



1 APPEARANCES:

2 LEE COUNTY STATE'S ATTORNEY CHARLES BOONSTRA  
3 of the Lee County State's Attorney's Office  
309 South Galena Avenue, Suite 300  
4 Dixon, Illinois 61021

5 Counsel for the County.

6 ATTORNEY COURTNEY KENNEDY  
of the firm of Ehrmann, Gehlbach, Badger &  
7 Considine  
215 East First Street, Suite 100  
8 Dixon, Illinois 61021

9 Counsel for the Applicant.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1	INDEX	
2	Witness: BEN ADAMICH (continued)	
3	Examination	Page
4	Mr. Meyer . . . . .	7
	Attorney Whitcombe . . . . .	10
5	Mr. Popovich. . . . .	14
	Mr. Richard . . . . .	18
6	Mr. Fields. . . . .	22
	Ms. Johannsen . . . . .	24
7	Mr. Richard . . . . .	28
	Ms. Hall. . . . .	29
8	Ms. Coers . . . . .	30
	Mr. Popovich. . . . .	31
9	Ms. Bright. . . . .	33
	Ms. Johannsen . . . . .	37
10	Ms. Coers . . . . .	38
	Mr. Fields. . . . .	39
11	Ms. Hall. . . . .	42
	Attorney Whitcombe . . . . .	45
12	Mr. Schielein . . . . .	60
13	Witness: BRETT SCHNEIDER	
14	Examination	Page
15	Attorney Kennedy (Direct) . . . . .	67
16	Judge Slavin. . . . .	76
	Attorney Whitcombe. . . . .	78
17	Mr. Popovich. . . . .	85
	Mr. Richard . . . . .	87
18	Mr. Fields. . . . .	89
19		
20		
21		
22	Certificate of Shorthand Reporter . . . . .	95
23		
24		

1 JUDGE SLAVIN: Good evening, everyone.  
2 Welcome back. I hope everyone's remaining safe  
3 and healthy.

4 I would like to tell you, being from  
5 Morrison, you folks up here in Lee have been  
6 very fortunate today. The damage just south of  
7 you was significantly worse. The storm was  
8 significantly worse comparing to what you got.  
9 I mean, I know you have some damage, but you  
10 were spared a lot of it. So good on you.

11 Tonight begins session number two of  
12 Eldena Solar, LLC's, petition for Special Use.  
13 I will note for the record that present this  
14 evening of the ZBA are all of its members:  
15 Mr. Forster, Mr. Buhrow, Mr. Pratt, Mr. Bothe,  
16 Mr. Hughes, Mr. Meyer. Your fine Zoning  
17 Officer, Dee Duffy, is present, as well as your  
18 astute State's Attorney, Mr. Boonstra. The  
19 Petitioner, Eldena Solar, appears by its  
20 attorney, Courtney Kennedy, and of course a few  
21 of its employees are here as well. Along with  
22 the Lee County support staff, I will note that a  
23 number of interested parties are present as  
24 well.

In Totidem Verbis, LLC (ITV)  
815.453.2260

In Totidem Verbis, LLC (ITV)

1 All of the attendees are wearing masks and  
2 are social distancing at 6 feet, wearing masks  
3 except for when talking probably, like me.

4 The first order of business is, when I  
5 left off last week I had decided not to set  
6 further dates; however, I think we are in a  
7 position to do that.

8 I will note that we are aware of a -- I'm  
9 going to call it a letter from an organization  
10 known as Citizens for Responsible Solar out of  
11 some city in Virginia addressed to Lee County  
12 Citizens and the Board of Commissioners. The  
13 substance of the letter appears to request a  
14 continuance of 90 days, and that request is  
15 obviously addressed to Citizens and the Lee  
16 County Board of Commissioners.

17 I'm sure the County Board, if they think  
18 it's appropriate, will take up that request and  
19 deal with it.

20 That having been said, I am going to  
21 outline the future dates. So if you are  
22 interested in attending, here we go. All  
23 starting at 7 o'clock and, unless notified  
24 otherwise, here at the Old Lee County

1 Courthouse: tomorrow night, August 11th; then  
2 Monday, August 17th; Tuesday, August 18th;  
3 Wednesday, August 19th; Monday, August 24th; and  
4 Wednesday, August 26th; and Monday, August 31st.  
5 That takes us through the month of August, and  
6 we'll deal with September if we need to and when  
7 the time gets a little closer.

8 When we left off, Mr. Adamich was on the  
9 witness stand. So if he'll retake the stand,  
10 please.

11 What used to be referred to as the Slavin  
12 Rule is in effect. If midnight -- if the clock  
13 strikes midnight, then you're sworn in again.  
14 So, Mr. Adamich, if you want to raise your right  
15 hand.

16 (Benjamin Adamich was duly  
17 sworn.)

18 JUDGE SLAVIN: If you would have a seat,  
19 that would be great.

20 I'm informed that I overlooked, because he  
21 was on Zoom and he was over my shoulder, and  
22 it's my fault and I apologize, Mr. Meyer, you  
23 have one or more questions of Mr. Adamich. So  
24 if you may -- you may ask.

1 MR. MEYER: Thank you.

2 EXAMINATION

3 BY MR. MEYER:

4 Q. What is the largest solar energy product  
5 Geronimo has done in acres or megawatts?

6 A. The largest one we're currently constructing is  
7 a 200-megawatt project, 1600 acres. The largest  
8 ones we currently -- I think they're in  
9 operation now, they recently underwent  
10 construction, is two 120-megawatt projects in  
11 Michigan, and then we have done multiple  
12 portfolios totalling around a hundred to 125  
13 megawatts total up in Minnesota.

14 Q. So the ones that are operational are  
15 considerably smaller than this one?

16 A. Yes. The solar projects, yes. We have done  
17 numerous wind projects that are larger than this  
18 project we're proposing in Eldena.

19 Q. As far as the Variance goes, do you know how  
20 wide a corn planter is compared to a 300-foot  
21 strip?

22 A. I don't know what they're using out in the  
23 field today from a width standpoint. Typically  
24 we'll work with farmers if there are areas on

1 the site that have those 300-foot areas and  
2 tailor particular fence lines to accommodate the  
3 width of their planter. You know, if they're 60  
4 foot or what have you, you know, we'll try to  
5 make our fence line in increments of that so  
6 they can, you know, facilitate them planting  
7 around our solar arrays.

8 MR. MEYER: Thank you.

9 JUDGE SLAVIN: Just tell me when you're  
10 finished.

11 MR. MEYER: I'm finished.

12 JUDGE SLAVIN: Okay. We'll move to  
13 interested parties.

14 We're pleased to have with us tonight  
15 Mr. Tom Whitcombe, who apparently represents the  
16 following interested parties: Adam -- and,  
17 folks, if I mispronounce the names, please  
18 forgive me. Mr. Whitcombe's handwriting is not  
19 as bad as mine, but it approaches it -- Adam  
20 Lusz, Brent Sorel or Sorrell (phonetic), Lonnie  
21 Bright, Dave Gusse, Judy Gusse, Randy Carlson,  
22 Terri Carlson.

23 Is that correct Mr. -- have I got the  
24 people you represent?

1 MR. WHITCOMBE: As of now, yes, Your  
2 Honor.

3 JUDGE SLAVIN: Well, okay. So you may  
4 inquire.

5 MR. WHITCOMBE: Thank you, Your Honor.

6 At this time I would ask to continue this  
7 matter. Mr. Lusz appeared at my office at  
8 4 o'clock, and we have been speaking ever since.  
9 This is certainly not a matter of a small issue,  
10 and I would like to be able to take the  
11 appropriate time to review the record with  
12 Mr. Lusz and the other individuals listed there.  
13 I understand it is a bit of an inconvenience for  
14 everyone here, but in order to provide an  
15 intelligent public comment and inquiry, I do  
16 believe that it is necessary to have at least  
17 some time for myself and my clients to review  
18 the record that have been put forward.

19 JUDGE SLAVIN: And I appreciate very much  
20 your motion, I appreciate the reasons for it;  
21 however, notice of this hearing has been given  
22 for quite some time. Things have to move along,  
23 not only just for this particular petition, but  
24 this Zoning Board has lots of petitions cuing up

1 behind it and has an interest in moving forward.

2 So respectfully your motion is denied, and  
3 you may inquire.

4 MR. WHITCOMBE: Thank you, Your Honor.

5 EXAMINATION

6 BY MR. WHITCOMBE:

7 Q. I'm sorry, sir, I didn't catch your name.

8 A. My name is Ben Adamich.

9 Q. Ben what?

10 A. Adamich, A-D-A-M-I-C-H.

11 Q. Thank you.

12 And I apologize if I ask some things that  
13 have already been addressed. As I said, I'm  
14 brand-new to this.

15 What is your position at Geronimo?

16 A. I'm a market lead developer.

17 Q. And what does that entail?

18 A. I manage our development portfolio for a number  
19 of states, including Illinois.

20 Q. And when you say manage, are you in charge of  
21 doing all of the research that is necessary to  
22 go into these situations?

23 A. I manage a team of people that work on the  
24 ground on individual developments, planning

1 our -- and forecasting where we're going to be  
2 proposing developments and participating in land  
3 use proceedings, anything that pertains to the  
4 front-end development of renewable energy  
5 projects that we develop.

6 Q. And what is your background?

7 A. I've -- I started out in this industry.

8 Q. Do you have any sort of scientific training?

9 A. No, I'm not trained in science, no.

10 Q. Okay. So do you manage a team of scientists?

11 A. Yeah, we contract with and we have  
12 meteorologists, scientists, engineers on staff  
13 at our company, yup.

14 Q. So would it be those scientists then that would  
15 do all of the research in terms of the effect on  
16 the land, whether it be drainage, glare,  
17 foliage, et cetera?

18 A. Yes.

19 Q. And you oversee that team?

20 A. Not directly, no, not me, but within our -- the  
21 umbrella of our company, yes.

22 Q. Is the person that oversees it someone you  
23 oversee, or are you a separate department?

24 A. Separate department.

1 Q. Okay. Are you familiar with the drainage  
2 issues that can be created by solar panels?

3 A. What issues? I'm not sure I'm catching what  
4 you're --

5 JUDGE SLAVIN: Well, you don't ask him  
6 questions. You just answer the question. If  
7 you don't know --

8 A. Okay. No.

9 Q. (By Mr. Whitcombe:) Are you familiar with any  
10 sort of other issues that might arise for the  
11 environment?

12 A. I guess, talking about something that vague,  
13 no, I don't know anything. If you're referring  
14 to something particularly, maybe, but I'm not  
15 sure.

16 JUDGE SLAVIN: Were you raising your hand  
17 because you couldn't hear? I was trying to find  
18 a place to interrupt. See if this helps.

19 MR. WHITCOMBE: My apologies. May I  
20 review the mask?

21 JUDGE SLAVIN: Absolutely. I understand  
22 that muffled voices are tough. I want everybody  
23 to be safe, but I understand.

24 UNIDENTIFIED AUDIENCE MEMBER: Keep the

1 mic to your mouth.

2 JUDGE SLAVIN: Sir, please don't. Please.  
3 Go ahead.

4 MR. WHITCOMBE: Thank you, Your Honor.

5 Q. (By Mr. Whitcombe:) So your role is not in  
6 reviewing the potential negative effects; it's a  
7 market lead, I believe you said?

8 A. Can you repeat that?

9 Q. Your role at Geronimo is not reviewing the  
10 science itself, but it is presenting the  
11 science?

12 A. My role is to develop large-scale wind and  
13 solar projects across the upper Midwest.

14 MR. WHITCOMBE: Thank you. That's all the  
15 questions I have at this time.

16 JUDGE SLAVIN: Okay. It's now time for  
17 other interested parties not named: Adam Lusz,  
18 Brent Sorel, Lonnie Bright, Dave Gusse, Judy  
19 Gusse, Randy Carlson, Terri Carlson.

20 I'm trying to think, I guess I'd rather  
21 start with folks present in the room. If you  
22 have questions of Mr. Adamich, I would like you  
23 to raise your hand. I'm not going to call in  
24 any order. I'll do my best to see hands raised.



1 we're laying out the project as a tracker -- a  
2 single-axis tracker racking system. So those  
3 will rotate slowly on one axis and generally be  
4 oriented in north-to-south rows. And then when  
5 the sun rises in the east, they'll generally  
6 face east, and they will slowly track the sun  
7 throughout the day to face west in the evening.  
8 That essentially maximizes the efficiency of the  
9 array.

10 COURT REPORTER: Judge, can you have him  
11 identify himself?

12 JUDGE SLAVIN: Ah, good question.

13 I was more worried about your microphone.  
14 Would you state your name, please.

15 MR. POPOVICH: Nick Popovich.

16 JUDGE SLAVIN: Would you spell your last  
17 name for --

18 MR. POPOVICH: P-O-P-O-V, as in Victor,  
19 I-C-H.

20 JUDGE SLAVIN: Okay. And I don't like  
21 asking people their address, I don't think  
22 that's secure nowadays, but what -- your post  
23 office address, what is the town or village of  
24 your post office address?

1 MR. POPOVICH: Dixon, Illinois.

2 JUDGE SLAVIN: Okay. Good enough. I'm  
3 sorry for interrupting.

4 MR. POPOVICH: I'm right in the area that  
5 this --

6 JUDGE SLAVIN: Okay. Go ahead.

7 Q. (By Mr. Popovich:) I know last meeting you  
8 were asked about noise and you said that the  
9 solar panels don't create any noise, but if  
10 you're going to be moving these things and we're  
11 looking at 1200 acres of these panels moving, is  
12 there any noise created from that?

13 A. Yeah, if you're right up next to the drivetrain  
14 essentially, or motor. It's a very small motor.  
15 As you can imagine, you know, there's only very,  
16 very slight shifts throughout the day. If  
17 you're staring at it for 20 minutes, you  
18 probably wouldn't even notice its movement.

19 But, yeah, if you're right next to it, you  
20 would probably hear it. If you're on the  
21 up-skirts of the array, you wouldn't hear it.  
22 We comply with all Pollution Control Board noise  
23 standards at the property lines and such.

24 Q. One more question. If you were denied this

1 Variance you're asking for, would the -- it  
2 wouldn't drastically affect the project, would  
3 it?

4 A. I think it would overall decrease the  
5 efficiency of the use of the site overall. With  
6 that said, you know, I think if -- you know, we  
7 are seeking a Variance from adjoining property  
8 owners, and, you know, if they were opposed to  
9 it, you know, the people whose property we're  
10 seeking the Variance from, you know, we would be  
11 happy to discuss, you know, waiving it in that  
12 circumstance, yup.

13 Q. How long is your lease going to be for on these  
14 properties?

15 A. So the lease is a variable term lease which  
16 runs essentially with the solar project with a  
17 maximum. So typically we -- the design life, we  
18 design the facilities to go anywhere from 35 to  
19 40 years. Our lease term runs consistent with  
20 that design life.

21 Q. Okay. So if you were given the Variance, we  
22 would be locked into that Variance for 40 years?

23 A. That would be the intent, would be to build the  
24 site with that Variance, yup, that's correct.

1 MR. POPOVICH: Okay. Thank you.

2 JUDGE SLAVIN: Thank you, sir. I  
3 appreciate you asking questions, and they were  
4 well done. You get the gold star for the night  
5 so far.

6 MR. POPOVICH: I'll take it.

7 JUDGE SLAVIN: I see a hand in the back.  
8 Ms. Duffy, gentleman on the -- my left, first  
9 pew.

10 MR. RICHARD: Probably ain't going to need  
11 this. Get my glasses here.

12 My name is James R. Richard. I live at  
13 9 -- 1196 South Eldena Road.

14 JUDGE SLAVIN: Did you say Richard? Did  
15 you say Richard? I just want to make sure I  
16 hear you.

17 MR. RICHARD: What did he say?

18 MS. DUFFY: Richard?

19 MR. RICHARD: Richard, R-I-C-H-A-R-D. No  
20 S.

21 JUDGE SLAVIN: Thank you.

22 EXAMINATION

23 BY MR. RICHARD:

24 Q. My first question is, why not develop wasteland

1       which is less than a mile away from your site  
2       right now instead of taking good ag land out of  
3       production?

4    A.   That's a good question.  I think what drives  
5       our development and what drives all sorts of  
6       power plant or electrical generation facility  
7       development is availability of appropriate  
8       electrical infrastructure.  So essentially, we  
9       need to be adjacent to or close to transmission  
10      lines to satisfy, you know, our ability to get  
11      the electricity to market.

12                So that was behind -- one of the drivers  
13      behind the driving decision for our Eldena Solar  
14      Project and I would say, more generally  
15      speaking, for most of the solar projects around  
16      the state or around the country with the scale  
17      that we're looking to propose here.

18   Q.   Okay.  Another question is, you say there's no  
19      noise emitted from these sites or the solar  
20      panels, but there is noise from the converters.

21                JUDGE SLAVIN:  That's a statement.

22      Mr. Richard, that's a statement.  If you have  
23      got a question, please ask it.  He's the one  
24      under oath.  You don't get to say what you

1 believe. You're not under oath. It's tough.

2 MR. RICHARD: What did he say?

3 MS. DUFFY: Judge, he can't hear you.

4 JUDGE SLAVIN: Okay. Mr. Richard, that  
5 was not a question. That was you telling him  
6 things. He's under oath; you're not.

7 MR. RICHARD: Okay.

8 JUDGE SLAVIN: If you want to testify  
9 later, there will come a time. But now is the  
10 time to ask him questions.

11 Q. (By Mr. Richard:) Okay. Is there any noise at  
12 any point connected with the solar panels?

13 A. Yeah, I think as you brought up, we have  
14 centralized converters which convert the  
15 electricity from DC to AC. The panels produce  
16 DC power. Those have a slight hum because they  
17 have a fan in them which cools them off in the  
18 middle of the day. It's indistinguishable from  
19 background noise when you're a hundred feet away  
20 from it. So we comply with the Pollution  
21 Control Board standards from the property line  
22 with regard to noise.

23 Furthermore, the Lee County Ordinance has  
24 put in place a setback for the inverters of 200

1 feet from any residential property, and we meet  
2 or significantly exceed that for all of the  
3 site.

4 Q. My final question, is this company a U.S.-owned  
5 company or is it a foreign interest?

6 A. So are you talking -- I guess I can't ask you a  
7 question.

8 Geronimo Energy owned Eldena Solar. We're  
9 the developer of Eldena Solar, which is the  
10 project. We're based out of Minneapolis,  
11 Minnesota. We were started by a farmer in  
12 southwestern Minnesota back in the early 2000s,  
13 and so we have been a U.S.-based company. Last  
14 year we were recently actually acquired by  
15 National Grid, which is a company based out of  
16 the United Kingdom. But under our development  
17 arm, we are Geronimo Energy, we are still based  
18 out of the U.S. and Minneapolis based. So we  
19 have two offices here in Illinois here, the  
20 closest being Walnut.

21 MR. RICHARD: I'll give somebody else a  
22 chance to talk.

23 JUDGE SLAVIN: Okay. Any other questions?  
24 Right behind Mr. Richard. Would you give

1 us your name?

2 MR. FIELDS: Hi, my name is Brian Fields.  
3 I'm from Eldena.

4 JUDGE SLAVIN: Okay.

5 MR. FIELDS: I have got a couple  
6 questions.

7 EXAMINATION

8 BY MR. FIELDS:

9 Q. Have you had any LESA scores on this property  
10 that you're going to build on?

11 JUDGE SLAVIN: Can you repeat that? It  
12 cut out. I'm sorry.

13 Q. (By Mr. Fields:) Have you got any LESA scores  
14 on the property that you're going to build on?

15 A. Yes, I believe the County performed the LESA  
16 scores in accordance with their standard  
17 procedures. I don't have a copy of it in front  
18 of me.

19 Q. Okay. Could you provide a copy for everybody  
20 here eventually? I mean, we need paperwork on  
21 that.

22 I have got another question. Have you  
23 contacted South Dixon Township or Nachusa  
24 Township Boards?

1 A. Yes, I believe we have. Yup.

2 Q. Huh. Okay. I'm on the Board. We haven't  
3 got -- yeah.

4 JUDGE SLAVIN: Sir, if you want to  
5 testify.

6 MR. FIELDS: Nope, that's fine. I've got  
7 a couple more questions.

8 Q. (By Mr. Fields:) You're going to have a fence  
9 around the perimeter of it. What is the setback  
10 off of the road right-of-way is that fence going  
11 to be?

12 A. So we already have a fence, as you stated. It  
13 depends on the area of the project. We meet or  
14 exceed the structure setback, which is for the  
15 solar -- the edge of the solar panels  
16 essentially. The fence will be -- where we can,  
17 we'll put it on the property line. Other than  
18 that, we'll be putting it outside the road  
19 right-of-way.

20 Q. So you're going to put it directly on the road  
21 right-of-way, the fence lines?

22 A. Typically, yes, unless there's growth plans for  
23 the road, in which we'll have it set back a  
24 little bit further.

1 Q. All right. Have you done a study on the need  
2 for electricity in northern Illinois?

3 A. Have we -- no, we haven't done a study for the  
4 need for electricity in northern Illinois.

5 MR. FIELDS: Okay. I think that's all the  
6 questions I have right now.

7 JUDGE SLAVIN: Thank you.

8 Other raised hands, questions? Yes,  
9 ma'am. Front row pew, blue blouse.

10 MS. JOHANNSEN: Martha Johannsen. And I  
11 have --

12 JUDGE SLAVIN: Martha, what community?

13 MS. JOHANNSEN: Oh, a Dixon address.

14 JUDGE SLAVIN: Thank you.

15 MS. JOHANNSEN: Red Brick Road.

16 EXAMINATION

17 BY MS. JOHANNSEN:

18 Q. I have read that there are distances of 300  
19 feet, 50 feet, and 15 feet. I don't understand  
20 where the 300 feet are in effect or the 50 feet  
21 or the 15 feet.

22 A. The 300-foot setback is applicable to us from  
23 any property line of a platted subdivision, and  
24 that's in the Solar Ordinance that we have to

1 comply with, the Lee County Solar Ordinance.

2 Those other numbers you had mentioned are  
3 setbacks imposed on us from a structure  
4 standpoint as delineated in the Lee County  
5 Ordinance. So 50 feet is our front yard  
6 setback. I think we have a couple instances of  
7 technically front yards throughout the project  
8 area. Then the 15 feet is our side and rear  
9 yard setbacks.

10 So if you were building a house or a  
11 structure on your property, you would have  
12 similar different setbacks from your front yard  
13 property line or road right-of-way and you would  
14 have, you know, different setbacks from your  
15 two -- the two hedges of your yard, which would  
16 be called your side yard.

17 So we have the same differing setbacks,  
18 depending on the lot property lines. So in most  
19 places we're set back at least 50 feet or more  
20 from the road with the solar panels.

21 Q. Where is your front yard and your side and  
22 backyards?

23 A. Our front yards are I think basically every  
24 property line we have which abuts a public road,

1 if I'm not mistaken, and then our side and rear  
2 yards are where our property line adjoins  
3 another private property owner's property --

4 Q. So --

5 A. -- is typically how it works.

6 Q. -- the side yard is a 15-foot setback then?

7 A. Yes. Yup.

8 Q. How many inverters are there per solar panel?

9 A. So the inverters we have laid out are called  
10 central inverters. So typically these days, I  
11 would say, they're anywhere from two and a half  
12 to three and a half megawatts in size typically.  
13 So there will be numerous solar panels hooked  
14 into each central inverter.

15 So how it generally works is, the solar  
16 panels are built in rows of racking, and those  
17 are all wired together. And then a wire is  
18 typically trenched from the rows up to the  
19 central inverters for multiple rows of solar  
20 panels. And then from the inverters, then wires  
21 are trenched from there to the point in which we  
22 connect into the existing electrical grid, is  
23 generally how it works, for a verbal  
24 description.

1 Q. How high will the fence be that you build  
2 around this power plant?

3 A. The National Electric Code requires that we  
4 have a 6-foot-tall fence with 1 foot of barbed  
5 wire on top. So 7 feet total.

6 Q. What is the depreciation of your power plant  
7 over how many years?

8 A. That's a good question. I don't know the exact  
9 depreciation from a financial modeling  
10 standpoint, but there's different depreciations  
11 that we have to take into account; such as, for  
12 instance, in our property tax calculations, the  
13 State has a standardized mechanism for us to pay  
14 property taxes over, and there's a depreciation  
15 schedule on that with a 30 percent floor.

16 There's depreciation, I would say, in the  
17 production of the solar modules. On average,  
18 the power output from a solar module decreases  
19 at about 0.25 to 0.5 percent per year. So they  
20 slowly decrease in efficiency over time, but  
21 even after about 25 years they're still, you  
22 know, 87 and a half percent efficient. So they  
23 last quite a while.

24 MS. JOHANNSEN: I think that's it now.

1 JUDGE SLAVIN: Thank you.

2 Other folks present in person, raise your  
3 hand, questions? Seeing none.

4 Ms. Duffy, are there any folks in the  
5 overflow room?

6 MS. DUFFY: Just Mike McBride.

7 JUDGE SLAVIN: Okay. Then I'll turn to  
8 Zoom, and this will be a little -- Alice, has  
9 anybody got their hand raised?

10 MS. HENKEL: No.

11 MR. RICHARD: I would like to ask one  
12 additional question.

13 JUDGE SLAVIN: Sure, sure.

14 EXAMINATION

15 BY MR. RICHARD:

16 Q. She brought up the 8-foot fence -- or 7-foot  
17 fence. Do you monitor those fences with  
18 cameras? And if so, which direction are they  
19 pointed?

20 A. The -- we typically have cameras at the gates  
21 and other areas throughout the array, sometimes  
22 at the inverters. But they are most effective  
23 at the site entrances and at the inverters.

24 We don't typically have a camera every X

1 feet along the fence, but we -- you know, we may  
2 install them in different places if there's  
3 issues that come up.

4 JUDGE SLAVIN: Okay. Now we have got  
5 another question. Lady behind Mr. Richard.  
6 Just state your name.

7 MS. HALL: My name is Lisa Hall.

8 JUDGE SLAVIN: Hall, did you say?

9 MS. HALL: Yes, H-A-L-L.

10 JUDGE SLAVIN: Community?

11 MS. HALL: I'm sorry?

12 JUDGE SLAVIN: Community?

13 MS. DUFFY: What community are in you?

14 MS. HALL: I'm from Franklin Grove. These  
15 are my parents.

16 JUDGE SLAVIN: Just -- good.

17 EXAMINATION

18 BY MS. HALL:

19 Q. Okay. I was just wondering, do you have  
20 security monitoring these solar panels 24/7?

21 A. Yes, the facility is monitored 24/7, either by  
22 an on-site -- a combination of on-site staffing  
23 and remote monitoring systems which monitor, you  
24 know, the entrances, the power output of the

1 facility, the inverters, and everything thereof,  
2 yup.

3 JUDGE SLAVIN: Okay. Any other --  
4 Ms. Duffy, I have got a lady in the pink in the  
5 back pew.

6 MS. COERS: Sue Coers, C-O-E-R-S, from  
7 Dixon.

8 EXAMINATION

9 BY MS. COERS:

10 Q. Was there ever an environmental assessment  
11 done?

12 A. Yeah, we submitted to the Illinois Department  
13 of Natural Resources. They do what's called an  
14 EcoCAT review on almost any proposed  
15 development. It's a requirement of the  
16 Ordinance that we submit one. We did do that  
17 in -- well, we did it last year and we renewed  
18 it in June of this year.

19 The IDNR, the summary of the  
20 correspondence with them, was that adverse  
21 impacts to anything are unlikely, which is  
22 pretty standard for --

23 Q. What about the toxins that will eventually  
24 leach into the soils?

1 A. I'm not aware of any toxins that will leach  
2 into the soils.

3 Q. When -- oh, I can't -- question.

4 How often do your panels break from  
5 high-impact winds or tornados?

6 A. Rarely, if at all.

7 JUDGE SLAVIN: Other questions?

8 You have had your chance, but I want  
9 everybody to get used to asking questions. So  
10 this time, this first witness, I'll allow people  
11 to ask second questions.

12 MR. POPOVICH: Thank you, Your Honor. My  
13 question --

14 JUDGE SLAVIN: Wait a minute. The mic is  
15 coming.

16 See, the court reporter may not be able to  
17 hear you either.

18 EXAMINATION

19 BY MR. POPOVICH:

20 Q. Okay. After you develop this property, do you  
21 continue to own it or do you sell it?

22 A. For the majority of projects we develop, we own  
23 and operate them. It's typical for development  
24 companies like us to have a develop-and-flip

1 business model. That's not currently Geronimo  
2 Energy's business model.

3 For instance, we developed and now own and  
4 operate the Green River Wind Farm in the  
5 southwestern portion of Lee County. That was a  
6 project that we developed and now own and  
7 operate. So that's the intent with Eldena  
8 Solar.

9 We have, you know, brick and mortar  
10 offices here. We have got numerous staff on the  
11 Green River Wind Farm, most of which are from  
12 Amboy nearby to Eldena. So we'd like to  
13 continue our footprint here in Lee County and  
14 continue to own and operate the developments  
15 that we do here.

16 MR. POPOVICH: Thank you.

17 JUDGE SLAVIN: Somebody else? I saw a  
18 hand raised. The lady against the wall in the  
19 mauve shirt.

20 MS. BRIGHT: Hi, I am Janet Bright from  
21 Eldena.

22 JUDGE SLAVIN: Excuse me. I don't think  
23 the court reporter quite caught your name.

24 MS. BRIGHT: Janet Bright.

## EXAMINATION

1  
2 BY MS. BRIGHT:

3 Q. Are you aware of a heat island effect?

4 A. No.

5 Q. Can you describe the amount of heat that may be  
6 generated from that 1200-acre, plus or minus,  
7 solar farm?

8 A. The panels are dark in nature, and they are  
9 built to absorb as much sunlight as possible and  
10 convert that to the flow of electrons, or  
11 electricity, as we call it. Any heat generated  
12 from them is a loss of electricity, essentially  
13 inefficiency. So the panels don't really heat  
14 up when they're, you know, facing the sun. They  
15 convert the majority of that sun energy into  
16 electricity, which is their main purpose, the  
17 point of the facility.

18 There are different types of solar  
19 technology, you know, which convert sunlight  
20 into heat as a product. What we're intending to  
21 do is converting that sunlight into electricity,  
22 which is slightly different than some of the  
23 solar technologies on the market.

24 So we don't typically see any heat

1 increases in the project. That would typically  
2 mean there's a problem.

3 Q. On your other solar projects that you have done  
4 in the past, have there been complaints of  
5 additional heat, like temperature raising in the  
6 area?

7 A. No.

8 Q. Do you have reports with regard to residential  
9 setbacks -- oh, yeah.

10 Do you have reports to support those  
11 residential setbacks that you're installing on  
12 those residences?

13 JUDGE SLAVIN: I'm sorry, your voice  
14 dropped and I didn't hear the question.

15 MS. BRIGHT: I don't want to because  
16 everybody has been talking into this. Thank you  
17 though.

18 Q. (By Ms. Bright:) Do you have reports that  
19 support that in regards to the residential  
20 setbacks that you're installing around the  
21 residents?

22 A. Are you referring -- well, I guess I can't ask  
23 you a question, but if you're referring to --

24 JUDGE SLAVIN: If you start asking her a

1 question, we have an exchange that goes back and  
2 forth and it never ends. If you don't  
3 understand the question, just say you don't  
4 understand. If you understand, answer it.

5 A. The way I understand, the question is meant to  
6 imply whether there are property value impacts  
7 with respect to solar energy development, if I  
8 am understanding you correctly. We have  
9 conducted a property value impact analysis  
10 study.

11 We did that on our Junction Solar Project  
12 that we are developing in Lee County and went  
13 through the land use permitting hearing process  
14 a year ago on. It's a similar study with  
15 additional data points around the development,  
16 ownership, and operation of ground-mounted solar  
17 energy systems primarily in rural areas. The  
18 results of the study around the upper Midwest  
19 and ubiquitously around the country do not, you  
20 know, identify any adverse impacts to property  
21 values or any adverse impacts to the  
22 developability of property next to or adjacent  
23 to ground-mounted solar energy facilities.

24 Q. (By Ms. Bright:) I do have one other question.

1 How much light is on the solar farm field? How  
2 much will that impact the night sky that we  
3 normally see?

4 A. So the solar energy facility doesn't operate at  
5 night, so there's little need for light. There  
6 will be lights at each inverter; however, those  
7 will be switch-operated and only used if there's  
8 maintenance on them. There will be  
9 down-shielded lights at the entrance as well  
10 that will be both switch- and motion-sensor  
11 operated. So if someone is coming in there at  
12 night that's either supposed to be there or not  
13 supposed to be there, those lights should flip  
14 on at the entrance, and they will be downcast as  
15 to not shine light on adjacent properties for  
16 that very reason.

17 So, yeah, we don't operate at night. So  
18 there's generally no light on anywhere.

19 Q. That did bring one more question. At the  
20 substation that's beginning to be built, how  
21 much noise is generated there?

22 A. I'm not sure on specifics on the dBA's, but I  
23 have been around a plethora of substations  
24 around the whole U.S., and I haven't really

1 noticed a lot of noise around them. There  
2 generally are things, but it will be no more  
3 than any other electrical substation that you  
4 would see, you know, around the area.

5 MS. BRIGHT: Thank you.

6 JUDGE SLAVIN: Okay. Other folks in the  
7 room? Let's see if there's anybody else first?  
8 Any other -- okay. Back to the lady -- we're  
9 only going to do this one time, that everybody  
10 gets to go around again, but it's only -- I want  
11 everybody to get used to the rhythm, so.

12 EXAMINATION

13 BY MS. JOHANNSEN:

14 Q. Will the fence around the property be built on  
15 the property line or the fence line?

16 A. We try to put the fences on the property lines  
17 as much as possible because then it doesn't  
18 create an unusable strip of property in between  
19 two pieces of property if the other one has a  
20 fence. So we try to put it on the property line  
21 where we can, but, you know, if there's an  
22 existing fence line typically we'll just kind of  
23 match that because that's been, you know, what's  
24 been used.

1           You know, our goal is to not create  
2 unusable strips of property anywhere around  
3 the -- on the sites, which, you know, would  
4 either, you know, be farmed for row crop ag or  
5 we end up having to plant them with a seed mix  
6 and, you know, maintain those areas.

7 Q.    Would the foot of barbed wire be straight up  
8 from the fence or bent outwards, slanted out?

9 A.    Typically I have seen it slanted outwards.

10 Q.   So that would be over your property line then?

11 A.   If the fence was built directly on the property  
12 line, yes.  So in that instance, we would  
13 probably need to set it back a couple inches.

14 Q.   Okay.

15           JUDGE SLAVIN:  The lady in the pink, and  
16 if you could -- and I'm sorry if I don't  
17 remember names, but that's beyond me.

18   EXAMINATION

19 BY MS. COERS:

20 Q.    Has the local airport ever been contacted to  
21 deal with glares off of the solar panels?

22 A.    No.  We ran a FAA tool which analyzed, you  
23 know, hazards for any structure, including  
24 solar, and we got the determination that there's

1 no hazard. So there's no reason for us to reach  
2 out to any local airports.

3 JUDGE SLAVIN: Other raised hands in the  
4 room besides you, Mr. Whitcombe?

5 The back gentleman in the corner.

6 EXAMINATION

7 BY MR. FIELDS:

8 Q. Do you -- does your company take subsidies,  
9 government subsidies, taxpayer subsidies, for  
10 the solar farm?

11 A. No. What we do -- in light of your question, I  
12 think what you're getting at, there is an  
13 investment tax credit associated with solar  
14 energy development which is a federal tax credit  
15 that we take advantage of. There's similar  
16 subsidies for -- if you want to call it that,  
17 for wind energy development. There's also  
18 subsidies for nuclear energy facilities in the  
19 state of Illinois. They just got 250 or  
20 \$300 million a year from the State legislature.  
21 Essentially every form of power plant  
22 development is, I'll call it, subsidized in some  
23 way.

24 Q. So do you get -- per megawatt, do you get any

1 subsidies per megawatt that you produce?

2 A. No.

3 Q. Okay. There's a couple gravel roads that are  
4 within your project. Are you just going to  
5 leave them gravel or are you going to do  
6 something different to them?

7 A. If you are referring to the public gravel  
8 roads, such as Red Brick Road, you know, Eldena  
9 Road, and Nachusa Road, we'll use existing  
10 public road infrastructures. Our deliveries are  
11 such where we have minimal impact to existing  
12 gravel roads.

13 The County does require that we enter into  
14 a road use agreement with, for instance, the  
15 townships there. And so, you know, we'll be  
16 looking at whether there's going to be any  
17 impacts. We follow any, you know, road posting  
18 time frames for travel on them.

19 We don't anticipate really any heavy loads  
20 throughout the construction. We actually have  
21 some testimony later that will talk a bit more  
22 in depth about the construction of the project.

23 The County Ordinance mandates that. You  
24 know, we work with, in this case it would be

1 South Dixon Township and Nachusa Township on  
2 road use agreements prior to the construction of  
3 the project.

4 Q. How many local contractors, say, within  
5 northern Illinois are you going to hire to do  
6 this?

7 A. Quite a few. Knowing the area that we're  
8 building -- we have built renewable energy  
9 projects in Lee County. So labor relations with  
10 organized labor is something that we did on that  
11 project. So we anticipate quite a few.

12 As I mentioned, you know, on the operation  
13 of our wind farm there in the southwestern  
14 portion of the county, the three operators we  
15 got are from Amboy. So we typically look to  
16 hire local where we can. It's usually the best  
17 labor we can get overall.

18 Q. So you're going to say that the majority of  
19 your labor companies are going to be in northern  
20 Illinois, they're not going to come from Iowa or  
21 Minnesota? They would be northern Illinois  
22 companies?

23 A. So we -- the construction process works are a  
24 little later on, an engineering procurement

1 contractor to build the facility. There's a  
2 number of firms around the country that build  
3 this scale of project that we have worked with  
4 in the past. They'll typically subcontract out  
5 to locals for, you know, whether it be a fence  
6 installation on the property or, you know, any  
7 civil work we need to do and anything like that.  
8 That's typically bid out locally with local  
9 labor in mind, and that's consistent with how  
10 we -- our labor strategy was on our wind farm  
11 there in the southwestern portion of the county.

12 Q. Regarding the LESA score, you guys said you are  
13 going to build substations. What did the LESA  
14 score come back on to build a substation on that  
15 property?

16 A. I'm not sure on that particular property. I  
17 don't have the report in front of me.

18 MR. FIELDS: Okay.

19 JUDGE SLAVIN: Okay. Lady kind of in  
20 front of him in the middle.

21 EXAMINATION

22 BY MS. HALL:

23 Q. I was just wondering what prompted you to build  
24 on this acreage?

1 A. Can you repeat that first part? I'm sorry.

2 Q. What prompted you to build on this acreage? I  
3 mean, you just --

4 JUDGE SLAVIN: I'm going to let you ask  
5 that question, but I'm going to remind  
6 everybody, please do not repeat questions. That  
7 question has been asked, but go ahead.

8 MS. HALL: I'm sorry.

9 A. So, yeah, I'll answer your question. So, you  
10 know, we look at a number of things when we look  
11 at developing, you know, power plants.  
12 Generally across the Midwest and across the  
13 country we're seeing a lot of older power plants  
14 become too economically inefficient to run, and  
15 utilities are forced with the decision, you  
16 know, whether or not to, A, retrofit them and  
17 invest a lot of money to do that to provide  
18 their ratepayers with low-cost energy; or, two,  
19 retire them and seek out new forms of  
20 generation.

21 So we're seeing a lot of that, because  
22 we're seeing a lot of that second thing, because  
23 solar, wind, and new natural gas is probably the  
24 cheapest new forms of electrical generation on

1 the market today and it's beating out, you know,  
2 a lot of the older plants that need a lot of  
3 work to them. That's why you're seeing -- or  
4 generally speaking, you're going to continue to  
5 see, you know, large implementation of those  
6 three technologies I'd say across the upper  
7 Midwest, and Illinois, as well, is no different.

8 So that's what is prompting us to continue  
9 to make investments, you know, in these wind and  
10 solar facilities that we're developing and  
11 owning and operating.

12 This area in particular, we selected it  
13 because of the availability of electrical  
14 infrastructure. Nearby there's those large  
15 power lines that run out of that gas plant and  
16 run -- you know, generally they run east. So  
17 we're proposing to hook into those to gain  
18 access to the electric market, which we're going  
19 to, you know, competitively retail and sell  
20 electricity on a cost-competitive basis.

21 MS. HALL: Thank you.

22 JUDGE SLAVIN: Other hands, before  
23 Mr. Whitcombe? Nope. Mr. Whitcombe.

24 MR. WHITCOMBE: Thank you, Your Honor.

EXAMINATION

BY MR. WHITCOMBE:

Q. Hello again, Mr. Adamich.

Now that I think I understand a bit better --

JUDGE SLAVIN: You're going to have to speak up.

Q. (By Mr. Whitcombe:) -- I have a couple more questions for you.

Regarding the lease, is it assignable?

A. Is our lease assignable?

Q. Yes. Could someone else or another company take it over for you without consent?

A. Could someone else -- no.

Q. So what would it take for another company to come in and take over the wind farms -- or, I'm sorry, the solar farms?

A. We farm -- the solar farm, we see it happen all the time where, you know, you have a number of owner-operators of these types of facilities that can sell them. I think there's been numerous wind farms in Lee County that have actually been -- you know, had different owners and operators.

1           With respect to commitments made during  
2           land use permitting hearings and such,  
3           everything runs with the permit that runs with  
4           the project. So any commitments we make here  
5           today and as a part of this land use permitting  
6           process, that will run with the life of the  
7           project.

8   Q.    So earlier did you commit to continued  
9           ownership for the entire lease? I believe I  
10          missed that part.

11   A.    Commit to ownership for -- no, we did not, no.

12   Q.    Okay. But if I remember correctly, you said  
13          there was no develop-and-flip business model; is  
14          that right?

15   A.    Yeah, I don't think the Lee County Ordinance,  
16          you know, cares who in is front of their body  
17          proposing a power plant or anything else  
18          requiring a permit, no.

19   Q.    Okay. The batteries that you mentioned  
20          earlier --

21                 JUDGE SLAVIN: Mr. Whitcombe, I hate to  
22                 keep bugging you, but you have got to -- and I  
23                 have to remind myself. You have got to get up  
24                 next to the little --

1 MR. WHITCOMBE: Certainly, Your Honor.

2 I'll try not to bite it.

3 Q. (By Mr. Whitcombe:) The batteries that you  
4 mentioned earlier, what's in them?

5 A. I don't believe I mentioned batteries earlier,  
6 but on the project we are proposing an energy  
7 storage facility which has been commonplace for  
8 mostly all new intermittent resources such as  
9 ours. Those typical batteries are made of  
10 lithium ion, which is, you know, what's in  
11 everybody's pocket here today. It's essentially  
12 just that scaled-up version.

13 And what that does is, it does a couple  
14 things. One, it can produce power at several  
15 different times of the day to meet demand, which  
16 isn't necessarily representative of the standard  
17 production profile on a solar plant. You know,  
18 two, it can take advantage of otherwise-lost  
19 energy coming out of the facility and store it  
20 for use at a different time. And, three, it can  
21 be used as a grid resource by a utility company  
22 to meet the needs of the electrical grid at any  
23 given time. That's called ancillary services.  
24 There's markets for it. And that's why you're

1       seeing it being proposed on almost all new  
2       intermittent resource plants that are energy  
3       storage facilities, yup.

4   Q.   With the lithium ion batteries, are there rare  
5       earth metals used in those?

6   A.   I'm not aware of that, no.  I don't know what  
7       rare earth metals --

8   Q.   Do you know if there's anything in them that if  
9       it were exposed to the surrounding farmland  
10      could damage any of the land?

11  A.   I'm not aware of any.  Again, they are housed  
12      in -- they are batteries similar to what's in my  
13      cell phone here today.  Just like that's put in  
14      a protective case, the same would be true for  
15      these batteries that we would use on our storage  
16      facility.

17  Q.   What sort of case is that?

18  A.   Typically they are in, like, a standard  
19      shipping container, steel, weatherproofed.

20  Q.   Have you had any instances in prior solar  
21      plants, any sort of leakage from the batteries?

22  A.   No.

23  Q.   With the solar arrays that are going to be in  
24      this land, could you describe them physically?

1 A. It will be solar panels affixed on top of steel  
2 racking infrastructure that's affixed on top of  
3 steel piles that are in the ground on the  
4 farmland.

5 Q. How large is each panel?

6 A. It depends on the wattage of the module, but  
7 generally speaking they're around 2 to 3 feet by  
8 4 to 6 feet, generally speaking.

9 Q. And what's the distance in between the panels?

10 A. Less than an inch.

11 Q. Is that enough for any light to get down to the  
12 ground beneath?

13 A. If you're talking about on each row  
14 infrastructure, how much space is in between  
15 each individual module on each row, it's  
16 typically less than an inch.

17 If you're talking about how much space is  
18 in between each row, which there's a difference,  
19 on our facility we're laying out there's about  
20 23-foot row spacing. So if you have got a  
21 6-foot module on either side, 23 minus 6, that's  
22 17 feet of space in between. It's enough to  
23 drive, you know, a full-sized pickup pretty  
24 easily through.

1 Q. And with that space in between, is there light  
2 that will get under the panels when they're  
3 angled?

4 A. Yeah, there's about 17 feet of open space  
5 between the rows. The majority of the site is  
6 open.

7 Q. You mentioned earlier that there wasn't any  
8 heat that's given off of the panels. How about  
9 light at neighbors', neighbors' houses, land,  
10 cars?

11 A. Yeah, that's a good question. So, again, the  
12 panels are built to absorb as much sunlight.  
13 Any reflection thereof is a loss of efficiency.  
14 So they're built with antireflective coatings  
15 and other things. Where, you know, you have  
16 glass-covered solar modules, they put coatings  
17 on them so they absorb even more of that  
18 sunlight and convert it to electricity.

19 Q. How efficient is that absorption?

20 A. Pretty efficient. It depends on the solar  
21 module. Typically from a grid-deployed resource  
22 such as a power plant, you look at something  
23 called net capacity factor, which essentially  
24 looks at the production of the facility based

1 upon its nameplate.

2 So typically solar is anywhere from 22 to  
3 24 percent of the nameplate capacity. So about  
4 22 to 24 percent of the -- of 876 -- 8,760 hours  
5 in the year it's at its full nameplate capacity,  
6 but it's at a time when the grid is at its most  
7 stressed point, you know, on a hot summer day  
8 between, you know, the hours of noon and 7. I  
9 mean, that's when we're pumping out the most  
10 juice. So it matches, generally speaking, the  
11 demand profile of the electricity grid, and so  
12 that's why we're able to be so cost competitive.

13 Q. Maybe to clarify, I meant more of how efficient  
14 is the absor- -- so if you take a mirror that's  
15 a hundred percent reflective or a matte piece  
16 that's zero percent reflective, where on that  
17 scale do these panels fall?

18 A. I am not sure the percentage, but it's about  
19 that of the surrounding soils essentially when  
20 we have looked at those numbers. I mean, I  
21 think it's less than 2 percent if you're talking  
22 a 100 percent reflective surface versus a zero  
23 percent. And I believe that's actually in our  
24 application, I just can't remember the exact

1 number off the top of my head.

2 Q. So you said closer to soil, not akin to a body  
3 of water or anything like that?

4 A. I said closer to soil.

5 Q. And does varying the distance in between the  
6 panels affect the reflectivity of the entire  
7 farm?

8 A. No, I don't see why it would.

9 Q. Earlier you mentioned you gave something to the  
10 IDNR regarding an environmental impact  
11 statement. What all did that statement cover?

12 A. It's a standard review of the IDNR for  
13 State-protected natural resources used for most  
14 any type of development. So they'll look at  
15 what natural and historical preservation sites  
16 there are within the vicinity of any proposed  
17 development and determine whether or not  
18 additional consultation is needed; you know,  
19 essentially if there's foreseen impacts to that.

20 And so they terminated our consultation in  
21 that they did not view this as an impact to  
22 natural and historical resources in the area.

23 Q. Would that include drainage resources?

24 A. Typically, no, the IDNR doesn't look at that in

1 their EcoCAT review.

2 Q. Was there anyone that looked at the drainage  
3 impacts that this might have on surrounding  
4 farms?

5 A. Yes.

6 Q. And what did they find?

7 A. We found that drainage would actually be  
8 improved by converting partially-vegetative-  
9 covered ground to full-annual-seed-mix-covered  
10 ground, where we're converting the majority of  
11 the waterways in the site from, you know, row  
12 crop fields that are farmed right now. We're  
13 going to be planting those with an open area  
14 pollinator mix which should improve drainage.

15 We have conducted a hydrology study. A  
16 summary thereof -- and, you know, it's been  
17 certified by civil engineers -- it identified no  
18 impacts. In fact, drainage is expected to  
19 improve -- drainage and infiltration are  
20 expected to improve after our project is built.

21 Q. How about the water runoff of the panels  
22 themselves, is there any alteration there with  
23 it being challenged how it is?

24 A. No, we haven't seen that.

1 Q. Have you had any complaints from surrounding  
2 landowners from prior projects about any sort of  
3 drainage or light pollution?

4 A. No, we haven't had any complaints on our  
5 operational projects.

6 Q. How about the fence that you mentioned earlier?  
7 It's going to be located on the property line in  
8 certain circumstances?

9 A. Yes.

10 Q. Are there any properties owned and not  
11 leased -- owned by someone else and not leased  
12 by your company that will be entirely surrounded  
13 by fencing?

14 A. Are there any property -- not that I'm aware  
15 of, no.

16 Q. To your knowledge, what's the greatest extent  
17 of fencing, in terms of size, that would --  
18 pardon me.

19 What's the greatest number of sides that  
20 one property would have that fencing on?

21 A. I'm not sure.

22 Q. So if there's a square parcel, or four sides,  
23 you don't know how many of those sides would be  
24 covered in, just for instance, one of the --

1 A. We're adjacent to many parcels. I think the  
2 majority of them, you know, we're adjoining a  
3 property line on one property line, in some  
4 cases we're adjoining on multiple property  
5 lines. It depends on the parcel.

6 Q. Are there any with three or more property  
7 lines?

8 A. I think a lot of the parcels have three or more  
9 property lines.

10 Q. So some of the parcels might have fencing  
11 around three or more sides of their property?

12 A. Some of the property -- some of the adjoining  
13 parcels --

14 Q. Yes.

15 A. -- may have fencing on three or more sides of  
16 the -- if I'm understanding your question  
17 correctly, I think there may be one parcel in  
18 the -- not in the project area, but adjacent to,  
19 where our fence would be on, I think, three  
20 sides.

21 Q. If there are any impacts on the neighbors that  
22 do diminish their land value, is there any sort  
23 of indemnity funds or buyouts that are offered?

24 A. Can you repeat that?

1 Q. If any neighbor is negatively impacted  
2 financially, whether it's a decrease in  
3 productivity for farmland or decrease in value,  
4 is there any sort of indemnity funds?

5 A. No, there's not. That's not anticipated.  
6 There's no negative property value impact  
7 associated with solar.

8 Q. Have there been any lawsuits against Geronimo  
9 or any of its subsidiaries from adjoining  
10 landowners?

11 A. In general or -- well, I guess I can't ask you  
12 a question.

13 Yes.

14 Q. Relating specifically to drainage or light  
15 pollution or the fences being right on the  
16 property line?

17 A. No.

18 Q. What are the effects on the soil? You  
19 mentioned earlier a little bit about that  
20 different vegetation was planted. How does that  
21 affect the soil in general?

22 A. It doesn't really affect it at all. We're not  
23 putting fertilizer on every year, we're also not  
24 putting pesticides on every year like you have

1 with a traditional row crop ag operation. So  
2 essentially we're resting the soil, if you will,  
3 because we're not harvesting a crop off of it,  
4 we're not depleting it the nutrients that, you  
5 know, farmers would fertilize every year with.

6 So essentially we're resting it for as  
7 long as the facility is there and our seed mix  
8 is growing.

9 Q. At the end of the lease, what is the intention  
10 with the panels? Assuming this solar farm was  
11 to close down, what would happen with the  
12 panels?

13 A. We filed a decommissioning plan with the -- you  
14 know, as per the Ordinance and as per the State  
15 Statute, the AIMA. We would either dispose of  
16 them at a dump or recycle them, whatever is  
17 available at the time.

18 Q. Is that the company's responsibility?

19 A. Yes. Yup.

20 Q. The vegetation you mentioned earlier, what kind  
21 of vegetation is it?

22 A. Throughout the array we have, like, an open  
23 area, lower-growing turf mix. It's minimum --  
24 it's less maintenance required on that under

1 each panel so we don't have to mow it all the  
2 time.

3 Around the outskirts of the array and in  
4 waterways we're planting an open area pollinator  
5 mix, as per our vegetation maintenance plan.

6 Q. With that vegetation, how much of the dirt is  
7 going to be subject to movement?

8 A. Minimal, if any.

9 Q. Will there be any exposed dirt that could be  
10 blown around or eroded?

11 A. Yeah, there could be. During our construction,  
12 you know, we might have some silt work for  
13 access roads and such. The Agricultural Impact  
14 Mitigation we have got to sign per Ordinance  
15 mandates we take any necessary protocols to  
16 avoid topsoil erosion, for instance, in  
17 instances where it's piled up for civil work.

18 And then furthermore, per our, you know,  
19 SWPP plan for our stormwater permit, they have  
20 strict requirements with respect to, you know,  
21 sediment and erosion control to prevent that  
22 kind of thing.

23 Q. And one final question. Without the tax  
24 incentives or other governmental incentives,

1 would this be a profitable project?

2 A. If you took away the incentives for every power  
3 plant, I don't know. I mean, it would surely  
4 shake up the market if the nucs weren't  
5 subsidized, if the coal facilities weren't  
6 subsidized, if wind and solar weren't. So I  
7 don't know.

8 Q. And was that for all energy subsidies or solar  
9 specifically?

10 A. All subsidies.

11 Q. How about for solar specifically?

12 A. Yes, if we could sell the electricity at a  
13 market rate, sure, it would be profitable, yup.

14 MR. WHITCOMBE: Thank you.

15 JUDGE SLAVIN: Thank you.

16 Zoom. All right. Alice, can you help me  
17 out? Give me a name.

18 MS. HENKEL: Jim Schielein, and he should  
19 be unmuted.

20 JUDGE SLAVIN: Mr. Schielein, I'm told you  
21 have your hand up. Would you please state your  
22 name and spell it so my -- this is a little  
23 awkward for us, you're over our back shoulders,  
24 so bear with us.



1 know, it's viewed like any other structure when  
2 it comes to stormwater permitting, if that  
3 answers your question.

4 UNIDENTIFIED AUDIENCE MEMBER: Uh-huh.

5 UNIDENTIFIED AUDIENCE MEMBER: No.

6 JUDGE SLAVIN: Okay. Folks, you don't  
7 need to -- okay, please.

8 Q. (By Mr. Schielein:) On the -- I guess the  
9 basis of the question is, in agriculture when  
10 the higher person -- when it rains, when the  
11 water runs off, the person lower down the line  
12 has to take the water. So -- and that's the way  
13 agriculture operates, and industrial, you know,  
14 other forms of development have different rules.

15 I guess then the second question is that  
16 you mentioned a hydrological study. Have you  
17 completed a water mitigation or retention plan  
18 for the protection of downstream neighbors?

19 A. No, we haven't. We haven't completed a water  
20 mitigation plan. Our hydrology study that we  
21 have conducted indicates that, you know,  
22 drainage on the site will generally be improved.

23 I would mention that we have very strict  
24 -- from a subsurface drainage standpoint, which

1 is different than surface, I understand. From a  
2 subsurface drainage standpoint, to the extent  
3 there's any tiles within the facility, we're  
4 obligated per statute to sign, you know, an  
5 Agricultural Impact Mitigation Agreement. A  
6 large portion of that agreement governs, I  
7 guess, our obligation to maintain the tiles  
8 on -- within the facility for the purposes of  
9 maintaining that subsurface drainage  
10 continuation if there are adjoining properties  
11 that, you know, hook into the tile system, for  
12 instance.

13 In terms of the surface drainage, which is  
14 a different -- you know, arguably a different  
15 subject. Trying to hit on both. Pretty sure  
16 the question was maybe on both -- we anticipate  
17 it to go through mainly because of the fact that  
18 there are a number of those farmed waterways  
19 throughout the site, and we're essentially  
20 turning those to pastureland by -- it's about  
21 239 acres' worth within the fenced area that  
22 we're turning from, you know, existing row crop  
23 ag they're farming in a lot of those waterways  
24 and we're going to be planting a seed mix over

1           them.

2           So overall, you know, we're not going to  
3           inhibit, you know, drainage from adjoining  
4           properties coming through. And, actually, we  
5           expect there to be an increase in infiltration  
6           into the soil. So we actually expect a decrease  
7           in runoff from the site to adjoining properties.

8           MR. SCHIELEIN: Thank you. That's all the  
9           questions I have, Your Honor.

10          JUDGE SLAVIN: Thank you.

11          Alice, do you see any other Zoom hands?

12          MS. HENKEL: No.

13          JUDGE SLAVIN: I don't want to restrict it  
14          strictly to hands. Folks on Zoom, if you  
15          have -- if you turn -- if you have a question,  
16          please turn on your -- make sure your audio is  
17          on, and I think what will happen is, we'll see a  
18          yellow square around you on the board.

19          MS. HENKEL: I have to unmute them all.

20          JUDGE SLAVIN: Alice unmuted them all.  
21          And I don't know how to do this other than first  
22          come, first serve. If you have a question, say,  
23          Question.

24          MS. HENKEL: I'm trying. It's still. . .

1 JUDGE SLAVIN: Anybody? Say something.  
2 Say, Hey, Judge. Hey, Tim. I have a question.  
3 My turn. Something.

4 MS. HENKEL: I'm still trying to get them  
5 unmuted.

6 JUDGE SLAVIN: Oh, sorry. All right.  
7 We're still waiting to unmute you all.

8 Having technical problems?

9 MS. HENKEL: I guess.

10 JUDGE SLAVIN: All right. Folks on Zoom,  
11 I want to take a break anyway. So we're going  
12 to take a break while our IT staff solves maybe  
13 a muting problem here.

14 Folks, if you want to stretch your legs,  
15 that's great. This isn't jail, and I am not  
16 going to tell you what you want to do, but I'm  
17 going to encourage you all to social distance if  
18 you go out and stretch your legs and wander the  
19 halls, and please keep your masks on. You don't  
20 want to start happening here what's happening in  
21 Carroll County.

22 We'll take until 20 after by that clock.  
23 Wait a minute. Yeah, 20 after.

24 (A recess was taken at 8:14 p.m.)

1 and proceedings resumed at  
2 8:27 p.m.)

3 JUDGE SLAVIN: All righty. Let's make an  
4 effort for everybody to get back in place.

5 All right. We're going to try one more  
6 time for the Zoom folks. We're told that  
7 Ms. Henkel unmuted folks and then folks turned  
8 around and muted themselves right back because,  
9 for whatever reason they didn't want folks to  
10 hear what's going on in the background wherever  
11 their computer was.

12 So if any folks on Zoom have a question,  
13 you can do one of two things: unmute  
14 yourself -- one of three things. Down at the  
15 bottom of your screen, if you move your cursor  
16 over it, you will find an icon for raise hand.  
17 If you hit that icon, we will see a hand raised  
18 on the screen here and know that you have a  
19 question. Or the third alternative is, down at  
20 the bottom of the screen you will see an icon, I  
21 think it's got a little bubble on it, says Chat.  
22 If you can press chat, then you can type a  
23 message, just make the message, I have a  
24 question.

1 I'll wait about 30 seconds here to see if  
2 anybody does have a question. The reason I'm  
3 looking forward is, I can see over Alice's  
4 shoulder and I can see that -- can make out  
5 what's happening with the folks on Zoom. Wait a  
6 few more seconds here.

7 All right. I don't see any questions  
8 being -- do you, Alice?

9 MS. HENKEL: Nope.

10 JUDGE SLAVIN: I don't see any indication.

11 Okay. Thank you. That concludes  
12 cross-examination of Mr. Adamich. You may step  
13 down. Thank you.

14 And, Ms. Kennedy, you may continue.

15 MS. KENNEDY: Thank you, Judge. I'd like  
16 to call Brett Schneider to the stand.

17 JUDGE SLAVIN: You're looking up there as  
18 if he's going to appear up there.

19 MR. SCHNEIDER: Am I unmuted here?

20 JUDGE SLAVIN: Want to raise your right  
21 hand, please.

22 (Brett Schneider was duly sworn.)

23 JUDGE SLAVIN: I didn't hear you, sir.  
24 You're going to have to speak up.

1 THE WITNESS: Yes, yes, I do.

2 JUDGE SLAVIN: Let me take care of a  
3 couple housekeeping things, first.

4 Callie, can you hear him okay so far?

5 You're going to have to speak very clearly  
6 into whatever audio device you have. It's easy  
7 to start backing away from it, I understand, but  
8 try to keep your mouth right next to it so we  
9 can hear you.

10 And, of course, digitally your voice can  
11 get a little more slurred. So if you'll make an  
12 effort to talk as slowly as you can, that would  
13 be appreciated as well.

14 Okay. Ms. Kennedy, you may inquire.

15 MS. KENNEDY: Thank you.

16 BRETT SCHNEIDER,  
17 having been previously duly sworn, was examined  
18 and testified as follows:

19 DIRECT EXAMINATION

20 BY MS. KENNEDY:

21 Q. Mr. Schneider, can you hear me okay?

22 A. Yes, I can.

23 Q. Could you please spell your name for the  
24 record.

1 A. Brett, B-R-E-T-T, Schneider, S-C-H-N-E-I-D-E-R.

2 Q. And how are you employed?

3 A. I'm a construction manager, full-time employee  
4 at Geronimo Energy.

5 Q. And how long have you been with Geronimo?

6 A. I have been with Geronimo rough- -- just under  
7 three years now.

8 Q. Could you provide me with a brief summary of  
9 your educational background?

10 A. Yes. I attended North Dakota State University.  
11 I've got a bachelor's degree in construction  
12 management, and I also have a master's in  
13 business from the University of Mary in  
14 Bismarck, North Dakota.

15 Q. And what is your work experience?

16 A. I started out of college building wind farms  
17 with a company out of Fargo called Wanzek  
18 Construction, traveled for a little under four  
19 years building wind farms, then decided to get  
20 off the road and work for the local utility  
21 called Xcel Energy in Minneapolis, and then  
22 worked there for roughly four years and decided  
23 to -- wanted to get back into renewable energy,  
24 so went back and have been working with Geronimo

1 about, like I said, three years ago, so.

2 Q. Aside from your bachelor's and your master's,  
3 are there any other licenses or certifications  
4 that you have obtained?

5 A. I have a certificate of project management  
6 professional from the Project Management  
7 Institute. It's an accredited -- it's a license  
8 that is fairly common within the construction  
9 and project management industry. So that's one.  
10 And also I have -- well, I let expire stormwater  
11 installer, and certificate from the University  
12 of Minnesota.

13 Q. And you're here on behalf of Eldena Solar, LLC;  
14 is that correct?

15 A. That's correct.

16 Q. Have you reviewed the petition and application  
17 submitted by Eldena Solar?

18 A. Yes, I have.

19 Q. Are you familiar with the project area?

20 A. Yes, I am.

21 Q. Are you here to testify regarding the  
22 construction aspect of the project?

23 A. Yes.

24 Q. To the best of your knowledge, is the

1           Petitioner committed to using local unions for  
2           the construction of the project?

3    A.    Yes.

4    Q.    Can you give me an idea of what a typical  
5           construction day looks like for this project?

6    A.    A typical day would include the craft  
7           individuals showing up to the site, they would  
8           go through a safety briefing, they would  
9           probably do some stretching and get focused for  
10          the day, then they would, you know, talk about  
11          their -- they'd break out into their respective  
12          groups and disciplines and come up with a plan  
13          for the day. They would go out and, depending  
14          on the phase of the project, either, you know,  
15          working on roads or installing piles or racking  
16          or whatnot, they would kind of disperse from  
17          there and work on their typical -- or their  
18          particular craft, so.

19   Q.    Will there be the construction of any new roads  
20          for this project?

21   A.    There will be internal roads throughout the  
22          site. So there would be some grading activity  
23          and hauling gravel in to build the roads, to  
24          access inverters and critical infrastructure

1           within the project that would need maintenance  
2           and also access to the substation internally.

3 Q.       And how many trucks can we expect to see per  
4       day?

5 A.       I would expect on a given day, delivery-wise  
6       coming from outside the project footprint, maybe  
7       10 to 20 roughly trucks a day.

8 Q.       And is this only during the construction phase?

9 A.       Yeah, that would be the height of the volume of  
10       traffic during the construction phase.

11 Q.       And would these be normal trucks? semis?

12 A.       They would all be legal loads. So they would  
13       be under 80,000 pounds. A typical load of, say,  
14       solar modules would be right around 42,000  
15       pounds, so well within the permitted limit of  
16       the load.

17 Q.       And are you familiar with Lee County?

18 A.       I am familiar with Lee County. I worked on the  
19       Green River Wind Project. I was on that for  
20       roughly a year and a half, down there quite a  
21       bit. So quite familiar with the area.

22 Q.       And it's my understanding that you have a  
23       presentation that you would like to give  
24       tonight; is that correct?

1 A. Yes, it is.

2 Q. Please proceed.

3 A. See if I can share my screen here.

4 THE WITNESS: Can you guys see my screen  
5 now?

6 JUDGE SLAVIN: I'm not sure what's going  
7 on.

8 UNIDENTIFIED AUDIENCE MEMBER: Yeah, it's  
9 the same on both screens.

10 JUDGE SLAVIN: Oh, okay.

11 A. So a typical start of construction, prior to  
12 breaking ground we will work with the landowners  
13 to obtain their tile information. So we would  
14 try and get any maps or any known location of  
15 tiles, and we would then aggregate that all into  
16 a map from a third-party engineer, who would  
17 overlay it onto our facility's map and just see  
18 if there's any obstructions and if there's any  
19 way we can engineer some of those obstructions,  
20 some of those drain tiles strike out, and then  
21 we would go from there.

22 You know, we have some drone technology  
23 that we can fly the site and get thermal energy  
24 during some high-flow areas just to see if

1       there's any drain tiles that -- or any flowage  
2       that we may have missed, since we know it does  
3       occur at times that farmers don't know exactly  
4       where all the tiles on their land are.

5               So we do our best to locate all that so we  
6       can avoid strikes, but we know it does  
7       inevitably happen. So we obviously do our best.  
8       Under the AIMA we're required to address it  
9       within a certain amount of time, so as quickly  
10      as possible. I believe it's 48 hours. So we do  
11      address any strikes and fix them as quickly as  
12      possible. If it's not feasible within 48 hours,  
13      we'll -- you know, we block it off and fence it  
14      off so there's no obstructions or dirt or  
15      animals or anything getting into that tile so it  
16      would create, you know, more of a hazard and  
17      make it more difficult to fix the strike.

18              So after that, you know, we fix it, we GPS  
19      it, we document any strikes, put it back into  
20      as-good or better condition as it was before.  
21      And at the end of the project we come up with an  
22      as-built document, which is showing where all  
23      the tile strikes were, where we know tiles are  
24      if they didn't have it documented before, and

1 we'll give it to the landowners for their  
2 records.

3 So that's pretty much it under AIMA. We  
4 also, when we're building roads we'll strip the  
5 topsoil off and build with, you know, typically,  
6 like, the sub- -- the natural native soils, and  
7 then kind of disperse the topsoil throughout the  
8 rest of the project footprint.

9 Going to my next slide here -- oh,  
10 Mr. Adamich also mentioned road use agreements  
11 with the County and Township. These are a  
12 couple of potential routes that we would take,  
13 just depending on where the materials are coming  
14 from. So prior to actual -- the execution of  
15 the Road Use Agreement, we'll have typically a  
16 third-party engineer come out, assess the roads,  
17 any structures, any bridges, culverts, et  
18 cetera, just to see what the current condition  
19 is so we can see kind of a before and after  
20 picture on what the conditions of the roads are  
21 and then any fixes that we may need to cover.  
22 But, like I said, we are committed to coming  
23 into agreement with the counties and townships  
24 in that regard.

1           Talked a little bit about the AIMA  
2           already. We do commit and anticipate to be in  
3           full compliance with the AIMA. You know, our  
4           Green River Project, we were the first ones, I  
5           believe, in the state to be under this  
6           agreement. So we have experience with it  
7           already and, you know, we know what it takes to  
8           be in full compliance.

9           We also, at the beginning of the projects,  
10          we talk to -- or we engage in a third-party  
11          engineer to come up with a SWPPP plan, so  
12          Stormwater Pollution Prevention Plan. And that  
13          is in there to basically prevent and protect the  
14          neighboring water bodies and neighbors in  
15          general from sediment, erosion, any runoff or  
16          any dust leaving the site.

17          So, you know, the engineer will come up  
18          with best management practices on how to control  
19          that based on hydrology of the site. Like Ben  
20          mentioned, we do have the hydrology report  
21          already in place. We'll also use local  
22          topography to kind of calculate which types of  
23          best management practices will be, you know,  
24          most suitable for that certain area, just to

1 prevent any erosion from leaving the site, like  
2 I said.

3 And, you know, another thing that we like  
4 to stress is, you know, dust control. So the  
5 SWPPP plan will also typically cover, you know,  
6 the means and methods on how to suppress stuff  
7 from leaving the site. Usually it's, like, a  
8 water truck and having a couple -- one or two  
9 water trucks on site and, you know, maybe a  
10 sweeper in the laydown yard to kind of clean up  
11 roads if there's a high volume of traffic, say  
12 mud leaving certain areas. So sweeping up the  
13 roads every day after the end of the shift.

14 And that's kind of -- that's kind of it  
15 from me as far as my presentation goes.

16 MS. KENNEDY: I have nothing further, Your  
17 Honor.

18 JUDGE SLAVIN: I have a quick question  
19 before other folks start.

20 EXAMINATION

21 BY JUDGE SLAVIN:

22 Q. And I may have missed it, Mr. Schneider. What  
23 position do you hold with Eldena Solar, LLC, or  
24 Geronimo?

1 A. I'm a -- yeah, so I'm a construction manager  
2 mainly based out of the Minneapolis office, and  
3 I manage the project and I have a site team of  
4 usually three to four individuals.

5 Q. So you're the construction manager for the  
6 Eldena Solar Project?

7 A. Correct.

8 JUDGE SLAVIN: Okay. Thanks.

9 All right. Turning to the ZBA.

10 Questions, Mr. Forster?

11 MR. FORSTER: None at this time.

12 JUDGE SLAVIN: Mr. Buhrow?

13 MR. BUHROW: None.

14 JUDGE SLAVIN: Mr. Pratt?

15 MR. PRATT: No.

16 JUDGE SLAVIN: Mr. Bothe?

17 MR. BOTHE: No.

18 JUDGE SLAVIN: Mr. Hughes?

19 MR. HUGHES: No.

20 JUDGE SLAVIN: Mr. Meyer?

21 MR. MEYER: No.

22 JUDGE SLAVIN: Ms. Duffy, questions?

23 MS. DUFFY: No.

24 JUDGE SLAVIN: Mr. Boonstra?

1 MR. BOONSTRA: No, Judge.

2 JUDGE SLAVIN: Okay. Mr. Whitcombe?

3 MR. WHITCOMBE: Yes. Thank you, Your  
4 Honor. If I can manage to get my mask off of my  
5 glasses.

6 EXAMINATION

7 BY MR. WHITCOMBE:

8 Q. Good evening, Mr. Schneider.

9 A. Good evening.

10 Q. In your time with Geronimo or other similar  
11 companies -- or actually, first, can you hear me  
12 okay?

13 A. I can, yes.

14 Q. All right. At your time with Geronimo or other  
15 similar companies, have you worked with other  
16 projects of this size?

17 JUDGE SLAVIN: Tom, you have got to lean  
18 up. I know, I know.

19 MR. WHITCOMBE: Apologies.

20 JUDGE SLAVIN: You don't have to keep  
21 apologizing. It's easy to do.

22 Q. (By Mr. Whitcombe:) Would you like me to  
23 repeat that, Mr. Schneider, or did you hear it  
24 okay?

1 A. I think I heard you, yeah. I've worked on  
2 projects this size and larger. You know, in the  
3 200-megawatt range is one of the larger wind  
4 farms I have done. So, yes, I have done this  
5 scale of project.

6 Q. How about for solar?

7 A. Yeah, right now I'm managing roughly 40  
8 megawatts in Michigan, and we just kicked off  
9 another 200 megawatts -- another 200-megawatt  
10 project, so yeah.

11 Q. During the construction, where is the material  
12 going to be stored?

13 A. So it's stored on site as we get it delivered.  
14 It's, you know, procured and manufactured  
15 throughout the U.S. and the world, in some  
16 cases, but it's stored on site as we build.

17 Q. Are there particular areas on the site where  
18 materials are stored, or is it just wherever  
19 it's needed?

20 A. A lot of times we'll have a laydown yard  
21 constructed. So it will be office trailers,  
22 parking, wire and cable storage. We also, as  
23 modules come in, like to kind of stage them all  
24 throughout the site so it's closer to the

1 installer crews so it's a little more efficient  
2 that way.

3 Q. And will that area have any effect on the  
4 drainage?

5 A. We don't anticipate it to, no.

6 Q. Has it ever in previous projects you have  
7 worked on?

8 A. Has it ever what?

9 Q. Has it ever affected drainage in previous  
10 projects you have worked on?

11 A. No, not materially.

12 Q. What do you mean by not materially?

13 A. I have seen, like, runoff of the gravel a  
14 little bit, but the silt fence is included in  
15 the plan. So it catches the gravel so it  
16 doesn't leave the site.

17 Q. And is that storage generally done anywhere  
18 near a waterway?

19 A. We've -- storage of what? Material?

20 Q. Material or anything else which you mentioned  
21 earlier.

22 A. We keep the material out of waterways, keep it  
23 on dry ground as much as possible.

24 Q. How long is the construction phase?

1 A. A project this size would be roughly 12 to 15  
2 months.

3 Q. And would that number of trucks you mentioned  
4 earlier be continual throughout that or would it  
5 vary?

6 A. It could vary, but we would try to work  
7 throughout the winter if possible.

8 Q. And what sort of variable is expected in terms  
9 of high or low trucks per day?

10 A. We would be roughly 10 to 20 trucks per day, as  
11 I stated earlier.

12 Q. So 10 is the low end and 20 is the high end for  
13 any given day?

14 A. Yeah, roughly.

15 Q. You mentioned earlier that if a tile is  
16 stricken that you'll repair it. If there's  
17 other damage to tiles that you find, do you  
18 repair those too?

19 A. Yes, that's in the general best interest of the  
20 project, to keep it in working order. So yes,  
21 we replace anything that we come across.

22 Q. On one of your slides you showed a purple map,  
23 at least it looked purple on our screens. I  
24 think it's the one you still have up. What are

1           those little white spots in the middle of the  
2           purple?

3   A.     I think those are nonparticipating parcels.  
4           The purple is the project boundary.

5   Q.     So are they areas surrounded by the project?

6   A.     The white areas surrounding the project is  
7           nonparticipating.

8   Q.     The white areas surrounded by purple, are those  
9           nonparticipating areas surrounded by  
10          participating areas?

11  A.     It appears, yup, that's correct.

12  Q.     Will those internal nonparticipating areas be  
13          surrounded by fences with barbed wire around  
14          them?

15  A.     I don't know the specifics on that.

16  Q.     You mentioned the SWPPP, which I believe was  
17          Stormwater Pollution Protection Plan. Does that  
18          plan account for any increased speed in the  
19          water that might be generated based on the  
20          different foliage and the panels that are on the  
21          land?

22  A.     The SWPPP is in place for the construction  
23          phase of the project. So we don't anticipate  
24          there being a larger volume of velocity of

1 water.

2 Q. So the --

3 A. Once the SWPPP is closed out after  
4 construction, then there will be vegetation to  
5 slow down the velocity of the water. Typically  
6 before construction we plant a cover crop of  
7 oats or ryes that will keep from contributing to  
8 erosion or runoff.

9 Q. So, sorry, I was momentarily distracted. If I  
10 heard you right, the SWPPP ends at the end of  
11 the construction phase?

12 A. SWPPP ends once we get 70 percent vegetation  
13 regrowth after construction. So sometimes it  
14 goes into the operations phase, but usually it's  
15 shortly after we're done constructing.

16 Q. Do you have a typical timeline for that?

17 A. After construction for the SWPPP to be closed  
18 out?

19 Q. Yes.

20 A. It's roughly -- it can vary depending on the  
21 season. You know, we're targeting fall of --  
22 the fall to be completed. So it would probably  
23 be the following summer to get full  
24 re-vegetation.

1 Q. And one final question. Did the SWPPP involve  
2 any sort of consultation with Lee County and  
3 their Soil and Water Conservation District?

4 A. Yes.

5 Q. And what sort of interactions were there with  
6 the Lee County Soil and Water Conservation  
7 District?

8 A. I don't know that we have applied for the  
9 SWPPP -- I don't believe we have applied for the  
10 SWPPP yet.

11 MR. WHITCOMBE: Thank you. That's all the  
12 questions I have.

13 JUDGE SLAVIN: I just wanted the record to  
14 reflect that not only is Ms. Duffy an excellent  
15 zoning officer, we had a couple microphones go  
16 bad in the last five minutes and she ran around  
17 and fixed those.

18 For further purpose of the record, I want  
19 to note that Mr. Schneider's PowerPoint  
20 presentation, a hard copy of his PowerPoint  
21 presentation, was passed out to -- was made  
22 available to all in the -- in-person in the  
23 hearing room, and of course the folks on Zoom  
24 could see it on their screen by screen-sharing.



1 where they're working that day.

2 Q. And what starting time and quitting time would  
3 you be doing in the neighborhood there?

4 A. Yeah, right around that 7 -- 7 a.m. to, like,  
5 4 or 5 p.m. is pretty typical. A lot of time  
6 it's like five 10s, an occasional Saturday  
7 morning or, like, Saturday work.

8 Q. So it will be six days a week?

9 A. That would be about the max, yeah, would be --  
10 be, like, a shorter, like, an eight-hour day on  
11 Saturday I have seen a lot of.

12 Q. And are you going to make accommodations for --  
13 if you have 160 people showing up, assuming they  
14 drive by themselves, where are you going to put  
15 160 cars?

16 A. Well, a lot of people do carpool. There's a  
17 large parking area in the laydown yard. Yeah,  
18 it gets a little bit busy, but we make  
19 accommodations.

20 Q. Okay. All right. Seems to me there will be a  
21 lot of impact --

22 JUDGE SLAVIN: No, that's not a question.

23 MR. POPOVICH: It's my opinion. Sorry.

24 Never mind.

1 JUDGE SLAVIN: You'll have a chance to  
2 express your opinion, but it's not -- you're not  
3 under oath right now.

4 MR. POPOVICH: Gotcha. Thank you.

5 JUDGE SLAVIN: Sure.

6 Other hands raised in the room, in the  
7 in-person room. Back -- my back left, Ms.  
8 Duffy, Mr. Richard, and then the gentleman  
9 behind him.

10 MS. DUFFY: I'm running out of batteries.  
11 Sorry. I'm sorry. He's going to have to speak  
12 up or something.

13 JUDGE SLAVIN: Mr. Richard, if you  
14 wouldn't mind standing up, taking off your mask  
15 and speaking in a real loud voice.

16 EXAMINATION

17 BY MR. RICHARD:

18 Q. Okay. Yeah, my question is, since we're --  
19 haven't thought about traffic, truck, delivery  
20 traffic and the car traffic of the workers is  
21 going to be coming right through Eldena itself  
22 and then they're going to use alternate routes  
23 when the roads are posted, I assume. That's why  
24 they're using South Eldena Road and Nachusa

1 Road.

2 Do you feel that these roads, as narrow as  
3 they are and as soft as they will be, will be  
4 able to accommodate this kind of traffic?

5 JUDGE SLAVIN: First of all, could you  
6 hear the question, Mr. Schneider?

7 THE WITNESS: I think I got most of it,  
8 yes.

9 A. I mean, I know the roads down there are narrow.  
10 Our Green River Wind Project did widen some  
11 areas and do some improvements prior to  
12 construction. So it will be part of our  
13 engineering analysis on the road conditions and  
14 part of our talks through the road use agreement  
15 with the County and township road commissioners.

16 JUDGE SLAVIN: Well, the question was --  
17 I'll phrase it the best I can as Mr. Richard  
18 asked it -- do you feel that roads can handle  
19 the truck traffic?

20 THE WITNESS: I do, yup. I have seen  
21 Green River give --

22 JUDGE SLAVIN: That's the answer to the  
23 question.

24 Any other questions, Mr. Richard?

1 Q. (By Mr. Richard:) I have a question about dust  
2 control. We do have a problem with that right  
3 now, with --

4 JUDGE SLAVIN: You're telling him things.  
5 You have got -- you're starting to -- just ask  
6 him a question, please. Just ask him a  
7 question.

8 Q. (By Mr. Richard:) I want to know what you're  
9 going to do about dust control.

10 JUDGE SLAVIN: There you go.

11 A. We run water trucks throughout the site all  
12 day, every day as needed. That's a very typical  
13 practice.

14 Q. (By Mr. Richard:) Is that during construction  
15 only?

16 A. That's during construction, and then once it's  
17 re-vegetated we don't anticipate dust being an  
18 issue.

19 JUDGE SLAVIN: Apparently that's it.  
20 The gentleman behind him, Ms. Duffy.

21 MR. FIELDS: Hi. Brian Fields from  
22 Eldena.

23 EXAMINATION

24 BY MR. FIELDS:

1 Q. What are the noise levels -- I assume you're  
2 going to be pounding these posts in for the  
3 solar panels, correct?

4 A. Yup, that's correct.

5 Q. What are the noise levels -- I assume you're  
6 going to be putting quite a few posts in the  
7 ground. What are the noise levels off of  
8 whatever you're using to put them in with?

9 A. We use smaller pile-driving pneumatic  
10 equipment. I don't know the exact decibel  
11 level. It's -- you know, when you're right up  
12 next to them we require hearing protection, but  
13 as it -- as you get away a little further, it's  
14 less noticeable. You know, it does create some  
15 noise similar to a construction site, so.  
16 There's also heavy civil equipment running  
17 around that makes just as loud, if not maybe --  
18 no, probably roughly the same amount of decibel  
19 levels as the pile-driving equipment.

20 Q. Will all the equipment be contained on site or  
21 will it be running down the road amongst other  
22 traffic, children playing, et cetera?

23 A. I would expect the traffic of the heavy  
24 equipment to stay within the footprint of the

1 project, yeah.

2 Q. Is there anything to reduce speed for the  
3 construction traffic, as there is children,  
4 elderly people that do walk on these roads, and  
5 if you have got a semi driving down the road,  
6 say --

7 JUDGE SLAVIN: Just ask him a question.

8 Q. (By Mr. Fields:) -- 60 miles an hour, is there  
9 any provisions to reduce the speed limit in your  
10 construction zones around the roads?

11 A. Yes, so similar to what we did with the Green  
12 River Wind Project, we posted lower speed limits  
13 just for our construction traffic just for the  
14 safety of the community, as well as our craft  
15 employees.

16 Q. And for all the -- for all the contractors that  
17 are going to be parking, that will all be done  
18 on site, right? There's not going to be anybody  
19 that is going to be parking, say, in the ditch,  
20 running up the ditches, anything like that?

21 A. Correct. It will be on either our -- in our  
22 laydown yard or parking within the project  
23 footprint.

24 Q. How would you know if you hit a tile that was

1 unmarked? You said you're going to replace all  
2 tiles that get hit. How would you know --  
3 there's a lot of unmarked tiles that date way,  
4 way back. How would you know you hit them?

5 A. Yeah, I mean, you know, if we pull it up, we'll  
6 see the material get drug up or, you know, will  
7 create a suction there where water and soil are  
8 getting pulled in or whatnot. So, I mean,  
9 there's a lot of things that can kind of  
10 indicate whether it's getting hit. You know, if  
11 it's an open trench, obviously you can see the  
12 -- you know, the tile down there busted in half.  
13 So there's a few different ways to kind of  
14 identify those problem areas.

15 MR. FIELDS: That's it. Thank you.

16 JUDGE SLAVIN: Thank you.

17 By raise of hand, any other folks with a  
18 question or more?

19 All right. Seeing none, I will turn to  
20 the Zoom people. Do I -- Alice?

21 MS. HENKEL: No hands are raised.

22 JUDGE SLAVIN: No hands. Any chats?

23 MS. HENKEL: None at this time.

24 JUDGE SLAVIN: Are they all muted? Can

1 you unmute them to see if anybody wants to talk?

2 Okay. Folks on Zoom, Ms. Henkel just  
3 tried to unmute you. And I don't see anyone who  
4 accepted that, if that's the right word.

5 I'll give you just another 15 seconds,  
6 people on Zoom, to either raise a hand or find  
7 the chat button to indicate you have a question.

8 I don't see anything. Do you, Alice?

9 MS. HENKEL: (Shakes head.)

10 JUDGE SLAVIN: All right. Thank you,  
11 Mr. Schneider. I can't tell you to step down  
12 because you're probably sitting in a chair  
13 somewhere in your office or your house. So you  
14 are finished. Thank you.

15 THE WITNESS: Thank you.

16 JUDGE SLAVIN: Ms. Kennedy, do you have  
17 any further evidence tonight?

18 MS. KENNEDY: Judge, I have another  
19 witness I could call; however, I think we would  
20 be over the time allotment for tonight.

21 JUDGE SLAVIN: A lot over or just -- well,  
22 there's time for -- all right.

23 It's that tough time that's sort of  
24 Neverland, folks, where I have to make a call

1 where we keep going ahead. But I don't want  
2 everybody to be here until 10 o'clock after  
3 we're done with everybody. Because we don't  
4 want to have Ms. Kennedy present a witness and  
5 then not everybody have a chance tonight to ask  
6 that witness questions.

7 So, okay, I will recess this session until  
8 tomorrow night, 7 o'clock, here at the Lee  
9 County -- the Old Lee County Courthouse.  
10 Thanks, folks. Be safe.

11 (The hearing was recessed at  
12 9:04 p.m.)  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

On this 10th day of August, A.D., 2020, I do  
signify that the foregoing testimony was given  
before the Lee County Zoning Board of Appeals.

Bruce Forster, Chairman

Dee Duffy,  
Zoning Enforcement Officer

-----  
*Callie S. Bodmer*

Callie S. Bodmer  
Certified Shorthand Reporter  
Registered Professional Reporter  
IL License No. 084-004489  
P.O. Box 381  
Dixon, Illinois 61021