOLLI:** And can I submit the Motion in
 19 Opposition in writing to The Board as an exhibit?
 20 **CHAIRMAN FINNIGAN:** Fine.
 21 **MS. ANTONIOLLI:** Okay.
 22 **MR. DICK:** Could we call this Applicant's
 23 Exhibit 20?
 24 **MS. ANTONIOLLI:** Yes.

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1 **CHAIRMAN FINNIGAN:** Do you have any opposition
 2 to the document, Mr. Luetkehans?
 3 **MR. LUETKEHANS:** For submitting it?
 4 **MS. WALLEY:** Yeah.
 5 **CHAIRMAN FINNIGAN:** I think you're on.
 6 **MS. ANTONIOLLI:** Okay. Thank you.
 7 So, at this point I'd like to call Ms. Kendra
 8 Kallevig-Childers, she is from DNV-GL, to testify about
 9 sound.
 10 We heard Mr. Dokouzian's testimony that showed that
 11 DNV-GL conservatively modeled and made sound emissions from
 12 the --
 13 **MR. LUETKEHANS:** If she's going to testify now I
 14 would object. If she wants to put the witness on --
 15 **MS. ANTONIOLLI:** I'm just summarizing an
 16 introduction.
 17 **MR. LUETKEHANS:** I don't think it's -- I don't
 18 think it's proper at this time.
 19 **CHAIRMAN FINNIGAN:** I would say: Shorten it up
 20 and let's get started. Thanks.
 21 **MS. ANTONIOLLI:** Okay. So, to address just a few
 22 specific points that we heard in Opponent's case in chief,
 23 we'd like to introduce Ms. Kallevig-Childers.
 24 Actually, okay. Ms. Kallevig-Childers, where do

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1 you work?
 2 **MS. KALLEVIG-CHILDERS:** DNV-GL.
 3 **CHAIRMAN FINNIGAN:** We're going to have to swear
 4 her in first.
 5 (The witness was first duly sworn, and then testified as
 6 follows:)
 7 **CHAIRMAN FINNIGAN:** State your name and address and
 8 spell your last name.
 9 **MS. KALLEVIG-CHILDERS:** My name is Kendra
 10 Kallevig-Childers. Name is spelled K-E-N-D-R-A. Last name
 11 is K-A-L-L-E-V, as in victory, I-G as in George. Childers,
 12 C-H-I-L-D, as in dog, E-R-S.
 13 **CHAIRMAN FINNIGAN:** And address too.
 14 **MS. KALLEVIG-CHILDERS:** Address is 603 Northeast
 15 79th Avenue in Portland, Oregon, 97213.
 16 **MS. ANTONIOLLI:** Okay. Ms. Kallevig, what is your
 17 position at DNV-GL?
 18 **MS. KALLEVIG-CHILDERS:** I am a team leader and
 19 project manager in the Environmental Permitting Services
 20 Department at DNV-GL. So, in that position I lead and
 21 conduct a variety of environmental and permitting studies
 22 for renewable energy developments. The studies I conduct
 23 and lead include sound modeling studies and sound monitoring
 24 studies as well.

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1 **MS. ANTONIOLLI:** And how many years of experience
2 do you have completing sound studies and measurement
3 campaigns?
4 **MS. KALLEVIG-CHILDERS:** Approximately four and a
5 half years.
6 **MS. ANTONIOLLI:** And what is your educational
7 background?
8 **MS. KALLEVIG-CHILDERS:** I have a bachelor's degree
9 in environmental studies from the University of Montana. I
10 have a master's degree in civil environmental engineering
11 with a focus on atmospheric science and renewable energy
12 from Stanford University.
13 **MS. ANTONIOLLI:** And are you a member of any
14 industry associations?
15 **MS. KALLEVIG-CHILDERS:** I am. I am an active
16 member of WRISE, which is Women In Renewable Energy and
17 Sustainable Energy.
18 **MS. ANTONIOLLI:** Okay. And did you assist in
19 preparing the DNV-GL sound report that's attached to the
20 Application as Exhibit 9?
21 **MS. KALLEVIG-CHILDERS:** Yes.
22 **MS. ANTONIOLLI:** And are you familiar with the
23 model used to develop that report?
24 **MS. KALLEVIG-CHILDERS:** Yes, I am.

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1 **MS. ANTONIOLLI:** So, at this time I would submit
2 Ms. Kallevig-Childers as a sound expert for EDPR Renewable.
3 **CHAIRMAN FINNIGAN:** Is that okay with you,
4 Mr. Luetkehans?
5 **MR. LUETKEHANS:** Subject to cross-examination.
6 **CHAIRMAN FINNIGAN:** Yep.
7 **MS. ANTONIOLLI:** Yep.
8 Okay. Ms. Kallevig-Childers, we heard testimony
9 that The Board should impose a three-sigma uncertainty on
10 the DNV-GL model results to avoid exceedances of IC limits.
11 Would that additional uncertainty be appropriate to
12 apply here?
13 **MS. KALLEVIG-CHILDERS:** No. DNV-GL does not
14 consider it appropriate or warranted to add any additional
15 uncertainty to our model results for a few reasons.
16 First, Shant has already explained to you in some
17 detail the conservative assumptions that we used in our
18 model, but I'm going to go briefly through those again now.
19 So, our model results consider that the turbines,
20 all of the turbines, are operating at their highest sound
21 output all of the time.
22 Additionally, the residences that we're modeling
23 consider that they are downwind from all turbines all the
24 time and this is not possible or realistic.

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1 We also use various parameters in the model related
2 to temperature, humidity and ground absorption that are
3 conservative and are favorable to sound propagation. So,
4 favorable from sound moving from the sound source to the
5 residences.
6 Additionally, we did not consider the impact of any
7 foliage or building or other things that would realistically
8 be between turbines and residences.
9 Additionally, DNV-GL has been involved in modeling
10 sound for many, many wind energy projects across North
11 America and internationally. And we have validated our
12 methods through onsite measurement campaigns. Based on this
13 validation we found our model -- that our model does not
14 underpredict the sound levels that will be experienced
15 during project operations. And so, we don't consider the
16 need to add any additional uncertainty to those results.
17 Finally, we also model compliance for the most
18 stringent limits. So, we modeled for compliance with the
19 nighttime limits to Class A Receivers, which are the most
20 stringent limits at every frequency.
21 **MS. ANTONIOLLI:** And are you familiar with the IPCB
22 noise regulations?
23 **MS. KALLEVIG-CHILDERS:** Yes.
24 **MS. ANTONIOLLI:** Okay. We also heard testimony

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1 that if averaging were eliminated from the DNV-GL model the
2 results would show exceedances about once a week.
3 Why wouldn't it be appropriate to eliminate
4 averaging here?
5 **MS. KALLEVIG-CHILDERS:** So, first -- to the first
6 point, regarding this estimation of exceedances and about
7 once a week, we're not entirely sure how Dr. Schomer came up
8 with that estimate. It appears that what he's talking about
9 is a hypothetical estimation based on the standard deviation
10 of the model and not an estimation that was based on
11 analysis of any project specific characteristics. So we're
12 not sure how he's making this claim and would not consider
13 such a claim about exceedances to be valid.
14 To the second point about eliminating the
15 averaging, so the measurement procedures specify that
16 measurements averaged over one hour be used for determining
17 compliance. So, if operational measurements were to be
18 taken in order to confirm compliance, those measurement
19 values would be averaged in one-hour intervals to compare to
20 the sound requirements.
21 **MS. ANTONIOLLI:** Okay. So, based on the IPCB
22 measurement procedures that allow sound emission data be
23 averaged over one-hour intervals, would you characterize the
24 Illinois Numerical Noise Permit as an instantaneous not to

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1 exceed limit?
 2 **MS. KALLEVIG-CHILDERS:** No.
 3 **MS. ANTONIOLLI:** Okay. That's all the testimony we
 4 have.
 5 **CHAIRMAN FINNIGAN:** Any questions from The
 6 Board?
 7 **MS. TURNER:** Can you clarify for me a little bit
 8 this notion of averaging over one-hour intervals and how you
 9 don't feel that is -- that that eliminates the do not exceed
 10 that Dr. Schomer was talking about? Can you elaborate on
 11 that a little bit and kind of just spell it out?
 12 **MS. KALLEVIG-CHILDERS:** Yeah.
 13 So, in -- in the rules in the procedures, the
 14 procedures do ask measurements to be taken. And then every
 15 hour the measurements taken during that hour are averaged
 16 over an hour. And that's typical in sound measurements is
 17 that you're taking measurements and then you're averaging
 18 the results over determined time intervals and that would
 19 likely be determined per the jurisdiction you're in. That's
 20 generally related for the practical purposes.
 21 There's a lot of variability when you're out
 22 measuring sound. There's a lot of stuff going on in the
 23 environment. There's a lot of extraneous sounds, roads and
 24 tractors and insects and leaves rustling. So, that's sort

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1 of the practical way that we handle and bundle that data
 2 into defined intervals.
 3 **MS. TURNER:** And you're saying that within that
 4 average there could be some that exceed. So, the fact that
 5 it -- that the regulations are telling you to average over
 6 that hour eliminates that requirement -- the Dr. Schomer's
 7 statement or negates that statement that it cannot exceed
 8 ever?
 9 **MS. KALLEVIG-CHILDERS:** That's my understanding, is
 10 that compliance will be determined based on a comparison to
 11 an estimate over an hour.
 12 But it's important to note that we model a worst
 13 case scenario. So, we're modeling the maximum continuous
 14 sound that the project would be expected to emit under very
 15 conservative assumptions.
 16 **CHAIRMAN FINNIGAN:** Questions from staff?
 17 **MR. DICK:** If you average it for an hour, what's
 18 to say that part of the week is louder than other parts of
 19 the week?
 20 **MS. KALLEVIG-CHILDERS:** Well, the sound over the
 21 week would be dependent. I mean, if turbines are operating
 22 fully operationally for part of the week they would be
 23 louder at those times than when maybe it's not very windy,
 24 so the turbines aren't operating fully. But our model is

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1 capturing that worst case maximum scenario, the turbines are
 2 making all the sound they can make at that time, their fully
 3 rated capacity under, you know, variety of conditions
 4 favorable to sound propagation.
 5 **MR. DICK:** Would there be spikes in those sounds
 6 when you're averaging over an hour that -- that would be
 7 very noisy?
 8 **MS. KALLEVIG-CHILDERS:** We would not expect
 9 that.
 10 In my experience a lot of the noise and spikes in
 11 measured sound data are not related to the project, they're
 12 related to other things going on in the environment.
 13 **MR. DICK:** Is there any data that shows that
 14 there is -- are no spikes in these types of sounds that come
 15 from turbines?
 16 **MS. KALLEVIG-CHILDERS:** I'm not sure about spikes
 17 in sounds, but the sound power level that we -- we use in
 18 the model is the maximum sound power produced by the turbine
 19 as specified and tested by the manufacturer. So we're using
 20 that maximum sound power level that is tested per
 21 international standards and that's provided by turbine
 22 manufacturers.
 23 **MR. DICK:** And those turbine manufacturers don't
 24 figure that they spike sounds or particularly loud over --

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1 over that hour period. There's just going to be kind of a
 2 steady hum type of a thing?
 3 **MS. KALLEVIG-CHILDERS:** Well, there's a few sounds
 4 that -- there's sort of the gear box rotor sound, the more
 5 mechanical sound. And then there's the sounds that most
 6 people would be more likely to notice, which is the sort of
 7 whoosh of the wind over the turbine blade.
 8 But no, the sound power level that we're modeling
 9 is at the high end of any sound that that turbine would be
 10 producing and that's what they're required to provide.
 11 **MR. DICK:** Thank you.
 12 **MS. TURNER:** To -- just to make sure I'm clear, so
 13 what you're saying is there couldn't be a spike over that,
 14 because you're measuring it at the loudest it could be -- it
 15 could generate -- the loudest sound it could generate?
 16 **MS. KALLEVIG-CHILDERS:** We would not expect it to
 17 spike above that. We expect that we're modeling the maximum
 18 sound.
 19 **MS. TURNER:** Okay.
 20 **CHAIRMAN FINNIGAN:** What percentage of the time
 21 do you think the turbines would run at maximum?
 22 **MS. KALLEVIG-CHILDERS:** I don't know the answer to
 23 that. That would be a question for the energy analysis for
 24 the project who's analyzing the wind speeds and when the

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1 turbines will operate.
 2 **CHAIRMAN FINNIGAN:** Fair.
 3 You're just the worst case scenario, is what you're
 4 saying?
 5 **MS. KALLEVIG-CHILDERS:** Exactly.
 6 **CHAIRMAN FINNIGAN:** Okay. Thank you.
 7 **MR. DICK:** Could you explain a little bit how you
 8 validate the modeling?
 9 You have particular jobs where you did modeling and
 10 then you went back to validate those results. Could you
 11 tell us a little bit about that, how that happened and what
 12 you came up with?
 13 **MS. KALLEVIG-CHILDERS:** So, when we go out and
 14 invalidate results this involves placing microphones near
 15 residences that were modeled during the modeling. So the
 16 microphone is placed out there, along with a small
 17 anemometer, weather station. We collect data.
 18 Typically, if you're trying to understand the
 19 contribution of the wind farm you collect a certain number
 20 of days of data when the wind farm is operational and then
 21 you collect a certain number of days of data when the wind
 22 farm is not operating, so you're able to calculate that
 23 contribution of the wind project. And usually data is
 24 collected in both circumstances for a number of days and

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1 then we analyze that data. We have to remove some data when
 2 it's extremely windy or rainy, there's various circumstances
 3 where the microphone can't capture it adequately, but there
 4 is some standardized methodologies that we use.
 5 **MR. DICK:** And have you come up with results that
 6 your validation came out wrong and you had to adjust your
 7 models?
 8 **MS. KALLEVIG-CHILDERS:** I have not been
 9 involved in any such projects.
 10 The measurement campaigns that I'm most familiar
 11 with have produced results that indicated that the measured
 12 sound levels were less than our modeled sound levels.
 13 **MR. DICK:** How many times did you notice that?
 14 How many times did you do that?
 15 **MS. KALLEVIG-CHILDERS:** I can't speak to how many
 16 projects we worked on where we've been measuring our -- I've
 17 worked on a handful of projects, personally.
 18 As an organization we've worked on many projects
 19 over the years where we've done both modeling or measurement
 20 or one of the pieces of a project.
 21 **MR. DICK:** Would you come back in this particular
 22 project and do any -- making it authentic or testing it
 23 again?
 24 **MS. KALLEVIG-CHILDERS:** That would be something for

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1 the Applicant to determine at this point.
 2 **MR. DICK:** You ordinarily wouldn't do that?
 3 **MS. KALLEVIG-CHILDERS:** In most cases sound
 4 measurements are not conducted. I would say in some places
 5 it is a regulatory requirement, but it's not typical. It
 6 doesn't happen for most projects.
 7 **CHAIRMAN FINNIGAN:** Mr. Luetkehans, do you have
 8 a question?
 9 **MR. LUETKEHANS:** Let's start with the end.
 10 You said you've, personally, been involved in a
 11 handful of re-validations. How many is a handful?
 12 **MS. KALLEVIG-CHILDERS:** There's three that I can
 13 think of that I've been involved with.
 14 **MR. LUETKEHANS:** Okay. Let's talk about the first
 15 one: Where was that?
 16 **MS. KALLEVIG-CHILDERS:** So, I lead the measurement
 17 campaign for a project in Minnesota. And I can't speak to
 18 all of these studies, as often times they are confidential
 19 work we're doing for clients.
 20 **MR. LUETKEHANS:** Well, I'm going to ask that you
 21 answer. And if you have a problem or your counsel does,
 22 feel free, but --
 23 Okay. So, where in Minnesota.
 24 **MS. ANTONIOLLI:** So --

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1 **MR. LUETKEHANS:** This is inappropriate. She can't
 2 be asking -- she can't be coaching the witness in the middle
 3 of this. She either answers the question or she doesn't.
 4 **CHAIRMAN FINNIGAN:** It's her witness.
 5 **MS. ANTONIOLLI:** She's fine. She can answer the
 6 question.
 7 **MS. KALLEVIG-CHILDERS:** I'm not sure which county.
 8 It was south of -- sort of South Central Minnesota.
 9 **MR. LUETKEHANS:** Okay. When was it?
 10 **MS. KALLEVIG-CHILDERS:** In -- the work was
 11 completed from spring through fall of 2016.
 12 **MR. LUETKEHANS:** Okay. And is there a written
 13 study that was done at that point?
 14 **MS. KALLEVIG-CHILDERS:** There was.
 15 **MR. LUETKEHANS:** Do you have that with you?
 16 **MS. KALLEVIG-CHILDERS:** I don't.
 17 **MR. LUETKEHANS:** Okay. How about the second one?
 18 **MS. KALLEVIG-CHILDERS:** The second one -- I've
 19 worked on some validation work in the Canadian Province of
 20 Alberta.
 21 **MR. LUETKEHANS:** Okay. When was that?
 22 **MS. KALLEVIG-CHILDERS:** That work started about a
 23 year, year and a half ago and is ongoing.
 24 **MR. LUETKEHANS:** Okay. So, you don't have a final

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1 result on that at this point?
 2 **MS. KALLEVIG-CHILDERS:** No, I don't.
 3 **MR. LUETKEHANS:** How about the third one?
 4 **MS. KALLEVIG-CHILDERS:** The third one was another
 5 project in Alberta.
 6 **MR. LUETKEHANS:** And when was that?
 7 **MS. KALLEVIG-CHILDERS:** One to two years ago.
 8 **MR. LUETKEHANS:** Okay. And what did that study
 9 show?
 10 **MS. KALLEVIG-CHILDERS:** I don't have the results of
 11 those studies with me. And I'm not able to share the
 12 results of those studies.
 13 **MR. LUETKEHANS:** I would ask that the
 14 conversation -- I would ask that the testimony regarding
 15 prior studies be stricken.
 16 There's no way for us to cross-examine something if
 17 she's not willing to testify to the results. All she's
 18 testifying to is some generic thing. It makes it impossible
 19 to cross-examine. She either has to testify to them or --
 20 in detail or it shouldn't or it should not be relied upon by
 21 this Board.
 22 **MS. ANTONIOLLI:** I object. She's fully entitled
 23 to answer the question from The Board about her experience.
 24 **MR. LUETKEHANS:** I have no problem with her talking

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1 about her experience.
 2 I have a problem with her talking about validating
 3 results that none of us can see.
 4 **CHAIRMAN FINNIGAN:** I think he won this one.
 5 **MS. ANTONIOLLI:** Well, this wasn't part of her
 6 original testimony.
 7 **CHAIRMAN FINNIGAN:** Yeah, we asked the question.
 8 So, it's a valid point, but I don't think that -- if he
 9 can't cross-examine on that question, we can't use it so
 10 much.
 11 **MS. ANTONIOLLI:** Okay.
 12 **CHAIRMAN FINNIGAN:** Thank you.
 13 **MR. LUETKEHANS:** Let's talk about the modeling.
 14 What's the model number again?
 15 **MS. KALLEVIG-CHILDERS:** ISO model.
 16 **MR. LUETKEHANS:** 9613?
 17 **MS. KALLEVIG-CHILDERS:** 9613-2.
 18 **MR. LUETKEHANS:** Okay. You talked about certain
 19 things that you were conservative about -- that the model
 20 was conservative about. One is maximum sound output of the
 21 wind turbine at all times, correct?
 22 **MS. KALLEVIG-CHILDERS:** Correct.
 23 **MR. LUETKEHANS:** Okay. And is that something that
 24 the model does or is that something you have to put in? I

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1 mean, is there a -- let's start -- let's go back up.
 2 Ground attenuation, you can put a 0, a .5 or a 1,
 3 correct?
 4 **MS. KALLEVIG-CHILDERS:** A ground attenuation factor
 5 can be a value between 0 and 1.
 6 **MR. LUETKEHANS:** Okay. And in this case you
 7 decided to make it .5?
 8 **MS. KALLEVIG-CHILDERS:** We used a ground
 9 attenuation of .5.
 10 **MR. LUETKEHANS:** Okay. And is there a range that
 11 you can use for emergency sound output?
 12 **MS. KALLEVIG-CHILDERS:** Yes, we used the maximum
 13 sound output of the turbines.
 14 **MR. LUETKEHANS:** Though that's not my question.
 15 My question is like, ground attenuation, it goes to
 16 0 to 1. Is there a range you can put in for maximum sound
 17 output or is the model always run, historically by everyone,
 18 with the maximum sound output?
 19 **MS. KALLEVIG-CHILDERS:** In my experience over the
 20 last four and a half years, we have run the model using the
 21 maximum sound power output. I don't know if that's been the
 22 case previous to that.
 23 **MR. LUETKEHANS:** Okay. And in those four years,
 24 you've always run the model with receptors downwind,

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1 correct?
 2 **MS. KALLEVIG-CHILDERS:** That's correct.
 3 The model considers that receptors are downwind of
 4 all turbines.
 5 **MR. LUETKEHANS:** Okay. So, that's included in the
 6 model, correct? The ISO 963 -- 96 -- 9613-2, that's
 7 automatically set forth in the model, correct?
 8 **MS. KALLEVIG-CHILDERS:** At this moment, I don't
 9 have the software in front of me. So, I can't recall.
 10 **MR. LUETKEHANS:** Okay. Well, did you run this
 11 model or did someone else?
 12 **MS. KALLEVIG-CHILDERS:** One of my teammates ran
 13 this model. I checked the results of the model and the
 14 outputs.
 15 **MR. LUETKEHANS:** When he ran it, did you check --
 16 did you know, exactly, what different inputs were put in?
 17 **MS. KALLEVIG-CHILDERS:** Yes, because the results
 18 that are output from the model specified all the parameters
 19 of the model in running those results.
 20 **MR. LUETKEHANS:** Okay. And the -- you said
 21 moderate thermal inversion considered. Is there -- is there
 22 something stronger than that, than moderate that could have
 23 been put in the model?
 24 **MS. KALLEVIG-CHILDERS:** In our experience the

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1 factors we used, including temperature and humidity, are
 2 favored to sound propagation and conservative.
 3 **MR. LUETKEHANS:** That's not my question, ma'am.
 4 My question is: Is there something stronger than
 5 moderate thermal inversion that you could have considered?
 6 **MS. KALLEVIG-CHILDERS:** There are a variety of
 7 temperature and humidity thresholds that could be entered
 8 into the model.
 9 **MR. LUETKEHANS:** That would -- that would increase
 10 the sound?
 11 **MS. KALLEVIG-CHILDERS:** I have not run the model in
 12 other weather using other weather parameters. So, I can't
 13 comment on exactly how other inputs would change the outputs
 14 of the model.
 15 **MR. LUETKEHANS:** Well, I understand that you
 16 understand that certain weather and certain types of weather
 17 strength make the sound louder, correct?
 18 Certain types of humidity, certain types of
 19 coolness, whatever it may be, they change the model,
 20 correct?
 21 **MS. KALLEVIG-CHILDERS:** That's true.
 22 **MR. LUETKEHANS:** Okay. Do you know if the sound --
 23 if the humidity or coolness that accentuated the sound to
 24 the absolute nth degree was the one that was used?

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1 **MS. KALLEVIG-CHILDERS:** I'm not able to comment on
 2 that.
 3 **MR. LUETKEHANS:** Okay. So, we don't know if that
 4 was conservative or not.
 5 So, let's go to ground absorption.
 6 **MS. ANTONIOLLI:** Now I move to strike his comment.
 7 **MR. LUETKEHANS:** That's fine.
 8 Ground absorption coefficient. We know you didn't
 9 use the maximum ground attenuation, did you?
 10 **MS. KALLEVIG-CHILDERS:** We did not use 0. We
 11 used .5.
 12 **MR. LUETKEHANS:** Okay. And how about attenuation
 13 from foliage or structures? You took no foliage or
 14 structures into account?
 15 **MS. KALLEVIG-CHILDERS:** No, we don't consider that.
 16 There's anything between the sound source and the receptor
 17 that could absorb or block sound.
 18 **MR. LUETKEHANS:** And that's kind of what's --
 19 that's how the model is set up, correct?
 20 **MS. KALLEVIG-CHILDERS:** That's correct.
 21 We don't add any -- any barriers to sound.
 22 **MR. LUETKEHANS:** Okay. So, every -- so, when
 23 people run the model, it's always run with no foliage,
 24 correct?

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1 **MS. KALLEVIG-CHILDERS:** In the projects I've been
 2 involved with, that's how we run it.
 3 **MR. LUETKEHANS:** Okay. Are you aware of anybody
 4 else who has ever run the model, including foliage?
 5 **MS. KALLEVIG-CHILDERS:** I'm not aware that maybe
 6 other firms will run it in that way.
 7 **MR. LUETKEHANS:** Have you ever seen anybody else
 8 run it that way?
 9 **MS. KALLEVIG-CHILDERS:** I have not.
 10 **MR. LUETKEHANS:** Okay. You also use -- say that
 11 all wind turbines are fully operational, correct?
 12 **MS. KALLEVIG-CHILDERS:** Yes.
 13 **MR. LUETKEHANS:** That's one of the things you use.
 14 When would all turbines not be fully operational?
 15 When one was broken?
 16 **MS. KALLEVIG-CHILDERS:** For a variety of reasons.
 17 When the wind is not blowing all turbines won't be
 18 operational. There is at potential for wind to be blowing
 19 in certain parts of the site and not others. There's times
 20 a turbine might be down for planned maintenance or may have
 21 other mechanical issues or maintenance issues being
 22 addressed.
 23 **MR. LUETKEHANS:** Okay. The model itself, always
 24 includes that all wind turbines are fully operational,

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1 correct? That's not a decision you made, that's what's set
 2 forth in the model?
 3 **MS. KALLEVIG-CHILDERS:** Yes, that's the way we run
 4 the model.
 5 **MR. LUETKEHANS:** Okay. Do you know what the
 6 difference at any testing -- in a test would be if you
 7 changed the 40.9 decibels -- the house at 40.9 decibels from
 8 .5 ground attenuation to 0 ground attenuation would be?
 9 **MS. ANTONIOLLI:** What are you -- can you, please,
 10 clarify your question? What house are you talking about?
 11 **MR. LUETKEHANS:** Okay. Receptor ID 13. Do you
 12 have that?
 13 **MS. KALLEVIG-CHILDERS:** Yes.
 14 **MR. LUETKEHANS:** It's at 1,000 hertz band 40.9,
 15 correct?
 16 **MS. KALLEVIG-CHILDERS:** That's correct.
 17 **MR. LUETKEHANS:** And the maximum under the -- the
 18 maximum allowable under the IPCB regs is 1,000 is 41,
 19 correct?
 20 **MS. KALLEVIG-CHILDERS:** Yes.
 21 **MR. LUETKEHANS:** Okay. If you were to change the
 22 ground attenuation factor, isn't it true that your decibel
 23 levels -- if you change the ground attenuation from 0 or to
 24 .5 to 0 your ground attenuation or your decibel level at the

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1 1,000 hertz level would be something closer to 4.2?
 2 **MS. ANTONIOLLI:** I object. She's already answered
 3 the question that she hasn't run the model at different --
 4 for different parameters.
 5 **MR. LUETKEHANS:** Well, if she knows it, she can --
 6 **MS. ANTONIOLLI:** I still object that she's
 7 already -- she's already stated she's not run the model with
 8 different parameters.
 9 **MR. LUETKEHANS:** If she wants to object she should
 10 object. She should not object and give the answer that she
 11 wants her client to provide, that's inappropriate.
 12 **MS. ANTONIOLLI:** I'm just repeating what she
 13 already said. So...
 14 **MR. LUETKEHANS:** She didn't say it.
 15 Do you have any idea what a change in the ground
 16 attenuation from .5 to 0 would do on that house?
 17 **MS. ANTONIOLLI:** I object. Asked and answered.
 18 **MR. LUETKEHANS:** I'm asking for an answer. She
 19 still hasn't answered the question. Every time we get to a
 20 question she doesn't like the answer to she objects and
 21 tries to hide it.
 22 **CHAIRMAN FINNIGAN:** I guess if you can answer
 23 the question, which -- you go ahead and answer it, but I
 24 think -- not sure you can, but I'm not going to -- I'm not

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1 going to answer it for you.
 2 **MS. KALLEVIG-CHILDERS:** I have not calculated the
 3 predicted sound pressure levels at that residence under a
 4 different ground attenuation factor.
 5 The 0.5 we used we consider to be conservative
 6 already, because it considers half the site to be reflective
 7 and half the site to be absorptive, where in reality most of
 8 the site would be absorptive.
 9 **MR. LUETKEHANS:** Are you aware that at the prior
 10 hearing in this case before this Board Invenenergy used 0 as
 11 their ground attenuation factor?
 12 **CHAIRMAN FINNIGAN:** We're not going to talk
 13 about the last hearing. We also discussed that.
 14 **MR. LUETKEHANS:** Did you listen to Dr. Schomer's
 15 testimony or read the transcript?
 16 **MS. KALLEVIG-CHILDERS:** I read parts of the
 17 transcript.
 18 **MR. LUETKEHANS:** Is the transcript available,
 19 Mr. Dick? Is the transcript from Dr. Schomer's testimony in
 20 this hearing on-line?
 21 **MR. DICK:** It is not. We haven't received it
 22 yet.
 23 **MR. LUETKEHANS:** Thank you.
 24 So, obviously, ma'am, you did not review his

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1 testimony from this hearing.
 2 So, your statement of how he -- of how he testified
 3 comes from where?
 4 **MS. KALLEVIG-CHILDERS:** I read -- it must not have
 5 been -- I apologize. It must not have been his formal
 6 testimony. It must have been notes from the testimony.
 7 **MR. LUETKEHANS:** Well, I will tell you there are no
 8 notes from his testimony that were taken that he provided.
 9 So the question is: Where did you hear or where
 10 did you get those quote notes that I've never seen?
 11 **MS. ANTONIOLLI:** There's audio available.
 12 **MR. LUETKEHANS:** She said she didn't listen to the
 13 audio.
 14 So, I would just ask that counsel instead, just let
 15 her answer the question, instead of trying to coach her.
 16 Again, she said she didn't listen to the audio.
 17 **MS. KALLEVIG-CHILDERS:** I did not listen to the
 18 audio. I read notes, which I assume were taken from the
 19 audio and written down and sent in email format.
 20 **MR. LUETKEHANS:** Okay. And who sent you those
 21 notes?
 22 **MS. KALLEVIG-CHILDERS:** The attorney.
 23 **MR. LUETKEHANS:** Okay. So, you're not -- you have
 24 no firsthand knowledge of how -- what Dr. Schomer actually

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1 testified to, correct?
 2 **MS. KALLEVIG-CHILDERS:** I was not present at that
 3 hearing.
 4 **MR. LUETKEHANS:** Okay. Haven't listened to the
 5 tape? Haven't seen a transcript, correct?
 6 **MS. KALLEVIG-CHILDERS:** That's correct.
 7 **MR. LUETKEHANS:** Okay. Let me ask this question:
 8 You are -- you're taking his testimony as saying that if at
 9 any time at any spike within an hour was above 41 for the
 10 1,000 hertz level at night that it's a violation of the IPCB
 11 regs. That's your kind of assumption presumption when
 12 testifying, correct?
 13 **MS. ANTONIOLLI:** That's a mischaracterization.
 14 **MR. LUETKEHANS:** Let her testify. If I've
 15 mischaracterized she can say it.
 16 **MS. KALLEVIG-CHILDERS:** Could you repeat what
 17 you're asking? I'm not entirely sure what you're asking.
 18 **MR. LUETKEHANS:** Is it your assumption -- is it
 19 your assumption, when you're talking about how Dr. Schomer
 20 failed in his testimony, is it your assumption that he said
 21 that if at any point in that one hour it was above the IPCB
 22 limits that that was a violation?
 23 **MS. KALLEVIG-CHILDERS:** It's not my understanding
 24 from his testimony.

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1 My understanding was that he gave some estimation
 2 that the project would exceed a certain amount of the time.
 3 **MR. LUETKEHANS:** Okay. And what he was talking
 4 about when exceeding a certain amount of time was not a
 5 spike, it was that the project --
 6 **MS. ANTONIOLLI:** I object. He's testifying.
 7 **MR. LUETKEHANS:** I am about to ask her a question.
 8 Can I finish the question and then you can object?
 9 **CHAIRMAN FINNIGAN:** Well, let's get a little
 10 nicer here. We're kind of getting --
 11 **MR. LUETKEHANS:** I would just like to ask my
 12 questions and have them answered without every one of them
 13 being coached.
 14 **CHAIRMAN FINNIGAN:** I don't know what we're
 15 going to do here. I mean, what we did the other night was
 16 just turn the mikes off. We're not talking -- it's going to
 17 come to that, so be nice. Okay.
 18 **MR. LUETKEHANS:** My question, ma'am, is -- could
 19 you read back the question?
 20 THE PREVIOUS QUESTION WAS READ BACK BY THE COURT REPORTER.
 21 **MR. LUETKEHANS:** Okay. If he -- if Dr. Schomer was
 22 testifying that he wasn't concerned about a spike within the
 23 one hour, but that any one hour under his testimony would
 24 exceed the IPCB limits and -- let me strike that.

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1 If Dr. Schomer testified that any -- that if any
 2 one hour exceeded the IPCB limits that would be a violation
 3 of the IPCB regulation; would you agree with that?
 4 **MS. KALLEVIG-CHILDERS:** I would agree that the
 5 measurement procedures indicate that one-hour averages will
 6 be used to determine compliance with the limit.
 7 **MR. LUETKEHANS:** So, if the one-hour average in a
 8 1,000 hertz band at nighttime ended up at 42 instead of
 9 40.9, would you agree that that is a violation of the IPCB
 10 regulations, correct?
 11 **MS. KALLEVIG-CHILDERS:** To make sure I'm
 12 understanding, if the averaged hourly measurement exceeded
 13 the limits set by the IPCB at night then, yes, that would be
 14 a violation.
 15 **MR. LUETKEHANS:** And if it did it once a year, that
 16 would be a violation, correct?
 17 **MS. KALLEVIG-CHILDERS:** Yes.
 18 **MR. LUETKEHANS:** Okay. Have you ever testified --
 19 let me ask you this question: Have you ever run the model
 20 in Illinois before -- before this case?
 21 **MS. ANTONIOLLI:** That's beyond the scope of her
 22 testimony tonight.
 23 **MR. LUETKEHANS:** It goes to whether she knows what
 24 she's doing under Illinois law. It goes to her experience.

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1 **MS. ANTONIOLLI:** I object. She's just testifying
 2 about the DNV-GL model.
 3 **MR. LUETKEHANS:** She's also testified about the
 4 IPCB regs. I didn't have her testify about that, they
 5 started it.
 6 **CHAIRMAN FINNIGAN:** If you can answer the
 7 question, go ahead.
 8 **MS. KALLEVIG-CHILDERS:** I have been involved with
 9 sound modeling in Illinois previously for both wind and
 10 solar energy facilities.
 11 **MR. LUETKEHANS:** Okay. How many times?
 12 **MS. KALLEVIG-CHILDERS:** Two projects previous to
 13 this one.
 14 **MR. LUETKEHANS:** Which projects?
 15 **MS. KALLEVIG-CHILDERS:** The wind project, I don't
 16 recall the name of it, it was two to three years ago.
 17 And then the solar projects were, again, I don't
 18 recall the name. They were solar projects just outside of
 19 Chicago.
 20 **MR. LUETKEHANS:** So, when you said you were
 21 involved, what level of involvement did you have, let's say,
 22 with the wind turbine project?
 23 **MS. KALLEVIG-CHILDERS:** The wind project, I was
 24 reviewer. So, I was part of the project discussion, review

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1 of the input parameters, review of the results, discussion
 2 of the regs and discussion and review of our report.
 3 **MR. LUETKEHANS:** Okay. So, you didn't run the
 4 model in this test in that instance?
 5 **MS. KALLEVIG-CHILDERS:** I did not run the model.
 6 **MR. LUETKEHANS:** Did you testify in that instance?
 7 **MS. KALLEVIG-CHILDERS:** I did not.
 8 Typically, we work as a team. And there are a
 9 number of people, anywhere from three to six, DNV-GL team
 10 members, involved with any sound modeling report and model
 11 run.
 12 **MR. LUETKEHANS:** Because you were so conservative,
 13 you did not include any -- any room for the standard
 14 deviation; is that correct?
 15 **MS. KALLEVIG-CHILDERS:** We modeled using
 16 conservative assumptions and then stated the uncertainty,
 17 which is standard engineering practice. We did not add the
 18 uncertainty to our results. And based on our extensive
 19 experience conducting sound modeling as an organization in
 20 North America and elsewhere and our validation of those
 21 results, we do not feel it was warranted to add additional
 22 uncertainty to our results.
 23 **MR. LUETKEHANS:** Your -- your -- what did you call
 24 it? Your experience? Your wealth of experience as an

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1 organization?

2 I want to know about your experience. I don't care

3 about your organization's experience. I don't get to ask

4 them questions. I want to know about your experience.

5 **MS. ANTONIOLLI:** I object. She already answered

6 the question.

7 **MR. LUETKEHANS:** No, she didn't answer the

8 question, that's the problem.

9 **MS. KALLEVIG-CHILDERS:** What's your question?

10 **MR. LUETKEHANS:** The question is: You did not

11 include the standard deviation, because your model was "so

12 conservative"?

13 **MS. ANTONIOLLI:** She did. That was asked and

14 answered.

15 **MR. LUETKEHANS:** She -- I would ask that she be

16 asked to answer the question.

17 **MS. KALLEVIG-CHILDERS:** So, if you look in our

18 report, throughout our report we describe the assumptions we

19 used and why -- and why they're conservative.

20 We also state the uncertainty of the ISO model, all

21 of this is stated in our report.

22 **MR. LUETKEHANS:** I read your report. That's not my

23 question.

24 My question is: Because they were so conservative,

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1 in your mind, you did not include any margin of error for

2 the standard deviation of plus or minus three; am I correct?

3 **MS. KALLEVIG-CHILDERS:** Based on the extensive

4 experience of my team, not just something that's in my mind,

5 we used conservative assumptions to model results, which are

6 expected, which means the project is expected to operate

7 within the compliance limits. And we did not add an

8 uncertainty to those results.

9 **MR. LUETKEHANS:** Okay. When you -- when you --

10 when you've been involved in testing, how low was -- I mean,

11 at -- at any time was -- was your testing within one decibel

12 of the -- of the projected results any time throughout the

13 history of your testing that you've been involved in?

14 **MS. KALLEVIG-CHILDERS:** The results of the

15 measurement campaign I was most involved with, in most

16 cases, the actual test results were several decibels below

17 the requirements, that the closest they were within a couple

18 of decibels.

19 **MR. LUETKEHANS:** Okay. So, if you add -- if you're

20 two decibels low in the case the 40.9 would be 38.9,

21 correct, if you're off two decibels?

22 **MS. KALLEVIG-CHILDERS:** If we measured and it was

23 two decibels less than that 38.9.

24 **MR. LUETKEHANS:** But the standard deviation is

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1 three, which takes it up to 41.9, correct? If I do my math

2 correct. Did I do the math right there?

3 **MS. KALLEVIG-CHILDERS:** I'm not sure what you're

4 asking.

5 **MR. LUETKEHANS:** The standard deviation in your

6 report is plus or minus three under the model, correct? I

7 didn't come up with that. You just told me.

8 **MS. KALLEVIG-CHILDERS:** That's the uncertainty of

9 the model.

10 **MR. LUETKEHANS:** Okay. And the uncertainty of the

11 testing is often times -- is also plus or minus three,

12 correct?

13 **MS. KALLEVIG-CHILDERS:** No, I didn't state the

14 uncertainty of the testing.

15 **MR. LUETKEHANS:** My question is: Is that true, not

16 whether you stated it, but it's true, isn't it, that the

17 uncertainty of the testing is plus or minus three, as well?

18 **MS. KALLEVIG-CHILDERS:** I don't have that -- that

19 number in front of me, what the test uncertainty is.

20 We tend to use conservative assumptions so that if

21 we measure later the measured values will be less than what

22 we had modeled in order to insure compliance and design a

23 project that's not going to exceed regulatory limits.

24 **MR. LUETKEHANS:** And in order to design a project

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1 which complies with what your client wants it to comply

2 with, correct?

3 **MS. KALLEVIG-CHILDERS:** No.

4 When we model projects and consider regulatory

5 requirements we model projects in order to meet those

6 requirements. It is not in our interest for projects to

7 exceed those requirements and that is not how we approach

8 that modeling.

9 **MR. LUETKEHANS:** Are you familiar with the Cape

10 Bridgewater Study?

11 **MS. KALLEVIG-CHILDERS:** Can you say that name

12 again?

13 **MR. LUETKEHANS:** Cape Bridgewater Study done by

14 Cooper?

15 **MS. ANTONIOLLI:** Again, this is going beyond the

16 scope of her testimony, way beyond.

17 **MR. LUETKEHANS:** No, it's not.

18 The point is: We talked about -- someone asked her

19 about spikes and this relates to the question of spikes.

20 **MS. KALLEVIG-CHILDERS:** I'm not familiar with that

21 study.

22 **MR. LUETKEHANS:** Okay. Are you an acoustician?

23 **MS. KALLEVIG-CHILDERS:** I'm not an acoustician.

24 **MR. LUETKEHANS:** I would ask that her testimony be

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1 stricken as she's not an acoustician.
 2 **MS. ANTONIOLLI:** I object. She has a wealth of
 3 experience, which she has stated for this Board. And she
 4 has already been admitted as an expert.
 5 **MR. LUETKEHANS:** Well, she was admitted as an
 6 expert, subject to cross-examination.
 7 **CHAIRMAN FINNIGAN:** We're going to let her
 8 testimony come in.
 9 **MR. LUETKEHANS:** Okay. The testing that you did,
 10 was it manned or unmanned?
 11 **MS. KALLEVIG-CHILDERS:** Some of it was manned --
 12 some of it was manned and some unmanned.
 13 **MR. LUETKEHANS:** Are you familiar with the IPCB
 14 Regulation as relates to testing and the need for it to be
 15 manned at all times?
 16 **MS. KALLEVIG-CHILDERS:** I was not familiar with
 17 that requirement.
 18 **MR. LUETKEHANS:** So, if they were unmanned and that
 19 is a requirement, those would not comply with the IPCB
 20 rules, correct?
 21 **MS. KALLEVIG-CHILDERS:** I did not do any sound
 22 monitoring in the State of Illinois.
 23 **MR. LUETKEHANS:** Okay. So, the testing you did do
 24 did not adhere to these Illinois procedures; is that what

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1 you're saying?
 2 **MS. KALLEVIG-CHILDERS:** The testing I did not
 3 in Illinois. Therefore, it was not required to be.
 4 The testing I did and the test procedures were
 5 developed along with the State Department of Commerce.
 6 **MR. LUETKEHANS:** But not in Illinois?
 7 **MS. KALLEVIG-CHILDERS:** The testing was not
 8 conducted in Illinois. And I'm not sure about whether
 9 manned versus unmanned, what that has to do with the
 10 measurement being taken.
 11 **MR. LUETKEHANS:** Well, it has to do with the fact
 12 that the measurements would actually be admissible in
 13 Illinois.
 14 **MS. KALLEVIG-CHILDERS:** If we were to do
 15 measurements in Illinois, we would conduct the measurements
 16 in accordance with the state requirements.
 17 **MR. LUETKEHANS:** Correct.
 18 But the measurements that were done were not in
 19 compliance with the state requirements --
 20 **MS. ANTONIOLLI:** Asked and answered.
 21 **MR. LUETKEHANS:** -- correct?
 22 Nothing further.
 23 **CHAIRMAN FINNIGAN:** Would anyone in the audience
 24 have questions?

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1 **MR. TAYLOR:** Travis Taylor, 28686 North 3050 East
 2 Road, Chenoa, Illinois.
 3 **CHAIRMAN FINNIGAN:** Pull it up closer to you.
 4 **MR. TAYLOR:** Have you ever modeled these turbines
 5 before or these blades?
 6 **MS. KALLEVIG-CHILDERS:** Yes.
 7 **MR. TAYLOR:** How many of them are in production
 8 that you've modeled and tested afterward?
 9 **MS. KALLEVIG-CHILDERS:** I don't know that we've
 10 tested a newer turbine model. I don't know that we have
 11 tested any of these afterward at this point.
 12 **MR. TAYLOR:** You -- you have modeled the turbines
 13 with the blades on them before?
 14 **MS. KALLEVIG-CHILDERS:** Yeah, we've modeled this
 15 turbine model a number of times over the past several months
 16 at a variety of project sites.
 17 **MR. TAYLOR:** Okay. How many times has it been
 18 modeled in Illinois?
 19 **MS. KALLEVIG-CHILDERS:** I don't know the answer to
 20 that.
 21 **MR. TAYLOR:** Have you guys done any of them in
 22 Illinois?
 23 **MS. KALLEVIG-CHILDERS:** I don't know that any other
 24 projects we've done in Illinois are using this turbine

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1 model. I don't have it -- I don't have memorized what
 2 turbine we modeled in every project.
 3 **MR. TAYLOR:** Okay. I guess, my only other question
 4 was -- is that you said that your degree's in environmental
 5 science, not necessarily -- does it have a specialty in
 6 sound?
 7 **MS. KALLEVIG-CHILDERS:** My master's degree was an
 8 engineering program produced on renewable energy, assessing
 9 renewable energy projects, wind projects and sound, very
 10 specialized. So, this is something I've been trained
 11 internally at DNV-GL from Mr. Dokouzian, who testified
 12 previously. And it's typical that this is, you know, this
 13 is something that's trained on the job.
 14 **MR. TAYLOR:** So, you don't have any sound degrees
 15 or anything like that?
 16 **MS. KALLEVIG-CHILDERS:** I don't have a degree in
 17 sound, no.
 18 **MR. TAYLOR:** Okay. All right. I think that's all
 19 my questions. Thank you.
 20 **CHAIRMAN FINNIGAN:** Any other questions?
 21 **MR. HANEY:** Darrel Haney, 31631 East 3100 North
 22 Road, Chenoa.
 23 When you were doing these -- the modeling, was that
 24 an A-weighted scale or C-weighted scale?

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1 **MS. KALLEVIG-CHILDERS:** Neither. In Illinois
 2 it's just the decibels at various frequencies.
 3 The A-weighted scale would be A-weighted average of
 4 the various frequencies.
 5 **MR. HANEY:** Understood.
 6 You mentioned a frequency range that you were
 7 monitoring and running the model with. What was that range?
 8 **MS. KALLEVIG-CHILDERS:** So, the requirements
 9 require modeling and compliance at frequencies started at
 10 31.5 hertz up to 8,000 hertz.
 11 **MR. HANEY:** Okay. What does the manufacturer give
 12 you in the way of specs on DB output at those frequencies or
 13 do they use that same frequency range?
 14 **MS. KALLEVIG-CHILDERS:** They do.
 15 They provide specs at each frequency. And then
 16 they provide a broadband specification. So, we put the
 17 specification at each frequency, which are in our report,
 18 into the model.
 19 **MR. HANEY:** So, the manufacturer starts at 315?
 20 **MS. KALLEVIG-CHILDERS:** Yes.
 21 **MR. HANEY:** Do you realize the Illinois Pollution
 22 Control Board is responsible clear down to 20 hertz?
 23 **MS. KALLEVIG-CHILDERS:** In the regulations, I'm
 24 looking at, show compliance requirements from 31.5 to 8,022.

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1 I know that's what the charts show, but that's 23409 where
 2 they start and stop. They start at 20.
 3 **MS. ANTONIOLLI:** I object. I don't know what --
 4 where the foundation is for his testimony.
 5 **CHAIRMAN FINNIGAN:** Has to be a question.
 6 **MR. HANEY:** It was given as earlier testimony by
 7 the sound engineers that were here.
 8 **MS. ANTONIOLLI:** Is that a question? Because you
 9 just gave an answer to your previous question.
 10 **MR. HANEY:** I thought you wanted me to answer a
 11 question and I just did.
 12 **CHAIRMAN FINNIGAN:** You're asking the questions.
 13 So, ask the question that -- if she can answer, she'll
 14 answer it.
 15 **MR. HANEY:** She already answered. She came back to
 16 me with a question.
 17 **CHAIRMAN FINNIGAN:** I don't think so.
 18 **MR. HANEY:** Is what I thought.
 19 **CHAIRMAN FINNIGAN:** Did you ask a question?
 20 **MS. KALLEVIG-CHILDERS:** I don't think so.
 21 **MR. HANEY:** Okay. I misunderstood then.
 22 Have you ever done any modeling using a C-weighted
 23 method?
 24 **MS. ANTONIOLLI:** Objection. Relevance.

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1 **MR. HANEY:** It makes a whole lot of difference,
 2 because the frequencies below, we'll use 315 --
 3 **CHAIRMAN FINNIGAN:** Just answer the question
 4 then.
 5 **MS. KALLEVIG-CHILDERS:** I can't recall. It's
 6 possible that we -- various regulatory requirements are
 7 different in jurisdictions. And so, we -- we model in a
 8 variety of ways.
 9 It's not a requirement in Illinois. So, for the
 10 modeling work we did for this project, we did not do any
 11 modeling on either the C-weighted or the A-weighted scales.
 12 We modeled at the individual frequency levels.
 13 **MR. HANEY:** Okay. Do you -- are you aware of the
 14 problems that seem to be around on all the frequencies
 15 between 0 and 20 hertz?
 16 **MS. KALLEVIG-CHILDERS:** I'm not a health expert.
 17 So, I can't speak to impacts or issues regarding sound at
 18 those frequencies and -- nor was it part of the regulatory
 19 requirement for which we looked at.
 20 **MR. HANEY:** So, you consider the frequencies below
 21 your 315, if you want to use that frequency, are totally
 22 irrelevant?
 23 **MS. ANTONIOLLI:** We are getting beyond the scope
 24 of her testimony and what's required by the Pollution

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1 Control Board rules.
 2 **CHAIRMAN FINNIGAN:** I agree.
 3 **MR. HANEY:** So, The Board doesn't want to hear
 4 about anything below 315 then?
 5 **CHAIRMAN FINNIGAN:** Not if it's not a state
 6 regulation.
 7 **MR. HANEY:** That's where all the problem is with
 8 these big turbines. I'm sorry. I didn't make that up. I
 9 mean, that's -- that's what it is, Jim. I mean, it's all
 10 overall over. I can show you.
 11 **MS. ANTONIOLLI:** Now, we're getting into his
 12 testimony, so I object.
 13 **CHAIRMAN FINNIGAN:** We can get that on a closing
 14 statement, that's what we can do.
 15 **MR. HANEY:** Okay.
 16 **MR. POWELL:** Jeff Powell, 32897 East 2700 North,
 17 Chenoa.
 18 Just a couple questions. In the other
 19 jurisdictions that you've worked in some of your modelings,
 20 do they average several one-hour averages, whether it be
 21 24-hour period or a weekly period?
 22 **MS. KALLEVIG-CHILDERS:** It did depend, but I would
 23 say an average over a 24-hour period would be more likely
 24 than a weekly average.

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1 **MR. POWELL:** Okay. Are you aware that in Illinois
2 that if you go over once in a one-hour that you are out of
3 compliance according to the IPCB Regulations?
4 **MS. KALLEVIG-CHILDERS:** My understanding is that
5 compliance measurements will be averaged over one hour and
6 that those on hourly measurements would be used to compare
7 for purposes of compliance.
8 **MR. POWELL:** So, if -- if you -- if you go over
9 once in one hour, according to the way that I understand
10 IPCB Regulations, are you aware that it can be viewed as
11 being out of compliance?
12 **MS. KALLEVIG-CHILDERS:** As stated by our
13 understanding of the measurement procedures, require one
14 hour averages. And as previously noted, the modeling we do
15 considers worst case scenarios where we expect the project
16 would be operating at its absolute loudest.
17 **MR. POWELL:** Okay. Thank you.
18 **CHAIRMAN FINNIGAN:** Any other questions?
19 I think we're free.
20 Do you have any other witnesses?
21 **MS. ANTONIOLLI:** I do.
22 Before I call -- I have Ms. Chapman, who will just
23 address one or two issues for us, but before I do, I wanted
24 to submit into the record a response to a request we made or

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1 complaints received by the County regarding noise from wind
2 turbines, infrasound from wind turbines, health affects from
3 wind turbines and shadow flicker. And the response was that
4 there were no responsive documents.
5 So, if I -- if I may submit that?
6 **MR. LUETKEHANS:** Objection as to relevance.
7 **MS. ANTONIOLLI:** It is relevant to the fact that
8 there are, you know, this goes to the -- whether there have
9 been any complaints in the County from existing wind
10 turbines to the County.
11 **MR. LUETKEHANS:** I guess I would wonder how that is
12 rebuttal testimony. No one said there were complaints.
13 **MS. ANTONIOLLI:** We heard lots of testimony during
14 public comment about, you know, in other jurisdictions that
15 were here about noise. And so, this is in direct response
16 to that.
17 **MR. LUETKEHANS:** That someone has not complained is
18 now somehow evidence?
19 **MS. ANTONIOLLI:** We heard testimony from Mr. Ted
20 Hartke about his experience in another county. And this
21 addresses the fact that the County itself hasn't received
22 complaints in this County.
23 **MR. LUETKEHANS:** Again, I wonder what the relevance
24 of that is.

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1 **CHAIRMAN FINNIGAN:** I think we already know
2 there's been no complaints, but if you -- if you want to
3 admit it, I don't know that we have a problem with it,
4 but --
5 **MR. LUETKEHANS:** I guess, I'd like to see it first.
6 **CHAIRMAN FINNIGAN:** Sure.
7 **MR. LUETKEHANS:** Same objection.
8 **MR. DICK:** This would be Applicant's Exhibit 21.
9 **MS. ANTONIOLLI:** Okay. Thank you.
10 So, first I'd like to call Ms. Chapman to
11 support -- we move into the record the floodplain map that
12 we submitted earlier that we haven't actually moved into the
13 record and she's here to tell us about what it shows.
14 **CHAIRMAN FINNIGAN:** Ms. Chapman, you're still
15 under oath.
16 **MS. CHAPMAN:** Thank you.
17 This is a map showing turbine locations in relation
18 to floodplains, to answer your previous Board question. I
19 think it's pretty --
20 **MR. LUETKEHANS:** I guess I'd like a foundation on
21 Ms. Chapman's ability to testify to floodplains.
22 **MS. CHAPMAN:** Okay. It's my job to make sure that
23 we are not only in compliance with regulations, but on
24 matters such as floodplains, where we aren't allowed to

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1 intrude on the floodplains, we just have to meet different
2 building standards. We know where the floodplains are and
3 where the wind turbines are in relation to that.
4 **MR. LUETKEHANS:** Same foundation -- same objection
5 as to foundation. She's not an engineer. We have no idea
6 where this came from or where -- whether these are proper
7 floodplain maps.
8 **MS. ANTONIOLLI:** Ms. Chapman, do you want to
9 describe how this was created?
10 **MS. CHAPMAN:** Sure.
11 These are the engineered locations of our turbines.
12 And this is the FEMA -- FEMA GIS file for floodplain areas
13 that was downloaded last month. And the current locations
14 for our project mapped in GIS, Geographic Information
15 Systems, which is a mapping software.
16 **MS. ANTONIOLLI:** Just to remind The Board, there
17 was a request from the Zoning Board itself. We feel that
18 it's relevant and important to include in the materials.
19 **MR. LUETKEHANS:** I'm not objecting as to relevance.
20 I'm objecting as to foundation.
21 **MS. CHAPMAN:** It was created in a mapping
22 software program showing turbine locations in floodplain
23 areas.
24 **CHAIRMAN FINNIGAN:** You're going to testify

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1 mostly as a project engineer -- as a project manager?
 2 **MS. CHAPMAN:** Correct.
 3 I also create GIS maps. So, I can speak to the
 4 software, if you like.
 5 **CHAIRMAN FINNIGAN:** I don't think it's worth
 6 fighting over.
 7 **MR. DICK:** This is entered as Applicant's
 8 Exhibit 15.
 9 **MS. CHAPMAN:** Were there any questions on that?
 10 **MS. TURNER:** I don't have any questions.
 11 I just wanted to see it. I just -- it wasn't -- we
 12 hadn't seen it before.
 13 **MS. CHAPMAN:** Okay. I think the only thing worthy
 14 of noting is that the edge of the turbine foundations are
 15 also outside the floodplain and we're designing to that.
 16 **MS. ANTONIOLLI:** Next Ms. Chapman is going to
 17 address a few things related to the Yates Drainage District
 18 letter.
 19 **MS. CHAPMAN:** So, just as background, we work with
 20 drainage districts across the Midwest. Most of our
 21 experience is in the Midwest. Maintaining water flow, not
 22 only keeps neighbors happy, it keeps our project operating
 23 smoothly. So, this is also of concern to us. And we're
 24 looking forward to working with the Yates Drainage District.

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1 I wanted to quickly go through their
 2 recommendations, just quickly. We have no issue installing
 3 markers and working with them to make sure that those
 4 markers will stay put and that they're cleared up for their
 5 purposes.
 6 We have no problem boring eight feet below the
 7 bottom of the ditch between turbines 101 and 167. We can
 8 definitely avoid disturbing the banks of those ditches. And
 9 we can also, certainly, keep those drainage districts, not
 10 just Yates, but also the Golden Rule and the other drainage
 11 districts in that area, fully in the loop when we're in
 12 construction.
 13 The only thing we would respectfully request is
 14 that The Board not consider the setback from the ditches as
 15 a permit requirement. We work pretty hard on our storm
 16 water prevention plan, storm water plan, and also on our
 17 design to make sure that we're not impeding water flow in
 18 any way or jeopardizing the integrity of those ditches.
 19 I think that's -- that's it. Thank you.
 20 **MS. ANTONIOLLI:** That's all.
 21 **CHAIRMAN FINNIGAN:** Any questions?
 22 **MR. DEAN:** Can you tell us what the distance is
 23 from 101 and 167 from the actual ditch, as well as the berm?
 24 **MS. CHAPMAN:** Yeah.

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1 So, turbine 101, I just have the edge of the
 2 foundation, so I'm just going to give you that. 101 is
 3 going from the -- from the berm is going to be something
 4 like 340 feet from Rooks Creek.
 5 **MR. DEAN:** Okay. What about 167?
 6 **MS. CHAPMAN:** 167 is going to be 50 or more, not --
 7 not to the -- not to the berm, that's going to be from --
 8 from the edge of the disturbance on the foundation
 9 construction to the edge of the berm.
 10 **MR. DEAN:** Okay. Thank you.
 11 **MS. TURNER:** Did you say 50? Five oh?
 12 **MS. CHAPMAN:** I said -- sorry. That is 70.
 13 **CHAIRMAN FINNIGAN:** You say that's the outside
 14 edge of the foundation?
 15 **MS. CHAPMAN:** Yeah.
 16 **CHAIRMAN FINNIGAN:** So, how much -- how far is
 17 that to the center of the turbine?
 18 **MS. CHAPMAN:** It would be a 40-foot difference.
 19 **CHAIRMAN FINNIGAN:** So, in other words, 110 feet
 20 from the center of turbine?
 21 **MS. TAYLOR:** From the center of turbines to what
 22 exactly, again?
 23 **MS. CHAPMAN:** So, to -- to the edge of the creek --
 24 to the edge of -- to the center of the turbines to the edge

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1 of the creek is going to be 70, plus 40, so 110. And that's
 2 the edge of the berm, not the creek. Sorry, misspoke. So,
 3 the edge of the slope of that ditch.
 4 **CHAIRMAN FINNIGAN:** You're talking the top edge of
 5 the spoil pile?
 6 **MS. CHAPMAN:** Yeah.
 7 **CHAIRMAN FINNIGAN:** Yeah.
 8 **MR. DEAN:** Okay. Help us understand what is the
 9 risk of this 167 blowing over and blocking the water flow?
 10 **MS. CHAPMAN:** Incredibly low.
 11 We not only design our foundations individually
 12 after doing pretty advanced soil studies for each foundation
 13 location, we also maintain our turbines and do weekly
 14 inspections to make sure that there is nothing threatening
 15 the integrity of that foundation.
 16 **MR. DEAN:** Okay. And you're pretty confident
 17 you're telling us you can build it 110 feet and not
 18 interfere with the ditch?
 19 **MS. CHAPMAN:** Correct. And it's -- yes. Correct.
 20 **MR. DEAN:** What would be the problem with moving
 21 that back?
 22 **MS. CHAPMAN:** We're trying to maximize distance
 23 from a residence.
 24 **MR. DEAN:** Okay. Thank you.

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1 **CHAIRMAN FINNIGAN:** Do you have any questions,
 2 Mr. Luetkehans?
 3 **MR. LUETKEHANS:** Yeah.
 4 Have you ever had a blade or part of a blade fall
 5 off?
 6 **MS. CHAPMAN:** I have never been on a project where
 7 that has happened.
 8 **MR. LUETKEHANS:** Are you aware of any project done
 9 by DNV-GL where that has occurred?
 10 **MS. CHAPMAN:** That is a better question for
 11 operations people.
 12 I am not -- I don't know of a project that has had
 13 a blade fall off.
 14 **MR. LUETKEHANS:** How about a portion fall off?
 15 **MS. CHAPMAN:** I'm not aware of a portion of a
 16 blade -- a project that has had a portion of a blade fall
 17 off.
 18 **MR. LUETKEHANS:** Okay. But you're not sure if
 19 that's happened or not happened?
 20 **MS. CHAPMAN:** Correct.
 21 That's a pretty major event though.
 22 **CHAIRMAN FINNIGAN:** Any other questions? Come
 23 on up. You guys got to take turns though.
 24 **MR. HANEY:** Darrel Haney, 31631 East 3100 North

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1 Road, Chenoa.
 2 Speaking on behalf of Yates Drainage, we drew up a
 3 letter with our lawyer stating, specifically, what we wanted
 4 for a distance. And the Zoning Board is not in charge of
 5 telling us what that is. And it says, distinctly, the
 6 height of the turbine, which is 548 feet from the spoil
 7 bank. So, you cannot have either one of these anywhere's
 8 near it. Period. There's no room for discussion.
 9 **MS. CHAPMAN:** Hey, Darrel. I think that for
 10 your letter, in speaking to your lawyer, we're not able to
 11 find the basis for that setback. We're not able to find --
 12 **MR. HANEY:** What do you think he just got through
 13 asking?
 14 **MS. CHAPMAN:** Well, so --
 15 **MR. HANEY:** It has happened. I've seen pictures of
 16 it. I'm sorry.
 17 **MS. CHAPMAN:** Okay. What is your question?
 18 **MR. HANEY:** I didn't ask a question. I said what's
 19 in that letter written by our lawyer and signed by all three
 20 commissioners says it has to be 548 feet back, because --
 21 that's the sides of the turbine to the tip of the blade.
 22 There's no iff and/or buts about it.
 23 The Zoning Board doesn't tell us, as a drainage
 24 district, where you can put your turbine. You have to be

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1 back that far.
 2 And if it can't be done, then guess what? You got
 3 to pull the turbine. It's simple as that.
 4 **CHAIRMAN FINNIGAN:** You're testifying. I don't
 5 know what the rule is, honestly. So, I think that's
 6 something that is going to have to be determined later.
 7 **MR. HANEY:** By who?
 8 **CHAIRMAN FINNIGAN:** Not by me.
 9 **MR. HANEY:** I mean --
 10 **MS. CHAPMAN:** If I may, Mr. Haney, we need to,
 11 actually, find some kind of an easement for you, which we've
 12 been unable to do so far.
 13 My understanding from your lawyer is that your
 14 jurisdiction is, specifically, to that ditch and so as far
 15 as maintaining water flow. I think we can pretty easily
 16 address your concerns for our storm water plan and through
 17 our engineering of the foundation and placement of the
 18 turbines.
 19 But as far as -- as far as dictating what a
 20 neighbor landowner does on their land, I think, that is my
 21 understanding, is that's beyond your jurisdiction. And I,
 22 again, I'm not a lawyer and so, if you want to strike get
 23 ahead.
 24 **MR. HANEY:** We have an easement that's been effect

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1 since 1916 and that's -- that's what it is.
 2 **MS. ANTONIOLLI:** And he's testifying. And I don't
 3 see a question in that statement.
 4 **MR. HANEY:** I am defending our drainage district
 5 that -- so you don't put a dang-gone turbine 100 feet away
 6 from the edge of the ditch. And -- and the other one is 340
 7 some feet. It's too close. Period.
 8 **CHAIRMAN FINNIGAN:** That's noted. So...
 9 **MR. HANEY:** Okay.
 10 **CHAIRMAN FINNIGAN:** Let them -- if you got other
 11 questions, go ahead and ask.
 12 **MR. HANEY:** No, I do not.
 13 **CHAIRMAN FINNIGAN:** Okay. Thank you.
 14 **MR. HANEY:** Thank you.
 15 **MS. CHAPMAN:** Right.
 16 And as far as the top of the ditch and that
 17 measurement, we could use a hand from the, maybe the
 18 director of building and zoning, to figure out where the top
 19 of that ditch is. We're measure --
 20 **MR. LUETKEHANS:** Objection. No question pending.
 21 **MS. CHAPMAN:** Okay. Sorry.
 22 **CHAIRMAN FINNIGAN:** You can answer whatever you
 23 put in there. I mean, it was a question that we asked.
 24 Actually, a question Mr. Haney asked.

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1 **MS. CHAPMAN:** Okay.

2 **MR. TAYLOR:** I don't think I have that intensive

3 questions, but Travis Taylor, again.

4 How wide are the bases of these turbines that

5 you're taking about? Because you said that the center -- it

6 was an additional 40 feet. So, does that mean the base is

7 80 feet?

8 **MS. CHAPMAN:** Yeah, at it's widest point. Yeah.

9 **MR. TAYLOR:** Okay. And you're saying, because it's

10 like another 120 feet to the estimated bank; is that what

11 you're saying?

12 **MS. CHAPMAN:** Yeah, the bank is where it gets

13 squishy, because we're having a hard -- yeah.

14 **MR. TAYLOR:** Do you guys know yet how deep the

15 foundations are going?

16 **MS. CHAPMAN:** Maximum 12 feet.

17 **MR. TAYLOR:** Maximum of 12 feet. Okay.

18 I've worked around dirt for a very long time and if

19 you --

20 **CHAIRMAN FINNIGAN:** Got to be a question.

21 **MR. TAYLOR:** It is a question.

22 Do you know how far, when you dig that much dirt,

23 you're going to disrupt soil away from it to go down 12 feet

24 80 feet wide?

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1 **MS. CHAPMAN:** That is why we do geo-technical

2 analysis.

3 **MR. TAYLOR:** So, there's a map for each turbine

4 where that soil is going to end up going?

5 **MS. CHAPMAN:** There's -- I couldn't say that there

6 is a map. I think that is a mischaracterization, but

7 certainly, the type of soil, the density of the soil, the

8 location of our infrastructure, yes, for sure.

9 **MR. TAYLOR:** Is there going to be somebody onsite

10 to make sure they're not going in the direction that they

11 shouldn't be?

12 **MS. CHAPMAN:** We have someone onsite to make sure

13 that our contractor is doing what they're supposed to,

14 absolutely.

15 **MR. TAYLOR:** Okay. Do you think that, because I

16 was thinking 80 feet wide, and these turbines blades are

17 pretty long, that the sweep of turbine being over the

18 ditches or other things could change the water flow, because

19 when it takes the water with it or do they stop when it's

20 raining or would the drip edge from the -- because maybe

21 water goes different ways?

22 **MS. CHAPMAN:** I'm not sure I understand what --

23 you're talking about. The foundation?

24 **MR. TAYLOR:** No. I'm talking about the whole

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1 turbine as it sits -- like, my house, when the roof comes

2 and my gutter doesn't work, I get a divot in the ground or

3 divot on the ground where it changes -- get water deflected

4 on it. Is it going to change where it drops?

5 **MS. CHAPMAN:** So, all of that is what a storm

6 water plan is for.

7 **MR. TAYLOR:** Okay. We were talking about the ditch

8 and the drainage and the water. So, I just was curious if

9 it was going to change that, since it's hanging out over it.

10 **MS. CHAPMAN:** As far as how the turbine

11 interacts with the rain, that's really over my head.

12 I think that the point of the storm water plan is

13 to make sure that we know where water is flowing from the

14 project; and also that we know how we're controlling for

15 sediment, for water flow, all of that, maintain the -- our

16 infrastructure and also everyone else's.

17 **MR. TAYLOR:** Okay. So, you don't -- I mean, long

18 story short: You don't know what the specific turbine is

19 going to do?

20 **MS. CHAPMAN:** It's two-fold. And the first is

21 geo-tech in our design. And the second one is that our

22 storm water plan is designed for that.

23 **MR. TAYLOR:** Okay. Thanks. That's all my

24 questions for you today.

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1 Is there any extras of these maps?

2 **MS. CHAPMAN:** I can get you one. Yeah.

3 **MR. TAYLOR:** Okay. Okay. Thank you. Thank you.

4 **CHAIRMAN FINNIGAN:** Thank you.

5 Any other questions?

6 (No response.)

7 **CHAIRMAN FINNIGAN:** Looks like that's that. Thank

8 you.

9 **MS. CHAPMAN:** Thank you.

10 **CHAIRMAN FINNIGAN:** Do you have any anything

11 else? So, does that --

12 **MS. ANTONIOLLI:** No, I don't.

13 **CHAIRMAN FINNIGAN:** Does that mean you're

14 resting?

15 Okay. Mr. Luetkehans?

16 **MR. LUETKEHANS:** Nothing further.

17 **CHAIRMAN FINNIGAN:** Wow! Would anyone in the

18 audience have any rebuttal they want to bring forward?

19 (No response.)

20 **CHAIRMAN FINNIGAN:** So, I think we're into closing

21 statements. And I think you would be first.

22 **MS. ANTONIOLLI:** Okay.

23 **CHAIRMAN FINNIGAN:** We'll take a break first.

24 Ten minutes.

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1 (Recess.)
 2 **CHAIRMAN FINNIGAN:** Just for clarification, we're
 3 going to do closing statements. Everybody has ten minutes
 4 for closing statements. You can use it or not use it. If
 5 you want to come up -- that will be the same for the
 6 Applicant and Opposition. Everybody -- everybody gets the
 7 same amount of time, ten minutes. So, let's hold it to
 8 that. I think that's adequate. So, you're first.
 9 **MS. ANTONIOLLI:** Okay. And can I submit a written
 10 closing statement, so I can keep my comments briefer?
 11 **MR. DICK:** Applicant's Exhibit.
 12 **MS. ANTONIOLLI:** Okay. So, on behalf of the
 13 Applicant, I'd like to start by thanking the members of the
 14 Zoning Board, staff, all of the experts and everyone who
 15 participated in this rigorous process.
 16 We urge the Zoning Board to recommend granting the
 17 Lexington Wind Farm Application for special use permit.
 18 First and foremost, the application meets every
 19 standard in the McLean County Special Use Zoning Ordinance
 20 and the Board's New Use Ordinance applicable to wind energy
 21 conversion systems. And I've explained in my written
 22 statement how the application meets each of these standards.
 23 So I'd like to spend some time highlighting a few key areas
 24 for your consideration.

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1 First, we've heard from members of the public
 2 concerned about wildlife. And on this point EDPR has agreed
 3 to undertake much needed studies to address recognized gaps
 4 in data and research on the effect of wind turbines.
 5 IDNR has made six recommendations regarding
 6 wildlife. And EDPR has -- has indicated that it's satisfied
 7 four of those.
 8 On the remaining two recommendations, EDPR has
 9 worked with IDNR to arrive at reasonable modifications that
 10 will result in an adaptive management plan to address bats
 11 and pre and post construction studies to evaluate whether
 12 there are impact -- any impacts on aquatic species from wind
 13 turbines.
 14 EDPR has presented credible evidence on these
 15 proposed modifications, arguably persuasive evidence, in
 16 support of those modifications.
 17 We heard from members of the public who are
 18 concerned about the potential effect of the use and
 19 enjoyment of their property. And we hear those concerns,
 20 but the evidence shows that the project will meet all of the
 21 County's requirements and more.
 22 The County has carefully crafted its zoning and use
 23 guidelines. And the project design meets all the setback
 24 requirements, the sound limits and other requirements of the

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1 ordinances. It meets industry standards for shadow, flicker
 2 and the requirements of the Agricultural Impact Mitigation
 3 Agreement, which go above and beyond the County ordinance to
 4 ensure the highest level of protection for landowners.
 5 We heard suggestions from several people that this
 6 Zoning Board should, in fact, adopt a more stringent noise
 7 limit for this project than is required by the WECS
 8 Ordinance, but this Board has already considered and
 9 rejected the proposed standard -- the standards proposed by
 10 Dr. Schomer when it adopted the WECS Ordinance.
 11 The -- the thing about zoning is that it is
 12 perceived subjectively. The IPCB has adopted standards to
 13 take away that subjectivity and the County has adopted those
 14 standards.
 15 The IPCB limits were adopted to protect human
 16 health and welfare. And they go -- they're more than a
 17 protection against a nuisance, which is a standard based on
 18 what a reasonable person perceives. They're based on the
 19 protection of human health.
 20 EDPR has met the IPCB limits and in doing so, has
 21 addressed the standards of a reasonable person.
 22 We listened to Opponent's attempts to argue that
 23 wind turbines would diminish property values, but they did
 24 not provide any site specific information.

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1 EDPR has presented a snapshot of home sales before
 2 and after the construction of the Twin Groves Wind Farm and
 3 it's simple before and after comparison of nonparticipating
 4 landowner home sales through actual market transactions to
 5 show that there is no evidence of property value impacts
 6 near the Twin Groves Project and there won't be near the
 7 Bright Stalk Project either, that is actual data about the
 8 immediate area.
 9 So, Opponent then tried to discount the 2009
 10 Lawrence Berkley National Lab Study, which concludes there's
 11 no evidence of residential property value impacts near wind
 12 turbines. And even attempted to discount a 2013 more robust
 13 study by the same group, finding the same thing. But even
 14 despite the findings of those studies, which actually
 15 support EDPR's conclusions on those issues, even those
 16 studies don't directly address McLean County information.
 17 And that's what EDPR has presented here, is real information
 18 about the immediate area.
 19 Importantly, we heard from members of this
 20 community, who work on wind turbines in this county.
 21 **MR. LUETKEHANS:** Objection. I don't really want
 22 to. This is completely irrelevant. Taxes, financial
 23 information is not one of the standards. Completely
 24 unrelated.

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1 **MS. ANTONIOLLI:** This is my closing statement.
 2 **CHAIRMAN FINNIGAN:** This is closing statement.
 3 She can put anything in that she wants.
 4 **MS. ANTONIOLLI:** And these members of the
 5 community and employees of the EDPR fully support the
 6 company and the Bright Stalk Project. These employees and
 7 community members enjoy the social and economic benefits
 8 that the Twin Groves Project brings to the County, which
 9 include construction jobs, long-term operation and
 10 maintenance jobs, the indirect benefits of local spending
 11 and increased tax revenues for local schools and
 12 governments.
 13 The Bright Stalk Project will bring more of these
 14 same social and economic benefits to McLean County. So what
 15 EDPR brings to the table with this application is a
 16 late-stage project. EDPR has listened to the community and
 17 incorporated the results of stakeholder feedback and they
 18 bring you the results of that with this project.
 19 This is a late-stage project design that shows you,
 20 not just where turbines and access roads will be located,
 21 but also permanent towers, collection lines and an advance
 22 stage project layout so that we can sit down and talk about
 23 details and not just hypotheticals.
 24 Without a doubt, this Applicant has demonstrated

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1 throughout this process that every member of their team is
 2 willing to listen to the community and incorporate
 3 stakeholder feedback.
 4 EDPR Renewable has a long track record of building
 5 long-term partnerships with local, state and federal
 6 agencies with participating and nonparticipating landowners,
 7 with community leaders and interested parties and will
 8 continue to do so during the development, construction and
 9 operating stages of this facility.
 10 So, for all those reasons I urge you to recommend
 11 granting the Lexington-Chenova Special Use Permit
 12 Application.
 13 Again, we thank the Zoning Board for their
 14 participation and opportunity to present the details of our
 15 application.
 16 **CHAIRMAN FINNIGAN:** Thank you.
 17 Mr. Luetkehans?
 18 **MR. LUETKEHANS:** First of all, thanks for your
 19 time, I appreciate it and as do my clients.
 20 As was made -- statement made earlier that the
 21 burden of proof is on the Applicant. I don't have to prove
 22 anything. The objectors don't have to prove anything.
 23 The question is whether the Applicant met its
 24 burden of proof as it relates to each and every standard.

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1 I'll talk about four of the standards real quick.
 2 One is the proposed use will not be detrimental to or
 3 endanger the health, safety, morals, comfort or welfare of
 4 the public. Invenegy has completely failed to provide you
 5 with any medical or scientific evidence that these do not
 6 cause health problems or cause people to be highly annoyed.
 7 That's their burden, they failed to meet it.
 8 On the other hand, Dr. Punch provided compelling
 9 testimony to show there are real health concerns with these
 10 types of projects. That evidence was not disputed in any
 11 way.
 12 This is not a numbers game. If only a few people
 13 get hurt or are bothered then we should not be worried about
 14 it. If it puts one person at risk, one child at risk, one
 15 elderly person at risk, this should be denied. And they
 16 have not met their burden to show that the project will not
 17 do that.
 18 I don't want to focus on Mr. Hartke's testimony
 19 very long. I know it's kind of easy to write him off as
 20 zealous. He's clearly passionate. He's -- clearly, this is
 21 an issue that's very passionate to him, but there's a few
 22 things that are clearly true. The guy didn't move out of
 23 his house for nothing. It wasn't -- that wasn't what he
 24 intended to do. He was pro wind. He was forced to move out

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1 of his house, because it was unbearable -- unbearable.
 2 This is not about whether wind energy is good. I
 3 think wind energy is great. I just don't think it should be
 4 put this close to homes, nor do my clients, that's the
 5 problem. It's not whether wind energy should be in
 6 existence. We need -- I have no problem with it. That's a
 7 cultural decision, a financial decision that's made by our
 8 government. But the reality of it is, that's not what
 9 you're here to talk about.
 10 You're not here to talk about jobs. You're not
 11 here to talk about taxes. Those are completely irrelevant
 12 to the seven standards. If anybody can find them in here, I
 13 would be happy to listen, but it's completely, completely
 14 irrelevant.
 15 Standard two talks about the diminution of property
 16 value. Again, EDPR failed to meet the standard. The clerk
 17 provided you no evidence of nearby property values, not one
 18 iota of evidence. What he showed you is that two houses
 19 somewhere within five miles, probably closest to five miles,
 20 because he knows they weren't within one or two, two houses
 21 gained value, one percent or two percent a year five miles
 22 away. That's not the question. I have no doubt that five
 23 miles a way there's no diminution of value, none whatsoever.
 24 What happens in a half mile? What happens at

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1 1600 feet? You're going to tell me that that guy staring at
 2 that for 1600 feet doesn't have a diminution of value? Oh,
 3 okay. We're going to -- we're going to say Kielisch's
 4 testimony doesn't matter, because it's not McLean County.
 5 They had years to prepare someone to actually tell you what
 6 was going to happen in McLean County, they didn't.
 7 Years. They've been putting this project together
 8 forever. We had three weeks. Kielisch has told you exactly
 9 what happens to these 12 to 25 percent diminution of value.
 10 You could say: Well, that's not McLean County. What's the
 11 difference between McLean County and Ogle County or anywhere
 12 in Wisconsin as it relates to property values? Is McLean
 13 somehow special? That's ludicrous, absolutely ludicrous.
 14 It happens or it doesn't happen. It wasn't just one
 15 community he found it at. He found it in numerous
 16 communities throughout the Midwest.
 17 Real life studies. If they wanted to prove that
 18 there was no diminution of value they should have done a
 19 real study, a parent study, the clerk does them all the
 20 time. He admitted I had him do it. I've seen him do it.
 21 He just didn't do it, because one, he was either too lazy;
 22 or two, they didn't want the answers, because they knew the
 23 answers.
 24 He came in here telling you that there is an

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1 increase in value next to -- next to wind turbines, a mile
 2 away. When we cross-examined him he said he had no idea.
 3 At the end he said he has no idea what it does to property
 4 values, none whatsoever. All he know is that somewhere
 5 between five miles and two whole houses increased in value.
 6 That's not meeting the burden of proof. They have to show
 7 no diminution of value. They failed miserably.
 8 Standard three: Will not impede the orderly
 9 development of surrounding properties. Again, failed to do
 10 that. If this is diminishing property values, that clearly
 11 impedes the development of surrounding properties.
 12 Standard seven: Proposed special use conforms to
 13 the regulations of the district.
 14 Again, they failed to meet the burden of proof.
 15 You have no idea what the measurements are on this
 16 properties -- on these properties. What we know is the
 17 center of the house is below 41.0 at night on 1,000 hertz
 18 level. I don't know if the edge of the house is under 41.0.
 19 In fact, I'm pretty sure, given the testimony, that that
 20 house, the 40.9, when measured at the edge of the house,
 21 because we talked -- we heard them say at 50 feet there
 22 could be a .3 decibel difference. The foundation of this
 23 house is over 40.9. They say: Oh, we were doing
 24 conservative. They weren't conservative, they used a model.

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1 They didn't add anything to the model. She had no idea what
 2 they added to the model, what they changed.
 3 What we do know is the most conservative
 4 calculation they could have used for ground attenuation they
 5 completely refused to use and then go: But we use
 6 conservative numbers all the way around, so we don't have to
 7 worry about the deviation. We don't have to worry about the
 8 inconsistencies in the model.
 9 They have never -- there's no evidence that
 10 anything -- any wind turbines of this type or any others in
 11 this record were validated as being lower or low enough to
 12 match the possible standard deviation in the model.
 13 We have no idea what went into the model, just like
 14 we have no idea what went into the decommissioning study.
 15 Decommissioning study is not a standard, but it's
 16 something you should be using to protect this County. The
 17 County should be requiring it. What did you hear from him?
 18 It was a black box theory. We put a bunch stuff in. I
 19 don't know what he put in. I don't know what the -- I
 20 don't -- he didn't know what CA6 was. Anybody who's ever
 21 seen a construction site knows what coarse aggregate is.
 22 Mr. O'Brien, and I don't think he's here tonight,
 23 was very kind enough to tell us exactly what he uses. He
 24 uses it every day. But the engineer they're asking to do

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1 the decommissioning study doesn't know what it is? Doesn't
 2 know what the cost to haul it is? Doesn't know how much you
 3 can scrap it for? I'm a darn lawyer for a construction
 4 company and I know that.
 5 What we know from the decommissioning standard is
 6 the guy who did the study had no real-world experience.
 7 We heard Mr. Jolly. All Mr. Jolly had to do was
 8 call the scrap yards and find out that the numbers he used
 9 were woefully inadequate. It's not going to stop this
 10 project if you don't hold the decommissioning numbers, but
 11 what you should do and you have the right to do and the
 12 County has the right to do is hire an independent to make
 13 sure this County is protected.
 14 Right now you're not protecting the County. These
 15 things are -- that decommissioning study is the number.
 16 These things are going to be sitting there 35 years from now
 17 and not be replaced, not be taken down, because there's not
 18 going to be the money for it.
 19 There is no way that decommissioning study gives
 20 you any information worthwhile. We couldn't -- there's no
 21 way -- every question we asked: I don't know. I don't
 22 know. I don't know. How do you rate -- how do you decide
 23 whether that decommissioning study was worth anything? You
 24 have no ability to do that. They didn't give you that.

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1 That's what they've been doing. They said: Hey, guess
 2 what? We're willing to work with you. That's the answer to
 3 everything: We're willing to work with you. That's not a
 4 guarantee. That gives you no security whatsoever.
 5 Decommissioning gives you no security on anything.
 6 You need to follow -- you should follow the IDNR
 7 recommendations as it relates to recommendation two and six.
 8 The IDNR is an independent agency. Excuse me.
 9 They have provided you what their recommendation -- the ones
 10 that EDPR pushed back on and the IDNR thought were maybe too
 11 much, they gave in. What they didn't do is give in on two
 12 and six. The people who are the experts, the independent
 13 experts, are asking you to follow recommendations two and
 14 six. And I would ask that you do that.
 15 In sum, EDPR did not do their job. They failed to
 16 meet the standards.
 17 And their closing argument, I'll go through it real
 18 quick, you know. They -- they admit they have -- haven't
 19 got the standards, because here's what they were relying on:
 20 The health -- the McLean County Zoning Board of Appeals gave
 21 great consideration to the health impacts of wind farms
 22 before recommending approval of the WECS Ordinance in 2016.
 23 That's what they're relying on? Testimony two years ago
 24 that we have no right to cross-examine, that we don't know

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1 if it's still valid.
 2 Same thing with the land study. If they had, you
 3 know, if it was me, you would be -- you would be going to do
 4 a land study. What did they do? They submitted a land plan
 5 study from 2008 from a guy who said they didn't have
 6 authority to do it and he's not here to cross-examine on.
 7 The Berkley Study was not introduced into evidence.
 8 If they wanted the Berkley Study introduced into evidence
 9 they should have.
 10 The Berkley study says a lot more than what
 11 Ms. Antonioli said. And we had no right to cross-examine.
 12 I know I'm done, but you cannot rely on a study
 13 that -- who knows what it says. I know what it says,
 14 because I read it, but you don't have that opportunity. I
 15 will just -- I know I'm done.
 16 **CHAIRMAN FINNIGAN:** Thank you.
 17 **MR. LUETKEHANS:** Let me just say in closing: I ask
 18 that you deny the request.
 19 I also have a memorandum of law in reply on the
 20 legal issue of where you measure. And I would submit that
 21 at this time as well, like Ms. Antonioli did for her
 22 closing argument.
 23 **CHAIRMAN FINNIGAN:** Thank you.
 24 I guess it's time -- anybody in the audience wants

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1 to make a closing statement?
 2 **MS. ANTONIOLLI:** I would only say that
 3 Mr. Luetkehans failed to submit the -- this memorandum
 4 during their opportunity for rebuttal. And at this point
 5 that opportunity has passed. So, I would object to its
 6 being entered into the record.
 7 **MR. LUETKEHANS:** This is a legal memo. It is not a
 8 factual memo.
 9 Rebuttal testimony is facts. This is nothing more
 10 than what the law is. I could have done it in closing
 11 argument. She could have given her whole closing in that
 12 way, but she refused to.
 13 **CHAIRMAN FINNIGAN:** We'll let it come in. That's
 14 fine.
 15 Do you have a number on that?
 16 **MR. LUETKEHANS:** 26.
 17 **CHAIRMAN FINNIGAN:** Thank you.
 18 **MR. DICK:** SLG 26.
 19 **CHAIRMAN FINNIGAN:** I guess we're at the point --
 20 anyone in the audience want to give a closing statement? If
 21 you do, you had to have testified earlier. Anybody that's
 22 testified is eligible for a closing statement. So, if you
 23 want to come, you know, pretty sure we know who testified.
 24 **MR. TAYLOR:** Not going to be at pretty as last

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1 time, lot more scribbles on the paper.
 2 Travis Taylor. You need my address again? Yes?
 3 No. Okay.
 4 It's not quite as pretty as last time, but I'll get
 5 through my main ideas.
 6 It there anything my need to start with in
 7 particular?
 8 As my wife and I were discussing me coming tonight,
 9 we decided, you know, the other night we were discussing at
 10 dinner how -- how this could affect our everyday life. And
 11 my wife is expecting on our second child here shortly. We
 12 were discussing how we could have a rainy morning, that we
 13 wake up, go down to our basement, check it, see that there's
 14 water in it, about that time the storm caused the power to
 15 go out, sump pump doesn't work and water is pouring in our
 16 basement, because you know, the field tile outside was just
 17 broke the previous day by the bulldozer putting in a road
 18 and I don't have power to pump any water out. And while
 19 they were using the vibratory plow to put in their cable,
 20 five feet deep outside, they vibrated the walls of my well
 21 and caused it to collapse. So, we don't have any water as
 22 well. And when we decide to call for help, the crane that
 23 they just crossed our path with happened to intercept with
 24 our cell phone tower service. So, we couldn't really call

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1 for help. So, we go to the internet, which is also radio
 2 frequency that they put a tower up and blocked, can't watch
 3 TV. We don't have power or anything. Anyway, so that goes
 4 out the window.
 5 Oh, so we decide we'll just leave, because our
 6 water breaks, you know. And she's pregnant and nine months
 7 along, not quite yet, but maybe by then. And we go to the
 8 road, and it's rainy and muddy, and all the time the wind
 9 turbine's going out to where the cranes are stuck on the
 10 road, because they can't make the turn without going into
 11 the field. So, we can't even leave our house. And if we
 12 wanted to call, we can't, our cell phones still don't work.
 13 So, at that point in time we're reevaluating a few things on
 14 how it might change our life. But this is, of course, worst
 15 case scenario and we all hope that that doesn't happen.
 16 I do think that a few of the studies that were
 17 presented could have had some more nonobjective views to
 18 them and maybe some completely independent research could be
 19 done.
 20 We also discussed how the biggest towers that have
 21 ever been put in McLean County are going to go in. And they
 22 don't even have complete research on how they're going to
 23 affect our life after they're built, because they haven't
 24 been built yet with bad deterrent devices that also have not

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1 been tested. I think these are some of our biggest
 2 concerns, not to mention that we're going to have 11 or 12
 3 turbines within a mile of our house where the nature
 4 preserve at Weston needs a mile setback.
 5 I think just even a setback of a half mile to
 6 prevent the three closest, where we'll have two hours of
 7 shadow on our house a day, not to mention our yard, which
 8 just this weekend, when it was nice, I spent seven or eight
 9 hours in the yard working to keep it looking nice.
 10 I would also like to ask you to take into
 11 consideration on waiting to see what the previous wind
 12 project might bring with those larger turbines before you
 13 approve this one, as they're going to be much larger, but
 14 not quite this large, and that way we can see what the
 15 effects on the people around them are going to feel and
 16 have.
 17 You can also see in the map that I provided in my
 18 earlier testimony the large percentage of people that have
 19 not signed or have unavailable space to put turbines on,
 20 because between the pink and the purple and the circles
 21 around the houses, there's not much white left in the
 22 middle. So, that also should take into consideration that
 23 the support for this project is not nearly as strong as it
 24 was ten years ago or eight years ago when they proposed a

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1 similar project.
 2 The seven set standards for special use permits
 3 have not truly been met in my eyes.
 4 The project has already greatly changed my life.
 5 I've missed hours away from my family. I have health and
 6 comfort concerns on so many levels. And I don't truly
 7 believe that I will be able to enjoy my property if the
 8 sound levels are what they are projected to be. And they
 9 are taking, again, two hours a day from the enjoyment from
 10 my property.
 11 I have heard from both sides the property values
 12 during the construction will be diminished. So, even if
 13 before and after they're the same, if something happens and
 14 we needed to sell our house during the construction, it
 15 could diminish the value.
 16 And if you do take an agreement with them, they're
 17 going to take many of your rights and restrict your usage on
 18 your property, such as if we wanted to have cattle and
 19 silage and put up silos, stuff like that, you would be
 20 limited because of the heights.
 21 We've already heard that EDPR has no intentions of
 22 conforming to all of the rules and regulations -- they look
 23 at -- set forth by IDNR or the drainage districts, they look
 24 at it always as a discussion, never as a yes and no answer.

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1 Once again, my main points are: If you could
 2 either have them moved or removed turbines 83, 85 and 95
 3 further away and require -- or since it's always a
 4 discussion, have them move the main transmission line that
 5 could be next to our house between 29 and 3000 North Road
 6 of -- basically, just move it a mile to the north so it
 7 wouldn't disrupt us, since they already have participating
 8 landowners over there, that would greatly help me and reduce
 9 my concerns.
 10 I think that's everything. I appreciate you guys
 11 listening to me throughout these nights and letting me ask
 12 questions. So, I think that's it. Thank you.
 13 **CHAIRMAN FINNIGAN:** Thanks for coming up. You
 14 kept it interesting.
 15 Anyone else for closing statement?
 16 **MR. POWELL:** Jeff Powell.
 17 I believe as this project stands, as it stands,
 18 violates the standards of the issuance of special use
 19 permits. I have not been convinced that this will not be
 20 detrimental or endanger the health, safety, morals, comfort
 21 or welfare of the public and my family.
 22 I cannot see how these turbines will not affect my
 23 family. I can't even tour the neighboring wind projects in
 24 the area or anywhere in the state and compare what these

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1 will be like around my friends' and neighbors' houses as
 2 well as mine. These -- these turbines and their massive
 3 wind sweeps are incomparable to any, in my opinion, any wind
 4 farm or project that Illinois has ever seen.
 5 I have spent my free time, which I haven't had a
 6 lot of lately, and visited with opposers and proponents of
 7 wind projects that live within -- within these wind projects
 8 and both have expressed the changes to their daily life.
 9 Even -- even the ones that were being compensated by having
 10 them on their property, still express to me how it has
 11 changed their life.
 12 I did not bring up one thing that many proponents
 13 have brought up in their testimony and that is money. I
 14 think that testifying to the economic impact -- impact is
 15 misleading to why we are here.
 16 I believe that we are here and the purpose of The
 17 Board is to protect the people. Nowhere in the special use
 18 standards does it refer to the economic benefits to anyone.
 19 The only time that anything to do with money is
 20 brought up in the seven standards is with property values.
 21 I have not been convinced that this will not have an impact.
 22 The testimony from EDPR on this issue has failed to
 23 show that it won't. But once again, I have not been coming
 24 to these hearings because of money. Most of the

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1 nonparticipants have not testified about this issue.
 2 We are concerned about the health, well-being and
 3 our way of life. I only witnessed one landowner, who was
 4 willing to come up and testify, that has signed up for the
 5 turbines. And all I gathered from Mr. Peterson's testimony
 6 is that he was concerned that following the IDNR
 7 recommendations would cause -- cause his land -- cause
 8 his -- cause him to lose turbines on his land and therefore,
 9 money.
 10 We are good people, neighbors and friends that live
 11 in this area. We are law-abiding, tax-paying citizens.
 12 There may not be a lot of us, but our lives and our way of
 13 life are important to me, my family and my friends. We love
 14 where we live. It's important to us. And I just don't see
 15 how this cannot affect us.
 16 Just earlier today dealing with our hectic
 17 schedules lately, my wife, my beautiful wife, wanted to come
 18 and put in her last two cents, but she had to work late
 19 saving a life at a hospital of a patient who had his lung
 20 collapsed on his heart. These are the type of people that
 21 live out near these turbines -- that will live out near
 22 these turbines. These are the type of people that will be
 23 affected by this project.
 24 I guess the last thing I want to say to that is I

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1 don't believe that any of my so-called neighbors, I don't
 2 consider them neighbors, they may be landowners that own
 3 property around me, have the interest, our interest, in
 4 their best concern.
 5 The only thing that I can do is plead to you guys
 6 as the Zoning Board to do your job that I believe and it's
 7 the County's responsibility to lookout for us and to keep
 8 our interests in close to your decision.
 9 I guess that's all I have. Thank you.
 10 **CHAIRMAN FINNIGAN:** Thank you.
 11 Anyone else for a closing statement? Mr. Jolly?
 12 **MR. JOLLY:** I have a question for you first:
 13 There's a couple of people that were unable to attend
 14 tonight, one of them showed a little bit of uneasiness the
 15 other night, just because he wasn't able to speak at his
 16 closing statement. They've asked me to bring what their
 17 closing statements would be. And I would like to enter
 18 those into evidence as they were able to enter their things
 19 into evidence as well.
 20 **CHAIRMAN FINNIGAN:** We can do that.
 21 **MR. JOLLY:** Just in case, slight possibility, one
 22 may show up, but I know one won't.
 23 **CHAIRMAN FINNIGAN:** We have no control where the
 24 meeting is going to go.

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1 **MR. JOLLY:** Exactly. Exactly.
 2 **CHAIRMAN FINNIGAN:** He was kind of upset the other
 3 night, I think, but we wouldn't have got to closing
 4 statements that night anyway.
 5 **MR. JOLLY:** I didn't know, but anyway, he isn't
 6 able to attend tonight. He may show up, but if this don't
 7 go till 9:30 --
 8 **CHAIRMAN FINNIGAN:** If he shows up, he can talk.
 9 **MR. JOLLY:** It doesn't matter at this point. I
 10 have these here. I will go with mine as well now.
 11 Tim Jolly. Okay. First of all, I would like to
 12 reiterate that this is a completely unreliable energy
 13 source. You don't have wind, you don't have electricity.
 14 It needs a backup at all times.
 15 As I indicated earlier, this is an antique
 16 technology. It's reemerged in the 1990's with government
 17 tax credit and that's the only reason why it was reemerged.
 18 An SIU professor reaffirmed that these turbines --
 19 ISU professor, as testified here the other evening,
 20 reaffirmed that these turbines are only 30 to 35 percent
 21 efficient. So, that still means that they're 70 percent
 22 worthless.
 23 Also, I was shocked when I found out by calling the
 24 assessor's office that 27,577 acres in 10 years have become

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1 taken out of production due to expansion in the county. The
 2 best farm land in the county is our area where they're going
 3 to put this footprint. Best farm land in the county, if not
 4 the U.S., or if maybe not even in the world.
 5 I ask you once again: How much is enough taken out
 6 of production? One acre feeds between two to four people a
 7 year. 27,577 acres could feed up to 110,300 people a year.
 8 Once again, what would you rather have: Electricity or
 9 food?
 10 I think Travis Taylor probably asked the best
 11 question of these proceedings when he asked: Have you,
 12 EDPR, ever done a project that just follows the standards or
 13 guidelines? And they said: No. Everything that was not
 14 within the standards, they want to negotiate after the fact,
 15 even with our health, our safety, our moral comfort and
 16 welfare, that's standard one.
 17 You, The Board, can change these things. You, The
 18 Board, can change things that can better protect the
 19 citizens living among the footprint of this project, unless
 20 you are willing to guarantee that not one individual will
 21 not be subjected to injury from these standards that they
 22 are set forth to protect.
 23 Change the setbacks to 3200 feet from the property
 24 line would be my suggestion, as Dr. Schomer clearly stated,

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1 would be the one thing to stop even one possible violation a
 2 year, that is the standard we should be living up to. Not
 3 only on T97, which directly affects us, but on all the
 4 turbines that are -- that they even think that they should
 5 be here.
 6 At least follow the whole law, make them measure
 7 from the property line and show us what those numbers are.
 8 Put that debate to rest. Put a nine decibel buffer in the
 9 model run for noise, as Dr. Schomer suggested. That would
 10 clearly protect anybody from having a problem.
 11 The residents that have to endure the ramification
 12 of these projects should be compensated somehow monetarily
 13 if they're not participating. Just because they're not
 14 participating they should not be shut out from having some
 15 kind of compensation to have to live with this.
 16 The people that sign up, they sign their life away
 17 on their own gesture, and they have to accept what
 18 ramifications they do, but they get compensated very well,
 19 upwards of over \$15,000 per turbine per year.
 20 They have to follow the AMA agreement as written in
 21 the application. They want 12 years for them to put it in
 22 escrow. The AMA agreement clearly states, and let me find
 23 this real quick, that it will be phased in the on or before
 24 the first anniversary, the commercial date, they are to --

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1 assurance to cover ten percent of the estimated cost. So,
 2 that's the first year. And I don't think I need to go
 3 through it all, but they need to follow this. They want to
 4 go 12 years and then put money in? No. AMA agreement is
 5 law that should be stuck to.
 6 We ought to have some kind of guarantee in writing
 7 that there are no hazardous materials used in this project.
 8 I, specifically, asked if there were hazardous materials and
 9 they said: No. I kind of conflict with that, but I can't
 10 have that to be able to prove it here today.
 11 Guarantee in writing that our wells will not be
 12 affected from any of the project going on in any way, be it
 13 any kind of chemical levels, any kind of dirt levels,
 14 anything that would affect our wells from their runoff or
 15 from the run in, as Mr. Butler testified to, of how water --
 16 our water table is a very shallow water level. And so, it's
 17 very easy to get into our water level if it's only four-foot
 18 below the surface. They're digging 12 feet.
 19 Guarantee in writing that our property values will
 20 not diminish at all or they or we will be compensated for
 21 the loss.
 22 I think something to take into account is the
 23 public opposition, compared to the support in this project
 24 by the public. Even though there have been several

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1 participants, people that have signed up with this company
 2 in the audience every night, only one has stood up and said
 3 anything, and that was only because he was in -- he was
 4 worried that he's going to lose a couple windmills.
 5 While Mr. Luetkehans has over 70 clients opposed to
 6 this project, several people that are not his clients have
 7 testified to oppose this, this is telling in itself.
 8 EDPR has not met standards one, two, three, and
 9 seven. This application should be denied.
 10 They have not demonstrated that they ever want to
 11 provide the burden of proof required of them, unless they
 12 want to try and mitigate. They have no intentions of just
 13 doing a project by standards or even the law.
 14 If this goes through, be the first time in my
 15 59 years I've ever said that I may not want to live on our
 16 homestead. It's been in our family since 1864, the first
 17 time. I want it to be the last time I ever say that.
 18 That's all I have.
 19 Thank you.
 20 **NR, JOLLY:** Thank you.
 21 **CHAIRMAN FINNIGAN:** Anyone else?
 22 Come on up. He left the light on for you.
 23 **MR. HANEY:** He did.
 24 Two things: Number one -- Darrel Haney, 31631 East

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1 3100 North East Road.
 2 First thing, Yates Drainage District, on behalf of
 3 them. Don's not here tonight.
 4 What we've got written here is what it's going to
 5 be. And it seems like, in talking to the project manager
 6 and hearing other things at these various meetings, they
 7 won't budge on nothing. And they can't just come in here
 8 and ramrod things around. I'll get into another piece on
 9 that subject after while.
 10 The one thing I want to cover here that I watched,
 11 it was about two meeting ago, lot of you board members
 12 were -- your heads were spinning on all the noise levels,
 13 trying to understand this, that and the other and what have
 14 you. I want to emphasize this, again, I thought I did this
 15 in some cross-examining a while back, but I got interrupted
 16 a few times and it probably didn't come across. You've got
 17 to hear this out. This Illinois Noise Pollution Board
 18 thing, it's been noted in many publications, that it's not
 19 accurate and -- for using with wind turbines. It's strictly
 20 for machinery, factories, this kind of noise. It has
 21 nothing to do -- it's -- it's -- I don't know if you want to
 22 call it antiquated, but it's not the type of method to be
 23 using on wind turbines. Period. It's okay in some of the
 24 other situations, but not in this case.

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1 And I have had conversations with several different
 2 people in just passing, I wasn't even asking them, that wind
 3 turbine noise needs to be measured with a C-weighted figure
 4 instead of A. And I'll read here why: A C-weighted
 5 measurement more fairly represents the low frequencies,
 6 which must be included in any regulatory standards that
 7 impact the sound from wind turbines. And the reason being
 8 is that the A-weighted measurements drastically reduce the
 9 sound level measurement in the lower frequency range. And
 10 this is where I think you're only getting half the truth
 11 from the wind farm people, and evidently, the manufacturers
 12 playing along with this as well, because they're not
 13 measuring that either. And this is where the problem comes
 14 into play any time -- it's more prevalent in 500-footers or
 15 bigger the smaller ones still put it out, but you don't hear
 16 the problems there.
 17 And then for -- for little sidenote on this,
 18 they're proposing 600-footers in Indiana, as we speak right
 19 now, and some bigger than that. Now, can you imagine the
 20 sound coming from one of them or the setback required for
 21 one of them? I don't know whether it's a stop, I really
 22 don't know.
 23 Continuing on here in infrasound cannot be heard
 24 and is unrelated to the loudness of the sound that you hear.

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1 Infrasound can only be measured with a sound level meter
 2 capable of detecting it and not using an A-weighted scale.
 3 So, that being said, the A-weighted measurements
 4 with all the DB ratings do not truly tell the whole story as
 5 to what is really being generated from a given turbine. And
 6 then you also have to take into account when you've got
 7 multiple turbines nearby --
 8 **MS. ANTONIOLLI:** I'd just object to say he's using
 9 closing statement to testify and if we can just limit this
 10 to closing statement.
 11 **CHAIRMAN FINNIGAN:** You can go ahead.
 12 **MR. HANEY:** God!
 13 When you've got multiple turbines in an area, this
 14 noise compounds itself. So, you've got additional problems
 15 there. It is low frequencies and the infrasound frequencies
 16 that are the problem. The wind farm companies want to down
 17 play this whole subject. It all boils down to larger
 18 setbacks to protect the people. However, that doesn't
 19 protect the wildlife whatsoever. If this is not possible
 20 then the turbines shouldn't even be there in the first place
 21 in those locations.
 22 Setbacks must be measured from a nonparticipant's
 23 property line. A setback measured from a dwelling limits
 24 the nonparticipating landowner's use of their property and

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1 greatly reduces protection from nonparticipants for noise
 2 pollution and its proven ill effects. Shadow flicker,
 3 property devaluation and potential property damage from
 4 blade failure slinging chunks of ice or even a fire.
 5 Can you imagine a fire in the right time of the
 6 year and we've got corn and soy bone fields out there on a
 7 windy day? And there have been fires. I heard them deny
 8 this, but I do know there's been at least three of them
 9 north of Solomon and Route 47 in the last three years. And
 10 then had the highway shut done for one of them. I've got
 11 some customers right up there underneath of them. And all
 12 they can do is just let them sit there and burn. And when
 13 you got 400 gallons of oil up there, it gets pretty hot,
 14 creates a big fire.
 15 All landowners should have the right to do with
 16 their land what they choose, as long as it's -- don't harm
 17 or impede neighbor landowners.
 18 Setback, for safety reasons, regardless of its
 19 distance, must be maintained. Any zoning that allows a wind
 20 turbine to be built next to a nonparticipant's property line
 21 eliminates the property owner from safely using that land.
 22 It creates an easement over the neighboring nonparticipating
 23 property that eliminates the owner from any further
 24 developments. The amounts -- this amounts to uncompensated

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1 taking of private property rights.
 2 Low frequency noise and infrasound must be included
 3 in zoning regulations. And the zoning specify that all
 4 post-construction sound measurements can be requested by a
 5 nonparticipant and be measured with a C-weighted sound
 6 measurement method to ensure that it's not excessive. And
 7 the cost of all this such testing should be paid by the wind
 8 developer and not the County. And if there's no clear
 9 scientific consensus about this safety, the County must err
 10 on the side of caution and have strict sound limits and
 11 significant setbacks.
 12 And this all hinges right back to what we've been
 13 hammering and hammering at, and that's the three -- the main
 14 thing is the three standards in section 803 of the CBA
 15 Ordinance. All these things violated you're not doing that.
 16 Yeah, three minutes. Couple other things.
 17 I had a conversation with a project manager
 18 yesterday and the subject came up about the microwave paths.
 19 And I says: You gonna check that all out? And she says:
 20 We'll worry about that when it gets up. And then we'll --
 21 and I says: How are you gonna make the corrections? Well,
 22 we got to move something. And I says: Oh, really? Okay.
 23 You gonna move the turbine or you going to move the
 24 customers tower? She says: Well, in some cases, we've

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1 moved the customer's tower. I didn't tell her who the
 2 number two owner is on their application and I'm still not
 3 going to reveal it tonight, but I'll guarantee you, they're
 4 not going to move that and they better not be messing with
 5 them or they're playing with fire.
 6 I mean, this is serious stuff. And they need to
 7 follow through on this stuff before they ever sink a turbine
 8 in the ground, because there's limits to where can you move
 9 this stuff around at. And then that doesn't take into
 10 account anything to do with our wireless internet, that's
 11 also low-power microwave and it may affect one person or two
 12 persons in the township. I have no idea. Depends on what
 13 elevator it's coming off of, who the person is that's
 14 subscribing to the service out there in that township.
 15 And then another thing I want to mention right
 16 quick, the maps that I keep seeing on your screen, as well
 17 as the map I have, and I don't know if there's an updated
 18 map or not, I mentioned this to them, oh, gosh, almost a
 19 month ago: There's two houses in our township that aren't
 20 on that map and one of them has got turbines around it. I
 21 doubt whether they've ever done a study on it. So, somebody
 22 hasn't done their homework. And I was not about to tell who
 23 those are, because I'm not doing their homework for them. I
 24 done get paid by EDPR to do their homework, but they're not

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1 on there and somebody is going to get a big surprise, I'll
 2 guarantee it, because they're -- there's -- there's at least
 3 two turbines that are mighty close coast to this one
 4 person's house.
 5 So, with that, that's all I've got. Thanks. I
 6 hope you've listened. And I hope I've helped clarify some
 7 things on this sound, because that is important. I mean,
 8 that is what is causing issues in other counties when you
 9 start looking around and reading and listen to different
 10 people, it's these 500 plus footers that are the problems.
 11 And I'll guarantee there's going to be problem. I just --
 12 it's inevitable from what I've seen so far.
 13 And like I say, it's not going to be everybody, but
 14 it's bound to happen. And larger setbacks is the only
 15 answer short of say no to the whole project, that's the only
 16 thing. You can the turbines somewhere where it's less
 17 populated, that's the answer.
 18 And then the other thing, as Tim said, with our
 19 high productive soil here in this township, I think it's a
 20 crying shame. My grandfather would have a fit if he knew
 21 what was going on today. So, thank you.
 22 **CHAIRMAN FINNIGAN:** Thank you.
 23 Anyone else?
 24 **MR. ELDER:** Well, thanks guys. I'm starting to

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1 feel like family here. Get to go hang out with everybody on
 2 all those nights.
 3 My name is Eric Elder, E-R-I-C, E-L-D-E-R. I live
 4 in Chenoa in the impacted zones.
 5 As we've already -- as we've seen and heard, I
 6 think a lot of these standards, the rules have been bent.
 7 And I think when you bend rules too far they break. And
 8 when you break rules people get hurt.
 9 And I know last Tuesday I left with a bit of a --
 10 frustration and a bit of emotion. And I think we all have
 11 had that and I apologize for that, I do.
 12 I think the hard thing for me is, you know, we're
 13 trying to play by the rules here. And it's just really hard
 14 when the rules keep changing. And that's what my testimony
 15 was about during these hearings a few weeks ago. That the
 16 standards says one thing and the rules get bent a little and
 17 the setbacks that the Illinois Pollution Control Board says
 18 are supposed to be 1500 feet from the property line, the
 19 Zoning Board says: We'll going to ignore that particular
 20 rule of the IPCB rules and we're going to have our own rule.
 21 And that's your right, but then don't say the IPCB rules are
 22 your rules.
 23 You say the property values, you know, can't be
 24 substantially impacted. And then one of your own members

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1 says: Well, in the short-term, absolutely, they will be.
 2 And you know, the rule gets bent a little for that
 3 short-term, maybe three months or three years or -- and then
 4 people get hurt.
 5 And it says the use and enjoyment of your neighbor
 6 could be impacted. And we have been every time saying: We
 7 are the neighbors. And our use and enjoyment of our
 8 property is going to be impacted.
 9 We've never seen structures this tall in McLean
 10 County ever. I've looked through the history of all the
 11 tallest building, the tallest structures. Nothing has been
 12 550 feet tall. Nothing. And somehow that's not going to
 13 impact us. And so the rule gets bent a little.
 14 And I know you put a lot of work into -- into, you
 15 know, creating your new zoning rules for the wind farms, you
 16 know, over the last couple years trying to avoid a lot of
 17 this contentiousness and lot of these problems, but all
 18 you've done really is shifted -- shifted them to and put
 19 them in the code now. And so you had fewer stipulations
 20 with Invenergy, but you still have the same contentiousness,
 21 the same difficulty with neighbors agreeing. So it hasn't
 22 really solved the problem, it's just, you know, tried to
 23 streamline it. And I know you're trying to really help
 24 those companies to bring a good business into town and I

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1 think that's great.
 2 What I think, as I mentioned before, Mr. Dick said
 3 there are other projects, renewable energy projects, like
 4 solar farm. And I was here for those hearings and you
 5 didn't hear those kind of contentiousness. Why is that,
 6 because people love solar so much more than wind? No, it's
 7 just because the solar projects are only 10 or 12 feet high.
 8 They don't impact the neighbors, Mr. Dick said, at all. He
 9 said: You can't even hear the fan that runs the little
 10 equipment at the own -- at the owner's property line. So
 11 there's no noise issue for the neighbors. There's no visual
 12 obstruction 550 tall times, now 158, if you approve both
 13 projects. There's no blinking lights. There's no sound.
 14 There's no impact on the neighbors.
 15 I'm very much a believer in property owner rights.
 16 I'm a property owner. And I want the right to do what I
 17 want to do on my land, but as I mentioned, I can't build my
 18 house taller than 35 feet. There are rules in place against
 19 that. Why? Because we don't want obstructions in the
 20 country. I can't build any other structure taller than
 21 150 feet. Why is that, because you're afraid that they're
 22 going to topple over or something? No, it's because you
 23 don't want these obstructions in this rural area.
 24 So, there are all these rules in place and they're

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1 really good rules, but then they get bent and they get bent.
 2 And Tuesday night it happened again.
 3 And I drove all the way back from St. Louis. I'm
 4 not trying to give you a sob story. I'm just telling you
 5 the reality. I left a meeting early in St. Louis so I could
 6 be here to give a closing testimony, because I couldn't be
 7 here tonight. I left another meeting early tonight that was
 8 very important so I can be here, because this is very
 9 important to me.
 10 And me arguing this EDPR case today, I want you to
 11 know I get nothing out of it. It's three miles away from
 12 me. I have to see it out my front porch, because if you
 13 think you can't see the Washington Monument from three miles
 14 you away haven't been to DC lately. And I'm going to see 58
 15 of these things, but I feel bad for my friends and
 16 neighbors, who are going to have to live with these for the
 17 rest of their lives. I get nothing out of being here
 18 tonight. Nothing.
 19 I'm coming, because I really want to encourage you
 20 to take another hard look at this. I'm sorry you spent a
 21 lot of time on these rules. If you had come to me two years
 22 ago I would have said invest in solar and tailor your rules
 23 to that, because it's not going to impact the neighbors like
 24 this.

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1 I wish I could convince all seven of you, but the
 2 truth is, I don't have to. I just need to convince four of
 3 you to turn this project off and turn it around. And I know
 4 just from listening to you, because I've listened to you as
 5 you've listened to us, and I know you have doubts about
 6 whether this is right or not or whether this is good or not
 7 or how this impacts the neighbors. I know you have doubts
 8 about whether it's going to be a good project for everyone
 9 involved or whether it's a raw deal.
 10 As I said, in the Invenergy project for 90 percent
 11 of us, who are nonparticipating, if we lived in the desert
 12 this would be fine, but we don't. We have homes here. We
 13 have families here, over 500 homes in the last project, over
 14 another hundred homes in this project, over 600 homes
 15 representing -- how many people would that be if there two
 16 and a half or three people? That's almost the whole
 17 population of Lexington or the whole population of Chenoa.
 18 And this is a decision that's going to impact all
 19 of our families. And maybe, just maybe this isn't the right
 20 place for this project. If the setbacks can't be met
 21 following the Illinois Pollution Control Board standards,
 22 then maybe Illinois isn't the right place for this company
 23 and this project, whether there are other projects that
 24 could provide renewable energy like, solar, that would be

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1 terrific, and not impact neighbors as much.
 2 I came into these meetings very neutral, you know.
 3 I didn't like the idea, but I was neutral. But the more I
 4 heard, the more I disliked it and the more yucky it felt.
 5 It just didn't feel right it, just didn't sit well with me.
 6 And I think it's that way for some of you too.
 7 And I didn't want to come and speak out against it,
 8 because my neighbors have signed contracts. And I love
 9 them. And I care about them. And they care about me. And
 10 we help each other in all kind of ways.
 11 After I gave my first speech and said how this was
 12 going to impact me and my family and how it felt like giving
 13 up one of my daughters to someone I never met before and it
 14 was going to be that way for the rest of their lives, my
 15 neighbor, who had signed for up for wind turbine, he came up
 16 afterwards and he said: Eric, if I ever make any money from
 17 this project, I'm going to give some of it to you. That's a
 18 good neighbor. And he would.
 19 And then he added these words: And if I don't make
 20 any money off this, at least I'll have no guilt. Because
 21 those landowners are starting to feel really bad about this.
 22 A vote against this project is going to make a lot
 23 of people happy. You might think: Oh, I'm going to upset
 24 people, but there are landowners who are tied -- tied by the

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1 contracts they've signed who can not speak against this
 2 project.
 3 And I think you heard -- if you heard the County
 4 Board meeting that the County Board members said they have
 5 gotten lots of letters from lots of people, but they have
 6 not gotten one letter from a landowner yet in support of
 7 this project. Why is that? Because they can't say anything
 8 bad. They're not going to say anything at all.
 9 You would be doing the landowners a favor if you
 10 vote no for this project. You would be doing me a favor if
 11 you vote no for this project. I believe, honestly, you're
 12 going to be doing McLean County a great favor if you vote no
 13 on this project. There are other ways to make money.
 14 As I said in my first talk, there are a lot of
 15 ways, a lot of projects that make dollars, but not every
 16 project makes sense. And this is one of those projects that
 17 does not make sense for McLean County.
 18 If we had a theme song in McLean County I'd like to
 19 suggest what one of the top contenders might be, maybe you
 20 know it, it's a Barry Manilow song he wrote in 1971. He
 21 wrote as a jingle for one of the largest employers in McLean
 22 County. You guys could probably all sing it with me. The
 23 first four wards. What would we sing? Did I learn since
 24 1971 when I was just eight years old? Like a good

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1 neighbor...
 2 If anyone can show these wind farm companies what
 3 it means to be a good neighbor it would be the people in
 4 McLean County. And if after all the projects they've put in
 5 they still don't know how to make a good neighbor agreement
 6 that actually gives the neighbor something, rather than asks
 7 them to take away more, I don't know if they're going to
 8 learn it unless we teach them.
 9 Please, vote no. I just need four of you, please.
 10 Thank you.
 11 **CHAIRMAN FINNIGAN:** Thank you.
 12 Anyone else? Lights still on. Come up.
 13 (No response.)
 14 **CHAIRMAN FINNIGAN:** We're going to wind her down if
 15 there's nobody else wants to come up.
 16 (No response.)
 17 **CHAIRMAN FINNIGAN:** Okay. I guess this part of the
 18 hearing is closed.
 19 **MR. DICK:** We could have this room Monday,
 20 Tuesday or Wednesday.
 21 **CHAIRMAN FINNIGAN:** Well, I'll do whatever you
 22 want. We were two and a half hours. I guess, I don't want
 23 to start if we can't finish.
 24 **MS. TURNER:** Probably have better deliberations if

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1 we pull our thoughts together and had our notes together
 2 based on everything we've heard and just complete it on our
 3 next meeting.
 4 **CHAIRMAN FINNIGAN:** So, what night you want to
 5 come back? Tuesday?
 6 We're going to reconvene Monday night at 7 o'clock
 7 in this room for deliberations and thank you for all coming.
 8
 9 Meeting concluded at 8:41 p.m.
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1 CERTIFICATE OF REPORTER
2
3 I, Bobbi Hamlin, a Certified Shorthand Reporter (IL), and
4 Registered Merit Reporter within and for the State of Illinois,
5 do hereby certify that the witness whose testimony appears in
6 the foregoing deposition was duly sworn by me; that the
7 testimony of said witness was taken by me to the best of my
8 ability and thereafter reduced to typewriting under my
9 direction; that I am neither counsel for, related to, nor
10 employed by any of the parties to the action in which this
11 deposition was taken, and further that I am not a relative or
12 employee of any attorney or counsel employed by the parties
13 thereto, nor financially or otherwise interested in the outcome
14 of the action.

15
16 _____
17 Registered Merit Reporter
18 Certified Shorthand Reporter
19 IL CSR #084-002797
20
21
22
23
24

	1124:4,7	1106:2;1146:3	1098:5;1137:7; 1150:12	1116:2;1120:12,22; 1121:9,12;1125:1,4; 1134:11,21;1135:2; 1151:8
\$	Actually (9)	afraid (1)	always (6)	anywhere's (1)
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A	adaptive (1)	again (24)	AMA (3)	Appeals (1)
ability (2)	1122:10	1060:19;1066:18; 1074:23;1078:14; 1087:16;1091:17; 1096:12,15;1106:23; 1111:22;1115:22; 1117:3;1126:13; 1128:16;1130:9,14; 1136:2;1139:9;1140:1; 1141:23;1145:5,8; 1149:14;1159:2	1146:20,22;1147:4	1133:20 appears (1) 1068:8
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