

In The Matter Of:
McLEAN COUNTY ZONING BOARD OF APPEALS

ONE EARTH SEQUESTRATION LLC
Vol. 1
November 7, 2023

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1 MCLEAN COUNTY ZONING BOARD OF APPEALS
2 PUBLIC HEARING
3 SPECIAL USE PERMIT, SU-23-06
4 ONE EARTH SEQUESTRATION LLC

5
6 Tuesday, November 7, 2023
7 7:00 PM
8 115 East Washington St. Room 400
9 Bloomington, IL

10 Reported In Person By:

11
12 Deann K. Parkinson: CSR 84-002089
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17
18 **BOARD MEMBERS PRESENT:**

19 James Finnigan
20 Julia Turner
21 Mike Kuritz
22 Rick Dean
23 Brian Bangert
24 Ruth Novosad
 Shirley Deerwester

25 **ALSO PRESENT:**

26 Taylor Williams, State's Attorney's Office
27 Phil Dick, Director of Building & Zoning

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1 (The time is 7:00 PM)
2 **JIM FINNIGAN:** We're going to call the
3 McLean County Zoning Board to order. Before we
4 start, I gotta read a few rules.
5 I think you guys heard most of these in
6 the last one we were at, but we're going to go
7 through them again.
8 This meeting of McLean County Zoning
9 Board will now come to order. Before we begin,
10 please be aware that the decorum must be
11 maintained at all times throughout the proceedings
12 tonight. That means members of the board,
13 interested parties and the public and the media
14 must conduct themselves with that which is common
15 and polite. Decorum includes treating members of
16 the board, county staff and all others in
17 attendance with civility; recognizes that others
18 may have differing perspectives, and allowing
19 other members and their parties to share their
20 views without interruption.
21 The use of vulgar or obscene language
22 will not be tolerated and may result in removal
23 from the process.
24 Any threatening conduct or intimidation

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1 of board members outside these proceedings is a
2 criminal offense, and it will be reported to the
3 appropriate authorities.
4 During the public hearing tonight, I as
5 the chair will impose time limits on testimony,
6 statements and questions of any parties in
7 accordance with the ZBA's general principles.
8 Testimony of interested parties or objectors will
9 be limited to ten minutes for lay people and 30
10 minutes for qualified experts. Rebuttal testimony
11 will be limited to five minutes and closing
12 statements will be limited to three minutes.
13 Determination of expert witness status
14 and time keeping will be done by our
15 parliamentarian. Please familiarize yourself with
16 our proceedings and what's going on tonight.
17 And first I'm going to ask, has everyone
18 signed in on the sign in sheet that wants to
19 speak? If not, it's out here by the door.
20 And if everybody has, or even while
21 we're talking, you all look like nice people. We
22 just want to be nice tonight and get it done. And
23 that's kind of the whole deal. Just kind of like
24 what we did, a lot of you guys look familiar so

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1 it's going to be run the same way. Will the
2 secretary call the roll.
3 **MR. DICK:** Shirley Deerwester?
4 **A. Present.**
5 **MR. DICK:** Brian Bangert?
6 **A. Here.**
7 **MR. DICK:** Michael Kuritz?
8 **A. Here.**
9 **MR. DICK:** Rick Dean?
10 **A. Here.**
11 **MR. DICK:** Julia Turner?
12 **A. Here.**
13 **MR. DICK:** Ruth Novosad?
14 **A. Here.**
15 **MR. DICK:** Jim Finnigan?
16 **A. Here.**
17 **JIM FINNIGAN:** Seven members constitute
18 a quorum for us, so we can conduct business
19 tonight. Is anyone here that does not want to
20 address the board on something that's not on the
21 agenda tonight? If they do, please come forward.
22 Seeing none, we're going to go to our
23 case. So, we're going to call the case, SU 2306.
24 At this time I'm going to affirm the

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1 staff.
 2 (Staff sworn.)
 3 **JIM FINNIGAN:** Would you call our case.
 4 **MR. DICK:** This is case number
 5 SU-23-06, the application of One Earth
 6 Sequestration LLC for special use to allow three
 7 carbon dioxide sequestration drilling wells in the
 8 agriculture district.
 9 Well number one is in Cheney's Grove
 10 Township in the northeast quarter of Section 2,
 11 Township 23 North, Range 6 East of the third
 12 principal meridian immediately south of 1400 North
 13 Road approximately a quarter mile west of 4100
 14 East Road.
 15 Well number two is in Anchor Township in
 16 the northwest quarter of Section 36, Township 24
 17 North, Range 6 East of the third principal
 18 meridian immediately south of 1500 North Road and
 19 approximately 1800 feet east of 4100 East Road.
 20 Well number three is in Anchor Township
 21 in the southeast quarter of Section 23 Township 24
 22 North Range 6 East of the third principal meridian
 23 immediately northwest of the intersection of 1600
 24 North Road and 4100 East Road.

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1 Public notice of this hearing was
 2 published in the Panagraph on October 22, 2023.
 3 As provided by law, the required notifications
 4 have been made and the applicant has paid the
 5 publication costs.
 6 I won't pass the application since I
 7 distributed copies of those to each of you and
 8 it's on the website for those of you who wanted to
 9 see it. I've got plat maps showing where the
 10 properties are located in Cheney's Grove and in
 11 Anchor Townships. And I have site plans that show
 12 where these facilities are located along the roads
 13 for well number one, two and three.
 14 And I have a photo of a typical well
 15 head that's shown in the application and a
 16 schematic of that well head. And aerial maps that
 17 show the locations on these agricultural
 18 properties approximately where these three acre
 19 sites are located on those farm tracts.
 20 And a zoning map that shows the location
 21 and their relative location to each other and how
 22 they are all in the agriculture district. And a
 23 communication from the US Environmental Protection
 24 Agency indicating that they received complete

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1 application as of December 22, 2022. And we did
 2 land evaluation and site assessment for LESA for
 3 the three different properties, and soil and water
 4 district did the soil scores for each of them, and
 5 the LESA scores and sheets are attached.
 6 And the communication that was in the
 7 application to Illinois Department of Natural
 8 Resources. It's called Ecological Compliance
 9 Assessment Tool that they have completed. There
 10 is no endangered species that they have in their
 11 reference on this property.
 12 And if you look at the photo on the
 13 wall, you will see that's the zoning map and it
 14 shows where those three sites are located relative
 15 to each other. And the area to the white on the
 16 right or to the east is Ford County. So we're
 17 right at the east edge of the county there.
 18 And this is the plat map for the well
 19 number one. And this is, if you took Route 9 out
 20 past Saybrook and kept going straight, it would be
 21 on your right after approximately two miles.
 22 This is the second well, this shows
 23 where that -- this is the blowup of that aerial
 24 map, and it shows where it is relative to the

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1 nearest house that's about a thousand feet to the
 2 west on this agriculture property.
 3 This is the well number two, and it is
 4 -- this well is just south of 1500 North, which is
 5 the road that's north of this red colored
 6 property. And this is an aerial photo showing
 7 where on that agricultural tract this well will be
 8 located. It's about 1800 feet from that
 9 residence.
 10 And this is well number three, and it's
 11 at the corner of 1600 North Road and 4100 East
 12 Road. This is where it would be located
 13 approximately on that farm tract. This is well
 14 number one, and facing toward where the well would
 15 be located to the south of 1400 North Road; facing
 16 north across the road from 1400 North, the well
 17 number one.
 18 And this is facing east toward Ford
 19 County, where a little bit more than a mile from
 20 there, and facing west. And that's the closest
 21 residence. It's about a thousand feet away.
 22 This is well number two. This is facing
 23 the property facing south, facing north, and this
 24 is facing east and west.

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1 This is the well number three, and if
 2 you look at that little tiny building straight in
 3 the middle way in the back there, that's St.
 4 John's Lutheran Church. It's about 1.2 miles
 5 away.
 6 And this is 1600 North Road facing west
 7 and east, and facing 4100 North, facing north and
 8 south. And this is the subject property where the
 9 well would be, is proposed facing north from 1600
 10 North Road. And across the road facing east
 11 toward Ford County. And facing south across the
 12 road of this property. And again, those are the
 13 three locations of the wells.
 14 I'll deliver the staff report at this
 15 time. The acreage of these three parcels on which
 16 these wells are located is 316 acres. Well number
 17 one has approximately 2420 feet of frontage on the
 18 south side of 1400 North Road.
 19 Well number two is approximately 2000
 20 feet frontage on the south side of 1500 North
 21 Road. And well number three is approximately 2670
 22 feet of frontage on the north side of 1600 North
 23 Road and approximately 2670 feet on the west side
 24 of 4100 East Road.

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1 The three properties are relatively
 2 flat. They all contain crop production. All of
 3 these roads are oil and chip, approximately 17
 4 feet in width. The surrounding zoning is
 5 agriculture district on all sides, and the
 6 surrounding land use is crop production on all
 7 sides.
 8 For the land evaluation and site
 9 assessment, for well number one it had a score of
 10 253.4 out of 300. This is a very high score for
 11 value of agricultural land protection.
 12 Well number two has a total score of
 13 250.5 out of 300. This is also a very high score.
 14 And well number three is 252.6 out of
 15 300, and that's also a very high score.
 16 The analysis of the seven standards as
 17 they apply to this request is as follows: The
 18 proposed special use will not be detrimental to or
 19 endanger the health, safety, morals, comfort or
 20 welfare of the public. This standard is met. The
 21 applicant is an ethanol producer. Ethanol is
 22 ethyl alcohol, which is a fuel made primarily from
 23 corn and other grains.
 24 The applicant produces ethanol and

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1 ethanol co-products through fermentation and
 2 distillation. Ethanol fermentation is a
 3 biological process that converts the simple sugars
 4 in corn into ethanol and carbon dioxide. Carbon
 5 dioxide is a greenhouse gas that collects in the
 6 atmosphere and causes an increase in climate. The
 7 applicant proposes to sequester carbon dioxide and
 8 generates approximately 7,000 feet underground
 9 after it obtains a permit from the US
 10 Environmental Protection Agency for a Class VI
 11 well.
 12 The US EPA permit process for a Class VI
 13 well is a long detailed process that may take over
 14 two years to complete. It is a process that is
 15 primarily designed to protect underground sources
 16 of drinking water from contamination. The
 17 applicants received a letter from US EPA on
 18 December 22, 2022, indicating that it had received
 19 an administratively complete application for three
 20 Class VI injection wells. The applicant submitted
 21 a completed ecological compliance assessment tool
 22 or EcoCAT study from the Illinois Department of
 23 Natural Resources or IDNA. The EcoCAT states
 24 there is no record of state-listed threatened or

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1 endangered species, Illinois natural area
 2 inventory sites, dedicated Illinois natural
 3 preservation or registered land and water reserves
 4 in the vicinity of the project location. And
 5 concludes by stating that the consultation is
 6 terminated.
 7 One residence is located approximately a
 8 thousand feet from the proposed location of well
 9 number one. And the owner of that residence is
 10 part of the family that farms and owns the tract
 11 on which well number one is located.
 12 There are no other residences within
 13 1500 feet of the three proposed sequestration well
 14 locations. There are no livestock shelters,
 15 schools, community buildings or commercial
 16 manufacturing buildings within 1500 feet of any
 17 of the proposed wells.
 18 And according to the application, the
 19 Mahomet Aquifer is not located under any of the
 20 proposed wells.
 21 Number two. The proposed special use
 22 will not be injurious to the use and enjoyment of
 23 other property in the immediate vicinity for
 24 purposes already permitted or substantially

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1 diminish property values in the immediate area.
 2 This standard is met. The three
 3 proposed wells would each occupy approximately
 4 three acres of land in the three different farm
 5 fields. And each property is surrounded by land
 6 and crop production.
 7 Nearby property that is currently in
 8 crop production will continue to be desirable for
 9 such use. The proposed wells would all be
 10 separated from residences, livestock shelters,
 11 schools, community buildings and commercial
 12 manufacturing buildings a distance that would
 13 limit their impact.
 14 Three; the proposed special use will not
 15 impede the orderly development of the surrounding
 16 property for uses permitted in the district. And
 17 this standard is met. Nearby land that is
 18 suitable for crop production will continue to be
 19 suitable for such use.
 20 Number four, adequate utilities, access
 21 roads, drainage and other facilities have been or
 22 will be provided and this standard is met. The
 23 three proposed well locations each have frontage
 24 on public roads.

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1 Five, adequate measures have been and
 2 will be taken to provide ingress and egress so
 3 designed as to minimize traffic congestion on the
 4 public streets, and this standard is met. It
 5 appears that safe sight distance can be provided
 6 at the proposed entrances. The applicant has
 7 communicated with the Cheney's Grove Township road
 8 commissioner and the Anchor Township road
 9 commissioner regarding entrances for the proposed
 10 wells.
 11 Six, the establishment, maintenance and
 12 operation of the special use will be in
 13 conformance with the intent of the district in
 14 which this special use is proposed to be located,
 15 and this standard is met. Proposed special use,
 16 in all other respects, conforms to the applicable
 17 regulations of the district in which it is
 18 located, and this standard is met.
 19 The intent of the agriculture district
 20 states, provide for the location and govern the
 21 establishment and operation of land use which are
 22 compatible with agriculture and are of such a
 23 nature that their location away from residential,
 24 commercial and industrial areas is most desirable.

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1 According to the zoning ordinance, the
 2 land evaluation and site assessment system has
 3 been designed to provide a rational process for
 4 existing local officials in making farmland
 5 conservation decisions through the local zoning
 6 process. Each of the proposed CO2 sequestration
 7 wells would take three acres out of production.
 8 In conclusion, staff recommends that
 9 this application meets the standards set forth in
 10 the county code provided the applicant obtains a
 11 Class VI carbon dioxide sequestration well permit
 12 from the US EPA and interim permits from the
 13 Cheney's Grove Township road commissioner and the
 14 Anchor Township road commissioner before obtaining
 15 a construction permit from the county for any of
 16 the proposed wells. That concludes my report.
 17 **JIM FINNIGAN:** I'm presuming that all of
 18 you are going to testify tonight? Would you like
 19 to be sworn in?
 20 (Witnesses sworn.)
 21 **JIM FINNIGAN:** We'll start with you.
 22 Say your name and address, and Phil is going to
 23 write it down.
 24 **A VOICE:** My name is Curt, C-U-R-T;

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1 Blakley, B-L-A-K-L-E-Y. I live at 810 Arends
 2 Boulevard, Rantoul, 61866.
 3 **A VOICE:** Mark Ditsworth,
 4 D-I-T-S-W-O-R-T-H. 1111 North State Route 115,
 5 Loda, Illinois.
 6 **A VOICE:** Dr. Kathleen Davis. Kathleen,
 7 K-A-T-H-L-E-E-N. 1039 Towanda Terrace,
 8 Cincinnati, Ohio, 45216.
 9 **A VOICE:** My name is William Shay,
 10 S-H-A-Y. My address is 411 Hamilton Boulevard,
 11 Suite 1400 in Peoria, Illinois, 61602.
 12 **MR. DICK:** Could you repeat the address
 13 please.
 14 **MR. SHAY:** Sure, 411 Hamilton Boulevard,
 15 Suite 1400. Zip is 61602.
 16 **A VOICE:** My name is Steven Kelly,
 17 K-E-L-L-Y. And I reside at 225 East, 700 North
 18 Road, Gibson City, Illinois, 60936.
 19 **JIM FINNIGAN:** Whoever wants to start,
 20 you can start presenting your case.
 21 **MR. KELLY:** Okay. Thank you for giving
 22 us the opportunity tonight. I am the president
 23 and one of the founding fathers of One Earth
 24 Energy and One Earth Sequestration.

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1 **MR. DICK:** We will call this Applicant's
 2 Exhibit 1.
 3 **MR. KELLY:** Okay. So, this is my first
 4 appearance before the board to discuss the special
 5 use permits for the three proposed CO2
 6 sequestration wells in McLean County, Illinois.
 7 Let me explain, One Earth Energy is a
 8 production ethanol plant with the capacity to
 9 produce about 150 million gallons of fuel grade
 10 ethanol, 330,000 tons of dried distillers grains,
 11 and approximately 45 million tons of corn oil.
 12 The plant utilizes yellow dent corn dried to 15
 13 percent as its feedstock.
 14 The plant's inception was the result of
 15 the vision by five different cooperative farmer
 16 owned elevators. Over the past 15 years of
 17 operation, we have purchased over 609 million
 18 bushels of corn, contributing 3 billion and 16
 19 million dollars to local farmers in McLean County,
 20 Ford, Livingston, Iroquois and Champaign County.
 21 Additionally, we've generated 57 full
 22 time jobs, providing wage and non-wage benefits.
 23 The economic impact of our plant extends beyond
 24 Gibson City and Ford County. In our process, we

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1 also produce 430,000 metric tons of CO2.
 2 Currently, this CO2 undergoes scrubbing and is
 3 released to the atmosphere in accordance with our
 4 IEPA permit.
 5 As you are aware, we are at a pivotal
 6 juncture with the development of electric vehicles
 7 and the market shift towards low carbon fuels. To
 8 continue to serve our communities, we must reduce
 9 our carbon footprint. Our company is actively
 10 exploring numerous avenues to achieve this goal.
 11 Within the Illinois basin, geological
 12 sequestration into the Mt. Simon storage complex
 13 has been successful. The ADM facility in Decatur,
 14 Illinois, has been injecting CO2 since November
 15 17th, 2011, and consequently producing low carbon
 16 fuel. In 2018 we initiated a feasibility study
 17 with the University of Illinois. The study aligns
 18 with the carbon storage assurance facility
 19 enterprise known as CarbonSAFE initiative
 20 established by the Department of Energy in 2016.
 21 This initiative focuses on developing
 22 geological storage sites. We have now progressed
 23 into Phase III of this initiative, which
 24 encompasses site characterization, CO2 capture

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1 assessment, and Class VI underground injection
 2 control permit development.
 3 The collaboration has allowed us to work
 4 with the NETL as part of the Department of Energy.
 5 We have engaged local land owners and
 6 secured agreements to access their properties for
 7 3D seismic acquisition. The data was collected by
 8 private contractors. Supplements previously
 9 acquired 2D seismic data gathered along county
 10 roads. These combined data sets have been
 11 instrumental in interpreting the geology and the
 12 surface structure providing valuable insights for
 13 potential long-term storage.
 14 All seismic interpretations have yielded
 15 positive results. In August of 2021, with the
 16 cooperation of local land owners, we identified a
 17 suitable site to drill site location. We
 18 submitted a permit to the IDNR office to drill a
 19 stratigraphic characterization well into the Mt.
 20 Simon sandstone. Our exploratory drilling
 21 confirmed that the high porosity and permeability
 22 storage reservoir within the Mt. Simon occurs at a
 23 depth of over six thousand feet below the ground
 24 surface. Extensive data collection in the well

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1 included geological logs, fluid collection, water
 2 injection testing, and core collection. Test
 3 results from this well have been positive, forming
 4 the basis for developing a regional model to
 5 affirm the feasibility of CO2 storage and
 6 containment.
 7 We have completed model development and
 8 determined the area of review. Subsequently, in
 9 collaboration with the Illinois State Geological
 10 Society we prepared a comprehensive Class VI
 11 injection well permit package which was submitted
 12 to the US EPA. The EPA deemed our permit
 13 application administratively complete in December
 14 of '22. To date, we have made a few minor edits
 15 to this material per their comments. The Class VI
 16 permits designed as safe, public health and safety
 17 focusing on ground water protection are stringent.
 18 In summary, we are an Illinois
 19 corporation committed to reducing our carbon
 20 footprint by sequestering CO2 deep into the Mt.
 21 Simon sandstone. With an ongoing support of local
 22 land owners and communities, we have acquired land
 23 access in an area conducive to long-term storage.
 24 Our regional resource assessment and rigorous due

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1 diligence has taken us beyond the mapped
 2 boundaries of the Mahomet Sole Source Aquifer.
 3 I respectfully request the Board's
 4 consideration to grant our special use permit due
 5 to the due diligence conducted for this project
 6 over the last several years which led to the
 7 development of the Class VI permit application.
 8 In addition to your handout, I brought
 9 letters of support tonight. You will see that we
 10 have one from the US Senator Tammy Duckworth.
 11 Illinois State Senator Tom Bennett. State
 12 Representative Jason Bunting. The Illinois Corn
 13 Marketing Board, Dave Loos, director of biofuels
 14 and research. Local mayor of Gibson City, Dan
 15 Dickey. From our Gibson Area Hospital Services
 16 Rob Schmitt, our CEO. Gibson City Melvin Sibley
 17 School District, Jeremy Darnell, our
 18 superintendent. And then a couple local
 19 businesses; MCS Technologies, Todd McNutt,
 20 president. Davis Welding Manufacturing, Marcy
 21 Taylor, owner. And that concludes my comments.
 22 **JIM FINNIGAN:** Go ahead and proceed
 23 next.
 24 **MR. SHAY:** Good evening. My name is

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1 William Shay, I'm an attorney in Peoria. And am
 2 here to provide support for the project and for
 3 the issuance of the permit.
 4 I will keep my remarks brief for now.
 5 As you all know, that CO2 is extensively regulated
 6 by state and federal government. As Mr. Kelly
 7 explained, and the application states, Class VI
 8 well permit is pending before the US EPA for each
 9 of the three wells. And that's comprehensive
 10 preemptive type regulation for those, as far as
 11 technical standards and safety and so forth.
 12 An arm of the Department of
 13 Transportation, PHMSA, has standards pertaining to
 14 transportation; pipeline transportation. On
 15 October 18th of this year, just a few weeks ago,
 16 the company filed an application with the Illinois
 17 Commerce Commission for a certificate to construct
 18 a pipeline, approximately 7.4 mile pipeline, that
 19 would extend from the company's plant in Gibson
 20 City to these injection well sites. So that's
 21 pending.
 22 I would also remind you and draw to your
 23 attention a letter from your own State's
 24 Attorney's office, Mr. Trevor Sierra, dated

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1 September 28th. I know, Mr. Dick, it was provided
 2 to you and hopefully the rest of you have seen it,
 3 explaining what the bounds of your authority are,
 4 which I thought was very well written. And I
 5 endorse the conclusions in his letter as well.
 6 Thank you.
 7 **DR. DAVIS:** Good evening. Thank you. I
 8 would also like to focus specifically this evening
 9 on the robust nature of the Class VI regulatory
 10 framework. Specifically something we have not
 11 touched too much on at this point, but
 12 specifically the preventative nature of the
 13 monitoring framework that is designed within the
 14 regulatory framework.
 15 So each of the Class VI wells is
 16 designed specifically to protect the US drinking
 17 water zones and isolate them from any fluids that
 18 would be injected from the surface down deep into
 19 the Mt. Simon. And as part of that protection,
 20 the regulatory framework prescribes a regular
 21 annual maintenance program. And this program is
 22 really designed to be preventative in nature,
 23 rather than reactionary. And this is something
 24 that is rather unique to the Class VI well

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1 program. It's very different from what we see in
 2 much of the oil and gas framework. And that's
 3 something that is unique to this class, and it's
 4 something that adds a very distinct layer of
 5 safety to this program that isn't available in
 6 other well programs.
 7 So that's something I would just like to
 8 bring to everyone's attention tonight. Thank you.
 9 **MR. DITSWORTH:** I don't have anything
 10 further to add at this time. I'll assist with
 11 any questions that come up that may be answered,
 12 that may need to be answered. So at this time I
 13 have nothing further to add.
 14 **MR. BLAKLEY:** As one of the co-authors of
 15 the Class VI permits, I am open to answer any
 16 questions that come up in development. And as far
 17 as well placement, if there's any questions for
 18 that, I can help answer some of that as well.
 19 **JIM FINNIGAN:** Any questions from the
 20 board on the testimony that's been given?
 21 **RICK DEAN:** Does the US EPA give you any
 22 guidelines or when the process will be, when their
 23 determination will be valid or made?
 24 **MR. DITSWORTH:** Our conversations with

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1 the US EPA is that the review process is moving
 2 along smoothly. As Steve mentioned, we have had a
 3 few requests for some edits, additional
 4 information. But at this time they're going
 5 through the process of review and it's on track to
 6 meet either the 18 months or 24 months review
 7 process.

8 **RICK DEAN:** Thank you.

9 **JULIA TURNER:** So, if I'm understanding
 10 your process, you're applying, you have gone
 11 through all of the feasibility studies, you have
 12 applied to the EPA, that is shortening things a
 13 lot, I know. So, why are you here now? Why are
 14 you here at this time? I know why you're here.
 15 You want us to approve this. But why now before
 16 you know a real time line for the EPA, and why not
 17 a year from now?

18 **MR. KELLY:** I think the accurate answer
 19 to that is that we just became aware of the fact
 20 that it requires a special use permit. So, we
 21 decided to pursue that.

22 **JULIA TURNER:** Then can you tell me a
 23 little bit more -- from what I read here, or from
 24 what you have told me, this is your first

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1 sequestration, your first foray into
 2 sequestration. Can you tell me why on your first
 3 foray into sequestration we should be comfortable?

4 **MR. KELLY:** Me? Okay. So, I'll be
 5 happy to answer that question for you. You know,
 6 I think in any business when it's new, obviously
 7 you have to surround yourself with expertise. And
 8 from day one in 2018 that's exactly what we did.
 9 We set out to align ourselves with experts in the
 10 field of sequestration. And that was the Illinois
 11 State Geological Society.

12 And we have been working diligently with
 13 them and their team since 2018. And we will
 14 continue to need their services as we move forward
 15 in time.

16 **JULIA TURNER:** Who monitors the wells
 17 and who does the annual preventative maintenance
 18 that needs to be done?

19 **DR. DAVIS:** So, the annual maintenance
 20 and the preventive maintenance will be handled by
 21 a series of different service companies. But
 22 that's generally under the umbrella of one
 23 overarching service company which would be a large
 24 EPC kind of company. So, it's going to be a

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1 national name brand kind of company. Somebody
 2 with a very large name that you normally would
 3 have heard of.

4 And it's the kinds of monitoring and
 5 testing and things that they would be doing, would
 6 be out there collecting ground water samples, and
 7 getting those samples back to the laboratory. You
 8 would be running wire lines, specific wire line
 9 tests and analyzing those results. There are
 10 continuous monitor strings that are installed on
 11 each of the injection wells. Also on the
 12 monitored wells. That information is also
 13 reviewed on a continuous basis in the cloud, and
 14 that is set up to be reviewed by that same EPC
 15 company or maybe a different EPC company.

16 But it's reviewed on a continual basis
 17 for certain of the data types. All of those
 18 different monitoring requirements are actually
 19 prescribed in the Class VI regulations. So
 20 depending on which thing we're talking about,
 21 whether we're monitoring corrosion or we're
 22 monitoring temperature or we're monitoring down
 23 hole pressure or top hole pressure, all of those
 24 different things have a different monitoring time

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1 line associated with it, whether it is quarterly,
 2 annually, or continuously. But it's typically no
 3 less frequently than annually.

4 And so the preventative maintenance
 5 schedule that goes along with that is going to be
 6 based on the information we get back. So if you
 7 see something that says, I am starting to see a
 8 tiny bit of degradation in X, then you're going to
 9 go ahead and do a preventive maintenance in order
 10 to replace that component before it actually
 11 triggers any other problem.

12 It's no different than getting your
 13 annual checkup.

14 **JULIA TURNER:** Can you talk to us a
 15 little bit about why you chose the sites that you
 16 did? And you said you have applied for a seven
 17 mile pipeline from your plant in Gibson City. Why
 18 isn't it in Gibson City yet? Why did you decide
 19 to come to McLean County instead of staying in
 20 Ford?

21 **MR. BLAKLEY:** I can speak to that. Part
 22 of the reason that we are where we are, is to get
 23 a little distance away from the Mahomet Aquifer.
 24 We want to make sure we had plenty of distance

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1 away from Mahomet.
 2 We also wanted to make sure that the
 3 lower portion of the Mt. Simon, called the
 4 arenaceous zone, it isn't that well studied in
 5 actual port holes because most of the wells don't
 6 go deep enough. So we had a proven reservoir at
 7 the ADM facility, so it was kind of the mind-set
 8 that we would stay a little to the west, and we
 9 can try to make sure we find the intercostal well.
 10 So then before we went out and actually had
 11 established where we were going to drill a monitor
 12 well, we collected 2D seismic to see if we could
 13 see the integrity of the reservoir, the seal, and
 14 make sure we didn't see any subsurface features;
 15 any kind of faulting or fracturing or anything.
 16 So those are really the things that led
 17 us to the direction that we were in for our sites
 18 in getting away from Gibson City.
 19 **JULIA TURNER:** That's all for now from
 20 me.
 21 **MIKE KURITZ:** You say that by doing this
 22 you're creating a lower seal to the production of
 23 fuel. Is it actually the lower the CO2 that is
 24 burned, or is it just your manufacturing processes

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1 aren't putting it in the air and so you need to
 2 call it that?
 3 **MR. DITSWORTH:** So, the CO2 that we are
 4 capturing and compressing is --
 5 **MR. DICK:** Can you move the microphone
 6 right next to your face.
 7 **MR. DITSWORTH:** So the CO2 that we're
 8 capturing and compressing is the CO2 processed, or
 9 part of the process of the biological
 10 fermentation. That's just the natural life cycle
 11 of that biological fermentation.
 12 We are not capturing 100 percent of our
 13 CO2 from the plant. As we have gas boilers, those
 14 emissions don't go to atmosphere and meet the
 15 Illinois EPA emission standards. So we're
 16 capturing and expect to capture 95 percent or
 17 better of the CO2 process from the fermentation.
 18 We expect to lower our carbon intensity
 19 and our overall CO2 emissions, fermentation,
 20 emissions of CO2 is basically 30 percent of our
 21 total CO2 emissions. So, we expect to lower our
 22 total CO2 emissions by 30 percent.
 23 **MIKE KURITZ:** So the fuel doesn't
 24 actually produce -- that's being used in the

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1 tractors or -- well, that's normally diesel, but
 2 in cars or whatever, doesn't actually burn any,
 3 produce any less? Okay.
 4 **JIM FINNIGAN:** You said you drilled an
 5 exploratory well. Where was that well drilled at?
 6 **MR. KELLY:** The exploratory
 7 characterization well was drilled just to the east
 8 of well number one; about a quarter mile to the
 9 east.
 10 **RICK DEAN:** Did it get to the six or
 11 seven thousand feet?
 12 **MR. KELLY:** Actually we went down 7,100
 13 feet.
 14 **BRIAN BANGERT:** The land that these
 15 wells are proposed to be on, how does this work?
 16 Ownership of land, it's my understanding there's
 17 mineral rights that are involved. If a person was
 18 to say pump CO2 on a particular tract of land,
 19 does it stay on that tract of land or is it
 20 migrating into other properties? How does this
 21 all hold together related to mineral rights? Does
 22 that now become the neighboring land owners, part
 23 of their mineral rights as well? Does it
 24 transfer? Say the ownership of the land, would it

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1 change? Does this transfer to the new owners?
 2 I'm just curious how this all works with related
 3 to how this --
 4 **MR. SHAY:** I'll answer first because
 5 you're asking partially a legal question. And I
 6 have represented land owners with respect to
 7 another project in the state to negotiate what are
 8 called pore space agreements under their land. So
 9 while it's not entirely well established under
 10 Illinois law, as best as the lawyers who deal in
 11 this area can tell, conclude that the surface
 12 owner also owns not only the mineral rights that
 13 are under their property, but also the pore space
 14 that is approximately a mile.
 15 And so in order to utilize that pore
 16 space, the sequestration company would need to
 17 have a lease or easement with that land owner.
 18 And not just the land owner where the CO2 is
 19 ejected, because the CO2 ignores the property
 20 boundary lines underneath. And so studies have to
 21 be done to model the plume and where it goes. And
 22 an agreement with each land owner where that CO2
 23 migrates to is needed.
 24 And those agreements have been

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1 negotiated and assigned to date based on that. I
 2 hope that answers your question.
 3 **BRIAN BANGERT:** Yes. Emergency
 4 management services. Who can talk to that? Is
 5 there emergency management services trained in
 6 this area of expertise pertaining to CO2 exposure,
 7 leaks? I mean, is that in place, or who helps
 8 train, or where does the regulation come in?
 9 **MR. DITSWORTH:** So we're currently
 10 working on an emergency response plan. We have
 11 reached out to McLean County Emergency Services.
 12 We have reached out to Ford County Emergency
 13 Services trying to set up meetings to discuss
 14 their concerns, their needs, so we can address
 15 that. And an emergency response plan according to
 16 what they relay to us. So it's currently in the
 17 development stage at this time.
 18 **MR. BANGERT:** Okay. I'm good for now.
 19 **MIKE KURITZ:** How large an area
 20 underground do you expect this can migrate to?
 21 **MR. BLAKLEY:** That's part of the
 22 determination, the area of review, as Steve
 23 mentioned earlier. As to the different modeling
 24 scenarios, we can see what kind of space this

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1 holding would be. Aerial review itself consists
 2 of the CO2 plume and the pressure front. And
 3 obviously the size is going to be determined by
 4 the amount of CO2 we're injecting into each one of
 5 these locations.
 6 So, I'd have to see what volumes to be
 7 able to say yeah, this is the distance. But we've
 8 run the simulations on multiple scenarios.
 9 **MIKE KURITZ:** And how many years do you
 10 figure is going to be the life of this, of these
 11 three wells?
 12 **MR. KELLY:** Okay. So the question is,
 13 what is the life of the wells? It's dependent
 14 upon the amount of tonnage that we inject on an
 15 annualized basis.
 16 So, the current projection is that if we
 17 did one million tons per year, it would go for 30
 18 years per well.
 19 **RICK DEAN:** And that is based on the
 20 seismic readings from deep in the formation?
 21 **MR. BLAKLEY:** The injection scenarios?
 22 Is that what you're asking?
 23 **RICK DEAN:** How do you determine that, I
 24 guess.

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1 **MR. BLAKLEY:** How do you determine the
 2 injection volumes? It would just be the amount of
 3 CO2 you can have. All these different scenarios
 4 are run through a dynamic simulations model. So,
 5 that's where you can see. Your injection
 6 scenarios and the life of the well itself is
 7 actually a post injection site care period that
 8 you have to observe after you completed the
 9 injection of the CO2 to be able to monitor the
 10 migration, and it can be longer than 30 years.
 11 You're responsible for these wells indefinitely.
 12 Did that --
 13 **RICK DEAN:** I guess my question is, how
 14 do you determine that? Is it based on seismic
 15 readings?
 16 **MR. BLAKLEY:** Well, all of the data that
 17 we collected is entered into these models. So not
 18 only do we use seismic, but we have used logs to
 19 do the interpretation, we did core analysis, we
 20 checked for porosity and permeability. The 3D
 21 seismic was another part to look where we
 22 anticipated some plume would be. We take all of
 23 this data that we collect from the well, and put
 24 these into the models to basically build one. And

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1 each time we collect more data, we update the
 2 models, we get that much better and better
 3 scenarios. So seismic is, yes, part of it.
 4 **MIKE KURITZ:** In your talks with the
 5 road commissioners about sites and all that, have
 6 you had any discussions about road usage? I'm
 7 assuming, I don't know how heavy equipment you're
 8 going to put on these roads or how much traffic or
 9 anything. But have you had discussions with the
 10 road commissioners over those issues?
 11 **MR. KELLY:** Definitely. They're the
 12 people in charge of their roads and we're
 13 responsible to them. So, before we ever enter on
 14 a road with anything in excess of what is rated
 15 out there, we have to get their permission. So we
 16 did work extensively with two townships during the
 17 2D seismic testing. We took five trucks out over
 18 those roads during different periods of time, and
 19 then we worked with them to get the rigging in to
 20 drill that characteristic well as well. And then
 21 piping had to come with it.
 22 So any time, we know they're important
 23 and they're number one. So we get permission
 24 before we do anything.

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1 **JIM FINNIGAN:** Will you be injecting in
 2 all three wells at the same time? Or how does
 3 that work? Just one at a time?
 4 **MR. KELLY:** Okay. I'm going to take a
 5 stab at that one. The answer is, is that today,
 6 as we explained to you the amount of tonnage, the
 7 amount of -- sorry; the amount of tonnage that
 8 comes off our facility today would be about 50
 9 percent of the capacity of a single well.
 10 So, at this point in time there's no
 11 purpose for us to drill and expand beyond one well
 12 until another source of CO2 arises. So one well
 13 at one time, okay?
 14 And I also want to say this, even though
 15 I answered that question earlier about realize
 16 that all of the testing that we've done, we hope
 17 that it's accurate. But you never know how that's
 18 going to work until you start injecting in that
 19 well.
 20 So, that's why we have more options of
 21 having more than one particular well so that in
 22 the event if we thought we were going to have a
 23 good well for an extended period of time, and it
 24 turned out that it wasn't, then we have a back up

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1 alternative.
 2 **JIM FINNIGAN:** But you won't be
 3 injecting anybody else's CO2? It will just be
 4 what comes off your plant?
 5 **MR. KELLY:** At present date today all we
 6 have is what is coming off our plant; yes, sir.
 7 **JULIA TURNER:** So what do you do if it's
 8 a bad well?
 9 **MR. KELLY:** If you give us approval, and
 10 the US EPA gives us approval for a second and
 11 third well, then we go to that second or third
 12 well.
 13 **JULIA TURNER:** What happens to the CO2
 14 that you have pumped in there to figure out that
 15 it's not a good well?
 16 **MR. KELLY:** Well, it's not going to --
 17 we're talking about continual capacity. We're
 18 just saying if we max out that well at a specific
 19 or a lesser amount than what's anticipated today,
 20 then you have to cap that well, and you have to do
 21 this monitoring that was discussed earlier.
 22 So, there's a post injection period that
 23 requires us to monitor that activity in that well
 24 while we work on the next one. That obligation

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1 doesn't go away.
 2 **JULIA TURNER:** I hear you say that the
 3 current plan is that you don't have any other CO2
 4 coming in, but you're open to that?
 5 **MR. KELLY:** Certainly we would be open
 6 to that opportunity. Sure.
 7 **JULIA TURNER:** My next question is, is
 8 there any, in your research or as you look into
 9 your crystal ball, and have your hopes, is there
 10 anything out there that would say there could be a
 11 market for this CO2 later for you to take it back
 12 out when you put this CO2 in? Is it with an eye
 13 or with a thought that there needs to be a
 14 mechanism or an idea towards taking it back out?
 15 **MR. BLAKLEY:** No. I mean, this would be
 16 -- the plan would just be permanent storage. I
 17 mean, there are wells that you could do some of
 18 this with, some of the EOR wells, enhanced
 19 recovery wells for CO2. And that's the whole
 20 purpose to inject the CO2, mobilize the oil,
 21 produce it, and then just go back and process it.
 22 But the plan would be permanent storage of CO2.
 23 **MR. KELLY:** The only thing I would like
 24 to add to that is realize that since we've been

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1 operational, there is other uses for CO2, right?
 2 We make dry ice out of CO2. Trust me, for 14
 3 years I've tried to get with somebody that I could
 4 sell that CO2 and create another product with it.
 5 So, it's not that it can't be. It's just that
 6 that market seems to be saturated to date. And so
 7 therefore we have an excess, and today the best
 8 means we know to do with that excess is to scrub
 9 it and emit it. And now we're looking at this
 10 other opportunity to clean up the atmosphere and
 11 sequester it in the ground.
 12 **JULIA TURNER:** And again, you understand
 13 that I'm looking toward if there are any thoughts
 14 or if that were to happen, and it goes to trucks
 15 or it goes to a different pipeline or something,
 16 then that's a whole different game that we have
 17 going at these sites.
 18 **RUTH NOVOSAD:** Can you give me some sort
 19 of idea, I know that the three injection well
 20 sites are not located near the Mahomet Aquifer.
 21 But, what is the projected area of the plume? And
 22 how close will the plume come to the Mahomet
 23 Aquifer?
 24 **MR. BLAKLEY:** As one of the things in

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1 the special use permit, I completed in showing
 2 where the Mahomet Aquifer actually is in relation
 3 to where the wells are. It's some distance away.
 4 It wouldn't come anywhere near the Mahomet.
 5 **RUTH NOVOSAD:** I mean, even after 30
 6 years it's not going to come anywhere near?
 7 **MR. BLAKLEY:** Yeah.
 8 **RUTH NOVOSAD:** Because it seems pretty
 9 close on the map. That's the concern that I have.
 10 **MR. BLAKLEY:** No. The actual distance
 11 away, I think it's about ten, 15 miles away. And
 12 so anything that I've seen with wells in the area
 13 doesn't show any sign of a formation, which is
 14 Mahomet's part of the banner formation and it's
 15 mostly clay down to about 160 feet in most of the
 16 wells around that area.
 17 **JULIA TURNER:** What about any of the
 18 feeders into the Mahomet aquifer?
 19 **MR. BLAKLEY:** I also haven't seen any
 20 evidence of the shallow sand and gravel aquifers.
 21 And nothing around the (inaudible). So that would
 22 be kind of an intermediate unconsolidated sand and
 23 gravel aquifer.
 24 **JULIA TURNER:** Is that part of the EPA

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1 approval process? That you look at all that, and
 2 approve all of that type of information?
 3 **MR. BLAKLEY:** The most -- the EPA
 4 typically is looking at the lower most underground
 5 source of drinking water in the areas of the St.
 6 Peters. So, there's so much distance -- so much
 7 distance between the injection horizon, about
 8 6,400 feet, and the unconsolidated Mahomet, the
 9 shallow sand and gravel aquifers, intermediate
 10 sand and gravel aquifers, you have about 300 feet
 11 in that area.
 12 So it's such a huge disconnected
 13 distance from the injection formation. The main
 14 thing we really need to observe is underground
 15 source drinking water. And part of the monitoring
 16 strategy for the Class VI, there's a monitor well
 17 that goes into the St. Peter, and there's also a
 18 monitor well that goes into the sandstone that
 19 sits above the Eau Claire.
 20 **JULIA TURNER:** You stated the St. Peter,
 21 are you meaning the Simon? Or there is a St.
 22 Peter also?
 23 **MR. BLAKLEY:** The lower most USVW is the
 24 St. Peters.

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1 **JULIA TURNER:** Is the St. Peters, yeah.
 2 **BRIAN BANGERT:** This well will be
 3 injecting into pore space. Your test well, what
 4 occupies the pore space at this point? What would
 5 be misplaced?
 6 **MR. BLAKLEY:** Brine. And it's brine
 7 that's about ten times the salinity in salt water,
 8 ocean water, so it would displace that brine.
 9 **BRIAN BANGERT:** Where would that go?
 10 **MR. BLAKLEY:** It would go out into the
 11 formation. So that is part of the determination
 12 of the AOR is to look at where we see the CO2
 13 saturation plume, and where we see that pressure
 14 front. And that's when we run the scenarios, and
 15 we can see, we should expect that pressure to go
 16 out into the formation.
 17 And then you have the overlying Eau
 18 Claire formation, you wouldn't expect anything to
 19 go up.
 20 **BRIAN BANGERT:** So, help me out with
 21 this. Gases can be compressed. Fluids can not be
 22 compressed. Is that correct? Or explain this.
 23 **MR. BLAKLEY:** It would just be
 24 displaced.

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1 **BRIAN BANGERT:** Displaced. It's got to
 2 go somewhere.
 3 **MR. BLAKLEY:** It's going to go out into
 4 the formation.
 5 **BRIAN BANGERT:** Other pore space?
 6 **MR. BLAKLEY:** Yeah, within the Mt. Simon
 7 sandstone. That's where you see that brine
 8 displaced, part of that formation.
 9 **BRIAN BANGERT:** Okay. And then it would
 10 be a pressure reading or something that would feed
 11 back to you that it's full? Or how would you
 12 know, 'cuz the gas would be what's pressurized.
 13 How would -- and the pore space is not full?
 14 **MR. BLAKLEY:** No. So think about it
 15 ever being full. Mt. Simon is immense. So it's
 16 across most of the entire state. We're talking
 17 thousands of feet thick. And it's separated kind
 18 of informally separated in the survey. The upper,
 19 middle and lower Mt. Simon. In that lower portion
 20 of the Mt. Simon is the arenaceous zone. That's
 21 where the injection goes. Right now the upper
 22 part of the Mt. Simon is used for gas storage.
 23 So, it would be so large that we wouldn't --
 24 probably don't even know what the actual storage

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1 capacity is of the formation right now. That's
 2 why as we do more drilling and do more work, we
 3 can get a better idea of what that storage
 4 capacity would be.
 5 **BRIAN BANGERT:** So there's a layer of
 6 impermeable rock above this sandstone?
 7 **MR. BLAKLEY:** There's several. So, we
 8 have the precambrian surface, which is the
 9 granites, the royalites. The Mt. Simon; then
 10 above that is the Eau Claire shale. The Eau
 11 Claire is that impermeable cap that we're talking
 12 about. But on top of that, we also have other
 13 regional shales, one is the naquoquitus (phonetic)
 14 shale, and above that would be the New Albany
 15 shale. So there's multiple shale units that are
 16 intact across the area.
 17 **MR. BANGERT:** So, in order to test to
 18 make sure that there's no fissures in any of this
 19 caprock material, do you do additional testing at
 20 other locations, or how do you know that there's
 21 no fissures?
 22 **MR. BLAKLEY:** That's part of why we did
 23 as much seismic collection as we have, so we could
 24 see what the integrity looked like of the

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1 injection formation and the regional seal.
 2 So, we would continue to do seismic
 3 monitoring and that's -- and if you are going to
 4 see any kind of pressure response, you would see
 5 that in your well too. That's why we'd have
 6 multiple monitored wells in place. To observe
 7 what kind of injection pressure we're getting.
 8 **BRIAN BANGERT:** Thank you.
 9 **RICK DEAN:** You talk about pore space,
 10 would this be like a gravel or something I could
 11 think about? That's what -- help me think through
 12 what that porous material is like?
 13 **MR. KELLY:** You want me to handle that?
 14 Okay. So, this was the best way that I
 15 could understand it. It's just like it was a
 16 beach at one time. Okay? And now that sand has
 17 become like sandstone, right, Kathleen? And it
 18 just has this ability to absorb liquid. And
 19 that's it. There's no caverns. There's no gaps,
 20 right? It's just solid. And we found an area
 21 that was 2,000 feet thick of this property. And
 22 as a geologist explained it to me, this was made
 23 500 million years ago.
 24 **RICK DEAN:** So it's a sand type

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1 material?
 2 **MR. KELLY:** Yes, sir. Sand. And if you
 3 ever want to come by my office, I have a piece of
 4 that and you're more than welcome to look that
 5 over. I should have brought a piece tonight with
 6 me so you could see it.
 7 **DR. DAVIS:** So the flagstone patios that
 8 are popular in home outlets, the sandstone one is
 9 an outcrop of the St. Peter sandstone much farther
 10 north from here. So, and if you pour water on it,
 11 it will absorb straight into that sandstone.
 12 **RICK DEAN:** Thank you.
 13 **JIM FINNIGAN:** Any other questions you
 14 can think of? I see the wheels rolling. Does the
 15 staff have any questions?
 16 **MR. DICK:** No.
 17 **JIM FINNIGAN:** We're going to move on to
 18 questions now if that is all right. So, would
 19 anyone in the audience have questions of the
 20 applicant? Please come forward.
 21 **A VOICE:** Where would you like me to go?
 22 **JIM FINNIGAN:** Over here. We need to
 23 state your name and address.
 24 **DON CARLSON:** Don Carlson.

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1 C-A-R-L-S-O-N. 208 Kreitzer, K-R-E-I-T-Z-E-R,
 2 Avenue in Bloomington, Illinois.
 3 **JIM FINNIGAN:** This is just for
 4 questions.
 5 **DON CARLSON:** Yes, sir. To I believe
 6 you, sir, when you said you were an Illinois
 7 corporation?
 8 **MR. KELLY:** Yes, sir.
 9 **DON CARLSON:** Isn't One Earth really
 10 owned by Rex Corporation out of Ohio?
 11 **MR. KELLY:** One Earth Energy is an
 12 Illinois corporation. And so is One Earth
 13 Sequestration.
 14 **DON CARLSON:** And the 78 percent share
 15 that Rex owns of One Earth LLC is something
 16 different?
 17 **MR. KELLY:** No, that would just make him
 18 a majority shareholder of One Earth Energy.
 19 **DON CARLSON:** And what other businesses
 20 is Rex Corporation involved in?
 21 **MR. KELLY:** Well, they're involved in
 22 other ethanol ventures, just like One Earth
 23 Energy.
 24 **DON CARLSON:** Don't they own ethanol

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1 plants in other plants in Illinois? Wisconsin?
 2 Iowa?
 3 **MR. KELLY:** They would have an investment
 4 in a portion of those plants.
 5 **DON CARLSON:** And so to the question
 6 that was asked about, are you going to be using
 7 the sequestration sites simply for your plan? I
 8 believe the answer was, at the present day. Is
 9 that correct?
 10 **MR. KELLY:** Yes, sir. Yep.
 11 **DON CARLSON:** Well, what happens if Rex
 12 says, we want you all to be the repository of
 13 these four or five other ethanol plants? Wouldn't
 14 you have to go along with it?
 15 **MR. KELLY:** It's not economically
 16 feasible.
 17 **DON CARLSON:** But wouldn't you have to
 18 go along with it because they're a majority
 19 shareholder of you?
 20 **MR. KELLY:** Not if it doesn't -- if it's
 21 not economically feasible, no.
 22 **DON CARLSON:** To the question about the
 23 emergency plan was in development, I believe you
 24 said?

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1 **MR. DITSWORTH:** Yes.
 2 **DON CARLSON:** Are you familiar with the
 3 emergency response plan that One Earth filed with
 4 the US EPA?
 5 **MR. DITSWORTH:** Yes.
 6 **DON CARLSON:** And that is 18 pages long?
 7 **MR. DITSWORTH:** Yes.
 8 **DON CARLSON:** Is that a plan in
 9 development as well, or is that a plan?
 10 **MR. DITSWORTH:** That emergency response
 11 plan was developed as a draft for the US EPA for
 12 the Class VI permit.
 13 **DON CARLSON:** Have you shared that plan
 14 with the members of this committee?
 15 **MR. DITSWORTH:** No, we have not.
 16 **DON CARLSON:** Is there a reason for that?
 17 **MR. DITSWORTH:** No reason that I'm aware
 18 of. No.
 19 **DON CARLSON:** Let's move on to the
 20 Mahomet Aquifer for a second. Are you familiar
 21 with the project narrative that One Earth filed
 22 with the US EPA called project narrative?
 23 **MR. DITSWORTH:** I'm sorry, for what?
 24 **DON CARLSON:** Project narrative, I

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1 believe the gentleman in the back is going to
 2 answer?
 3 **MR. BLAKLEY:** Yes.
 4 **DON CARLSON:** Did you write it?
 5 **MR. BLAKLEY:** Yeah, I wrote most of it.
 6 A fair amount of it.
 7 **DON CARLSON:** Then to the question of oh,
 8 no, it's not in the proximity to the aquifer,
 9 would you be surprised if the actual narrative
 10 says that it is in the proximity of the aquifer,
 11 and it's under the three watersheds that recharge
 12 the Mahomet Aquifer? Would that surprise you?
 13 Did you write that comment?
 14 **MR. BLAKLEY:** It's in the watershed
 15 portion of Mahomet.
 16 **DON CARLSON:** The three watershed
 17 portions of the Mahomet?
 18 **MR. BLAKLEY:** It's in one.
 19 **DON CARLSON:** You sure you want to stay
 20 with that? And if I was to give -- the final
 21 question is, in the project narrative that you
 22 wrote, it talks about the Mahomet sole source
 23 aquifer project review area. Now that seems to me
 24 like that sounds like Mahomet Aquifer?

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1 **MR. BLAKLEY:** It's not in the mapped
 2 extent of the Mahomet aquifer.
 3 **DON CARLSON:** Is it in the extent of the
 4 Mahomet sole source aquifer project review area?
 5 **MR. BLAKLEY:** Yes.
 6 **DON CARLSON:** And that's the map that you
 7 included in the narrative?
 8 **MR. BLAKLEY:** Uh-huh.
 9 **DON CARLSON:** That has the blue outline
 10 that includes where the site is?
 11 **MR. BLAKLEY:** Yes.
 12 **DON CARLSON:** Thank you very much.
 13 **JIM FINNIGAN:** Any other questions from
 14 the audience? Come forward. Here is another
 15 voice. Name and address, please.
 16 **A VOICE:** My name is Brent Lage.
 17 Address is 18486 North 4100 East Road, Anchor,
 18 Illinois, 61720.
 19 **JIM FINNIGAN:** Spell your name.
 20 **BRENT LAGE:** Last name, L-A-G-E. Several
 21 times it's been asked about the CO2 plume
 22 traveling underground, but I haven't heard an
 23 actual distance. Is that known? An expected
 24 distance away from the wells and determine an

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1 exact -- are we expecting a mile? Half mile? Two
 2 miles? How far from the wells, is that known?
 3 **MR. BLAKLEY:** Yes. I can't recall that
 4 distance off the top of my head.
 5 **BRENT LAGE:** Is that how far out you guys
 6 are seeking agreements with land owners in the
 7 neighboring portions of the wells? A three mile
 8 radius from the wells for agreements?
 9 **MR. BLAKLEY:** I have not been involved
 10 with that.
 11 **MR. DITSWORTH:** So, the area of review
 12 that was determined by ISGS and by the modeling,
 13 that was submitted to the US EPA in the Class VI
 14 permit, that area of review is approximately 7
 15 miles across. So, a radius of about 3 and a half
 16 miles. That would be at the full, 30 year
 17 injection. So, that area of review grows a little
 18 bit each year based on the modeling.
 19 **BRENT LAGE:** So you would have to have
 20 agreements from all of the land owners within that
 21 3 and a half mile radius to start this project?
 22 **MR. DITSWORTH:** Not for the area of
 23 review. The area of review is considered the
 24 pressure frame. The plume modeling is different

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1 than the area of review. So based on the plume
 2 modeling, that's where the pore space comes in to
 3 play. So, the pore space is where we have to get
 4 agreements based on that modeling.
 5 **BRENT LAGE:** What is the extent of the,
 6 and I don't know if this is privy to lawyers and
 7 contracts, you guys have proposals and what you
 8 are proposing to land owners and fair compensation
 9 for storage of the CO2? I mean, I guess how will
 10 it be determined the amounts, or what you think is
 11 fair for the storage?
 12 **MR. KELLY:** When we work with producers
 13 and land owners on that issue, the answer is that
 14 we settle on what they want to be compensated for.
 15 **BRENT LAGE:** Is it one time payments or
 16 an annual ongoing payments?
 17 **MR. KELLY:** I think that's confidential.
 18 I don't think that's for public notice.
 19 **BRENT LAGE:** What happens at the pressure
 20 front? Is it just a front that stays there? Does
 21 rock fracture? What happens? Is it known?
 22 **MR. BLAKLEY:** The pressure front, once
 23 the injection stops, you won't see that pressure
 24 front migrate any more. It will stabilize out.

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1 **BRENT LAGE:** But in the process of
 2 injection, it's an area of higher pressure, and is
 3 that what's monitored and cause for concern with a
 4 pressure front?
 5 **MR. BLAKLEY:** That's what is monitored,
 6 yeah.
 7 **BRENT LAGE:** Will there be any seismic
 8 monitoring in the area?
 9 **MR. BLAKLEY:** Yes. There's actually a
 10 fiber optic cable that's in the monitor. It's
 11 actually the stratigraphic well, it will be
 12 converted to a monitoring well. And that
 13 acoustic, that distributed acoustic sensor will be
 14 able to give us that information.
 15 **BRENT LAGE:** What is the difference
 16 between this and fracking?
 17 **MR. BLAKLEY:** This you're going to store
 18 CO2. Fracking you're injecting a sand slurry,
 19 sand water slurry into a formation.
 20 **DR. DAVIS:** When you're fracking, you're
 21 deliberately trying to create cracks inside the
 22 well. Like Curt said, with a sand water slurry or
 23 a sand cement slurring you're trying to prop open
 24 the cracks that you're artificially creating. So

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1 you tend to be injecting in a much, much smaller
 2 area at extremely higher pressures, and you're
 3 using specialized cements that are designed to
 4 hold those fractures open. And it's a
 5 specifically designed process which is designed to
 6 break rock in specific areas.
 7 It's not at all like the kind of process
 8 that this is. This process is designed to stay
 9 underneath the fracture threshold. And part of
 10 the way we do that is by monitoring the pressure
 11 that we're at continuously throughout the process.
 12 And by staying at an -- actually not ever going up
 13 to the well understood fracture threshold for that
 14 particular rock.
 15 **BRENT LAGE:** What is the fracture
 16 threshold of this rock?
 17 **DR. DAVIS:** So, those are things that
 18 are -- that you can calculate mechanically. And
 19 those simulations have been run for these wells.
 20 They are run continuously.
 21 **BRENT LAGE:** And what are the numbers on
 22 it?
 23 **DR. DAVIS:** I can't share those numbers.
 24 **BRENT LAGE:** At what pressures will the

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1 CO2 be injected to get it underground?
 2 **MR. KELLY:** I think right now it's
 3 contemplated between 1800 and 2200 PSI.
 4 **DR. DAVIS:** If you wanted to calculate
 5 the frack pressure yourself, it's a standard
 6 calculation you can look up. And the US EPA
 7 recommends a frack pressure that is 90 percent of
 8 the rock to gradient; the rock frack pressure.
 9 **BRENT LAGE:** Is the CO2, is it a gas or
 10 liquid when it's injected?
 11 **MR. DITSWORTH:** It's a gas. It's a
 12 liquid, but it's compressed, so it has the
 13 properties of a gas. But it's still considered a
 14 liquid.
 15 **MR. SHAY:** If I may, you asked about
 16 confidentiality, and seeing that we heard some
 17 moans from the some of the folks here, I'd like to
 18 address that.
 19 You know, when you, as a land owner,
 20 when you sign an easement with a utility for your
 21 transmission line or a gas oil pipeline, what's
 22 recorded is not the actual agreement. It's
 23 usually a memorandum or summary of the agreement.
 24 And the financial terms are not disclosed. And

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1 those agreements always contain a confidentiality
 2 clause, and that's to protect both parties. And
 3 land owners, rightly so, don't want the world to
 4 know how much they're being paid for those kinds
 5 of things.
 6 The same applies here. So it's just
 7 customary practice. So it's nothing unusual or
 8 particular to this company or this project. Just
 9 want to make sure that's clear.
 10 **BRENT LAGE:** Have you been reaching out
 11 to all of the people living within a three and a
 12 half mile radius of the proposed well sites for
 13 communication on the project?
 14 **MR. KELLY:** Have we reached out to 100
 15 percent of them? Probably not at this point in
 16 time. But, we are pursuing that, yes, sir.
 17 **BRENT LAGE:** I can tell you with
 18 confidence that it's not. I live within 3 and a
 19 half miles of one, and I've heard nothing from,
 20 granted I'm not a land owner, but I live within a
 21 3 and a half mile radius, and I've heard nothing
 22 from anybody on any of the projects. So -- I have
 23 no further questions.
 24 **JIM FINNIGAN:** Any other questions from

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1 the audience?
 2 **A VOICE:** Friend, were you invited to a
 3 meeting on July 7th at Sally Lasers?
 4 **JIM FINNIGAN:** We're going to have your
 5 name and address.
 6 **TYLER YOUNG:** Tyler Young. 40563 East,
 7 1400 North, Saybrook. And it was a simple
 8 question because Brett's landlord and himself and
 9 another gentleman were invited to a meeting about
 10 this project on July --
 11 **MS. WILLIAMS:** This is a time for
 12 questions.
 13 **A VOICE:** Thank you.
 14 **JIM FINNIGAN:** Name and address, please.
 15 **MARY MONAHAN:** Mary Monahan,
 16 M-O-N-A-H-A-N. 2104 Fox Tail Road, Bloomington.
 17 I just have one question about who's responsible
 18 for the wells over time? And is that in the
 19 contract?
 20 **MR. KELLY:** The answer to the question
 21 is the operator. And One Earth Sequestration
 22 would be the operator of those wells.
 23 **MARY MONAHAN:** And who would that be
 24 specifically?

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1 **MR. KELLY:** That is my company, ma'am.
 2 **MARY MONAHAN:** And that other company
 3 from Ohio? Are they --
 4 **MR. KELLY:** Has nothing to do with the
 5 company from Ohio.
 6 **MARY MONAHAN:** So, it would be your
 7 responsibility forever?
 8 **MR. KELLY:** Yes, ma'am. Well, I'm not
 9 going to live forever. But, it is the
 10 corporation's responsibility. I believe that was
 11 the question.
 12 **MARY MONAHAN:** So, what happens if your
 13 corporation is defunct in some way? I hope that
 14 doesn't happen, by the way.
 15 **MR. KELLY:** No, that's fine. It's a
 16 good question. The answer is, is that if we're
 17 granted the Class VI permit, as a condition of
 18 that permit we are required to give some type of
 19 financial assurance to protect the closure of that
 20 well and the monitoring of that well in the event
 21 that One Earth Sequestration should be dissolved.
 22 **MARY MONAHAN:** Thank you.
 23 **JIM FINNIGAN:** Anyone else have
 24 questions?

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1 **MARGARET KEYLIN:** Margaret Keylin,
 2 K-E-Y-L-I-N. 304 North WoodLawn Street, Downs,
 3 Illinois. Someone, and I won't remember who said
 4 what, but someone mentioned ADM started
 5 sequestration in 2011 and have been doing it since
 6 then. So that would be about 12 years. And you
 7 talk about this sort of thing is safe. But CO2,
 8 how long does that remain active underground?
 9 **DR. DAVIS:** So once the CO2 is stored
 10 underground, it's stored permanently. So it will
 11 always be there.
 12 **MARGARET KEYLIN:** It doesn't move around?
 13 **DR. DAVIS:** It disbursts to the extent
 14 of what we have modeled, and that is approximately
 15 where it stays.
 16 **MARGARET KEYLIN:** So, it continues to be
 17 active, for how long does that go on?
 18 **DR. DAVIS:** Depending on the exact
 19 conditions of the local geology, the -- some of
 20 the CO2 that is in place will eventually
 21 mineralize. But that occurs over a very long
 22 period of time.
 23 **MARGARET KEYLIN:** Thousands of years?
 24 So, we really don't know the total effect of the

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1 technology of the sequestration well technology
 2 for a long time after the 30 years the wells are
 3 operating? We don't really know what that effect
 4 will be?
 5 **MS. WILLIAMS:** Again, this is a time for
 6 questions. You will have time for testimony
 7 later.
 8 **MARGARET KEYLIN:** Okay. Well, that was a
 9 question. I just wanted to know if it was known.
 10 What is the effect on the geology of an area of a
 11 naturally porous layer when it's solidified like
 12 that? Do we have any idea?
 13 **DR. DAVIS:** So, let's say some of it
 14 mineralizes. It's already -- it's mineralizing
 15 inside a rock that is already a rock. So, all
 16 you're doing is you are taking some amount of CO2
 17 that you have injected and you're converting it
 18 into -- you're reducing the overall pore space,
 19 the mineralization, if that is the process that
 20 takes place over a very, very long period of time.
 21 But we're now in very far theoretical space.
 22 **MARGARET KEYLIN:** And it's displacing
 23 brine?
 24 **DR. DAVIS:** It's displacing brine.

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1 **MARGARET KEYLIN:** Where does the brine
 2 go?
 3 **DR. DAVIS:** As was described earlier,
 4 when the brine is displaced by the CO2, it is
 5 displaced out into the rest of the St. Peters or
 6 or into the Mt. Simon; sorry. It is displaced in
 7 the Mt. Simon, and that is where it stays.
 8 **MARGARET KEYLIN:** So, it just keeps
 9 spreading out and now it's filling the pores
 10 further away, so pores are getting filled either
 11 by CO2 and -- okay.
 12 Do you imagine your company will
 13 continue to produce the 403,000 tons per year or
 14 would that increase? You mentioned a million at
 15 some point. I didn't know if that was a
 16 projection.
 17 **MR. KELLY:** No. Okay. So the question
 18 is, we're currently at 420,000 metric tons. Are
 19 we going to increase? Should we decide to
 20 increase our production, then we would get an
 21 equal increase in proportion of CO2.
 22 **MARGARET KEYLIN:** So, you would be
 23 producing more CO2?
 24 **MR. KELLY:** That is correct.

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1 **MARGARET KEYLIN:** And so that the
 2 percentage of, that you mentioned, 30 percent that
 3 you would be reducing, it would be 30 percent of a
 4 larger number? A larger amount of CO2, so it
 5 would be an actual increase?
 6 **MR. KELLY:** Correct.
 7 **MARGARET KEYLIN:** You mentioned PHMSA,
 8 someone did. And to my knowledge, I'm not -- you
 9 said that they had rules and regulations. I know
 10 they do for oil and gas. But, I believe they're
 11 working on rules for CO2. Are there any aquifers
 12 in the areas in McLean County that you are
 13 impacting? Sand and gravel aquifers? Any others?
 14 No aquifers?
 15 **MS. WILLIAMS:** You have to answer out
 16 loud. We have a court reporter here.
 17 **MR. BLAKLEY:** Sorry. No.
 18 **MARGARET KEYLIN:** Okay. Did you dig in
 19 the exploratory wells near your Gibson City plant
 20 to see what would that be?
 21 **MR. KELLY:** You know, actually when we
 22 started the plan up in 2009, we drilled 11 wells
 23 in the Gibson City area and west of town looking
 24 for water to supply the plant with. And we came

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1 up with nothing to supply the plant with; 11
2 wells.

3 **MARGARET KEYLIN:** But, exploratory wells
4 for CO2 is what I was saying?

5 **MR. KELLY:** No, those were exploratory
6 wells for water. And as people talked to us about
7 these fingers in the Mahomet Aquifer, we found
8 absolutely no water.

9 **MARGARET KEYLIN:** But you didn't dig any
10 CO2 exploratory wells near your plant? The idea
11 that you could sequester -- I don't know, I think
12 ADM sequesters some things right by their plant.

13 **MR. KELLY:** Our research drove us away
14 from the plant. If I could have a well right next
15 to my plant, I'd have a well there today, okay?
16 If I had the geological formation underneath the
17 property that One Earth owns in Gibson City, that
18 well would be sited right there.

19 **MARGARET KEYLIN:** What is Gibson City's
20 drinking water source?

21 **MR. KELLY:** Shell surface wells.

22 **MARGARET KEYLIN:** You had mentioned the
23 fact, or mentioned that with an increase, that you
24 are having three wells and they have a capacity

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1 that's larger than the capacity you hope to fill.
2 Have you -- and there are pipelines that
3 go from the source of the ethanol to the
4 sequestration wells.

5 Are you aware of the idea of a common
6 carrier pipeline?

7 **MR. SHAY:** I am somewhat familiar with
8 it, yes. Typically interstate pipelines.

9 **MARGARET KEYLIN:** Or when one company
10 allows other companies to use its pipeline to move
11 liquid?

12 **MR. SHAY:** Well, it depends on whether
13 it's made publicly available to all comers or if
14 it's just a private arrangement with two parties.
15 And common carrier describes one, but not the
16 other.

17 **MARGARET KEYLIN:** And I don't know the
18 rules for Illinois, but I know that Texas has
19 rules for it, and they consider it a public use if
20 even just one other company says will you carry
21 our --

22 **MS. WILLIAMS:** Ma'am, questions.

23 **MARGARET KEYLIN:** Okay. That's it.

24 **HOWARD HEATHERWICK:** My name is Howard

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1 Heatherwick. H-E-A-T-H-E-R-W-I-C-K. I live at
2 13578 Oak Hill Road, Bloomington. My farm is just
3 northwest of McLean. So, I was a volunteer
4 fireman for many, many years.

5 **MR. DICK:** Sir, could you read your
6 address again, please.

7 **HOWARD HEATHERWICK:** 13578 Oak Hill Road,
8 Bloomington. And I have a farm in McLean.

9 **MR. DICK:** Your first name again, sir?

10 **HOWARD HEATHERWICK:** Howard Heatherwick.
11 Like it sounds. Again, my concern is emergency
12 response, one of my concerns. My question is, in
13 this time it's very difficult to get volunteers
14 for emergency services, firemen in particular.
15 What have you done with the local townships to
16 insure that their representatives are trained in
17 the event of a high pressure pipeline rupture?

18 **MR. KELLY:** That's a good question,
19 Howard. I know that was asked earlier tonight,
20 and our emergency plan, and we said that it's
21 under development. We are willing to work with
22 our fire fighters, our emergency, our police. And
23 we will either provide them training or we will
24 see to it that we give them financial support for

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1 training. And we will make sure that they are
2 armed and ready for any type of response as
3 required.

4 **HOWARD HEATHERWICK:** Like volunteer
5 departments are strictly that; volunteers. So to
6 get people to do this without some incentives,
7 it's very risky, in my opinion, to respond to a
8 high pressure carbon dioxide pipeline break.

9 **JIM FINNIGAN:** You will be able to give
10 testimony about that later. Just questions is
11 what we're looking for. And I know you want to
12 say more, but you'll have a chance to come back.

13 **HOWARD HEATHERWICK:** My question though
14 is, a rupture of a high pressure pipeline is a
15 very serious situation, is that correct?

16 **MR. KELLY:** We are well aware of that,
17 yes, sir.

18 **HOWARD HEATHERWICK:** Okay. I just want
19 to be sure that precautions are taken. Thank you.

20 **JIM FINNIGAN:** You've already asked. We
21 got one more that hasn't asked any questions here
22 first.

23 **WILLIAM ROWELL:** William Rowell, 3715
24 Wine Way, Bloomington, Illinois. I'd like to

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1 follow-up on a question. Sir, you said that in
 2 the case your company should close or whatever,
 3 you will set aside money to continue to monitor
 4 those wells. How much money is being set aside
 5 for each well?
 6 **MR. KELLY:** I'm Mr. Kelly.
 7 **WILLIAM ROWELL:** Pardon?
 8 **MR. KELLY:** I am Mr. Kelly. Not Mr.
 9 Blakley.
 10 **WILLIAM ROWELL:** I'm sorry.
 11 **MR. KELLY:** So, how much money is being
 12 contemplated? That is to be determined as the US
 13 EPA finalizes our proposal in a Class VI permit.
 14 They will determine what that monetary value is.
 15 **WILLIAM ROWELL:** Okay. I won't go into
 16 my concern because that is not a question. On the
 17 emergency response units, will you be providing
 18 them with vehicles that can function under a CO2
 19 plume?
 20 **MR. KELLY:** That is in our discussions,
 21 yes, sir.
 22 **WILLIAM ROWELL:** Okay. Thank you.
 23 **JULIA FOSDICK:** Julia Fosdick. 14530
 24 East 1300 North Road, Pontiac, Illinois.

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1 F-O-S-D-I-C-K. My question is, how many acres are
 2 in your sequestration zone that you have under
 3 easement?
 4 **MR. KELLY:** Approximately four thousand
 5 acres.
 6 **JULIA FOSDICK:** And is that 100 percent
 7 within the sequestration zone, or are there
 8 properties that are not under easement?
 9 **MR. KELLY:** You're going to have to
 10 rephrase that one for me. I'm sorry.
 11 **JULIA FOSDICK:** Does that blanket the
 12 entire sequestration zone, or are there properties
 13 within that zone that are not under easement?
 14 **MR. KELLY:** Are we 100 percent complete
 15 on our --
 16 **JULIA FOSDICK:** Right?
 17 **MR. KELLY:** No, we are not 100 percent
 18 complete.
 19 **JULIA FOSDICK:** Okay. Thank you.
 20 **DON CARLSON:** Don Carlson, C-A-R-L-S-O-N.
 21 Wendy brought up the financial assurance plan, is
 22 that correct?
 23 **MR. KELLY:** Yes, it is.
 24 **DON CARLSON:** Can we explore that for a

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1 second. What's generally in the financial
 2 assurance plan?
 3 **MR. DITSWORTH:** Ask that again, I'm
 4 sorry.
 5 **DON CARLSON:** What is generally in the
 6 financial assurance plan? What are the topics?
 7 **MR. DITSWORTH:** Remediation. Post
 8 injection well plugging. Future monitoring. I
 9 think those are probably the three largest in
 10 there.
 11 **DON CARLSON:** Does it include financial
 12 liability in case of accident?
 13 **MR. DITSWORTH:** It may, but I can't
 14 answer that without reviewing the financial
 15 assurance plan that went with the Class VI.
 16 **DON CARLSON:** Sure. But what I'm
 17 referring to is an actual document that you all
 18 filed with EPA?
 19 **MR. DITSWORTH:** Correct.
 20 **DON CARLSON:** With a Class VI permit.
 21 One of those documents is a financial assurance
 22 plan, and none of you are that familiar with that
 23 plan?
 24 **MR. DITSWORTH:** I'm sorry, I said I

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1 can't answer that at this time.
 2 **DON CARLSON:** Sure. Well, then if I
 3 could ask, does it include financial liability in
 4 case of company bankruptcy?
 5 **MR. KELLY:** I don't think it addresses
 6 that. I think like I said earlier, we provide
 7 funds and those funds are out there in the event
 8 of us being dissolved.
 9 **DON CARLSON:** If you can answer this, are
 10 you self insured or do you seek third-party
 11 assurance for those two questions?
 12 **MR. KELLY:** That hasn't been determined
 13 yet.
 14 **DON CARLSON:** And so if bad things
 15 happen, which is what I assume the financial
 16 assurance plan addresses, either bankruptcy or
 17 case of a major accident, is this county going to
 18 be on the hook for those costs? Or are you going
 19 to pay those?
 20 **MR. KELLY:** Before that permit is issued
 21 to us, we will have to provide financial assurance
 22 to protect those interests.
 23 **DON CARLSON:** Okay. Will you provide
 24 this board with a copy of that financial assurance

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1 plan with no redactions? I tried to see it, but
 2 it's secret for some reason.
 3 **MR. SHAY:** I am not in a position to
 4 speak to that. Sorry.
 5 **DON CARLSON:** I have no other questions.
 6 **JIM FINNIGAN:** I think at this point we
 7 will have a break about 8:30. So we're going to
 8 take a ten-minute break. We will be back in ten
 9 minutes.
 10 (The time is 8:44 p.m.)
 11 (The time is 8:55 p.m.)
 12 **JIM FINNIGAN:** We're going to come back
 13 to order. Back to order or we will be here all
 14 night. We're still on questions. Is there
 15 anybody else in the audience that has any
 16 questions? Please come forward.
 17 **ANNA ZIEGLER:** Anna Ziegler,
 18 Z-I-E-G-L-E-R. 2242 Westgate Drive, Bloomington,
 19 I'm here on behalf of McLean County Farm Bureau.
 20 So you mentioned the application with the EPA is
 21 for three wells. And they could permit or deny
 22 one, two or three of them. So, how many wells
 23 does the project need to move forward? Like if
 24 they permit one, will the project move forward?

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1 **MR. KELLY:** Yes. That is the answer.
 2 We need one well to move forward.
 3 **ANNA ZIEGLER:** And then on the financial
 4 assurance piece, is the EPA the holder of that
 5 financial assurance?
 6 **MR. KELLY:** You know, I'm not absolutely
 7 sure if they are, but there would be -- they
 8 would, you choose a fiduciary who would be
 9 responsible for that piece. I don't think they
 10 want that obligation.
 11 **ANNA ZIEGLER:** Okay. And then as far as
 12 emergency response, can you talk about your
 13 monitoring and notification system that would be
 14 in place to notify people if there was a release
 15 of some kind?
 16 **MR. DITSWORTH:** So your question was,
 17 what kind of notification?
 18 **ANNA ZIEGLER:** Monitoring and
 19 notification. So how would you know there was a
 20 release and how would you get the word out,
 21 especially if there needed to be an evacuation?
 22 **MR. DITSWORTH:** So, within the facility
 23 there would be an operation control room. That
 24 control room would be manned 24 hours a day, 7

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1 days a week, 365 days a year. The wells would be
 2 monitored with fiber optics. Everything would be
 3 brought back to the control room. If we do
 4 continuous type seismic monitoring, that
 5 monitoring would have nodes and would have data
 6 acquisition that would come back to the control
 7 room as well. It will all be on the screen. All
 8 be designed with parameters, basically like any
 9 type of preaction system. You'll have low level,
 10 high level and that would prompt whatever type of
 11 action would be necessary based on those controls.
 12 **ANNA ZIEGLER:** And so say a control or an
 13 alarm goes off, then what is your notification?
 14 Have you gone through a notification procedure of
 15 which emergency response team was called and how
 16 they get the word out to evacuate people?
 17 **MR. DITSWORTH:** It would be very similar
 18 to what we currently have for the ethanol
 19 facility. We do mock drills based on emergencies
 20 at the ethanol facility. We would model this very
 21 much the same way, where we interact with
 22 emergency services on mock drills that gives the
 23 operators a comfort level on how to react to
 24 emergencies.

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1 They would have the emergency phone
 2 numbers in order to contact, whether it's EPA,
 3 whether it's fire, whether it's police department,
 4 emergency services, hospital. And then everything
 5 would proceed from there.
 6 **ANNA ZIEGLER:** Okay. Thank you.
 7 **MARY CAMPBELL:** My name is Mary
 8 Campbell. I live at 2319 Maple Road in Normal.
 9 My question is, and I'm not even sure that I
 10 should ask this question. Nobody has talked about
 11 a pipeline that feeds the material from the plant
 12 to these wells. And I guess my concern is about
 13 the pipelines as much as it is about the wells.
 14 What kind of system is in place to
 15 monitor those?
 16 **JIM FINNIGAN:** It's kind of -- we really
 17 can't talk about the pipeline tonight because
 18 they're not applying for a pipeline. They are
 19 just applying for a well. And I know that kind of
 20 goes together.
 21 **MARY CAMPBELL:** Yes, it does.
 22 **JIM FINNIGAN:** But it's not in their
 23 application at all, so we can't talk about it.
 24 **MARY CAMPBELL:** Okay. So, they can have

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1 the wells, but they will have to come back to you?
 2 **JIM FINNIGAN:** They wouldn't come to us
 3 at all. You want to explain?
 4 **MR. DICK:** Counties don't have authority
 5 to regulate pipelines. That is done through the
 6 Illinois Commerce Commission.
 7 **MARY CAMPBELL:** Okay. Then my second
 8 question is, I'm wondering why the information
 9 about the amount that a farm owner is paid is
 10 confidential? And I ask that question because I
 11 live at the base of a wind turbine farm. And it
 12 was public knowledge as to how much each farmer
 13 would get for each -- yes, it was. I lived there.
 14 What each farmer would get. I know how much they
 15 get for each wind turbine on their property. And
 16 for the easement that went up to it.
 17 So I wonder why this is a different --
 18 is there a different situation when you're
 19 doing --
 20 **JIM FINNIGAN:** I think it's just a
 21 matter of privacy and we probably can't get into
 22 that either. I'm sorry.
 23 **MARY CAMPBELL:** Okay. I think, it seems
 24 to me that there are a lot of unanswered

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1 questions. And maybe that's because they can't
 2 answer them, or they maybe choose not to. Thank
 3 you.
 4 **DAWN DANNENBRING:** Dawn Dannenbring.
 5 D-A-N-N-E-N-B-R-I-N-G. Bloomington. 208 Kreitzer
 6 Avenue, Bloomington. You were asked earlier why
 7 are you seeking this now? And in light of the
 8 many questions that have been asked that have not
 9 been able to be answered and everything is in a
 10 draft form or something, why are you seeking this
 11 now? Are you seeking a special use permit to
 12 include in your EPA application?
 13 **MR. KELLY:** No, ma'am. The special use
 14 permit would have no impact on the EPA Class VI
 15 permitting process. As we stated already, we have
 16 applied for that. It has been accepted as
 17 complete. And it's in its process of being
 18 reviewed and under consideration to be issued.
 19 **DAWN DANNENBRING:** It's in its process of
 20 review, but according to the EPA website is it
 21 going to be decided before January of 2025? Which
 22 is listed on their website?
 23 **MR. KELLY:** I think we've stated this
 24 once already this evening, and I'll restate it

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1 again. We applied. It was accepted in December
 2 of '22. And it's contemplated that it could be
 3 complete in 18 to 24 months.
 4 **DAWN DANNENBRING:** But, why would you be
 5 asking this Zoning Board of Appeals that does not
 6 have the same level of expertise as the EPA to be
 7 giving you a special use permit before having the
 8 EPA decide whether or not your application is
 9 credible? They have received it, but they haven't
 10 made that decision yet. Right? Aren't you
 11 getting the cart before the horse here?
 12 **MR. KELLY:** The answer to the question
 13 is, is that we have many regulatory hurdles to
 14 process through. As we stated earlier, the first
 15 one was a Class VI permit. The second one is with
 16 the ICC. And the third one is with the County of
 17 McLean.
 18 **DAWN DANNENBRING:** Incredible.
 19 **JIM FINNIGAN:** Would there be any other
 20 questions from the audience? Please come forward.
 21 **BRENT LAGE:** Brent Lage. Need the
 22 address again? B-R-E-N-T. Would you be seeking
 23 through the Illinois Commerce Commission to use
 24 eminent domain for any parts of the project?

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1 **MR. SHAY:** Yeah, I can answer that.
 2 Yes, it's part of the application under the
 3 statute, the CO2 Act for short, it includes a
 4 right of eminent domain. The company has included
 5 that in its request to utilize as a last resort if
 6 necessary with the pipeline.
 7 **JIM FINNIGAN:** Any other questions?
 8 **ADAM REFFERT:** Adam Reffert.
 9 R-E-F-F-E-R-T. 210 Kreitzer Avenue in
 10 Bloomington, 61701.
 11 When you're studying the fluid
 12 dispersion, are there different models that were
 13 used in studying that, and its possible effects?
 14 **MR. BLAKLEY:** Yeah, there were multiple
 15 scenarios that were run.
 16 **ADAM REFFERT:** How do they compare and
 17 contrast? Are they similar results or are they --
 18 if you could just cover that for us. I'm not
 19 sure, I'm not aware of it. So trying to get some
 20 more information. Like, how do the models differ
 21 from one another?
 22 **MR. BLAKLEY:** It's just based on the
 23 volume of CO2 injected and over what time period,
 24 you see a smaller AOR.

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1 **ADAM REFFERT:** Okay. So it's the same --
 2 is it the same formulas and the same computer
 3 model that is used, or are there multiple computer
 4 models that can be used?
 5 **MR. BLAKLEY:** I have to refer back to my
 6 AOR expert there.
 7 **MR. DICK:** Could you talk right into the
 8 mike. Your testimony has been difficult to hear
 9 during most of the hearing.
 10 **MR. BLAKLEY:** I had to talk to my expert
 11 back there. But yes, we run multiple models.
 12 **ADAM REFFERT:** Can you share what they
 13 are?
 14 **MR. BLAKLEY:** No, I can't at this time.
 15 **ADAM REFFERT:** Can I ask why not?
 16 **A VOICE:** Can I tell you why not after?
 17 **ADAM REFFERT:** Well, I would like for it
 18 to be on the record.
 19 **MR. DITSWORTH:** We didn't personally do
 20 the monitoring. The monitoring was part of our
 21 feasibility study performed with the ISGS,
 22 University of Illinois. So, that modeling was
 23 conducted by them and utilized for our feasibility
 24 study. And location of the stratigraphic well.

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1 So, we personally do not do the modeling.
 2 **ADAM REFFERT:** Okay. So, there were
 3 different models, it's my understanding there were
 4 different models run. Do any of them show a
 5 greater impact to the Mahomet Aquifer? Does
 6 anything get closer to it?
 7 **MR. BLAKLEY:** No.
 8 **ADAM REFFERT:** Okay. Thank you.
 9 **JIM FINNIGAN:** Any other questions?
 10 **WILLIAM ROWELL:** William Rowell.
 11 R-O-W-E-L-L. 3715 Wine Way, Bloomington,
 12 Illinois. How wide will the pipeline corridor be
 13 for your 20 mile pipeline?
 14 **JIM FINNIGAN:** You don't have to answer
 15 it. We're not talking about the --
 16 **MR. SHAY:** Yeah, we're not -- in our
 17 application to the Illinois Commerce Commission,
 18 which is public knowledge, it's easily accessible
 19 and it's not the subject of tonight's meeting.
 20 **WILLIAM ROWELL:** Well, the question I
 21 have is we know from the Amherst pipeline what it
 22 did to farmland. Are you worried at all about the
 23 degradation of farmland along that 20 mile
 24 pipeline?

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1 **JIM FINNIGAN:** We're not talking about
 2 the pipeline. The pipeline is kind of off the
 3 table for tonight. They're not asking for a
 4 pipeline application. Anyone else have questions?
 5 Seeing none, at this point we're going to open it
 6 up for testimony. And Phil has a list.
 7 **MR. DICK:** Lea Cline.
 8 (Witness affirmed.)
 9 **MR. DICK:** Would you state your name and
 10 address for the record.
 11 **LEA CLINE:** Lea Cline. 931 West
 12 McCarthur Avenue. Ladies and gentlemen, good
 13 evening. Thank you for the opportunity to speak.
 14 I'm here tonight to ask you to deny the
 15 application by One Earth Sequestration LLC for a
 16 special use permit in case SU 2306.
 17 The current county code stipulates that
 18 applicants for a special use permit for a CO2
 19 sequestration well prove that, and I quote from
 20 county code, "a permit has been obtained from the
 21 US Environmental Protection Agency for a Class VI
 22 injection well for carbon dioxide sequestration in
 23 order to issue such a permit."
 24 We have heard this evening quite a lot

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1 about things that will be done. But I reiterate
 2 that the code requires that it be done before a
 3 special use permit be issued.
 4 The applicant in this case has provided
 5 evidence that they have submitted an application
 6 to the EPA, but that one has not been obtained.
 7 Just going by the publicly available information,
 8 the EPA application tracker indicates that One
 9 Earth Sequestration is approximately halfway
 10 through their technical review period. That part
 11 of the application period is 18 months. In
 12 addition to the technical review, One Earth
 13 Sequestration's proposed permits have not yet
 14 undergone the required period of public feedback
 15 with the EPA.
 16 So the application has not been fully
 17 vetted by either the technical experts of the EPA
 18 nor has it undergone the scrutiny of the public.
 19 As you know, the county board requires
 20 that the EPA permit be in hand at the time of
 21 application because the EPA permit requires the
 22 development of an extensive emergency and remedial
 23 response plan. This document lays out several
 24 different aspects of an applicant's response to

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1 potential accidents, leaks and damage to both
 2 county residents and our environment. The review
 3 of this document, which is only considered
 4 complete at the conclusion of the EPA permitting
 5 process that was reaffirmed to us by the lawyers
 6 at our last meeting, is critical for the county's
 7 risk assessment. It is an important element of
 8 the application, and is not simply a box to check.
 9 Furthermore, the details of this plan is
 10 what at least I understood the EPA would use to
 11 evaluate the project according to the seven
 12 stipulated findings for special use permit
 13 outlined in Chapter 350-56 of the county code.
 14 Therefore, I don't believe a full
 15 assessment of the project is even possible at this
 16 stage. For those reasons, I ask that you
 17 determine this application to be incomplete and
 18 issue an unconditional denial. Thank you.
 19 **JIM FINNIGAN:** Did you have any
 20 questions from the board? Does the applicant have
 21 any questions?
 22 **MR. SHAY:** Yeah, I'd just like -- what
 23 was the citation to the part of the zoning
 24 regulations that require the EPA permit to have

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1 been issued?
 2 **LEA CLINE:** This is in the county --
 3 Phil, do you have the chapter and verse? It's
 4 under oil and gas wells. There is a sub heading
 5 for CO2 sequestration wells. And I quoted
 6 literally, "a permit has been obtained".
 7 **MR. DICK:** 350-43, use standards.
 8 **LEA CLINE:** This was passed into the code
 9 in the spring of this year.
 10 **MR. SHAY:** I don't have that handy.
 11 Does it say that it can't be exercised, or does it
 12 say that a permit can't be issued before the Class
 13 VI permit is obtained?
 14 **MR. DICK:** Do you want me to read it?
 15 **MR. SHAY:** Sure.
 16 **MR. DICK:** A permit -- CO2 sequestration
 17 drilling operations shall be subject to the
 18 following standards. A, a permit has been
 19 obtained from the US Environmental Protection
 20 Agency for a Class VI injection well for carbon
 21 dioxide sequestration.
 22 **MR. SHAY:** That's how I recalled it. It
 23 doesn't say a permit can't be issued. It said it
 24 can't be -- the well can't be constructed using

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1 that permit. In effect, I believe that's what it
 2 says.
 3 **LEA CLINE:** I didn't go to law school,
 4 but that's not what was written in the text.
 5 **MR. SHAY:** I guess the State's Attorney
 6 can make that determination.
 7 **MS. WILLIAMS:** It's not my determination
 8 to make. It's the ZBA's determination to make.
 9 That's what they're here to do tonight.
 10 **MR. SHAY:** I would be happy to follow-up
 11 afterwards, after reviewing it again, and
 12 communicate my understanding and interpretation of
 13 it.
 14 **JIM FINNIGAN:** Any other questions from
 15 the applicants? Would anyone in the audience have
 16 questions of this witness?
 17 (Witness excused.)
 18 **MS. WILLIAMS:** Okay. I am going to make
 19 a reminder of the decorum, and the general
 20 principles to adhere. We should not be hearing
 21 the audience, anything from the audience. Thank
 22 you.
 23 **MR. DICK:** Tyler Young.
 24 (Witness sworn.)

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1 **MR. DICK:** State your name and address
 2 again, please.
 3 **TYLER YOUNG:** Tyler Young. 40563 east,
 4 1400 North, Saybrook.
 5 If it pleases the court, I just have 3
 6 quick things. One of which is correcting the
 7 record from the last meeting I spoke at, if that's
 8 okay. So when I was asked whether sustainable
 9 aviation fuel, is it okay if I touch on that?
 10 Correcting something?
 11 **JIM FINNIGAN:** It's got to have to do
 12 with what we've got tonight.
 13 **TYLER YOUNG:** You mentioned something
 14 about whether the CO2 was negative when it was
 15 being burned, Mr. Board Member? So, the CO2
 16 update in the CU is the same as the CO2 that is
 17 being released from the plant, that's why it's
 18 considered a renewable fuel. So when they do bury
 19 that CO2, it removes it from the life cycle.
 20 So yes, the entail pipe emissions would
 21 be the same, but that CO2 is removed, and it will
 22 be the same as if I'm sequestering on my farm
 23 before I deliver that corn. So, the whole life
 24 cycle is taken into consideration, if that helps

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1 with that.
 2 Then the last thing I have is a
 3 statement, since I will be living next to the
 4 well, my wife and I prepared. In the communities
 5 of Stanford, Leroy, Towanda, Gridley, Chenoa,
 6 Miner and Anchor, there are 8,000 plus rural
 7 residents who reside within a deadly proximity to
 8 anhydrous ammonia. Anhydrous ammonia is seven
 9 times more hazardous than carbon dioxide. My
 10 family feels that our lives are no more or less
 11 important than those currently living near those
 12 controlled paths.
 13 **JIM FINNIGAN:** Questions from the board?
 14 Staff? Would the applicants have any questions?
 15 Would anyone in the audience have any questions of
 16 the witness? Please come forward. This has got
 17 to be nice.
 18 **BRENT LAGE:** Brent Lage. My question
 19 is, will you or your family farm or the LLC you
 20 operate under be receiving financial compensation
 21 from One Earth Sequestration for any part of this
 22 project?
 23 **TYLER YOUNG:** Of course we are getting
 24 compensated for the pore space and that's been

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1 asked several times and what that amount is; and
 2 no, it's not going to get disclosed.
 3 **JIM FINNIGAN:** Any other questions?
 4 Thank you.
 5 (Witness excused).
 6 **MR. SHAY:** Mr. Chairman, if I may, I
 7 found my copy of that part of the code that the
 8 previous witness cited. I would like to expand
 9 upon my response if I could.
 10 **JIM FINNIGAN:** Let me talk to Phil for a
 11 minute. I think we can probably do that in
 12 rebuttal. I think that would be the place to have
 13 it.
 14 **MR. SHAY:** Okay.
 15 **MR. DICK:** Mr. Young's exhibit is
 16 Supporter's Exhibit 1.
 17 Elizabeth Cocous.
 18 **A VOICE:** She left ill.
 19 **MR. DICK:** Joyce Kay.
 20 **A VOICE:** Joyce Kay, K-A-Y, 2 Sunshine
 21 Court, Bloomington.
 22 (Witness sworn.)
 23 **JOYCE KAY:** Thank you. We should not
 24 approve any sequestration wells and special use

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1 permits until the US EPA and the state legislature
 2 have had time to put safety rules into place. The
 3 more companies you let in to McLean County, the
 4 unsafer it becomes. Don't let the richest
 5 farmland in the US become a dumping ground for
 6 toxic CO2 under pressure. Protect the people, not
 7 the for-profit oil and gas companies. We only
 8 have one earth. There is no reason to rush your
 9 first sequestration wells until we have the
 10 Federal EPA and the state legislature laws in
 11 place.
 12 Your emergency response plan is not in
 13 place yet. Are you aware the emergency responders
 14 need to be driving electric vehicles? Gas cars,
 15 gas vehicles, do not work in an emergency. Thank
 16 you.
 17 **JIM FINNIGAN:** Hang on. Questions from
 18 the board? Staff? The applicants? Anyone in the
 19 audience? You can go.
 20 (Witness excused.)
 21 **JIM FINNIGAN:** Kathleen Davis.
 22 **DR. DAVIS:** I don't need to come up.
 23 **MR. DICK:** Or is it Kaylene Davis?
 24 **DR. DAVIS:** Kathleen, but I don't need

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1 to come up.
 2 **MR. DICK:** Marilea White.
 3 (Witness sworn.)
 4 **MR. DICK:** Will you state your name and
 5 address for the record.
 6 **MARILEA WHITE:** M-A-R-I-L-E-A. White.
 7 711 South Cottage, Number 120, Normal, 61761.
 8 It's my understanding that McLean County
 9 has been asked to host a CO2 pipeline and
 10 sequestration wells through a company called One
 11 Earth. I have concerns about our health and
 12 safety with any such pipeline because we have only
 13 one earth and we need to take care of it. But I
 14 want to share with you some other concerns that I
 15 have.
 16 Sequestration captures only a small
 17 percent of the CO2 that is produced in industries.
 18 It is a very costly process to cool it to 109
 19 degrees below zero and to send it through the
 20 pipelines to the storage area. The process uses
 21 more energy than it states.
 22 It also consumes a lot of something we
 23 take for granted, but we can't continue to do
 24 that, and that's water.

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1 It is not a way to address climate
 2 change. It is a way to continue letting companies
 3 continue to use fossil fuels that produce CO2 and
 4 to help these companies make money using federal
 5 money, your money, my money, everybody in this
 6 room's money, regardless of the consequences to
 7 the environment and to our well being.
 8 This is another way for the company,
 9 this is another attempt actually for the company
 10 to try to get their foot in the door and get these
 11 things built before the state and federal
 12 regulations are written.
 13 If we allow One Earth to come to McLean
 14 County, others will come. Remember the line from
 15 the movie, Field of Dreams. If you build it, they
 16 will come. That's true of the CO2 wells also as
 17 these gentlemen have affirmed. We will become a
 18 huge dumping ground for dangerous CO2 and the
 19 flood gates will already have been opened. We
 20 need to stop them before it's too late. You have
 21 the power. You have the authority to do that.
 22 Let's use our resources and the government money
 23 to invest in the true methods to stop the
 24 advancement of climate change that is wind and

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1 solar. We need to get rid of fossil fuels, not
 2 enable companies to make money off of further
 3 destruction of our environment. Thank you.
 4 **JIM FINNIGAN:** Any questions from the
 5 board? Staff? Applicants?
 6 **MR. KELLY:** Yes, ma'am; did you say that
 7 how are we going to handle this CO2? We're going
 8 to do what with it, please? You said we're going
 9 to cool it?
 10 **MARILEA WHITE:** It's my understanding
 11 it's cooled to about 100 degrees below zero.
 12 **MR. KELLY:** No, that is incorrect.
 13 **MARILEA WHITE:** Do you cool it at all? I
 14 don't know who's speaking to me.
 15 **MR. KELLY:** I'm sorry, I'm speaking to
 16 you.
 17 **MR. DITSWORTH:** No, we do not cool it.
 18 **MARILEA WHITE:** You don't cool it at
 19 all? Will it be made into a liquid?
 20 **MR. DITSWORTH:** I'm sorry, what was
 21 that?
 22 **MARILEA WHITE:** Will it be made into a
 23 liquid?
 24 **MR. DITSWORTH:** It remains a liquid.

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1 It's just compressed so the liquid characteristics
 2 model a gas. So it's still a liquid. It's
 3 considered a super critical fluid, which means
 4 it's still a fluid, but it has the properties of a
 5 gas. So it's easily transported through a
 6 pipeline. The temperature of the liquid as it
 7 exits the compression facility is 105 degrees
 8 Fahrenheit.
 9 **MARILEA WHITE:** Above zero or below?
 10 **MR. DITSWORTH:** Above. We have summer
 11 days in Illinois that reach that same temperature.
 12 **JIM FINNIGAN:** Does anyone in the
 13 audience have questions for this witness? Thank
 14 you.
 15 (Witness excused.)
 16 **MR. DICK:** Margaret Keylin.
 17 (Witness sworn.)
 18 **MARGARET KEYLIN:** Margaret Keylin,
 19 K-E-Y-L-I-N. 304 North Woodlawn Street, Downs,
 20 Illinois.
 21 I have a number of reasons why I feel
 22 it's important to deny this petition for the
 23 permit.
 24 The use of pipelines and wells, CO2

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1 pipelines and sequestration wells, is relatively
 2 still unproven technology. So far it's been very
 3 expensive and somewhat inefficient to be truly
 4 viable.
 5 Second thing, public safety. No rules
 6 are in place locally, statewide or federally to
 7 assure safety of -- sorry, of residents and
 8 essentially all living creatures in areas near
 9 these wells and pipelines. No answer to the
 10 question of who pays and how much of the training
 11 and equipment needed by cities, towns, villages,
 12 residents, if a leak or ruptures occur and leaks
 13 and ruptures have already occurred in several of
 14 these pipelines and wells. No guarantees that
 15 drinking water sources will not be contaminated.
 16 Another reason, the ecological
 17 compliance assessment tool that was presented as
 18 part of the petition is vague. It simply says
 19 that a data base has no records of threatened or
 20 endangered species and includes this disclaimer.
 21 The Illinois Natural Heritage data base can not
 22 provide a conclusive statement on the presence,
 23 absence or condition of natural resources in
 24 Illinois. This review reflects the information

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1 existing in the data base at the time of this
 2 inquiry, and should not be regarded as a final
 3 statement on the site being considered, nor should
 4 it be a substitute for detailed site surveys or
 5 field surveys required for environmental
 6 assessments.
 7 If additional protected resources are
 8 encountered during the project's implementation,
 9 compliance to applicable statutes and regulations
 10 is required.
 11 Another reason is the EPA Class VI
 12 injection well permits, One Earth does not have
 13 the permit at this time. It's the case of the
 14 well before the pipeline.
 15 The bottom line is the residents of
 16 McLean County have no CO2 pipeline or
 17 sequestration well rules or regulations at any
 18 level; local, state or federal to protect our
 19 health, safety and welfare at this point. But
 20 rules are being formulated. The senate bill,
 21 State Senate Bill 1916 is calling for a two year
 22 safety moratorium or a moratorium until after
 23 PHMSA rules are adopted on CO2 pipelines. I note
 24 they are asking for no construction permits from

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1 ICC before PHMSA, so that's working on a state
 2 level. Also on a state level Senate Bill 2421,
 3 Carbon Dioxide Transport and Storage Protection
 4 Act covers many important aspects of the CO2
 5 industry that will help protect the people and the
 6 environment. It's well drafted. It has sponsors.
 7 It's on its way through the State Government. And
 8 so there are two strong bills that are coming, but
 9 not here yet.
 10 The PHMSA rules. They're taking about
 11 having those out October of 2024; coming, but not
 12 here yet. This board has been working on zoning
 13 rules that specifically address the different
 14 rules that a CO2 pipeline might cause our county.
 15 They are formulated but not in place.
 16 Please deny this petition for a permit
 17 until we get those protections and until One Earth
 18 has met all of the CO2 pipeline and sequestration
 19 well regulations. Thank you.
 20 **JIM FINNIGAN:** Questions from the board?
 21 **JULIA TURNER:** I just want to clarify.
 22 You said there are bills but they are not here
 23 yet. But there's no guarantee those bills will
 24 get here, correct?

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1 **MARGARET KEYLIN:** Well, they are in the
 2 process. There's no guarantee.
 3 **JULIA TURNER:** Okay. And then the same
 4 would go for the PHMSA rules; they are being
 5 processed, but we don't know what's going to stick
 6 and what's not going to stick, correct?
 7 **MARGARET KEYLIN:** That's true.
 8 **JIM FINNIGAN:** Any other questions from
 9 the board? Staff? Applicants? Anyone in the
 10 audience?
 11 (Witness excused.)
 12 **MR. DICK:** Steve Kelly, you put your
 13 name down, do you want to testify individually?
 14 **MR. KELLY:** I would pass at this time.
 15 Thank you.
 16 **MR. DICK:** Don Carlson.
 17 (Witness sworn.)
 18 **DON CARLSON:** My name is Don Carlson.
 19 and I have been in my job as a community organizer
 20 for 44 years, and 29 years in this community. And
 21 I've never been scolded for saying thank you to
 22 somebody. So I guess I've kind of seen it all
 23 now.
 24 I'd like to speak about the emergency

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1 response plan. And why in any analysis --
 2 **A VOICE:** The microphone has stopped.
 3 **DON CARLSON:** I hope that doesn't count
 4 against my time.
 5 **MS. WILLIAMS:** Oh, I stopped the clock
 6 for you.
 7 **DON CARLSON:** Thank you. I'd like to
 8 speak about the 18 page emergency response plan,
 9 and why the special use permit should be denied as
 10 a result of any analysis of that plan.
 11 According to the plan itself, the
 12 emergency and remedial response plan describes
 13 actions the owner operator, in this case One
 14 Earth, will take in the unlikely event of an
 15 emergency within the project area of review
 16 during construction, operation, or post injection
 17 site care.
 18 Unexpected events may include unplanned
 19 CO2 release or detection of unexpected CO2
 20 movement, or associated fluids in or from the
 21 injection zone. That's from page one.
 22 Move to page seven, there's a title
 23 called, intentional risk scenario. The plan
 24 identifies major, serious and minor emergencies.

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1 Major emergencies identify --
 2 **MS. WILLIAMS:** Why don't you take a seat
 3 and use a microphone over here. And for the
 4 record, I have stopped the clock.
 5 **DON CARLSON:** I'm ready to resume.
 6 Serious emergencies identify, and this is in
 7 quotes, "potential serious or significant near
 8 term risk to human health, resources or
 9 infrastructure if conditions worsen or no response
 10 actions are taken," end quote.
 11 Their emergency response plan does not
 12 address potential evacuation in case of serious or
 13 major accidents. The towns of Saybrook, or Gibson
 14 City, or the one thousand school children
 15 attending the Gibson City school district, all of
 16 which are located in the area of review.
 17 The plan states, and this is another
 18 quote, "that site personnel, project personnel and
 19 local authorities will be relied upon to implement
 20 this emergency response plan."
 21 However, it does not describe the first
 22 responder training provided. Specialized
 23 equipment needed in case of an accident such as
 24 electric vehicles or PPE equipment. Who will

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1 purchase the equipment? And who will have final
 2 say over the adequacy of the plan? In case of a
 3 mass casualty event, which is really only 10 or
 4 more patients, there is not a plan for training of
 5 local hospitals.
 6 And please note as you heard earlier,
 7 that many of the first responders in the area are
 8 volunteers.
 9 In the staff training and exercise
 10 procedures, it only refers to quote, "well
 11 operators, plant safety and environmental
 12 personnel, all managers, and designated media
 13 communications." There's no reference to first
 14 responder emergency training.
 15 The emergency communication plan, which
 16 is page 17, it's I believe the other slide. If
 17 you can see this, this is lifted from the plan
 18 itself, and all it really is, is a public
 19 relations plan.
 20 Let me just share some of the bullets.
 21 The first bullet there says that the emergency
 22 communications, and this is in case of an
 23 emergency, by the way, this is what One Earth is
 24 going to do in case of an emergency. Emergency

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1 communications with the public will be handled by
 2 One Earth Energy CEO or One Earth Energy
 3 Sequestration LLC vice president. Look on bullet
 4 number four. One Earth Energy CEO or One Earth
 5 Sequestration LLC vice president will manage all
 6 media communications with the public.
 7 Bullet number six, this individual will
 8 contact the crisis communication team as
 9 appropriate. Emergency responses to the media
 10 from One Earth Sequestration will be dealt with
 11 only by the personnel so designated by One Earth
 12 Sequestration. And if that wasn't good enough,
 13 there's the final bullet seven. Those individuals
 14 should try to be reachable 24 hours a day for
 15 contact in the event of an emergency.
 16 An emergency could very well be
 17 something that people would have to evacuate.
 18 This is a public relations part. This isn't an
 19 emergency communication plan.
 20 Can we go on to the next slide, please.
 21 So this is from the emergency response
 22 plan as well. And it lists in order, if you see
 23 on the bottom of that, the people who were to be
 24 called in case of an emergency accident, and my

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1 eyesight isn't good enough, but I believe the
 2 first two are company representatives, if I'm not
 3 mistaken. And then the third is US EPA, UIC
 4 program director, the UIC is the underground
 5 injection control organization at Federal EPA.
 6 And that phone number, if you can see there, is
 7 312-353-6288. Let's call them.
 8 (Phone dialed.)
 9 "Hello, this is the US EPA DuPage County
 10 Landfill Forest Preserve state phone line. You
 11 may leave a comment from July 8th of 2020, to
 12 August 7th, 2020. Please speak slowly and
 13 clearly. All saved messages will be transcribed
 14 and recorded as official comments. Please do not
 15 submit any personally identifiable information
 16 within your comment such as your street address or
 17 home phone number. If you do, EPA will protect
 18 your information according to the agency's privacy
 19 policy. For additional information, you can
 20 contact the community involvement coordinator for
 21 the state, Cheryl Allen at 312-353 --"
 22 **DON CARLSON:** I think you get the point.
 23 This is the emergency response plan that they are
 24 offering to you as what is going to happen in case

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1 of an emergency, and this is call number three.
 2 This is to some kind of DuPage County EPA; if you
 3 got a comment about DuPage County, call them.
 4 You know as well as I do, if these
 5 accidents are going to happen they're going to be
 6 at night. And this is the third call. That would
 7 not be a very fun call to make if you were an
 8 emergency responder.
 9 Here's what you need to know. If
 10 there's a major or serious CO2 accident at the One
 11 Earth site 24 months, or ten years from now, no
 12 one sitting around this table is going to be able
 13 to say we didn't see that happening. If you are
 14 willing to accept that risk, then you just need to
 15 tell us. Otherwise, you need to deny this special
 16 use permit. Thank you.
 17 **JIM FINNIGAN:** Questions from the board?
 18 **JULIA TURNER:** Where are you finding
 19 these sheets that you're showing us here?
 20 **DON CARLSON:** This is from the emergency
 21 response plan filed by One Earth to US EPA.
 22 **JULIA TURNER:** To the US EPA.
 23 **DON CARLSON:** That's correct. And I sent
 24 actually the entire plan to Mr. Dick, both the two

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1 pages I left out, the county has the entire plan
 2 where those documents were taken from. Is that
 3 correct?
 4 **MR. DICK:** You sent those so that we
 5 could put them on the screen.
 6 **DON CARLSON:** And to verify that they
 7 were part of a larger document as well.
 8 **MR. DICK:** You sent the whole document.
 9 **DON CARLSON:** That's right.
 10 **JIM FINNIGAN:** Any questions from staff?
 11 Applicants?
 12 **MR. DITSWORTH:** I'd like to address a
 13 few of the questions that Mr. Carlson brought up.
 14 So, this emergency response plan was drafted in
 15 September of 2022.
 16 **JIM FINNIGAN:** Hang on a minute. Just
 17 questions for him. The rest of it you can do in
 18 rebuttal. If you got a question about his
 19 testimony.
 20 **MR. DITSWORTH:** No, I don't.
 21 **JIM FINNIGAN:** Anyone in the audience
 22 have questions?
 23 (Witness excused.)
 24 **MR. DICK:** William Shay, did you want to

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1 give testimony or do rebuttal?
 2 **MR. SHAY:** Yes, I don't think it would
 3 be fair to use this time until rebuttal. So I
 4 don't have anything to add at this time. Thank
 5 you.
 6 **JIM FINNIGAN:** Mark Ditsworth, same
 7 thing?
 8 **MR. DITSWORTH:** Same thing.
 9 **MR. DICK:** And Curt, same thing?
 10 **MR. BLAKLEY:** Yep.
 11 **MR. DICK:** Derrick Bruhn?
 12 (Witness sworn.)
 13 **MR. DICK:** Please state your full name
 14 and address for the record.
 15 **DERRICK BRUHN:** Derrick Bruhn,
 16 D-E-R-R-I-C-K. Last name B-R-U-H-N. Address 676
 17 County Farm Road, Monticello, Illinois, 61856.
 18 I come here as the general manager for
 19 Top Flight Grain. Top Flight Grain is one of the
 20 companies that helped start One Earth Energy. And
 21 I come here representing our patrons, which are
 22 farmers, and continue to support One Earth Energy
 23 for a viable option to sell their grain, mainly
 24 corn, to be made into ethanol. And I come here

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1 just asking for your support for this project.
 2 Thank you.
 3 **JIM FINNIGAN:** Any questions from the
 4 board? The staff? Applicant? Audience? Thank
 5 you.
 6 (Witness excused.)
 7 **MR. DICK:** Brent Lage.
 8 (Witness sworn.)
 9 **JIM FINNIGAN:** State your name and
 10 address please.
 11 **BRENT LAGE:** Brent Lage, L-A-G-E. 18486
 12 North, 4100 East, Anchor, Illinois, 61720.
 13 **MR. DICK:** Could you repeat the address
 14 please.
 15 **BRENT LAGE:** 18486 North 4100 East Road,
 16 in Anchor, 61720.
 17 I'm asking the Zoning Board of Appeals
 18 to deny the application from One Earth Energy. I
 19 am a farmer in the area. I live two-and-a-half
 20 miles north of the proposed well site number
 21 three. I have personally delivered my own grain
 22 to One Earth Energy. I'd say it's probably fair
 23 to say I've benefited from what may be deemed an
 24 ethanol boom in corn prices over the years.

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1 But, to me this next step of this carbon
 2 sequestration just seems like it's going too far
 3 in the process. I don't know what the future may
 4 hold in terms of exactly with ethanol production
 5 and corn prices. So it's fair to say I might be
 6 putting some of my own financial stake at future
 7 by speaking against this or trying to stop this
 8 process.
 9 I can say personally to me the project
 10 has felt like it was done with little public
 11 notification. Tyler referenced earlier a meeting
 12 that happened on July 7th about an invite to that
 13 meeting. And I'll stand by my comments earlier,
 14 that in the questioning session that I have never
 15 received anything from One Earth Energy, One Earth
 16 Sequestration or for Cormack Young family farms or
 17 anybody personally; no written, no phone calls, no
 18 mailings of any invites to any meetings, any
 19 public information. Any invites or information I
 20 have received has been word of mouth, third party,
 21 through others. Any information I wanted to find
 22 myself I've had to seek out personally to find
 23 anything out about this project.
 24 I have talked to the many neighbors in

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1 the area who I mentioned some of the specifics of
 2 the project of what I have learned through my
 3 questioning. A lot of their eyes widen up. They
 4 live within a mile or two ranges of these proposed
 5 well sites, and they know less than I do now of
 6 any details. Many of them were hearing about it
 7 for the first time from me.
 8 It has just felt like things were done
 9 with to give as little notification to public as
 10 possible. To not stir up any extra debates, any
 11 more so than was necessary to do the minimum to
 12 get the project by.
 13 And then I learned this morning that
 14 they're with the ICC filing, that they might use
 15 a -- the effort of eminent domain for the later on
 16 stages of the pipeline in this project. And this
 17 gets into more legal ease terms than I am familiar
 18 with. But just the thought of eminent domain for
 19 something of this regard seems to be obscene.
 20 So, again, I'm asking the county board
 21 to deny the special use permit from One Earth
 22 Sequestration. That is all.
 23 **JIM FINNIGAN:** Any questions? Staff?
 24 **MR. DICK:** Is there any way you would

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1 benefit by this sequestration project?
 2 **BRENT LAGE:** If the project went
 3 through, and it was continued to be a boom of the
 4 ethanol industry in the area in terms of the
 5 ethanol plant's corn life potential and price
 6 offerings, then I could benefit from it, yes.
 7 **MR. DICK:** Are you concerned that your
 8 farming operation will be hurt if it gets
 9 approved?
 10 **BRENT LAGE:** No, I have no concern that
 11 my farming operation would be affected or would be
 12 hurt if approved. Is that the question? No, I
 13 don't think it will be.
 14 **MR. DICK:** Is there any information that
 15 you need to make or need in order to feel that you
 16 have enough information to decide whether you
 17 would support it or not?
 18 **BRENT LAGE:** I think the information I
 19 would want to decide whether or not to support it
 20 would be the long term effects of this type of
 21 project, which I think the only other referenced
 22 one was ADM's going back to 2011. And to me, it's
 23 just too new of a proposal with too many unknowns,
 24 too many unanswered questions, not knowing where

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1 or how far the plume is going with certainty. And
 2 things that we won't know until it's in place and
 3 monitored over time and see what happens. Those
 4 are the things I want to know to make me feel
 5 comfortable with it, but I know it's impossible to
 6 know because we can't predict the future.
 7 **MR. DICK:** Is it possible that the plume
 8 for that well number three would go under your
 9 farm?
 10 **BRENT LAGE:** I think so. I mean, more
 11 so where I live two and a half miles north, yes.
 12 I mean, I farm other ground directly across the
 13 road and within other aspects close to the other
 14 proposed well sites within the area. So,
 15 according to their three and a half mile radius
 16 from well sites, it absolutely will be underground
 17 where I farm and where I live.
 18 **MR. DICK:** So that if they in fact did
 19 dig the well, they would have to perhaps pay you
 20 for this land or this --
 21 **BRENT LAGE:** I don't own any land within
 22 a three and a half miles radius of any wells, so I
 23 would not be undergoing payment as a land owner.
 24 **JIM FINNIGAN:** Applicant have any

1 question? Audience?
 2 (Witness excused.)
 3 **JIM FINNIGAN:** Okay. You can see from
 4 the clock it's ten o'clock. That's our quitting
 5 time. And we are not close to being done tonight.
 6 So, we are going to continue this until
 7 the 14th of November at 7:30 in this room. And we
 8 have another case we're doing that same night so
 9 it will be after that one. So, appreciate
 10 everybody coming tonight and being orderly. And
 11 come back and see us again.
 12 (The time is 9:59 p.m.)

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1 STATE OF ILLINOIS)
 2 COUNTY OF CHAMPAIGN) SS
 3 I, DEANN K. PARKINSON, a Notary Public
 4 in and for the County of Champaign State of
 5 Illinois, do hereby certify that the foregoing
 6 hearing was taken on November 7, 2023.
 7 That said hearing was taken down in
 8 stenographic notes and afterwards reduced to
 9 typewriting under my instruction and said
 10 transcription is a true record of the testimony
 11 given.
 12 I do hereby certify that I am a
 13 disinterested person in this cause of action; that
 14 I am not a relative of any party or any attorney
 15 of record in this cause, or an attorney for any
 16 party herein, or otherwise interested in the event
 17 of this action, and am not in the employ of the
 18 attorneys for either party.
 19 In witness whereof, I have hereunto set
 20 my hand and affixed my notarial seal November
 21 28th, 2023.

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DEANN K. PARKINSON, CSR
 NOTARY PUBLIC

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