

COLES COUNTY PLANNING & DEVELOPMENT COMMITTEE
HEARING ON COLES WIND, LLC'S, APPLICATION TO CONSTRUCT
AND OPERATE A COMMERCIAL WIND ENERGY FACILITY (WIND
FARM) UPON CERTAIN PROPERTIES IN COLES COUNTY

April 17, 2025
6:00 P.M. - 8:56 P.M.

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E X H I B I T S

NO EXHIBITS ADMITTED THIS DATE

1 MR. WATTS: Good evening. If you will all have a
2 seat, we will get started. We will once again -- what's
3 the right phrase -- reconvene this meeting of the Coles
4 County Planning and Development Committee to take up the
5 license application for Apex Clean Energy in Coles
6 County.

7 If you would please stand and join me in the
8 pledge.

9 (Pledge of Allegiance.)

10 MR. WATTS: I will call role call,
11 Mike Clayton.
12 Darrell Cox.

13 MR. COX: Here.

14 MR. WATTS: Jeremy Doughty.
15 Tad Freezeland.

16 MR. WATTS: And I'm Michael Watts, chairman,
17 presiding at this time.

18 I'll turn our meeting over to hearing facilitator
19 Scott Kains.

20 MR. KAINS: Thank you, Mr. Chairman.

21 Good evening, folks. This is the seventh night
22 of this public hearing. When I initially talked with
23 folks from the Coles County Board, I said this could
24 take seven or eight nights. It's going to take more
25 than that. But as I've expressed throughout this, this

1 is an important process, because this is the only chance
2 that the public will be able to ask questions of
3 witnesses and have testimony to offer on their own. We
4 are meeting tonight, and for those of you who were not
5 here last night, we are scheduled now to meet next
6 Tuesday, April 22; Wednesday, April 23; and Thursday,
7 April 24, all evenings starting at six o'clock. Last
8 night we ran over and ran late. I think it was
9 important to do so simply because the -- well, the
10 witness had been on the stand, as it turns out, for
11 three and a half hours for cross-examination, but it's
12 important to try to have questions for a witness while
13 they're fresh in your mind. If we had taken a break and
14 come back and had him testify for his last 30 minutes of
15 testimony, I just like to wrap up witnesses as best we
16 can.

17 With that said, we're recalling a witness who was
18 on the witness stand two nights ago, so it's not always
19 foolproof, but, Ms. Shapiro, I believe he is your
20 witness, but prior to calling him, do you have any
21 preliminary matters for us?

22 MS. SHAPIRO: No, we do not.

23 MR. KAINS: Okay. Mr. Keyt, anything on behalf
24 of Coles County?

25 MR. KEYT: No, sir.

1 MR. KAINS: Okay. Very good. All right.

2 Call your -- recall your witness, please.

3 MS. SHAPIRO: We call Mr. Jason Conley.

4 MR. KAINS: Good evening, sir. Go ahead and have
5 a seat.

6 Do you recall being sworn in on Tuesday night,
7 April 15th, and that you promised at that time to tell
8 the truth?

9 THE WITNESS: Yes.

10 MR. KAINS: Do you understand you remain under
11 oath, and you're still obligated to provide truthful
12 comments and testimony?

13 THE WITNESS: Yes, I am.

14 MR. KAINS: Okay. Very good. Okay. Then we had
15 questions on Tuesday night for Mr. Conley from Chairman
16 Watts, Mr. Johnson of the county board, Mr. Shook of the
17 county board, then we went to questioning from opponents
18 and those who are neutral on the application, and we
19 heard from -- we had questions from Harry Smith, and we
20 had questions from Meg Taylor. Now, Ms. Taylor
21 approached me last night during a recess. She said she
22 had a couple of questions. I had thought -- I didn't
23 retain who she was wanting to question. I thought she
24 was talking about Mr. Gillespie. She told me last night
25 that she just had a couple of additional questions for

1 Mr. Conley. I generally don't allow two bites at the
2 apple, meaning once you've asked your questions then
3 you're done, but in the interest of fairness, I think
4 it's important Ms. Taylor had something come up that she
5 has questions on for Mr. Conley, so we will start with
6 questions from you, Ms. Taylor.

7 MS. TAYLOR: Start with me? Okay.

8 MR. KAINS: Is that all right?

9 MS. TAYLOR: All right.

10 MR. KAINS: Could you state your name for the
11 court reporter. By the way, Courtney, this is her first
12 time in this courthouse -- or not in the courthouse but
13 in this hearing, and so we're going to have to have
14 everybody state their names and spell them. So if you
15 could, please.

16 MS. TAYLOR: Sure. Meg Taylor, M-E-G
17 T-A-Y-L-O-R.

18 MR. KAINS: Thank you, Ms. Taylor. Go ahead with
19 your questions for Mr. Conley, please.

20 MS. TAYLOR: Okay.

21 EXAMINATION

22 BY MS. TAYLOR:

23 Q. Could you please tell us how many years you've
24 been employed at Apex.

25 A. I hired on at Apex in March of 2022, so right at

1 three years.

2 Q. Okay. Could you tell us what is the lifespan of
3 a turbine?

4 A. That's a good question. The lifespan of a
5 turbine -- while I'm not an operational expert, to the
6 best of my knowledge it is around 30 years.

7 Q. 30 years. Okay. Could you tell us what happens
8 to the safety protocols if you are no longer employed by
9 Apex?

10 A. The safety protocols for the company would still
11 be in place and intact and be expected to be carried
12 out.

13 Q. Okay. Could you explain to us -- because you are
14 -- you're in charge of the safety protocols for the
15 company; is that correct?

16 A. I am part of that, yes.

17 Q. Okay. Could you explain to us how you turn those
18 over to new employees then in the event that, you know,
19 in that 30 years you wouldn't be the face that we're
20 looking at anymore? How does that happen?

21 A. As far as safety protocols go, a lot of safety
22 protocols and procedures that we abide by are governed
23 by OSHA regulations, and those -- you know, that's the
24 standards that we work under, right? So in this case, I
25 could reference OSHA standards where they don't -- the

1 standards don't change, which doesn't change the safety
2 protocols for the companies if a person changes out. So
3 if I leave the company, they -- Apex hires another
4 safety professional, those protocols, those standards,
5 those procedures are still intact.

6 Q. So for our region, are you the face that we'd be
7 seeing? You know, if we have safety questions, it would
8 be you?

9 A. When the project goes into operations, I support
10 the operations part of the business, that's correct.

11 Q. Okay. Okay. Could you also please tell us, do
12 you know the employee-turnover rate for Apex?

13 A. I do not.

14 Q. Okay. And then I know we talked about the five
15 values. Could you explain to us what does one of the
16 values "integrity", what does that mean to you? Could
17 you define that for us?

18 A. I mean, my definition of "integrity" can be --
19 can vary from anybody else's in this room, but my
20 definition of "integrity" is doing the right thing when
21 no one is looking.

22 Q. All right. Doing the right thing when no one is
23 looking. Would you also agree it is a quality of being
24 honest and having strong moral principles even in
25 difficult situations?

1 A. That is correct.

2 Q. Okay. And you would say Apex has been
3 transparent with all of the people whose homes or lives
4 will be affected by this project?

5 A. Yes.

6 Q. Okay. My next question, do you think that the
7 families -- you know, families are comprised of
8 children, not just adults. Do you think that the
9 families deserve to have safety studies presented to
10 them that include children, not just adults?

11 A. I don't know that I can provide an accurate
12 answer to that, and I'll preface that by saying my
13 specialty is employee safety. So when we have employees
14 on site, Apex employees or contractors working for us, I
15 oversee those safety protocols. As it pertains to
16 public safety, we do the best that we can to be
17 transparent, like we just talked about. As far as any
18 studies or anything like that, I can't speak to.

19 Q. Okay. So when we say "safety", you mean your
20 employees, not necessarily the families within the
21 project?

22 A. Once again, we do our best to be transparent and
23 have a safe work environment for the employees and be
24 good stewards of the community.

25 Q. Okay. Could you tell us how many Apex employees

1 reside in Illinois?

2 A. I do not have that number. I do not know.

3 Q. Would you say the majority live outside of this
4 state or within this state? I mean you don't have to
5 tell me towns, but do most of the Apex employees, do
6 they live here in Illinois where we do, or do they live
7 outside of the state?

8 A. We do have some Apex employees, to the best of my
9 knowledge, that live in Illinois, but we have Apex
10 employees all over the country --

11 Q. Okay.

12 A. -- working for us.

13 Q. Okay.

14 MR. KAINS: Ms. Taylor, can we get to some of the
15 issues rather than where people live?

16 Q. Okay. My question that I brought up the other
17 night about there's going to be a safety building --

18 A. An operations and maintenance building.

19 Q. Operations and maintenance buildings. Okay.
20 Could you clarify -- I know it wasn't clarified when I
21 asked -- where that would be located?

22 A. I'm looking at the map.

23 Q. Okay.

24 A. The preliminary siting for the O&M building is
25 located on the map. I don't know -- I can't see the map

1 clearly to give an exact location of it, but it is
2 indicated on both maps there in the building -- or in
3 the room here.

4 Q. But you can't point out where it is?

5 MR. KAINS: If you want to get off the stand --
6 do you know where it is, Mr. Conley?

7 A. The preliminary O&M building is highlighted in
8 blue, would be located right here on this map, which I
9 think that one is the exact same map on the other side
10 of the room.

11 MR. KAINS: So you're pointing to an area in the
12 central part of the --

13 A. I guess the northern -- northern, central part of
14 the project.

15 MR. KAINS: Central part of the project in the
16 northern area?

17 A. That's correct.

18 MR. KAINS: Okay. If you could retake the stand.
19 Mr. Hess, you're standing.

20 MR. HESS: Thank you, Mr. Kains. Mr. Kains, I
21 would respectfully object. On April 10th, your
22 instructions were cross will be limited to, quote, "only
23 compliance with the ordinance and state law". I think
24 we've gone well past that, and I understand some of the
25 questions, but I think we're getting well beyond that

1 now.

2 MR. KAINS: Yeah, I'm going to overrule the
3 objection with respect to where the O&M building is,
4 but, folks, we need to focus on the issues, not
5 necessarily where Apex employees are and who has
6 integrity and who doesn't, but I think the issue of
7 where the operations and maintenance building is is an
8 important question, and I believe now, Ms. Taylor,
9 Mr. Conley has answered your question. So let's focus
10 on things that are relevant to this application,
11 meaning, you know, the specific questions about -- that
12 he can answer about, and he's the safety expert for the
13 project area.

14 Q. Okay.

15 MR. KAINS: Okay. Go right ahead, Ms. Taylor.

16 Q. Could you explain to us who's -- how does that --
17 is that land purchased for that building? Do you
18 purchase it from the landowner, or is it just there
19 during construction, or will it be there for the next 30
20 years, how does that work?

21 A. I'm not part of the land agreements and
22 purchasing process. I can't answer that.

23 Q. Okay.

24 MR. KAINS: I'm going to ask a question. Is the
25 O&M building going to be there for the 30 years of the

1 project?

2 A. Yes.

3 MR. KAINS: And is it on leased land, do you
4 know?

5 A. I don't know if it's leased land or purchased
6 land, I do not know.

7 MR. KAINS: Okay. Thank you.

8 Q. Okay, and I believe one of the lawyers when we --
9 she was listing numbers related to work injuries, could
10 you clarify were those numbers solely Apex employees or
11 did they also include contracted employees?

12 A. To the best of my knowledge, the numbers that
13 were provided would be contractor employees, but without
14 going through each individual case, I would have to look
15 at that.

16 Q. Okay.

17 A. We -- there's a number of contract employees that
18 work for us on our behalf on the site, so the majority
19 of those numbers would be contractors.

20 Q. Okay, and also I believe she was providing
21 statistics and mentioned some of the instances of
22 vandalism at the job site. Can you elaborate on that
23 vandalism at the job site?

24 MR. KAINS: I'm going to just say that this is
25 not relevant to -- vandalism on the website is not

1 relevant to --

2 Q. Job site.

3 MR. KAINS: -- on the job site is not
4 particularly relevant.

5 Q. I'm just wondering for the people living there,
6 is that going to increased crime in the area because
7 there's vandalism on the job site? That was my
8 question/line of thinking.

9 MR. KAINS: You don't have to answer that.
10 That's just not relevant to the --

11 Q. Okay.

12 MR. KAINS: -- findings that are going to have to
13 be made by this committee.

14 Q. Okay. And could you clarify, if there is, you
15 know, a problem with one of the turbines or a piece
16 falls off or something in someone's yard, can you
17 clarify the steps that the people would take to get to
18 who they need to help them?

19 A. I can. That is once again through the complaint
20 resolution process that we've referenced several times.
21 So if a landowner, a member of the community sees
22 something that's abnormal with the turbine or the
23 operations, anything along those lines, they would
24 notify Apex via several methods. There is an e-mail,
25 there's a hotline, or they can go directly to the

1 facility manager at the O&M building and share their
2 concern, and we would address that. As part of that
3 resolution process, we would also include the county in
4 that process because it's required in the WECS ordinance
5 the way I understand it.

6 Q. Okay. One of my other questions, are you
7 familiar with re-powering projects when it comes to
8 turbines?

9 A. I am.

10 Q. Okay. Would Apex use this method of using new
11 parts to fix the older turbines, and would that affect
12 the safety of it? If you're replacing things or parts,
13 would that affect the overall safety of it?

14 A. As far as would they do a re-power, that I do not
15 know.

16 Q. Okay.

17 A. But it would not affect the safety of the
18 project.

19 Q. Okay. I think that's it for now. Thank you.

20 A. Thank you.

21 MR. KAINS: Very good. Thank you for your
22 questions, Ms. Taylor.

23 All right. Anybody else from Coles or Douglas
24 counties who have questions for Mr. Conley?

25 Okay. Ms. Clark and then Mr. Shaw.

1 MS. CLARK: Okay.

2 MR. KAINS: Ms. Clark, you might want to move the
3 microphone down just a little bit.

4 MS. CLARK: Kelly Clark, K-E-L-L-Y C-L-A-R-K,
5 Coles County.

6 MR. KAINS: Go right ahead with your questions.

7 EXAMINATION

8 BY MS. CLARK:

9 Q. Do you guys own the wind farms in Macon County?
10 Macon County, is that part of Apex or not?

11 A. Not that I am aware of, no.

12 Q. Okay. Well, the reason I was asking that, so as
13 part of safety, do you -- have you had any issues with
14 it affecting -- affecting like the radar system, because
15 that's -- I mean, from the National Weather Service,
16 there was a reported tornado in Macon County and it went
17 undetected by the radar due to interference from a
18 nearby wind farm. Do you guys have anything showing
19 anything like that, or that's not going to show anything
20 like that?

21 MR. KAINS: Mr. Hess.

22 MR. HESS: I would object. This is beyond the
23 scope of his testimony. Ms. Anderson testified to this.
24 He's on occupational safety and emergency management
25 plans.

1 MR. KAINS: It is beyond the scope of his
2 knowledge, but I'm going to sustain the objection.

3 MR. KEYT: Mr. Kains, can I point something out?

4 MR. KAINS: Are you going to point to the NTIA
5 letter?

6 MR. KEYT: Yeah. So in the process whenever a
7 developer is applying for -- I'm not objecting to the
8 question, I'm just relaying this so people understand
9 it. When they apply for a project, they have to submit
10 what's called -- they have to submit a review letter to
11 the NTIA, which is essentially a clearinghouse within
12 the Department of Commerce. The NTIA then sends that --
13 the project information out to the various federal
14 agencies, including the National Weather Service, for
15 comment back. This particular project did receive a
16 response back from the NTIA, which essentially said
17 given the distance away from the Lincoln Weather Service
18 Station, it is not considered a concern for the National
19 Weather Service. I don't -- again, I'm not objecting to
20 the question, I'm just saying that process plays out
21 between them and the federal government on that process.
22 So that's how that process plays out. As part of their
23 application, they have to submit a letter of
24 correspondence from them. If there was a concern, they
25 would submit to the County whatever those concerns would

1 be, and I think there was an initial letter with the
2 application, and then they had an updated letter that
3 came after as well.

4 MR. KAINS: And your client, Coles County, did
5 receive a letter from the National Weather Service?

6 MR. KEYT: They received a letter back from the
7 NTIA, the clearinghouse, that is then included in the
8 application.

9 MR. KAINS: And it is included in the
10 application?

11 MR. KEYT: Correct.

12 MR. HESS: Yes, sir.

13 MR. KAINS: And it gives the "all clear" that the
14 National Weather Service does not have a concern about
15 this project interfering with the Lincoln Illinois
16 National Weather Service Radar; is that correct?

17 MR. HESS: Yes, sir, or any other radar.

18 MR. KAINS: Okay. Very good.

19 MS. CLARK: Okay. That's fine.

20 MR. KAINS: I hope that helped explain for you.

21 MS. CLARK: No, it did.

22 MR. KAINS: Okay.

23 MS. CLARK: I remember that from before, so
24 that's fine, that just answered my question.

25 MR. KAINS: Thank you very much. Go right ahead.

1 Q. The Pioneer Trail Wind Farm, is that your guys's?

2 A. No, it is not.

3 Q. No, okay. Because that had an oil spill in it in
4 2023, and I just wanted to make sure that wasn't part of
5 your guys's. Is -- what's the word, is that a
6 possibility of happening? I mean, not saying with you
7 guys's, but is that a possibility of happening where it
8 talked about there is an oil leak so then the turbine
9 ended up collapsing because of the oil on the ground.
10 Is that a possibility? I mean, I know you guys monitor.
11 You know, I just want to know --

12 A. I can't speculate whether it would be a
13 possibility or not.

14 Q. Okay. That's -- I was just asking. That's fine.

15 MR. KAINS: Has it ever happened at an Apex site
16 to your knowledge?

17 A. No, it has not.

18 MR. KAINS: Okay. Thank you.

19 Q. And what are -- what -- do you know what the
20 blades of your turbines are made of?

21 A. Multiple materials. I don't know the exact
22 composition of what the blades are made of.

23 Q. Okay. All right then. All right. That's it.
24 Thank you.

25 A. You bet.

1 MR. KAINS: Thank you, Ms. Clark, for your
2 questions.

3 Mr. Shaw and then, Mr. Borgman, you're next.

4 MR. KEYT: Just for the record, Mr. Kains --

5 MR. KAINS: Yes, sir.

6 MR. KEYT: The letter we're referring to, the one
7 included in the application is dated February 2, 2023.
8 There's an updated letter, which I believe will be
9 Exhibit 9, which is the NTIA February 2025 letter, which
10 essentially is the same correspondence. In the
11 substance of the letter it states that: After a 45-plus
12 day review -- period of review, no reviewing agencies
13 had concerns with turbine construction in the designated
14 build areas. Commerce has completed our review of the
15 subject wind farm proposal and found the project area is
16 over 108 kilometers east, southeast of the Lincoln
17 Illinois NEXRAD. Based upon distance and terrain, this
18 project appears to be radar neutral. No further contact
19 with the developer is requested at this time.

20 Again, I'm not making comment about that, that's
21 just what the letter states.

22 MR. KAINS: Very good. Thank you for the
23 explanation and clarification, Mr. Keyt.

24 Okay, Mr. Shaw, if you could give your name to
25 the court reporter, spelling first and last.

1 MR. SHAW: Yep. Clint Shaw, C-L-I-N-T S-H-A-W.

2 MR. KAINS: Go right ahead with your questions
3 for Mr. Conley.

4 EXAMINATION

5 BY MR. SHAW:

6 Q. So throughout the entirety of the process while
7 the building is going on here, you will be on site or
8 you will have somebody else underneath you orchestrating
9 for you?

10 A. So my role and responsibility with the company is
11 primarily operations. We do have an individual --
12 another director of safety over construction, and there
13 will be safety personnel on site by Apex and the
14 contractor.

15 Q. Yeah. I guess what I'm asking is what duration
16 will you be here for the project?

17 A. So my duration of the project is once it goes --
18 after construction, they call it the post-commercial
19 operation date or post-COD, and the project is handed
20 over to operations. That's my primary support from a
21 safety standpoint for the company, so the operations
22 phase of --

23 Q. So when the last turbine is done and all of it
24 goes on line basically?

25 A. Yes.

1 Q. Okay. All right. You talked about the turbines
2 where you were in Kansas. How tall were those? Do you
3 remember?

4 A. I would have to go back and look at the turbine
5 manufacturer specs. I would say the nacelle was roughly
6 280 feet, so the tip height would be -- I'd have to look
7 at the size of the rotor to figure out the exact height.

8 Q. Have you ever worked on a site with turbines this
9 tall?

10 A. I have been on a site with turbines this tall.

11 Q. Okay. Not to bring up a bit of a sore subject,
12 but the other night you got a little bit emotional about
13 the person that passed away on the job site. Did you
14 know that person personally?

15 A. I did not know him personally.

16 Q. Gotcha. Were you around the site at that time or
17 anything like that or have friends that were connected
18 with them, or were they just a subcontract company that
19 was under you?

20 A. So I was not on site. That project is in
21 construction. I work with several individuals who knew
22 that individual personally, and as with any incident,
23 especially that magnitude, it is something that we take
24 very seriously.

25 Q. Yeah. Absolutely. That brings me to my next

1 question. I know that when you have equipment of this
2 size and this magnitude because you're going to be
3 dumping a lot of trucks of concrete in each one of these
4 holes, is there a specific route that they're supposed
5 to be taking as far as to each of the turbines on the
6 roads? Is there going to be like a mapped-out route for
7 them?

8 A. So while I'm not a construction expert, I can
9 tell you there is a road use agreement that will be put
10 in place that designates the routes that the trucks
11 would take to get to and from the batch plant to the
12 turbines. That is correct.

13 Q. The reason I ask this question, I have a daughter
14 that is 15 that will be turning 16, and to have heavy
15 equipment running there down 130, on the side roads, I
16 mean, it's going to be a concerning issue for me
17 continuously.

18 A. I understand.

19 Q. You were talking about the part of your guys's
20 safety that you guys were going to run the concrete
21 truck in convoys or like pairs or multiples or something
22 like that?

23 A. I did mention that; that is correct.

24 Q. Do you know exactly what times those trucks or
25 anything like that is going to be traveling? Like I

1 say, I live off of 130, and so if you leave my house
2 anywhere between seven-thirty and eight, you're
3 inevitably going behind somebody that's going 45 miles
4 an hour, and everybody else is trying to go around them
5 and be at work.

6 A. Yeah, so right now I would not have that
7 information. I would defer that to Mr. Carlson in the
8 construction.

9 Q. Okay. All right. That's fair enough. On your
10 job sites for safety purposes when you are at the site
11 of the turbine being built, right? Are there barriers
12 or anything to keep people out of that area that aren't
13 supposed to be in there?

14 A. Once again, I don't -- I'm not on the
15 construction site. I would defer that to Mr. Carlson --

16 Q. Okay.

17 A. -- when he's up here.

18 Q. All right. So I guess most of my questions would
19 probably end up being your questions then. One of the
20 last questions I have, let's say an anomaly happens,
21 right? You guys are out there and you are maintenancing
22 the turbines and you're switching out the oil that's in
23 them and you have a major oil spill. How do you treat
24 that when the oil is on the ground? Do you pull that
25 ground up and replace it or --

1 A. So all of our sites are required to have what's
2 called an SPCC plan, a spill prevention, control, and
3 countermeasures plan that's regulated by the EPA, so if
4 -- if in the rare case there would be a spill, all those
5 protocols are built into clean up, disposal, all of
6 that, so yes.

7 Q. Okay. Do you know about maybe since you're in
8 the safety side of it, you're just for the people and
9 not necessarily the turbines, like do you know how many
10 times a year they get switched out with oil, or how
11 many -- you know, anything like that?

12 A. I don't know the frequencies of various
13 maintenance schedules, no.

14 Q. Okay. All right. I think that will do for now.

15 MR. KAINS: Very good. Thank you for your
16 questions, Mr. Shaw.

17 Mr. Borgman, if you could please state your name
18 for the court reporter, please.

19 MR. BORGMAN: Phillip Borgman, B-O-R-G-M-A-N.

20 MR. KAINS: Go right ahead, Mr. Borgman.

21 EXAMINATION

22 BY MR. BORGMAN:

23 Q. The other night you were talking about safety
24 mechanisms built into the turbines that prevented them
25 from over speeding and breaking down and whatnot, and

1 you talked about redundancies. Is it not true that a
2 number of windmills have met their demise because of the
3 series of redundancies that are built in have failed
4 systematically?

5 A. I don't know the answer to that.

6 Q. Okay. Let's see. What kind of background check
7 do you do on the employees that -- the Apex employees
8 that will be in our neighborhood?

9 A. The employees that work for Apex?

10 Q. Yes.

11 A. I'm not familiar with what the HR processes are
12 for background checks.

13 Q. I want to revert back to Ms. Taylor's -- she
14 asked what kind of vandalism went on on site. I want to
15 know what crime I can expect to have in my neighborhood
16 when Apex moves in if this goes through.

17 A. I can't answer that question, sir.

18 Q. Well, you're safety, and you said that you have
19 knowledge of vandalism. What happened? The other night
20 you did in fact state that there were some hoses cut,
21 something like that, so you do have knowledge of that.

22 MR. HESS: I would just respectfully object. I
23 believe actually you told him he didn't have to answer
24 the question when it was asked by an earlier --

25 Q. He already answered the question the other night.

1 He can't deny it. When I said --

2 MR. KAINS: Hang on guys. My turn.

3 Mr. Hess, go ahead and have a seat. All right.
4 The question about vandalism on the site had everything
5 to do with what happened on the site. It does not have
6 anything to do with what happened in the community/what
7 might happen in the community. I think what happens in
8 the community is a lot more relevant to these people and
9 to -- the county board cares about what happens in this
10 area as well, and I believe you've already answered the
11 question.

12 Courtnay, would it be too much of a problem to go
13 back and read back the answer that Mr. Conley gave?

14 We're off the record.

15 (Question and answer read back by the
16 reporter.)

17 MR. KAINS: So for folks in the back who couldn't
18 hear Courtnay, the question was: I want to know what
19 kind of vandalism would go on in his neighborhood, and
20 Mr. Conley said, "I can't answer that question." So he
21 doesn't have specific knowledge of what types of
22 vandalism have occurred or he can't speculate on what
23 kind of vandalism would occur.

24 Q. But yet the other night he said there was hoses
25 cut. I remember that directly, and I'm sure there's

1 other people in the room that will as well.

2 MR. KAINS: And, again, that goes to what
3 happened on the site, and I'm not concerned about the
4 public and citizens in this area about what vandalism is
5 occurring on the site. I think the people that are more
6 concerned about that would be the people from Coles
7 Wind, LLC. So let's ask questions about safety issues
8 that you're concerned with, but we're not going to --
9 you know, he can't speculate on some of these questions,
10 but go ahead with another question if you have some
11 more.

12 Q. Do I need to worry about hoses being cut at my
13 house?

14 MR. KAINS: If you know.

15 A. I don't know the answer to that, sir.

16 Q. Well, so I live on the corner of 1800 -- not on
17 the corner, but the operations building you're talking
18 about is going in on the corner of 1800 and 130, which
19 is one mile from my house, so I think that if you get
20 vandalized, I'll probably get vandalized. So what is
21 the likelihood I would be vandalized?

22 A. I can't speculate what a likelihood would be in
23 that scenario, sir.

24 MR. KAINS: And I don't know this -- Mr. Borgman,
25 Mr. Borgman, excuse me. I don't know that this company

1 or this county board or this witness can do anything to
2 protect anybody from vandalism. There are vandals out
3 there. There are people who -- I'm a career prosecutor
4 in Sangamon County, and I know there's criminals all
5 over the place, but I don't think this company, this
6 county board, or this individual witness can do anything
7 to protect anybody from vandalism. Let's move on to
8 another subject, please.

9 Q. Okay. So the other night you also said that in
10 your 10 years with Apex that there was a minimal amount
11 of complaints that you heard or things that needed
12 resolutions, and I was just curious if you remember any
13 of the complaints and resolutions from the Lincoln Land
14 Wind Farm over in Morgan County?

15 A. I do not. Lincoln Land was before my time at
16 Apex.

17 Q. But does the safety manager know if there's
18 something going on over there? If you maintained and --

19 A. If the project was built before my time, I would
20 not know of that. We don't operate that site.

21 Q. You built it, and then I believe Ares bought it
22 soon after it was built, and then it was sold to a
23 Swedish company called Oakton, Octon, something like
24 that. So you don't have anything to do with the wind
25 farm that they say that they are going to build, own,

1 and maintain?

2 MR. KAINS: Mr. Hess.

3 MR. HESS: Thank you.

4 Q. Is that safe to say?

5 MR. HESS: I would object for two reasons. First
6 of all, it's beyond the scope of his testimony and your
7 instructions on April 10th. Also, he just testified
8 that we don't operate that project. In fact, it's owned
9 by Orsted.

10 Q. Orsted, yes.

11 MR. HESS: So we have nothing to do with that
12 project.

13 Q. You built it.

14 MR. KAINS: The objection is sustained.

15 Gentlemen.

16 Mr. Borgman, my turn again. The objection is
17 sustained. He doesn't have to answer that question.
18 Apex doesn't operate it, and in the three years he's
19 been at Apex, he's not familiar with this because it's
20 not an Apex property anymore.

21 Q. It was commissioned in June of '21.

22 MR. KAINS: Can you ask him a question, please?

23 Q. Yeah. Do you have any knowledge of the crane
24 that fell over when you were building the wind farm over
25 there? That would be a big safety issue I would think

1 you would know about.

2 A. I hired on at Apex in March of '22. I have no
3 knowledge of any incidents that happened on Lincoln
4 Land.

5 Q. You've not heard that a crane fell over when
6 you're building a tower over there?

7 A. I can't speak to that.

8 Q. Okay. Thank you.

9 A. Thank you.

10 MR. KAINS: Thank you, Mr. Borgman.

11 Any other questions from folks from Coles or
12 Douglas counties? Mr. Sherman, and then is it
13 Mr. Hendrix?

14 MR. KAINS: I got that one. You were sitting way
15 back here the other night, but I try to get to know as
16 many folks as I can at these things.

17 MR. SHERMAN: Tom Sherman. Northern part of
18 Coles County.

19 EXAMINATION

20 BY MR. SHERMAN:

21 Q. Has the emergency response plan been completed
22 yet?

23 A. No, sir.

24 Q. At what time frame do you anticipate that being
25 completed?

1 A. It's my understanding through the permit process
2 that the emergency action plan, a draft version of that,
3 which would be very close to what it needs to be, is
4 prior to the building permit process.

5 Q. Okay. And so if the application is approved, if
6 the building permit process is approved, when does this
7 emergency response plan take effect, as soon as the ink
8 dries on the building permit or when the first tire gets
9 on the site?

10 A. So the draft emergency action plan, once again,
11 would be put in place prior to the building permit, the
12 way that I understand the process. During the
13 construction process, the contractors working on our
14 site will also have an emergency action plan. Then they
15 will coordinate with the County, just as we have, and
16 then the draft that was presented during the permit
17 process will take effect during operations. So there's
18 multiple emergency action plans associated with this
19 project. The reason for that is during the construction
20 phase, the construction company has, you know, two to
21 three hundred people on site. Apex has eight to ten,
22 give or take -- I don't know the exact number of Apex
23 personnel during the construction phase, but the
24 contractor would have their personnel, so we rely on
25 their processes with regards to emergency response that

1 would meet the same criteria that ours do with
2 coordination and collaboration with the respective fire
3 protection districts and emergency management personnel.

4 Q. Okay. During a storm, whether it's a violent
5 windstorm, a severe thunderstorm, or a tornado, what
6 would the protocol be for shutting down a wind turbine?

7 A. I would have to defer that to somebody in the
8 operations, but from a safety standpoint, once again,
9 there are mechanisms put in place when the winds get too
10 high, the turbines shut down.

11 Q. What -- sorry. What speed is that? When you say
12 "the winds get too high", 40 miles an hour, 30, 50.
13 What's --

14 A. For the turbine models in question, I don't know
15 that exact number.

16 Q. Do you know if anybody -- we only have two more
17 witnesses left. Is it going to be one of the next two
18 witnesses that might know the answer to that question?

19 MR. HESS: I'm happy to answer that.

20 MR. KAINS: Go ahead, Mr. Hess.

21 MR. HESS: I don't believe either of the other
22 remaining witnesses will be able to answer that
23 question. I don't mind tracking it down and doing it by
24 proffer, because it's actually manufacturer specs, so
25 there would be a GE answer and a Vestas answer. I could

1 get that information and have it.

2 MR. KAINS: Okay. We're going to start assigning
3 homework.

4 MR. HESS: Yes, sir.

5 Q. I will clarify. I think it might have been -- I
6 apologize, I don't remember the man's name, the sound
7 guy last night I think said 50 miles an hour. Is that
8 correct?

9 MR. KAINS: Go ahead, Mr. Hess.

10 MR. HESS: I think you're right, Mr. Sherman. I
11 believe that was Mr. Gillespie's testimony generally
12 that's his understanding for all wind turbines. If
13 Mr. Sherman would like, I will get the manufacturers'
14 specs for these two models, but I think that's generally
15 the range.

16 MR. KAINS: Let's do that. And I want you to
17 read it into the record on Tuesday.

18 MR. HESS: Yes, sir. And then give a copy to
19 Mr. Sherman.

20 Go ahead, Mr. Sherman.

21 Q. Thank you. I appreciate that. In the wind
22 turbine industry, how does safety reports get reported
23 to a national database?

24 A. So we would -- we're required, as many other
25 companies and industries are, to report to OSHA.

1 Q. So do you do that self-reporting?

2 A. We're required -- yeah, it is self-reporting, but
3 we're required to every year.

4 Q. Do you have statistics on safety in regards to
5 Apex and OSHA, how that works?

6 A. Not -- I'm -- not on hand, but we could provide
7 that, absolutely.

8 Q. Okay. I -- two reasons. One, in Illinois
9 specifically on the projects that Apex has done in
10 Illinois, I think that's definitely relevant. That
11 might get to some of the answers to some of the
12 questions that some of the public has of the
13 self-reporting of any incidents. Does that make sense
14 what I'm saying?

15 A. Yes.

16 Q. My next question, you mentioned safety protocols
17 and procedures as a result of a situation in Piatt
18 County, and you talked about phones and speed of the
19 trucks. Can you elaborate on that, what we can expect
20 here in Coles County, Douglas County? You said there
21 was some things that went in place in Piatt County.

22 A. That is correct.

23 Q. Can you elaborate on that, please?

24 A. Yes. Some of the extra safety measures that were
25 put in place prior -- or after that incident were

1 conversations with the truck drivers of them not using
2 their cell phones while they're in the driver's seat by
3 stowing them away. They also implemented monitoring
4 systems, external monitoring systems for the trucks so
5 they could -- a third-party company could monitor what
6 the speeds on the truck are. It's -- to my knowledge,
7 they also implemented video monitoring of the drivers as
8 a backup measure to validate they were not, you know, on
9 their phones while they were driving, and then the
10 proposal for group trucks with an escort. So depending
11 on the concrete pour -- I don't know how familiar you
12 are with pouring concrete. Once you start, you have to
13 keep going, right? And so having trucks grouped
14 together in groups of three, potentially four, with an
15 escort so they could maintain a certain speed and they
16 were not driving by themselves.

17 Q. And I apologize if you're not the guy to answer
18 this question, but do you know who the concrete
19 contractor or subcontractor is going to be?

20 A. For this project, I do not. That would be
21 something for Mr. Carlson to answer.

22 Q. Mr. Carlson would know that?

23 A. That's correct.

24 Q. Thank you. I'm not sure if this is a relevant
25 question for you or not, but I'm going to ask it anyway.

1 You're the safety guy. I'm not sure who else to ask
2 about this. Since the sound and shadow flicker fall
3 under health, why is there not any medical testify
4 witness for this?

5 MR. KAINS: If you know.

6 Q. You're the health guy.

7 A. I don't know that.

8 Q. That's kind of what I thought, but I thought I'd
9 ask. Have you had any discussions with Sarah Bush
10 Lincoln Health Center?

11 A. I have not.

12 Q. You haven't? Okay. Do you realize that's the
13 hospital in Coles County?

14 A. I would anticipate through the development of our
15 emergency action plan when we locate which medical
16 facilities we would use that they would be part of that
17 conversation.

18 Q. This isn't a question, but it's an extreme ask.
19 Please, please do that. That's the closest hospital.

20 A. Absolutely.

21 Q. In addition to, you know, Champaign and Danville
22 and Terre Haute, but I'm very surprised you haven't done
23 that already.

24 A. So once again, through the development of our
25 emergency action plan, we identify various agencies, the

1 sheriff's department, fire protection districts, medical
2 facilities, and once that's built out, then all that
3 information will be provided inside that plan.

4 Q. In your health plan/safety plan, whatever you
5 want to call it, is there a triage situation? I'm
6 thinking about the old M*A*S*H* show. You know, right
7 on the spot they have somebody that takes care of the
8 emergencies and then they prep them, do what they can,
9 and send them on. Is there any kind of triage on your
10 site?

11 A. Yes. Yes. All of our technicians on site, the
12 Apex employer, the facility manager, the technicians
13 that work for whatever turbine manufacturer we have are
14 all trained in first aid, CPR, AED, and tower rescue
15 measures.

16 Q. Okay. And I realize this kind of goes to
17 Mr. Borgman's thing. I don't want to get off on the
18 vandalism piece. I'm talking about safety. Is there
19 any reason that there needs to be more sheriff deputies
20 in place in this area because of safety?

21 A. No, sir.

22 Q. No. How about security of the project area?

23 A. Not to my knowledge, no, sir.

24 Q. Okay. Have you had any discussions with Ameren
25 or Coles-Moultrie Co-op as it pertains to safety when

1 things get hooked up electric-wise?

2 A. We would be in contact with them if they're part
3 of the interconnect.

4 Q. So you haven't yet?

5 A. I don't know that. From an operational
6 standpoint, we're obviously not to the operations phase.

7 Q. Is that his question?

8 A. Yeah, probably.

9 Q. Mr. Carlson.

10 A. Probably so.

11 Q. Okay. On your -- I'll get to that in a minute.
12 Have you ever seen a field fire, beans, corn, wheat?

13 A. I have.

14 Q. Figured you might.

15 A. I'm from rural Oklahoma.

16 Q. That's what I thought. What's your plan to
17 handle that situation if/when it exists? Let me ask --

18 A. I'm going to ask for clarification.

19 Q. Do you have any suppression tools/equipment on
20 hand, staff on hand that if for whatever reason, the
21 leak of a turbine, a truck, concrete truck, I don't
22 know, take your pick, any variety of things that could
23 happen that would cause a fire, will there be equipment
24 and personnel in place to handle that kind of fire that
25 would turn into a field fire?

1 A. So our technicians carry fire extinguishers with
2 them to the turbine as an added safety measure. I don't
3 know of one ever having to be deployed, and if a
4 situation would arise where there happened to be a field
5 fire -- and I'm not saying that -- you know, we would
6 report it to the fire protection district.

7 Q. Obviously, you know, we talked about storms,
8 tornados, that kind of thing. Can you describe what the
9 activity is during a tornado, and I think you were the
10 one -- and I apologize if you're not -- that brought up
11 the ROCC. That was you, right? The ROCC.

12 A. That's correct.

13 Q. Do they have any mechanisms in place during a
14 tornado or violent storm to shut these things off?

15 A. Yes, they do.

16 Q. What's the response time - seconds, minutes,
17 hours?

18 A. A matter of minutes or less. I don't know the
19 exact time on that on what the turnaround time is for a
20 request and a shutdown of a turbine. It's fairly quick.

21 Q. You are employed by Apex, correct?

22 A. That is correct.

23 Q. Does Apex do background checks on all of its
24 employees in regards to FBI or state police background
25 checks on Apex employees?

1 A. The measures that our human resources department
2 takes on background checks I am not familiar with.

3 Q. Do you know if you personally had to go through a
4 background check when you got the job?

5 A. I'm sure Apex did a background check on me. What
6 the nature of that was and what the extent of it was, I
7 do not know.

8 Q. Similar kind of question, but in regards to a
9 contractor, Apex is going to hire -- and I have a
10 question for Mr. Carlson later on, but in regards to
11 safety, do you know if Apex requires contractors and
12 subcontractors to go through FBI or state police
13 background checks?

14 A. The subcontractor companies working for us, I
15 don't know their HR processes.

16 Q. Would either of the next two witnesses know that
17 to your knowledge, or maybe Mr. Hess to your knowledge?

18 MR. HESS: I mean, he can ask Mr. Carlson, but I
19 suspect, no, Mr. Carlson is not going to know the HR
20 practices.

21 MR. KAINS: I don't know that anybody would know
22 the human resources background check hiring practices of
23 any contractor. I think the contractor would know, but
24 we're not going to have individual contractors coming up
25 to the witness stand because they haven't been hired yet

1 because this project isn't even approved yet, so we
2 can't get to a discussion of the contractors.

3 Q. If safety is one of the top five principles, does
4 Apex do random drug testing on its own employees?

5 A. Once again, I'm not -- the HR practices and any
6 potential protocols of that I have not seen.

7 Q. If somebody -- if one of the Apex workers show up
8 on your site and you think they're drunk or high or
9 whatever, are you going to do anything about it?

10 A. I have not been trained in reasonable suspicion
11 to be able to determine that. Now, if I felt like there
12 was an issue, I would definitely notify somebody inline
13 management that appropriate course of action would need
14 to be taken.

15 Q. Okay. And the same kind of question -- just to
16 make sure I ask the same kind of question for
17 contractors and subcontractors, you wouldn't let anybody
18 drunk or high work, I hope, whether it's your employee
19 or Joe Blow from Wayne Construction, right?

20 A. It would be my hopes that no one on the site is
21 in that condition when they come to work.

22 Q. Okay. Is this a government project?

23 A. Not that I am aware of.

24 Q. Is this being employed through the County?

25 A. I don't know the answer to that.

1 MR. KAINS: Mr. Hess, can you clarify or
2 elucidate us on this?

3 MR. HESS: I was going to object because I don't
4 even understand the question.

5 MR. SHERMAN: Can I give a background?

6 MR. KAINS: Is this a County project?

7 MR. HESS: Absolutely not.

8 MR. KAINS: It's a private project for Apex.

9 MR. HESS: On private land, yes, sir.

10 MR. KAINS: Okay. The only reason the County is
11 here, the only reason we're all here is the Illinois law
12 requires us to hold a public hearing to give you and
13 folks like you a chance to ask these questions, but --
14 they're good questions, but it's not a government
15 project, I wouldn't think.

16 MR. HESS: No, sir.

17 MR. KAINS: Okay.

18 Q. Can I give you a reason why I'm even asking this?

19 MR. KAINS: Sure, absolutely.

20 Q. In a school district situation, we have -- we
21 did, I don't belong there anymore -- but we did have to
22 have background checks on everything, any contractor,
23 subcontractors, if we were building a sidewalk, we had
24 to make sure everybody went through state police, FBI
25 background checks, drug testing and all that. That's

1 the reason for my question. Mr. Conley has said safety
2 is one of the top five things, and I totally agree with
3 that, and I hope it's the number one thing is safety. I
4 truly believe and I hope that's the case. I seriously
5 hope that what I'm asking for somebody is doing it, and
6 I realize Mr. Carlson may not know and the
7 decommissioning witness may not know, but, by God,
8 somebody ought to know what questions to ask so that
9 everybody is not high, they're not drunk, they're not
10 some, I don't know, ex-killer. I don't know what you
11 want to call it, but I hope that's the case. And I
12 realize that's not a question, but it's -- it's an ask,
13 let's put it that way. It's an ask that if you don't
14 know, please find out.

15 A. No, I can greatly appreciate that ask. What I
16 can tell you from being an Apex employee for three years
17 is we strive to hire people with high integrity.

18 Q. Perfect. That's a great answer. I totally
19 appreciate that. To your slides -- I'm sorry, I'm kind
20 of going back here. On your slides about safe design,
21 layouts, and turbine design, you said that there were
22 two methods of ice detection.

23 A. That's correct.

24 Q. Why is that even important?

25 A. Why is ice detection important for the turbines?

1 Q. Uh-huh (affirmative).

2 A. So that the turbines don't become imbalanced and
3 like --

4 Q. Throw ice. Do wind turbines throw ice? I'll ask
5 that as a question. Do wind turbines throw ice?

6 A. In my nine years of working in wind turbines, I
7 have never seen ice throw.

8 Q. But you have two methods of ice detection, and
9 again -- I'll ask it again, why are there two methods of
10 ice detection?

11 MR. KAINS: Mr. Hess.

12 MR. HESS: We respectfully object. The ordinance
13 requires two methods of ice detection, so I think he's
14 calling for sort of a legal conclusion in a way,
15 although it doesn't sound like it. It's in the
16 ordinance. Section 7, the applicant of the WECS project
17 shall use two methods to detect icing conditions.

18 MR. KAINS: I'm going to sustain the objection.
19 I want to know, Mr. Conley, have you ever heard of a
20 turbine throwing ice? I have. Have you?

21 A. I have not.

22 Q. The next thing down, redundant mechanical and
23 electrical safety systems, including over temp sensors.
24 So these can overheat? The wind turbines can overheat?

25 A. So the wind turbines have a gearbox, not unlike

1 any other piece of machinery, and if it gets -- if it
2 gets too hot for whatever reason, then the over temp on
3 the sensor would shut the turbine off.

4 Q. Internally?

5 A. Internally, that's correct.

6 Q. Okay. Same way with the next bullet down,
7 excessive voltage sensors. So these can short out? I
8 know that is not the right electronic term, but they can
9 do something they're not supposed to do electrically?

10 A. So the sensors that are on the turbines, to the
11 best of my knowledge, have preset parameters, whatever
12 that sensor may be, and if those preset parameters are
13 exceeded, they are designed to shut the turbine off so
14 that mechanically it does not tear itself apart and can
15 be serviced properly.

16 Q. The vibrate -- and the very next bullet, vibrate
17 and imbalance sensor, same kind of thing?

18 A. That is correct.

19 Q. So vibration must be a problem then?

20 A. So vibration in this sense is at the gearbox --

21 Q. At the gearbox?

22 A. -- up top.

23 Q. In the nacelle up at the top?

24 A. That's correct.

25 Q. How often -- maybe this isn't in your ballpark.

1 How often are those sensors checked?

2 A. I don't know the frequency of the technicians
3 checking on them or the ROCC checking on them, but it's
4 in our best interests that they are working properly at
5 all times.

6 Q. On the next slide -- if you want to go on to the
7 next side. Safety operations of the project. The
8 middle thing, on staff site responsibility, daily visual
9 inspections. How is that accomplished?

10 A. Yes. So the site technicians, they -- I mean,
11 I'll walk through a day. They come into the operations
12 and maintenance building, they see what turbines are
13 online or offline for various reasons. They put a plan
14 of the day in place, and sometimes part of that
15 inspection was just going from the O&M building to a
16 turbine they were potentially performing maintenance on
17 and seeing if there's anything wrong with it or if it's
18 not operating properly or anything along those lines.
19 So daily visual inspections can mean a lot of things.
20 If they are working on a turbine or performing
21 maintenance on a turbine, as they go up inside the
22 turbine, they would be checking things and looking at
23 things.

24 Q. How about the blades? How is daily and visual
25 inspection done on a blade?

1 A. So under normal operations, it's just visual with
2 the personnel and technicians on site, but blades do
3 have routine maintenance personnel. We hire a
4 third-party company to come out and perform blade
5 inspections to make sure that the blades are in peak
6 performance.

7 Q. Okay. So it's then somebody literally standing
8 on the ground and looking up at the blade, is that
9 what --

10 A. It's a little -- there's more -- there's more to
11 it than that. With new technology, we do -- the drone
12 inspections are very common, yeah.

13 Q. I was going to ask if you use drones.

14 A. Yeah.

15 Q. You say turbine maintenance is needed. Do you
16 have a -- regardless if it's needed or not, do you check
17 it once a week, once a month, every quarter?

18 A. For these particular turbines, I don't know what
19 their maintenance schedule looks like.

20 Q. Would Mr. Carlson know that?

21 A. That would probably be provided from the turbine
22 manufacturer or what their -- what their maintenance
23 schedules are for those particular machines.

24 MR. KAINS: Mr. Hess, would you find out the
25 maintenance schedule on turbines and blades?

1 MR. HESS: Yes, sir.

2 MR. KAINS: Thank you.

3 Q. During the road construction -- I realize it may
4 be post, but during road construction, I am assuming
5 that some roads are closed?

6 A. I haven't seen the road use agreement. That
7 would be Mr. Carlson.

8 Q. Okay. And I apologize for these last set of
9 questions, but I was told last night that you're the
10 guy, so --

11 A. No worries.

12 Q. The hypothetical situation I brought up last
13 night, the application is approved, the building permit
14 is approved, start construction, everything is built,
15 now you're on the scene, okay? That's where you come
16 in. They go up, and people have issues with sound or
17 shadow flicker. What happens? Does the turbines get
18 turned off? Do they get investigated -- what -- what --
19 walk us through that.

20 A. Yeah, so I can walk you through what the
21 complaint resolution process looks like. So if there's
22 an issue, regardless of the issue, whether it's sound,
23 shadow flicker potentially -- I mean, even -- you know,
24 anything -- anything, right, related to the wind farm,
25 you -- there's three methods. You can call a hotline,

1 there should be an e-mail provided, or you can in person
2 go talk to the facility manager at the O&M building.
3 Raise your issue, your concern, whatever it may be, and
4 once we have that information, the facility manager
5 would get the right parties involved. I may or may not
6 be involved depending on what that issue is --

7 Q. Right.

8 A. -- and then we would work to resolve that, and
9 once again, through the ordinance process make sure that
10 the County is included in that and is aware of what's
11 going on.

12 Q. That leads to my next question. I think I might
13 have asked it last night. In regards to those types of
14 things, what's the turnaround time between when the
15 complaint is lodged and there's a resolution given?

16 A. I believe that's going to be on a case-by-case
17 basis.

18 Q. So is it -- maybe just an estimate, is it hours,
19 weeks, months?

20 A. I would say it's as soon as reasonably practical.
21 I don't have an exact time frame. It would be on a
22 case-by-case basis depending on the issue and scenario
23 that's being raised.

24 Q. Okay. Okay. I think this is my last question,
25 and I asked it last night. Again, the R-O-C-C, the

1 ROCC, it knows all, says all, bes all. Does the ROCC
2 know what decibels each and every wind turbine is
3 producing at any minute of time?

4 A. The turbines are not equipped with that
5 monitoring for the remote operation control center to
6 see those ratings because they would be inaccurate. The
7 readings that come from the ROCC are typically up inside
8 the nacelle, and so you would have inaccurate readings
9 with a running machine, right, and so as referenced by
10 Mr. Gillespie last night, the optimal sound monitor is
11 set a distance from the ground for the turbine.

12 Q. So at an individual's house at 198 points,
13 whatever we ended up calling them, will there be some
14 kind of a sensor at those points once construction is
15 done; otherwise, how would Apex know the sound is off or
16 the shadow flicker is off? Will there be some kind of
17 post-construction check?

18 MR. HESS: I would respectfully object. I
19 actually think Mr. Keyt asked this question of
20 Mr. Gillespie. I think it's a sound post-construction
21 monitoring question. He was the witness. Mr. Conley's
22 occupational safety/emergency management.

23 MR. KAINS: I'll sustain the objection with
24 respect to the fact that Mr. Conley is not a sound or
25 shadow flicker expert, but I want to know, who is -- is

1 this going to be monitored, or is it complaint driven to
2 have it then if there's a complaint then is shadow
3 flicker checked or sound?

4 MR. HESS: I'm happy to answer, unless Mr. Keyt
5 wants to, but I guess my answer to your question,
6 Mr. Kains, would be typically in Illinois we expect a
7 permit condition that requires us to do
8 post-construction sound modeling. Should a permit
9 condition be imposed by the County, we would have no
10 objection, and we would obey that condition and do
11 post-construction modeling. I don't know what the
12 County and Mr. Keyt have in mind, but that's typical,
13 and we would have no objection to those requirements.

14 MR. KAINS: Thank you. Thank you. That's a good
15 explanation.

16 MR. KEYT: Can I clarify part of that?

17 MR. KAINS: Absolutely, Mr. Keyt.

18 MR. KEYT: So as is required in the ordinance, if
19 there's a complaint, a specific complaint about sound or
20 shadow flicker, there essentially is a complaint
21 resolution process, which they would have to have worked
22 out if it relates to sound or shadow flicker. If it
23 relates to something communications related, then there
24 is a different type of process that kicks in that
25 essentially has a time frame or 15 days to address the

1 issue. If it's a health, safety, welfare-type issue,
2 that is complaint driven. Maybe it's a fire at the
3 facility or something, they have to take some sort of
4 emergency response action to that.

5 In addition to that, typically what would be
6 required in terms of monitoring, post-construction
7 monitoring would be something along the lines of sound
8 or shadow flicker monitoring, not necessarily modeling.
9 Modeling occurs before a project is built. But after
10 construction, it would be considered monitoring. So to
11 ensure that there is compliance, there may be monitoring
12 that may be involved, which is up to the county board
13 whether to impose that part as a condition. Typically,
14 it does get imposed as part of a condition.

15 MR. KAINS: All right. Very good. Thank you,
16 Mr. Keyt. Okay. Go ahead.

17 Q. I do have one final.

18 MR. KAINS: Sure.

19 Q. This is on the wind ordinance, and I think I
20 brought this up maybe the second night. On the very
21 last page of the wind ordinance -- and this gets back to
22 I think it was Mr. Borgman that asked this question, and
23 I want to ask it in a different way. In regards to
24 safety, you said something earlier tonight about the
25 protocols to Ms. Taylor's question. The protocols for

1 safety are never ending, correct?

2 A. That's correct.

3 Q. So they would be passed on?

4 A. No matter who's in place for Apex. I can't speak
5 to other companies and their protocols and procedures.

6 Q. And that's getting to my question. You're
7 leading me right there. On the very last page, it's
8 number 3, the transferability. Is it only in regards to
9 safety, because that's where your ball field is, would
10 it not -- the safety protocols for transferability
11 whether it's sold to Timbuktu, wouldn't those safety
12 protocols be transferred to that new owner?

13 A. To the best of my knowledge -- and I'm not
14 familiar, I haven't read the WECS ordinance associated
15 with this, but if it's required in the ordinance, it
16 would still continue to be required by whoever takes
17 over the site if that case were to happen.

18 Q. Is it in your best knowledge of all of the
19 projects that you've done, when a project is sold from
20 Apex to another group, do those safety protocols travel
21 to the next owner?

22 A. Once again, I can't speak to safety protocols and
23 procedures for other companies, just Apex, but any
24 safety protocols that are required per the WECS
25 ordinance would transfer -- would transfer to the next

1 owner.

2 Q. To the best of your knowledge, when you're done
3 with the project and you're ready to wipe your hands of
4 it, your handing the safety protocol to somebody, and
5 whether they use it or not, that's their deal?

6 A. To the best of my knowledge that would be
7 correct.

8 Q. All right. Thank you.

9 MR. KAINS: Thank you, Mr. Sherman.

10 I have one question for you, Mr. Conley, relative
11 to his questions. The emergency response plan, it's not
12 in place now. It comes into place before the permit is
13 issued?

14 A. It's my understanding before the building permit
15 is issued there's a draft put in place.

16 MR. KAINS: Okay. And why is it not done now?

17 A. So the reason it wouldn't be done now is we
18 haven't selected a turbine model. So as far as any
19 response to that, it would be slightly different, as
20 well as -- and I'm going to get the numbers wrong. If
21 we're potentially permitting 62 and only build 51, we
22 don't know exactly where those locations are. So the
23 information for those turbines would also be located in
24 that emergency action plan. As far as the local
25 authorities, like that information obviously wouldn't

1 change. Like we would know, you know, the sheriff's
2 department, fire protection districts, things like that,
3 but the finite details with the turbine locations,
4 things like that is why it's not drafted yet.

5 MR. KAINS: And, Mr. Keyt, in all of your
6 representation of various counties throughout the state,
7 is it customary for these emergency response plans to
8 not be done at this point but to be done prior to the
9 issuance of a building permit?

10 MR. KEYT: Typically. Typically, the emergency
11 response plan is in the works at this stage. What
12 normally happens is prior to them being able to get a
13 building permit, they would have to submit to the County
14 an agreed upon emergency response plan from each of
15 those emergency response agencies. In this case,
16 there's a number of fire protection districts. If they
17 do not have that in place at the time that they request
18 their building permit, the County will not give the
19 building permit. So it's a condition precedent to them
20 getting a building permit often done by condition. So
21 at this stage, it's typically not finite because there
22 may be final adjustments that may occur. Also, keep in
23 mind, it may not be approved. So if it doesn't get
24 approved, there's no need to go through that process.

25 MR. KAINS: Okay. Very good. Thank you for

1 clarifying that.

2 All right. Additional -- Mr. Hess.

3 MR. HESS: I mean, if I may proffer maybe one
4 example.

5 MR. KAINS: Can you use the microphone?

6 MR. HESS: If I could proffer one example.

7 MR. KAINS: Yes.

8 MR. HESS: The final emergency action plans -- at
9 least every wind project I've ever seen, including Piatt
10 County -- require every turbine to have a 911 address so
11 if there is an emergency, responders know where to go.
12 So we have to go out and get a separate address for
13 every single turbine, post it, and provide it to
14 emergency response providers. We can't do that until we
15 have our final 51.

16 A. That's correct.

17 MR. KAINS: That makes sense. Okay. Great.
18 Thank you. Thank you for the clarifications.

19 Additional questions from residents of Coles and
20 Douglas counties?

21 Oh, Mr. Hendrix, I think you were next. Yes,
22 sir.

23 Anyone else from Coles and Douglas counties with
24 questions?

25 MR. KAINS: Okay. Mr. Phipps will be next, and

1 Ms. Winslow. Great.

2 MR. KAINS: Sir, could you please state your name
3 for the court reporter?

4 MR. HENDRIX: Yes, my name is James Hendrix, and
5 other night --

6 MR. KAINS: Could you spell your last name for
7 her, please?

8 MR. HENDRIX: H-E-N-D-R-I-X.

9 MR. KAINS: Okay. Very good. Go ahead,
10 Mr. Hendrix.

11 EXAMINATION

12 BY MR. HENDRIX:

13 Q. One thing I failed to do the other night when I
14 was up here at the podium is state that I am an elected
15 official from Douglas County. I will admit that.

16 MR. KAINS: What is -- you admit that?

17 Q. Yeah.

18 MR. KAINS: What is your position, Mr. Hendrix?

19 Q. I am the highway commissioner for Bowdre
20 Township.

21 MR. KAINS: Okay. Very good. Go right ahead
22 with your questions for Mr. Conley, please.

23 Q. Mr. Jason, you stated that you have a --
24 basically a pre-meeting with agencies, fire protection
25 districts, and the Coles County EMA, correct?

1 A. We did, that's correct.

2 Q. There are three fire protection districts within
3 the footprint of this wind farm, correct?

4 A. To the best of my knowledge.

5 Q. I'm going to refer to table 3.6-1, where it talks
6 about the taxing bodies, and it lists three, two from
7 Coles County and one from Douglas County. And I've got
8 a method to my madness here, but I've got to flip
9 through some of the pages so they don't have to pull
10 that up here on the screen.

11 Q. How many agencies were at the EMA directors and
12 your meeting? I think it's on page 50 maybe. I'm
13 trying to get to it.

14 A. The ones listed on the screen here.

15 Q. Okay. Of those on the screen, how many of those
16 departments either sent fire chiefs or elected trustees
17 to that meeting?

18 A. I don't know the positions of the people that
19 were there, just that we reached out to these fire
20 protection districts with the information that was
21 provided to us from the emergency management coordinator
22 from Coles County.

23 Q. Was there any minutes kept of that meeting?

24 A. Pardon?

25 Q. Was there any minutes kept of that meeting?

1 A. Not that I am aware of.

2 Q. Okay. You had mentioned the other night during
3 your testimony there were two other districts, and I
4 don't know if that was other districts that weren't
5 present that were invited to that response plan meeting
6 that you had.

7 A. To the best of my recollection, that's correct.
8 There were no individuals from two of the fire
9 protection districts that were there.

10 Q. Could you identify those two fire protection
11 districts by chance?

12 A. I'm not going to make them pull up my testimony.
13 I think it is Seven Hickory Township that was not able
14 to make it and the Hindsboro was not able to make it,
15 and I say that because the following day I went to both
16 of those facilities and provided them paper copies of
17 the overview of our emergency action plan, and then I
18 spoke with Mr. Bill Strode of the Seven Hickory Fire
19 Protection District the first night of the coordination
20 here and have since e-mailed him in the last 36, 48
21 hours with another digital copy of those overviews.

22 Q. Okay. Is the reason some of these other fire
23 protection districts that were invited was based on
24 Coles County EMA that they were in attendance, or is
25 that requested by Apex knowing that the three taxing

1 bodies that fire protection districts within the
2 footprint of this Coles Wind are volunteer departments
3 and you guys are looking for staffed departments as
4 well?

5 A. So there's a couple questions there. Once again,
6 we were provided a list of who we should consider to
7 contact, and this was on the screen here. And then the
8 night of the meeting for the various reasons I don't
9 know why those two districts weren't there, if they had,
10 you know, other scheduled engagements or weren't able to
11 make it why they were not there, I do not know.

12 Q. Moving on from there, you have been employed with
13 Apex since 2022, correct?

14 A. March of '22, that's correct.

15 Q. How many wind farms -- and I apologize, let me
16 back up a little bit. You kind of do -- as a health and
17 safety director, you're kind of pre-construction and
18 post-construction; is that correct?

19 A. That's correct.

20 Q. Okay. During construction, you typically have
21 somebody else on site handling the day-to-day safety
22 concerns, would you say?

23 A. That is correct. I don't, but our construction
24 department does.

25 Q. Okay. So you may not be able to answer these

1 questions -- and that's fine if you cannot -- but do you
2 know how many accidents between contractors,
3 subcontractors, have happened on work sites with the
4 public that have not involved bodily injury?

5 A. Off the top of my head --

6 Q. Since you've been employed.

7 A. Off the top of my head, I wouldn't have that
8 exact number.

9 Q. Do you know of any Apex employees that may have
10 had accidents, since you've been employed, with the
11 public that obviously -- or property damage-type
12 accidents?

13 A. From an operations standpoint, I would know that.

14 Q. Okay.

15 A. And your question is: Have there been any?

16 Q. Correct.

17 A. Two motor vehicles accidents that I am aware of.
18 We had an Apex driver transporting at the end of the day
19 going from the O&M facility home and was struck by
20 another vehicle, and then a facility manager traveling
21 to work one morning made contact with a deer.

22 Q. Okay. I would assume with safety protocols in
23 vehicles that doesn't happen very often, but I just
24 wanted clarification.

25 A. Right.

1 Q. With your position with Apex being health and
2 safety, do you have any input on guidance with RUA, road
3 use agreement?

4 A. I do not.

5 Q. No further questions at this time.

6 MR. KAINS: Thank you, Mr. Hendrix, for your
7 questions.

8 Mr. Phipps, please, and could you please state
9 your name and spell it for the court reporter, please?

10 MR. PHIPPS: Yes, sir. Daniel Phipps,
11 P-H-I-P-P-S, northern Coles County.

12 MR. KAINS: Go right ahead.

13 EXAMINATION

14 BY MR. PHIPPS:

15 Q. A couple of questions. Firstly, when you lived
16 at the wind farm in Kansas -- and I apologize if you
17 already answered this -- how close was the closest
18 turbine to where you resided, ballpark?

19 A. Yeah. I don't have an exact distance. Less than
20 a mile.

21 Q. Okay. And were those wind turbines in operation
22 during that time or was that during construction of the
23 project?

24 A. No, they were in operation.

25 Q. One other question just came up when we were

1 talking about the drug testing policy, and I believe you
2 referred to that being more an HR issue. Is that not a
3 matter of safety? I thought that was kind of odd that
4 the operational safety director doesn't know the drug
5 testing policy.

6 A. So our drug testing policy is primarily around --
7 that I am aware of, so random drug testing would be
8 through an HR process I'm not familiar with. However,
9 would there be an incident and we would require
10 post-accident drug testing to validate and verify the
11 employee was sound at the time of the event. That's not
12 uncommon in any -- in various industries.

13 Q. Sure. Sure. The other question is kind of
14 around conflict resolution. This has been talked about
15 a handful of times. My understanding is you've been the
16 director for four months now?

17 A. That's correct.

18 Q. So you've kind of been presented as the "conflict
19 resolution guy". As a safety director, would those get
20 reported to you unless it was in fact about an Apex
21 employee and occupational health?

22 A. Yeah, so it depends on the nature of the event,
23 and I'll break that down a little bit. So if it's
24 health and safety related -- I'll give an example. If,
25 you know, if a landowner had a drain tile issue, I would

1 not be part of that resolution. I may or may not know
2 about it, right? Post-construction, right? That would
3 be a scenario where I don't know what's going on. If
4 the complaint was with an Apex employee or contractor
5 and it was safety related, then I would probably be
6 involved in part of that resolution.

7 Q. But as far as noise, sound, or shadow flicker,
8 those wouldn't actually get reported to you?

9 A. Not necessarily.

10 Q. Okay. The other thing is about maintenance.
11 We've talked a lot about noise studies and how those
12 impact surrounding houses and neighborhoods and things,
13 but what about noise from maintenance process, you know,
14 I mean, is there going to be man lifts and trucks at all
15 hours of the night? I mean, we haven't really touched
16 upon what type of operational capacity, what noise
17 that's going to generate. We talked about turbines
18 themselves. I'm talking boots on the ground. There's a
19 light out, they've got to get it at three o'clock in the
20 morning, how does that process work?

21 A. So typical -- typical operations maintenance is
22 done during daylight hours.

23 Q. Okay.

24 A. And depending on the nature of what's being
25 worked on, I can't -- I don't know.

1 Q. Okay. And I am assuming same goes for
2 construction, that's just not something you're aware of?

3 A. I am not aware of construction daytime work hours
4 what they are set at.

5 Q. And is there nighttime? I mean, obviously not
6 routine maintenance, but if something goes wrong, I am
7 assuming you guys are still going to show up in the
8 middle of the night with bells and whistles on?

9 A. It's not very common. It's rare in most cases to
10 have any nighttime operations with wind.

11 Q. Okay. That's all I got. Thank you.

12 MR. KAINS: Thank you, Mr. Phipps. All right.

13 Any other questions from residents of Coles or
14 Douglas counties?

15 Oh, Ms. Winslow. Yes. Go right ahead. You need
16 to state your name for the record.

17 MS. WINSLOW: Connie Winslow, W-I-N-S-L-O-W.

18 EXAMINATION

19 BY MS. WINSLOW:

20 Q. I have a Marathon Pipe Line going through my back
21 40. I have concerns with eight turbines west of me,
22 between me and 130, the rumbling and over the years it
23 loosening up bolts, causing cracks, explosions, leaks,
24 fires. Two years ago, Marathon Pipe Line was on my back
25 40 --

1 MR. KAINS: Ms. Winslow, ask a question, please.

2 Q. Well, I'm getting there.

3 MR. KAINS: Okay.

4 Q. They came and they had to dig a giant hole to
5 repair just a small place on the pipeline. My question
6 is what safety measures do you take to prevent anything
7 happening to my pipeline, and have you had any
8 experience with something regarding the turbines causing
9 a problem with buried pipelines?

10 A. I've never -- I've never come across an
11 experience where a turbine affected a pipeline.

12 Q. Okay. Regarding when there's very dense fog, do
13 the red lights stay on all the time, or are they still
14 only for safety purposes of airplanes? Do they only
15 still come on when the airplane would get very close?

16 A. Yes, so it is my understanding that this project
17 will have an ADLS system. That is an aircraft detection
18 lighting system, so that the lights -- once they
19 commission the turbine, they test that lights to make
20 sure that they work and put the ADLS system in place so
21 that the lights do not flash at night unless there is an
22 airplane within a specific distance of the wind farm,
23 and I believe it's three to five nautical miles. I'm
24 not a hundred percent sure on that, but -- and once the
25 aircraft is out of that range, then the lights do not --

1 they're not on.

2 Q. Do you know if -- with dense fog, would it come
3 on later or sooner, or does it have a sensory to know?

4 A. I can't answer that with regards to weather
5 conditions.

6 Q. Okay. What hours are the O&M building open, like
7 eight to five, or Monday through Friday, or for somebody
8 to be staffed, you know?

9 A. Yeah, so the typical hours are seven to four,
10 seven to five there's somebody at the facility.

11 Q. Okay. Will they have on the outside a phone
12 number or something if somebody has an emergency and --

13 A. Yes. Yes, ma'am, there is contact information
14 provided at the O&M building, as well as the substation.

15 Q. Where are the signal sensors located that like
16 tells the turbine to be turned on or off because of some
17 event or anything that would need to control the
18 turbines? Where do they put the sensors, like on a
19 water tower or special tower they build or --

20 A. With regards to the turbine operation? I'm
21 trying to understand.

22 Q. Like if, you know, there is a big storm and it
23 needs shut off, you said you'll have a sensor shut them
24 off. Where do they talk to each other from?

25 A. So depending on the nature of the sensor, the

1 turbines are going to be equipped with numerous sensors
2 in various places, typically on the turbine.

3 Q. And doesn't it relay a signal though to somewhere
4 else, or do the turbines talk to each other?

5 A. The turbines are -- they're -- they will be
6 hardwired in through the collection system, so it's a
7 direct connect to the turbine.

8 Q. What are they going to put on like the water
9 tower? I saw where they're going to have some kind of
10 communication. Is that a safety communication?

11 A. I'm not familiar with that, no. I'm not familiar
12 with what you're asking.

13 Q. What would the communication be for? Does anyone
14 know, or is that the next person?

15 A. I can't -- I can't speak to that. I don't know.

16 Q. I guess that's all my questions.

17 MR. KAINS: All right. Thank you, Ms. Winslow.

18 Any other questions from residents of Coles and
19 Douglas County? All right.

20 Let's go outside the county. Just a show of
21 hands, really quick. Who has questions for this witness
22 with a residence outside of Coles and Douglas?

23 MR. KAINS: Okay. We've got Ms. Miller.

24 Mr. Cronkhite. Anybody else? Okay. Let's go with

25 Ms. Miller first, and then Mr. Cronkhite, you back clean

1 up.

2 If you would state your name for the record,
3 please.

4 MS. MILLER: Becky Miller.

5 EXAMINATION

6 BY MS. MILLER:

7 Q. You said you're from Oklahoma?

8 A. That's correct.

9 Q. The beauty of the bugle. So are you familiar
10 with a turbine collapsing in Kildare, Oklahoma?

11 A. I have seen pictures of it.

12 Q. Okay. And over in Iowa -- I think it's Cedar
13 County, Iowa -- they've had some that were storm
14 damaged, and they had one imploded to get rid of it. My
15 understanding then you get little shards of fiberglass
16 all everywhere. What would be the plan for cleaning
17 that mess up, because you can't have all those fibers in
18 our food sources and most of these are farm areas.

19 MR. KAINS: Mr. Hess.

20 MR. HESS: I would object it's beyond the scope
21 of his testimony. I will say our very next witness --
22 because that's really a decommissioning question: How
23 are you going to clean up when a turbine comes down?
24 She is going to address this exact topic. I would
25 respectfully -- it's a relevant question overall, this

1 just isn't the right witness.

2 MR. KAINS: Yes. Ms. Miller, will you ask
3 Ms. McKeough when she is up?

4 Q. Hopefully, if I'm here. I can't make it every
5 time.

6 MR. KAINS: I understand. You're from Vermillion
7 County?

8 Q. Yes.

9 MR. KAINS: Correct.

10 Q. And you -- Apex -- am I correct Apex has the
11 project in Piatt County, correct?

12 A. That is correct.

13 Q. And you said they will turn the turbines off when
14 there's storms, correct? Storms, like they're tracking
15 tornados and all that stuff?

16 A. It depends on the nature of the storm and how
17 severe it is.

18 Q. Okay, because, you know, once again the beauty of
19 the internet. April 2nd, we had storms come through the
20 area, and this was what was posted online: Multiple
21 Apex turbines were still spinning around Farmer City and
22 Mansfield with the sirens going off.

23 MR. KAINS: Please ask a question related to
24 this.

25 Q. So -- okay. Yeah, but I wanted to lay the

1 groundwork for it.

2 MR. KAINS: Uh-huh (affirmative).

3 Q. So with that being said, why would citizens have
4 confidence in Apex doing what they say on that? In
5 other words, you said, "We turn them off." You know
6 what I mean? But with seeing something like that puts
7 doubt. So how would you reassure the people of Coles
8 County that that would not be an issue?

9 A. So the remote operation control center does have
10 the capability to shut the turbines off; however, if the
11 storm winds or the winds are not high enough or anything
12 along those lines with regards to what the preset
13 parameters are on the wind turbines, then the turbines
14 would still -- they would still be available.

15 Q. Okay. Then I'm going to ask you a couple other
16 questions too on -- because you're part of the building,
17 correct?

18 A. I --

19 Q. I mean the safety with the building, correct?

20 A. During operations.

21 Q. Yes. So when my son worked on installing -- he
22 worked for a contractor installing a wind project. When
23 they damaged tile lines, which frequently happened, the
24 contractor said: Hurry up, just fill it in, cover it
25 up.

1 How could you assure these people that won't
2 happen?

3 MR. HESS: I would respectfully object. This is
4 not the right witness for that question. That is a
5 construction question, and similarly, Mr. Carlson
6 actually is prepared to explicitly address that
7 question.

8 MR. KAINS: Yeah, the objection is sustained. It
9 is beyond the scope of this witness's knowledge, and it
10 is a question for Mr. Carlson when it's his turn one of
11 these days.

12 Q. Okay, and I have one more question.

13 MR. KAINS: Go right ahead, Ms. Miller.

14 Q. When they were asking about background checks,
15 that same son was told by the contractor: You will
16 bring alcohol on to this project for all of us.

17 How can you assure -- how you can promise these
18 people this won't happen, because they're contractors,
19 let's be, you know --

20 MR. KAINS: That's beyond the scope of -- it's
21 just calling for speculation. If it's a contractor
22 telling employees to bring alcohol to a project, I think
23 that is just -- one, it's probably a very remote
24 possibility, but it's not something he's going to
25 answer.

1 Q. But do you all do checks with these contractors
2 as they're -- I mean, are you out and about and amongst
3 them?

4 A. We are.

5 Q. Okay. Thank you.

6 MR. KAINS: Very good. Thank you, Ms. Miller.
7 Already it's 7:32. Mr. Carlson will have questions
8 after the recess, and would there be anybody else with
9 questions for this witness after Mr. Carlson?

10 Anything from you all here at this table?

11 MR. HESS: No, sir.

12 MR. KAINS: I thought somebody had a question.

13 Okay. All right. The Planning and Development
14 Committee of the Coles County Board is in recess until
15 7:45. Thank you.

16 (Recess was taken.)

17 MR. KAINS: All right. We're ready to go back on
18 the record. Mr. Conley remains on the stand. I will
19 ask the same question, Mr. Conley. Do you understand
20 that you remain under oath to tell the truth?

21 THE WITNESS: Yes sir.

22 MR. KAINS: Okay. Very good. All right,
23 questions for Mr. Conley, Mr. Cronkhite, and could you
24 please state your name and spell it for the court
25 reporter, please?

1 MR. CRONKHITE: Sure. Arthur Cronkhite
2 C-R-O-N-K-H-I-T-E. I only have one question.

3 EXAMINATION

4 BY MR. CRONKHITE:

5 Q. During Brie Anderson's presentation, did you text
6 her or influence her in her testimony?

7 A. No, I did not.

8 Q. You stated there was two people back here who
9 questioned you on why you were back at the back and
10 standing there nodding profusely and were going "no",
11 and you refused to answer whether you had -- you were
12 texting anyone, and then you stated at the end you have
13 an employee with him and you have the right to contact
14 that person.

15 MR. KAINS: What's your question?

16 Q. My question was did you influence that person?

17 A. No, I did not.

18 Q. Okay.

19 MR. KAINS: Thank you, Mr. Cronkhite.

20 Any other questions from anybody in the public
21 for Mr. Conley?

22 Very good. Thank you. Questions now from Coles
23 County staff and consultants, Mr. Lockhart?

24 All right. Mr. Keyt, on behalf of the county
25 board.

1 MR. KEYT: Thank you.

2 EXAMINATION

3 BY MR. KEYT:

4 Q. Mr. Conley, I've got a few questions, but I'll
5 try to be efficient here. So you mentioned previously
6 that if there was oil or grease on the outside of a
7 turbine it wouldn't be an Apex turbine. Can you explain
8 what you mean by that? I think -- I think what you were
9 driving at is if there was an oil or grease stain on the
10 outside of a turbine, it would not have been an Apex
11 turbine. I think somebody had asked you that question
12 previously.

13 A. To the best of my knowledge that's correct.

14 Q. You would agree that oil leaks could cause a
15 hazard in relation to the turbine itself?

16 A. I would agree.

17 Q. You'd also agree it could be unsightly for people
18 to look at; would you agree with that?

19 A. Yes.

20 Q. Would Apex be agreeable to a condition that any
21 turbines constructed would remain free of any oil,
22 grease, or chemical leaks on the outside of the
23 turbines?

24 A. Yes, we would.

25 Q. Let me just touch upon emergency response. So

1 we've -- what is the protocol if there is a fire in the
2 nacelle of the turbine?

3 A. The standard protocol for a fire in the nacelle
4 of the turbine is what you're asking?

5 Q. Yes, sir.

6 A. So if there were a fire in the nacelle of the
7 turbine, we would enact our fire safety measures,
8 contact the local or, I guess, corresponding fire
9 protection district to that turbine.

10 Q. Is typically the plan to let that fire burn out?

11 A. That is the safest course of action, that's
12 correct.

13 Q. Are there fire suppression systems available on
14 either of those turbine models that are proposed?

15 A. To the best of my knowledge, they are not
16 currently equipped with those systems.

17 Q. When you say they are not currently equipped,
18 what does that mean?

19 A. So the turbines that are in question for this
20 project to the best of my knowledge do not currently
21 have fire protection systems built into them.

22 Q. Okay. Is it possible for that to be added on to
23 the system?

24 A. Yes, it is.

25 Q. Okay. In terms of -- do you know what the

1 difference in cost is if there is a fire suppression
2 system added to that turbine?

3 A. I do not know the difference in cost, but Adam
4 Carlson may know that information.

5 Q. Understood. Thank you. One of your requirements
6 that I think you may have mentioned is you have to
7 provide a copy of your standard operating procedures and
8 site plan to emergency responders. You're familiar with
9 that process, right?

10 A. Yes, I am.

11 Q. And you kind of talked about it a little bit, but
12 that has occurred as well as some communication with
13 those agencies? I think you've touched upon that.

14 A. Yes, it has.

15 Q. And you understand that discussion is going to
16 continue and at some point in time if the project is
17 approved and there is a building permit that's
18 requested, would you have to have some plan in place
19 with those emergency response agencies before you would
20 be able to get a building permit?

21 A. That's my understanding, that's correct.

22 Q. In terms of other requirements from the
23 ordinance, there's one that Apex would have to provide
24 training and drills to the local fire protection
25 districts and the other emergency response agencies; is

1 that fair?

2 A. That is fair, yes.

3 Q. There's also a requirement that you would have to
4 provide any equipment that may be needed at an emergency
5 at the project; is that fair?

6 A. There should not be any additional equipment
7 needed to respond, but we would entertain that, yes.

8 Q. Entertain that in a sense if there was a
9 reasonable request from a fire protection district of:
10 Hey, we need this, and this is why. If there's a
11 reasonable request, Apex would be willing to meet that
12 need?

13 A. Yes.

14 Q. And I think you -- you understand those fire
15 protection districts, they're public bodies that are
16 supported through tax funds?

17 A. Yes.

18 Q. And those are, I think, for the most part they
19 are volunteer or paper call districts?

20 A. That's my understanding, yes.

21 Q. And understanding it may be rare there may be an
22 emergency response at a project either during
23 construction or during operation, but if one were to
24 occur, Apex would be willing to reimburse those fire
25 districts for whatever the cost of that response would

1 be?

2 A. Yes, sir.

3 Q. There's been some discussion that there's been
4 vandalism or increased crime or something along those
5 lines in relation to the presence of a project or
6 construction in general. Does Apex have private
7 security that controls the site during the construction
8 period?

9 A. Not that I am aware of.

10 Q. If there were a need for either increased law
11 enforcement protection or private security there, Apex
12 would be willing to provide or reimburse the cost for
13 that protection?

14 A. Yes, we would.

15 MR. KEYT: Thank you. That's all the questions I
16 have.

17 MR. KAINS: Thank you, Mr. Keyt.

18 Final questions come from members of the Planning
19 and Development Committee.

20 All right. Very good.

21 Thank you, Mr. Conley. You may step down.

22 (Witness excused.)

23 MR. KAINS: I forgot to ask you if you had
24 redirect, Ms. Shapiro.

25 MS. SHAPIRO: We do not.

1 MR. KAINS: Okay. I'm very sorry. You get the
2 questions before the county board.

3 All right. Thank you, Mr. Conley.

4 MR. CONLEY: You bet.

5 MR. KAINS: Call your next witness.

6 MR. HESS: Thank you, Mr. Kains. Our next
7 witness is Ms. Kelly McKeough.

8 MR. KAINS: Good evening.

9 (Witness sworn.)

10 MR. KAINS: Very good. Please have a seat.
11 Whenever you're ready, Mr. Hess.

12 MR. HESS: Thank you, Mr. Kains.

13 EXAMINATION

14 By Mr. HESS:

15 Q. Good evening. Could you please start by stating
16 and spelling your name for the record, please?

17 A. Yes. My name is Kelly, K-E-L-L-Y, McKeough,
18 M-C-K-E-O-U-G-H. I am the construction permitting lead
19 for Westwood Professional Services. We are a design
20 engineering consulting firm. My construction permitting
21 team itself is very small and specialized. We provide
22 decommissioning plans; spill prevention, countermeasure
23 and control plans, as Mr. Conley had mentioned before;
24 as well as something called Emergency Planning Community
25 Response Act Tier 2 Reporting, and that is on wind,

1 solar, and battery energy storage sites all across the
2 nation. I have worked for Westwood about five and a
3 half years, within the construction industry for about
4 seven, and I've provided services on well over a hundred
5 wind projects nationally. I have personally --

6 Q. Ms. McKeough, if I could stop you for a moment.

7 A. Yeah, go for it.

8 MR. HESS: Mr. Kains, I see a lot of people
9 squinting to see her resumé. I have copies if I may
10 hand it up to you and the board. Mr. Keyt already has
11 it.

12 MR. KAINS: Sure.

13 MR. HESS: It might save the eyes.

14 MR. KAINS: I especially think the members of the
15 county board need to have this.

16 MR. HESS: Yes, sir.

17 I'll just state for the record that Ms. Shapiro
18 is handing out Ms. Kelly McKeough's two-page essentially
19 a resumé that has been labeled Applicant's Exhibit 11,
20 but I'll let Mr. Keyt correct me if that is incorrect.
21 It is also up on the screen.

22 Q. And now Ms. McKeough, you can continue. Let's
23 maybe start with your education now that everybody has
24 your resumé in front of them.

25 A. Yeah, of course. I have a Bachelor of Science

1 from the University of Minnesota, Twin Cities in
2 geology.

3 Q. And what is your current job title at Westwood?

4 A. Construction Permitting Lead.

5 Q. And not everyone in the room may be familiar with
6 Westwood, so could you please give a little bit of
7 introduction and background of the company Westwood?

8 A. Yeah. So as I mentioned, we refer to ourselves
9 as a design engineering firm. That means a lot of
10 things at once. We don't just work on wind renewals, we
11 work all across the industries, aviation, public
12 infrastructure, transportation. We could provide the
13 full design for an entire wind project, as well as many
14 other types of projects, so structural engineering,
15 electrical, civil, all that stuff. In addition, we
16 provide a lot of other services, like my decommissioning
17 plan, as well as road use agreement assistance, water
18 resources, storm water, stuff like that. We have a wide
19 range of services we provide.

20 Q. And how long have you worked at Westwood?

21 A. Five and a half years. This says five. This was
22 December, I think, that I did this, so --

23 Q. And how long have you worked in the construction
24 industry?

25 A. Seven years.

1 Q. All right. And I believe you said a moment ago
2 that your current job title is Construction Permitting
3 Lead. Can you maybe explain how that fits within
4 Westwood?

5 A. Yes. So as I mentioned, we have a small group
6 that we call our construction permitting group that is
7 just within our renewable section, so we are just for
8 renewables, like wind. It's myself and a few other
9 people, and every day, day in and day out, we do
10 decommissioning plans like this. We do SPCC plans, and
11 then it's a very, very small part of it, a few hours a
12 year, but we do Emergency Planning and Community
13 Right-to-Know Act Reporting.

14 Q. Ms. McKeough, let's not assume everyone knows
15 what a SPCC plan is, so maybe what does that acronym
16 mean, and I know we'll get to it later, but what is it?

17 A. I'll probably shorten it every time after this
18 just to be brief, but it stands for spill -- spill
19 prevention, control, and countermeasure, and that's what
20 we were talking about before with that oil management
21 response, containment reporting, all of that. It's a
22 plan under the EPA Clean Water Act.

23 Q. And how many people are within your team at
24 Westwood?

25 A. It's five of us, yes.

1 Q. And how many decommissioning plans have you
2 authored?

3 A. I have personally authored about 25 plans.

4 Q. And we're going to get into the Coles Wind
5 Decommissioning Plan in a minute, but would you agree
6 that a typical commissioning plan has a narrative
7 portion and then it also has cost estimates,
8 calculations of how much each step is going to cost; is
9 that fair?

10 A. Yes, a typical plan includes that.

11 Q. So when you say you have been the primary author
12 of 25 decommissioning plans, that means 25 separate
13 projects you've done both the narrative and the
14 line-by-line cost calculations; is that right?

15 A. Yes. I wrote all the words, did all the
16 calculations myself but coordinated with a lot of my
17 team and outside a lot of my team with the rest of our
18 design engineering members.

19 Q. And of those 25 decommissioning plans that you
20 were the primary author, approximately how many were
21 wind projects?

22 A. It's about ten. I think that might have changed
23 last week, but I think about ten.

24 Q. And of those 25 decommissioning plans that you
25 were the primary author, about how many were here in the

1 state of Illinois?

2 A. About 13 as of last week.

3 Q. And you've used the term "primary author". What
4 does that mean? Were you involved in other things in
5 some way? Is that why you used that qualification?

6 A. Yeah, so as I mentioned, we are a team of five,
7 so some of us author some, some of us don't. As my role
8 as lead, I do provide the production of plans like this
9 or an SPCC or tier 2 reporting, but I also provide other
10 assistance, reviewing, I do coordination with clients
11 and with counties like this if they have questions and
12 want updates, and then when periodic updates come
13 around, that's primarily my job as well to do those
14 reviews in the future.

15 Q. And we're going to get into the details in a
16 minute but just for purposes of background here, for
17 Coles Wind within the big binder that Ms. Anderson
18 walked us through, were you the primary author of that
19 decommissioning plan?

20 A. Yes.

21 Q. So you were the one that figured out all of those
22 cost calculations?

23 A. Yes, in coordination when I needed it with
24 others.

25 Q. And then did there come a time when you were

1 asked to prepare a revised decommissioning plan?

2 A. Yes.

3 Q. And are you the primary author of the Revised
4 Decommissioning Plan?

5 A. Yes.

6 Q. And so the Revised Decommissioning Plan is dated
7 March 12th, 2025, and I'll just state for the record
8 it's been marked as Applicant's Exhibit No. 10. Were
9 you the author of this?

10 A. Yes.

11 MR. HESS: I believe, Mr. Keyt, we're going to
12 move the exhibits into the record later, but may I hand
13 this out?

14 MR. KAINS: Yes.

15 MR. HESS: Mr. Keyt, do you have a copy?

16 MS. ANTONIOLLI: We haven't given any into the
17 record.

18 MR. KAINS: Right. Right. We'll wait to the end
19 of your case.

20 Are you ready to tender her?

21 MR. HESS: I am. So I have one more question
22 that I would assume you were going to ask, but Ms.
23 McKeough, have you ever actually testified as an expert
24 before?

25 A. I have not, no.

1 Q. You've never had an occasion to be asked to
2 testify about decommissioning?

3 A. I've shown up and not been asked.

4 MR. HESS: Okay. At this time, Mr. Kains,
5 respectfully, we would move to recognize Ms. McKeough as
6 an expert in the preparation of decommissioning plans
7 and cost estimates that goes with that.

8 MR. KAINS: Very good. Mr. Keyt, any questions?

9 MR. KEYT: Yes.

10 EXAMINATION

11 BY MR. KEYT:

12 Q. Are you a professional engineer licensed in
13 Illinois?

14 A. I am not. We have one other on our team, not
15 Kevin, but all of this is done in conjunction with
16 professional engineers, yes.

17 Q. Are you a professional engineer in another state?

18 A. I am not, no.

19 MR. KEYT: Thank you. That's all I've got.

20 MR. KAINS: I believe you stated you're a
21 geologist, right?

22 A. Yes, I have my GIT, but I work under engineers,
23 not geologists, so I don't have my professional geology
24 degree.

25 MR. KAINS: What's a GIT?

1 A. So to be a professional engineer, you are an EIT,
2 an "engineer in training" for a certain amount of years,
3 and then you can take your exam and become a PE. It's
4 the same for geology, we have the same thing.

5 MR. KAINS: Certainly. Yes. All right. I find
6 that based upon Ms. McKeough's experience in preparing
7 decommissioning reports, including the most important
8 part, the number crunching, I find that she is qualified
9 as an expert to provide testimony with respect to the
10 issues of decommissioning and the cost estimates of a
11 decommissioning plan specifically in this case.

12 So go right ahead.

13 MR. HESS: Thank you, Mr. Kains.

14 EXAMINATION

15 BY MR. HESS:

16 Q. Two housekeeping items, and then we'll let you
17 get into those cost calculations. First, I've put up on
18 the screen here a quote from the Coles County Wind
19 Ordinance, which requires as part of this hearing
20 testimony supporting the calculation of costs provided
21 in the decommissioning plan, and that's from Section 5
22 of the Coles County Wind Ordinance. Ms. McKeough, did
23 you prepare a presentation, and are you prepared to give
24 testimony to satisfy this ordinance requirement?

25 A. I did, and I am, yes.

1 Q. All right. Before I turn you loose on that
2 presentation, let's just make sure everybody
3 understands. At a high level -- I know you're going to
4 get into the details, but in a high level, what's the
5 difference between the revised decommissioning plan and
6 the original decommissioning plan?

7 A. Yeah, so as mentioned, there's two portions to
8 this plan, and in this case there's four, which I'll
9 talk about, but primarily it's a narrative portion, a
10 written portion, and then an estimate. In this case,
11 two estimates, one for each turbine type, and then
12 there's a draft financial assurance at the end for
13 reference as well. So the means and methods outlined
14 for decommissioning within the narrative haven't
15 changed. That's all the same. There is a table within
16 -- I want to find it for you. It's on page 10. It
17 outlines decommissioning costs, and since those changed,
18 which I'll mention in a second, that table was updated,
19 but the narrative itself didn't change. So we assume --
20 which I'll go into in the presentation -- it's typical
21 that things like aggregate are used on sites a lot of
22 times after decommissioning, and they don't incur a
23 disposal cost. Again, I'll get into more detail, but
24 Apex came back to us and said: We're going to assume
25 the cost for every single piece of aggregate removed

1 from the site. So we bumped that number up. We added
2 that in, and every single bit of aggregate that
3 originally had a zero percent cost now has an \$81 per
4 ton cost in the estimate, and I can get into numbers now
5 or I can get into it later, but it bumped up the overall
6 cost. There was not a single reduction in the cost
7 estimate between the original and this revised estimate.

8 Q. So at a high level, the narrative portions,
9 absent that one table, is identical?

10 A. Yes.

11 Q. The cost estimate is nearly identical, except we
12 asked you to increase your cost estimate?

13 A. That's correct.

14 Q. Because you previously had the aggregate could be
15 reduced, but we said: What if we couldn't, what would
16 it cost?

17 A. Yes.

18 Q. Are you prepared to give your presentation?

19 A. Yes.

20 Q. Please go ahead.

21 A. All right.

22 Q. I'm getting there.

23 A. Okay. Okay. My name is Kelly McKeough, as I
24 mentioned. I'm going to restate it because my last name
25 is a bit difficult. I'm with Westwood. This is on the

1 Westwood letterhead, and we are a third party to this
2 project, and I provided the decommissioning plan for
3 this. Again, I prepared this plan, and that was under
4 the direct supervision and in coordination with our
5 Licensed Professional Engineer in the State of Illinois,
6 whose stamp you'll find at the front of the plan. And
7 that's both on the original plan submitted with the
8 siting application -- this is a bit redundant either
9 way -- as well as the revised plan.

10 Q. And let me just ask you so there's no confusion.
11 The handful of slides that you're going to show us, when
12 it shows numbers, are those just screenshots or sort of
13 copy and paste from what's in your report? You're just
14 showing highlights in your report and you're going to
15 talk to them?

16 A. Yeah, so there will be -- the number will be very
17 small, but all of them will be in that -- from that
18 estimate, specifically the Vestas estimate.

19 Q. You can look at your slides or we'll show -- tell
20 them where they are in the actual -- in the cost
21 estimates, either way.

22 A. Yes.

23 Q. All right. What are we looking at on this first
24 slide?

25 A. Yeah, so going back a few weeks, Brie Anderson

1 with the overall siting permit application gave a great
2 overview of the decommissioning plan in her
3 presentation. I am here because of that ordinance, as I
4 mentioned, and I'm going to go through specific items,
5 and I do want to mention that all of the costs we've
6 outlined to remove facility infrastructure and return
7 the land to pre-wind farm conditions need or exceed the
8 requirements of the Agricultural Impact Mitigation
9 Agreement. I'll probably call it the AIMA, but that's
10 what that is, as well as the Coles County Wind
11 Ordinance. You can stay here on this slide.

12 So every component at the facility that will be
13 built has a cost outlined within the estimate, and those
14 costs are on separate lines. These costs are in current
15 dollars. It's pretty typical to reflect it, and that
16 means they reflect the current design as we know, the
17 current pricing available, current technology available,
18 as well as current regulatory requirements, and the
19 current design is reflected in things like the
20 quantities of materials. So for the tons of aggregate
21 given the design, the length and width of a road, as
22 well as the depth. That's what those quantities mean.
23 Our unit pricing itself is from a construction and
24 estimation program called RSMeans, which includes things
25 like labor supplemented by electricians, steel workers,

1 whatever is needed for those specific activities in
2 addition to their equipment needs possibly, and whatever
3 work is required to complete the activity line that we
4 mentioned.

5 Q. Let me stop you there and just ask you to explain
6 what you just said. What is the "RS Means database",
7 and why is it significant to the cost estimates you've
8 prepared?

9 A. Yes, so there are a lot of construction
10 estimation databases out there. If anybody is familiar
11 with construction, there's a lot of them. It's an
12 industry standard estimation database, so their data we
13 found is similar to others. It's typically the user
14 interface that varies between those programs.

15 Q. Is it Westwood's best practice to use the RSMeans
16 database compared to some of these other sources that
17 might be out there?

18 A. Yes, it is.

19 Q. Is it a national database?

20 A. Yes.

21 Q. Does Westwood use it nationally?

22 A. Yes.

23 Q. All right, and this database, Westwood has to pay
24 to get access to it? It's managed by a company, right?

25 A. For our standard of information, yes.

1 Q. So there might be a smaller free version, but if
2 you want on the good stuff, you've got to pay?

3 A. Yes.

4 Q. And the way the company makes money is they go
5 out and get actual construction cost data from all over
6 the country, and they manage this database so that
7 anybody that wants to estimate construction costs could
8 use it as a basis to make those estimates?

9 A. Yeah, they do that and they update it
10 periodically on a quarterly basis.

11 Q. And so we'll get into some of the examples here,
12 but as a general matter, when we're looking at how you
13 came up with like wage rates, for example, you're using
14 the RSMeans database to do that?

15 A. Yes.

16 Q. Okay. All right. Please continue.

17 A. I think we're still on this slide. So we also
18 utilized currently operational disposal facilities, and
19 that's to reflect any transportation costs that might be
20 needed to those for disposal, and as all of this is in
21 current pricing, items may need to be updated as there
22 are changes to things like labor pricing or the
23 preferred currently operational facilities in the case
24 that it closes or stops allowing for some of these
25 materials. Brie had outlined a few weeks back -- it's

1 been a few weeks, but the decommissioning plan is made
2 to be changed. That's one of its key features, and
3 that's done on the 10th anniversary of operations of the
4 facility, as well as every five years after. So those
5 are current dollars, and we understand in 30 years it
6 might look a little different. We will be making those
7 changes every step of the way, and the board can review
8 it then.

9 Q. And, Ms. McKeough, I was going to ask you some of
10 the questions Mr. Keyt asked Ms. Anderson to you in a
11 minute, but I'll go ahead and ask you this one now. He
12 asked her a question about this. Would you agree those
13 -- how often it must be updated is set out in the AIMA,
14 the Agricultural Impact Mitigation Agreement?

15 A. Yes.

16 Q. Would you agree, at least on this topic, the
17 AIMA's requirements, which is sort of a minimum, but the
18 Coles County Board can tell us to do it more often if
19 they want?

20 A. Certainly.

21 Q. And your understanding is Apex could tell you to
22 do it as often as Coles County wants it done?

23 A. Yes.

24 Q. All right. Please continue.

25 A. All right. Next slide. So, again, these

1 screenshots are from the Vestas estimate. There's one
2 from the top of the plan, the first one, and then one
3 from the bottom of the plan as the second one. So we
4 include some overall facility costs is what I referred
5 to them, so not specific to specific areas of this site.
6 This can include things like mobilization and
7 demobilization for this site for deconstruction
8 activities to account for any setup or takedown that
9 might be needed to eventually do those activities. We
10 also cover permitting needs on two separate line items
11 on a county and municipal basis, as well as on the state
12 permitting basis, and these are specifically for
13 anything that might be needed for decommissioning
14 activities. We also include public road restoration to
15 support decommissioning activities, as well as
16 restoration following those activities to an equal or
17 greater than condition from them prior to the
18 decommissioning activities. And then lastly -- well,
19 after the contingency, which Brie had mentioned, the --
20 we include crop loss that could occur from
21 decommissioning on a turbine-by-turbine basis.

22 Q. And so this project has 51 turbines once it's
23 built, and so how did you get to 102 acres of crop loss?

24 A. Yeah, so we assume -- it's a little conservative
25 depending on the site, but around two acres per turbine.

1 Q. Will be impacted as decommissioning occurs?

2 A. Could be impacted, yes.

3 Okay. Next slide. So, first off, I'll go over
4 the tower types. So we have wind turbines and we have
5 LiDAR or ADLS towers, and both of them have similar
6 means of deconstruction, but they're obviously two very
7 different structures. For each of those, we include the
8 electrical disconnection of those towers, the
9 deconstruction of those towers broken out on a few
10 lines, including a separate line for any excavation of
11 foundation removals and then hauling these materials
12 offsite, and then a different line for the dispositional
13 of those materials. We also account for any restoration
14 and reclamation of the land per the AIMA, which includes
15 things like backfilling any holes from foundation
16 removal or other types of removals, decompaction,
17 subsoiling, topsoil reapplication, revegetation, and
18 then tilling the areas to return them to agricultural
19 conditions. And then in each of these sections, we also
20 include a line for erosion and sediment control, so
21 that's accounted for every step of the way as well.

22 Q. So in other words, Ms. McKeough, what you've done
23 in your cost assessments and in these tables is you've
24 taken every part of the project. Here we're looking at
25 the wind turbines themselves and then the ADLS towers.

1 You figured out every step that would be involved in
2 decommissioning, bringing the land all the way back to
3 its original condition, and you've attributed a cost to
4 each one of those steps; is that right?

5 A. That's correct.

6 Q. Okay. Please go ahead.

7 A. Next slide. So for linear facilities, as I think
8 of them, or the collection or access roads, we again
9 account for their removal of their respective
10 components, hauling them offsite and then their disposal
11 or recycle, depending on the component type, and
12 eventually the reclamation and revegetation of that
13 land. The underground cable removal is for any cables
14 located to the depth of five feet below grade, and this
15 will occur at both the turbine sites, and that number is
16 55 because there's four additional junction boxes at
17 this time. And then any area affected will then be
18 restored.

19 And, again, with regards to that revision I
20 mentioned, so here that would be to our line item for
21 the disposal of the access roads. As I mentioned, it's
22 industry standard, but a lot of times this aggregate can
23 just be reused. Landfills like to reuse it as what they
24 call daily cover, so they don't charge a fee, so it
25 doesn't incur a cost, but as Apex informed Westwood, we

1 bumped that up and did an \$81 fee for all of the tons of
2 aggregate on that site, and it's somewhere around, as
3 you can see, \$4.8 million extra. So that is extra money
4 to the overall estimated cost for here and then extra
5 money to that financial assurance in the end.

6 Next slide. So our final chunks of facility
7 components are for the substation and then the
8 operations and maintenance facility costs. The
9 switchyard is managed by the utility, so it's not under
10 Apex and it's not covered here, and the same story goes
11 for all of these. We account for the removal of every
12 single component possible, including their aggregate,
13 hauling that offsite, disposing of it either at a
14 disposal landfill or a recycle facility or a transformer
15 recycling. Those need to be freighted, so we account
16 for freighting that transports the transporter. And the
17 O&M facility a lot of times will be resold or reused at
18 the end of the project, but, again, we assumed that that
19 will be completely removed and that land will be
20 restored to be conservative as well.

21 Next slide. So it's again a few weeks back.
22 I've had to adjust here, but Brie did go over something
23 called salvage values. They're salvage values, so
24 accounting for the site's materials that could incur a
25 salvage value at the end of their life span. We do this

1 conservatively. So instead of doing the full cost that
2 we are currently spotting on the market, we do 75
3 percent of that full cost. So we're not assuming that's
4 at that full price. I would imagine this is pretty
5 different from what we saw back last year, but those are
6 just a function of the materials rates times that
7 conservative 75 percent of spot pricing for the total
8 salvage possible.

9 So all in all, that means the estimated total
10 cost to decommission this site, including all of those
11 conservative items, as well as a 15-percent contingency
12 and county administration fee added on to that is about
13 \$20 million. Again, that's including a lot of
14 conservative items, and that is prior to the
15 consideration of the salvage values. I pointed out that
16 table in the plan before on page -- I think it was 10.
17 That breaks down the overall cost before salvage, the
18 salvage value, and the net cost if salvage were to be
19 considered, and I did want to point out I had mentioned
20 it was about \$4.8 million for that one aggregate line
21 item, but since there's a 50-percent contingency on top
22 of it as well as our mobilization and demobilization is
23 a function of the overall cost, that cost compounded and
24 increased to about 5 -- a little higher than \$5 million
25 to that overall cost after we did this revision -- or

1 sorry, in the revision post the original plan.

2 Q. So the bottom line would be when you add all this
3 stuff up what your cost estimate -- we'll just use the
4 Vestas models, so we'll look at A. The cost estimate
5 before we even talk about salvage value would be
6 \$20,116,624. Is that right?

7 A. Yes.

8 Q. And then to paraphrase the question Mr. Keyt
9 asked Ms. Anderson a couple weeks ago, would you agree
10 that whether to include salvage value is ultimately a
11 decision for the Coles County Board?

12 A. Yes.

13 Q. And so what you've done here is you've then done
14 a separate section showing them if they were to include
15 it what salvage value calculations you came up with; is
16 that right?

17 A. Yes.

18 Q. And your salvage value is \$5,065,650?

19 A. Yes.

20 Q. And that is because in your expert opinion that's
21 how much you would expect someone to be able to sell the
22 parts and steel and copper and everything and get back?

23 A. Yes.

24 Q. And so then if you reduced the total cost by the
25 salvage value, you then provided that number,

1 \$15,050,974; is that right?

2 A. Yes.

3 Q. That way Coles County Board has all of the
4 numbers, they can just choose which one they prefer?

5 A. Yes.

6 Q. Does that conclude your presentation?

7 A. Yes, it does.

8 Q. Okay. Now, were you here way back on March 19th
9 when Ms. Anderson testified?

10 A. I was.

11 Q. And were you present when Mr. Keyt asked her a
12 series of questions that she deferred to you?

13 A. Yes.

14 Q. All right. Are you prepared to answer those
15 questions now?

16 A. Yes, I am.

17 Q. Okay. Let's start with the Illinois Prevailing
18 Wage Act. Mr. Keyt asked Ms. Anderson whether the cost
19 calculations included in the decommissioning plan
20 included labor charges that were calculated using the
21 Illinois Prevailing Wage Act, and that's from the
22 transcript, page 169 of the March 19th transcript. Do
23 you recall that question?

24 A. I do.

25 Q. All right. Let's make sure we're all clear here.

1 The Illinois Prevailing Wage Act is a state law that
2 applies to certain public projects, and if it applies,
3 it then requires certain wages be paid to the workers
4 who are working on those projects. Is that your
5 understanding?

6 A. Yes.

7 Q. Okay. In your cost calculations, did you apply
8 the Illinois Prevailing Wage Act?

9 A. We did not.

10 Q. Okay. If you were to go back and apply the
11 Illinois Prevailing Wage Act wages, would it raise or
12 lower the decommissioning cost estimate?

13 A. It would lower.

14 Q. Okay. So by "lower", you mean your cost estimate
15 is less, which would mean, based on Ms. Anderson's
16 testimony, the amount of the decommissioning surety bond
17 would be less; is that right?

18 A. That's correct.

19 Q. Okay. Let's unpack this in your cost
20 calculations. In your calculations, did you include the
21 cost of labor to do these activities?

22 A. Yes. So anything that would require someone's
23 labor to do, they would have some amount of labor time
24 on that. We've accounted for that labor, yes.

25 Q. So let's just use an example. I've put back up

1 on the screen the screenshot from the very beginning of
2 your cost calculations for the Vestas turbine, and if we
3 just use the very first line, so to disconnect the
4 wiring in each turbine, your expert opinion is it would
5 cost \$3,060.80 in today's dollars to have laborers go in
6 and do all of that disconnection; is that right?

7 A. Yes.

8 Q. And that's per turbine?

9 A. That's on a per turbine basis, yes.

10 Q. So that cost estimate for that activity, does it
11 include the wages paid to those workers?

12 A. Yes.

13 Q. Did those wages come from the RSMeans database?

14 A. Yes.

15 Q. Does the RSMeans database give you several
16 options when you're selecting what wage rate to apply?

17 A. Yes. So we could do a few. We could do open
18 shop/non-union; residential, which wouldn't be
19 applicable here; repair and restoration, again not
20 applicable here; or standard union rates, which is what
21 we utilized.

22 Q. So putting to the side the ones that are not
23 applicable. You could either choose open shop -- what
24 some people might know non-union or union wages; is that
25 correct?

1 A. That's correct.

2 Q. In every instance, which one did you select?

3 A. Standard union.

4 Q. Okay, so all of these costs estimates are
5 assuming that the workers are being paid a union wage?

6 A. Yes.

7 Q. Since you heard Mr. Keyt's question back on March
8 19th and you've had a month now, have you gone back and
9 compared that standard union wage from the RS Means
10 database to the Illinois Prevailing Wage Act wage that
11 would be applied to that?

12 A. Yes, I have.

13 Q. And in every single instance which is higher, the
14 union wage or the Illinois Prevailing Wage Act wage?

15 A. So when we compared the types of labor we
16 utilized to the same exact types of labor available on
17 the Coles -- or Illinois Department of Laborers
18 Prevailing Wage Act for Coles County for similar time
19 frames, we went a little more conservative for one.
20 When we were between days, we went with the higher one
21 for the Coles ones. The RSMeans data wages were higher
22 in every instance.

23 Q. So the national RSMeans database wage for union
24 wage is higher than the Illinois Prevailing Wage Act
25 wages?

1 A. Yes.

2 Q. Do you have an opinion on why this might be?

3 A. Yeah. So the standard union wages provided, that
4 is the base of a lot of these activities, almost all of
5 them, that is from a -- that's a national wage. They
6 took the 30 largest countries in the United States and
7 then average them, probably do a bit of math that I'm
8 not privy to, and then they provide wages based on that.
9 It's their standard wage based on 30 cities across the
10 U.S. So those cities tend to be larger. They tend to
11 have a highest cost of living. We're comparing to
12 places like San Francisco, Chicago, and New York, so
13 that national wage tends to exceed the wage that we
14 would see here in Coles County.

15 Q. And I just want to make sure -- I think you may
16 have misspoke. You said 30 countries a minute ago.

17 A. Oh, sorry.

18 Q. Did you mean 30 cities?

19 A. Yeah, the 30 largest cities in the United States.

20 Q. So that RS Means database rate wage -- union wage
21 is based on a -- some sort of average they've done based
22 on what union laborers are paid in the 30 biggest cities
23 in the United States?

24 A. Yeah, I'm not sure, I want to say it's an
25 average, but that's the data they aggregate, and that's

1 what it's based off of those 30 cities. I'm not sure if
2 it's an exact median.

3 Q. And what you've done in the last few weeks since
4 this issue was raised is you've then gone and looked at
5 each of the activities and figured out which is higher,
6 Illinois Prevailing Wage Act or this sort of national
7 union wage; is that right?

8 A. Yes.

9 Q. And every time you looked, the union wage is
10 higher?

11 A. Yes.

12 Q. Okay. So if Coles County asks you to apply the
13 Illinois Prevailing Wage Act, could you?

14 A. Yeah, we could update that.

15 Q. It would just reduce the cost estimate?

16 A. Yes, they would be reduced.

17 Q. Okay. Let's turn to including profit. So
18 Mr. Keyt also asked Ms. Anderson several questions about
19 including a profit charge in your decommissioning cost
20 estimate. She deferred those questions to you. Do you
21 recall those questions?

22 A. I do.

23 Q. Specifically, Mr. Keyt asked -- and I want to
24 quote it here so I get it right. This is from the
25 transcript, page 168. When -- this is a quote. "When,

1 for example, Apex is hiring a contractor, built into the
2 contract is a measure of profit for the contractor,
3 right?"

4 A. Yes.

5 Q. Do you agree with that?

6 A. Yes.

7 Q. Okay. His next question is then, quote, "In the
8 cost estimates that are provided for both turbines, can
9 you point us to where there is a line item for profit?"
10 Do you recall that question?

11 A. I do.

12 Q. Okay. So is there a separate line item for
13 profit?

14 A. There isn't a separate line item. That is
15 because it is rolled into every line item already.

16 Q. Could you please explain?

17 A. Yeah, so for RSMeans, you can take something
18 called "bare total", which is the bare wage that would
19 be needed to complete an activity, or you can take a
20 "bare plus O&P", as they call it. So plus overhead and
21 profit. Profit is included in there as well as any
22 overhead that might be needed, invoicing, designs,
23 anything that might be needed to complete that activity,
24 and we always use the bare plus O&P line item so that
25 profit for not just a general contractor, their

1 subcontractors, the subcontractor of that subcontractor,
2 is already looped in for any activity where it would be
3 applicable, which is every single activity.

4 Q. So in other words, the RSMeans database gives you
5 the option of a bare cost or a bare cost plus overhead
6 and profit, O&P?

7 A. Yes.

8 Q. And in every instance you checked O&P?

9 A. Yes, I believe it's an additional 40 percent on
10 the bare wages, so that's looped in there.

11 Q. And so the cost to the contractor -- to go back
12 to Mr. Keyt's first question -- the profit component is
13 already included in these costs?

14 A. Yes.

15 Q. Okay. And so to go back to this same example of
16 \$3,060.80 that in your opinion it would cost to
17 disconnect each turbine's wiring includes a profit
18 component?

19 A. Profit and overhead, yes.

20 Q. Now, I want to make sure your testimony is clear.
21 Some of these costs, some of these line items are just a
22 straight disposal cost. So, for example, going back
23 about two-thirds of the way down that section, we see a
24 disposal of concrete from the foundation you estimated
25 at \$81 per cubic yard. Do you see where I'm talking

1 about?

2 A. Yes.

3 Q. Okay. That's a little bit different, right?

4 A. Yes.

5 Q. What does that number reflect?

6 A. So that's a tipping fee. This is probably
7 actually exceeding the tipping fee in a lot of these
8 facilities, but that's what that would reflect. So the
9 fee to the disposer from the facility. So that's
10 including their profit probably.

11 Q. So any time that there's a cost estimate here
12 where it's like a fee, you've got what in your research
13 and opinion is a fee, but every time there's an
14 activity, that activity includes a profit component?

15 A. Yes.

16 Q. Several witnesses have asked -- have been asked
17 -- well, let me restart this. At least Mr. Keyt asked
18 Ms. Anderson if she has ever personally witnessed the
19 decommissioning of a wind project. Do you recall that?

20 A. I do.

21 Q. I'll ask you the same question. Have you
22 personally witnessed the decommissioning of any wind
23 turbines?

24 A. Yes, I have personally witnessed them.

25 Q. Could you please explain?

1 A. Yes, so I want to be clear, I witnessed the
2 decommissioning of wind turbines. "Wind project" means
3 all of this. Wind turbines is what I'm talking about
4 here. So there was a project over in Lee and La Salle
5 counties, I believe it spanned both, the GSG Wind
6 project, a non-Apex project, and they did
7 decommissioning of all 40 of their turbines and then put
8 new turbines in a portion of those sites. I don't know
9 why, but I think they put in like better turbines
10 basically, so they reduced the number of them, and they
11 did full decommissioning activities on those turbines,
12 and then the 26 that didn't have new turbines, they also
13 did additional decommissioning activities for those, and
14 I was present at that site, yes.

15 Q. And based on what you observed at that site --
16 the methods that they used to decommission we're going
17 to talk a little bit here in just a moment -- were they
18 consistent with the methods you've described in the
19 Coles Wind Decommissioning Plan, the narrative portion?

20 A. For the most part, yes.

21 Q. Okay. All right, and I want to get to sort of
22 one of the methods that Mr. Keyt asked Anderson about.
23 He asked her if she could explain the term "felling",
24 F-E-L-L-I-N-G. She deferred that question to you. So
25 could you please explain the term "felling"?

1 A. Yes. So felling is what also took place on that
2 site. It's a topple is a better way of think of it.
3 It's a fancy term -- really not fancy -- that the
4 industry utilizes. It refers to the controlled
5 demolition of the turbines. So instead of taking a
6 crane in and disassembling it piece by piece and then
7 hauling those crane pieces off, which is typically
8 reserved for cases when they want to reuse the
9 components of the turbines elsewhere, they will do a
10 controlled demolition and then process those pieces and
11 the smaller pieces on site, load them into semi-trucks
12 and then haul them to a disposal or a -- typically a
13 recycling facility.

14 Q. In your expert opinion, is felling considered a
15 best practice for how to bring down a wind turbine?

16 A. Yes.

17 Q. Why?

18 A. So as I mentioned, the two options here are
19 felling or crane disassembly, and crane disassembly is
20 typically reserved in those cases where they're just
21 hauling components elsewhere to be, you know, restacked
22 and used, because it involves a lot more impact to the
23 earth. So you have it on oversized loads that you're
24 bringing in these cranes, which wouldn't be needed for
25 the other method, where you're putting them on

1 semi-trailers. To get to those wind turbines, you have
2 to do a crane path, and that would go in agricultural
3 areas, creating an additional disturbance to be
4 reclaimed, instead of using the roads again for those
5 trucks. And then you have to create a crane pad itself,
6 which has a lot of decompaction around it following the
7 removal of that crane. So it's just a lot less
8 intensive on the agricultural land around it, which is
9 why it's preferred in these cases -- or felling is
10 preferred in these cases.

11 Q. So when we go way back to the beginning of your
12 presentation when we look at those 102 acres of crop
13 loss --

14 A. Yes.

15 Q. --right? That would be a lot bigger if we have
16 to bring in cranes?

17 A. Yes.

18 Q. So one example is the compaction on drain tile.
19 Mr. Carlson is going to talk about after you. That
20 would be an issue if you bring in cranes. It's not as
21 big of an issue if you use felling?

22 A. Yes, that is correct.

23 Q. I've heard it alleged in hearings like this that
24 felling cost is less and is cheaper and that's why
25 developers want it in decommissioning plans. Do you

1 have an opinion on that?

2 A. Yeah. So I guess two parts of that as far as why
3 Apex might have wanted it in this plan. I outlined a
4 bunch of conservative items they asked me to include.
5 That 15-percent buffer way exceeds what it would take
6 for a crane disassembly, as well as all that aggregate
7 removal. So as far as having a lower cost estimate, the
8 cost probably could have been saved elsewhere with those
9 conservative items. As far as costing more being the
10 preferable manner, I just don't think that's true in
11 this case. Just because the practice costs more doesn't
12 mean it's preferred. From what I've seen in this
13 industry, the felling of turbines is preferred in these
14 cases because it makes more sense for these sites.

15 Q. And in your opinion it's preferred because it has
16 less impact to farmland?

17 A. Yes, for those impact reasons that I outlined
18 before.

19 Q. Okay. Just a few more topics here. Mr. Keyt
20 also asked Mr. Anderson -- Ms. Anderson several
21 questions about recycling. Do you recall that portion
22 of Ms. Anderson's testimony?

23 A. I do.

24 Q. Before getting into those specifics, let's back
25 up. Does your decommissioning plan and cost

1 calculations contemplate recycling of any of the wind
2 turbines?

3 A. Yes. So the vast majority of the aboveground
4 mass of a turbine is structural steel. It's very
5 valuable. It's going to incur a great salvage rate
6 frankly. You know, steel is pretty valuable around
7 here, so we include the recycling of that right off the
8 bat. The blades are different. As we've heard mention,
9 the blades are made of different components. They're
10 not made of metal, and the recycling industry for those
11 blades at the moment is very young. It's only been
12 around for five years and really only started to ramp up
13 in the last year. So as a conservative methodology for
14 where those blades would go, we assume disposal. It's
15 my opinion that that will probably be one of those items
16 that's going to be updated in the future due to the
17 amount of recycling facilities that have gone on line in
18 the U.S. just even in the last year for blade recycling.

19 Q. So to be conservative, you assumed that the
20 blades would not be recycled?

21 A. As a conservative methodology, yes.

22 Q. What is your experience over in La Salle and Lee
23 counties? Did they recycle there?

24 A. Yes, so they recycled a hundred percent of the
25 tower.

1 Q. Actually recycled?

2 A. Actually -- yes. I've spoken to the recyclers.
3 There's a facility that is newly operational -- again,
4 that's why we're using the more conservative methodology
5 -- in Cedar Rapids, and they have been employing
6 recycling techniques. They've been up and running for
7 about a year and have been booked out basically for the
8 year because of the demand.

9 Q. So is this another way your cost estimates are
10 being conservative?

11 A. Yeah, we're employing a conservative methodology
12 in that portion.

13 Q. So now let's turn to Mr. Keyt's specific
14 questions. How do you determine the closest landfill
15 for those portions that would have to go to a landfill?

16 A. Yeah, so typically for facilities like the
17 landfill and the metal recycling, we will look locally
18 first. We'll look at previous projects that may have
19 been done in the area too. In this case, we looked in
20 the area and chose a few facilities and then drilled in
21 more and made sure that they accepted construction
22 demolition material. That's a distinction between the
23 EPA. So the landfill noted does accept that, and then
24 the metal recycler, we also try to use local facilities
25 for that, because that is some metal that can go back to

1 a local recycler, and we again called them, checked that
2 they would accept construction demolition materials like
3 this, and they did, so that was who we would utilize for
4 that.

5 Q. And how did you determine the closest recycling
6 facility?

7 A. Yes, so that is the same for that metal, the
8 metal recycling facility.

9 Q. And what happens if either the closest landfill
10 or the closest recycling facility should change in the
11 future?

12 A. Yeah, so as I mentioned in my presentation,
13 that's definitely a possibility, and that's why those
14 updates to the plan we expect those. We will always
15 reconfirm that not only are these operating but they can
16 still accept materials like construction demolition
17 materials. So if they weren't operational or their
18 distinction from the EPA had changed, then we would redo
19 our research and find another facility and update the
20 plan accordingly.

21 Q. All right. Let's talk about the engineering
22 stamp that's on -- it's actually the third page of
23 Exhibit 10, Westwood's title page to this. It is
24 stamped by someone named Kevin Andersen. So, first, who
25 is Kevin Andersen, and does he work at Westwood?

1 A. He does work at Westwood. He is a site design
2 engineering manager.

3 Q. Go ahead.

4 A. Sorry. I was going to say he oversees our entire
5 site design as one of the few people that oversees the
6 entire site design engineering for all of our renewable
7 sites.

8 Q. Is it fair to say Mr. Andersen is more senior
9 than you are at Westwood?

10 A. Yes.

11 Q. And is it true that he is a licensed engineer in
12 the state of Illinois?

13 A. He is, yes.

14 Q. And so you did all of the math and all of the
15 line item work, and then when you were done, your
16 decommissioning plan with the cost estimates went to Mr.
17 Andersen for his review; is that right?

18 A. There were two reviews. One is internal in our
19 team. There's another professional engineer who's not
20 licensed in the state of Illinois, and then it went to
21 Kevin, and he conducted a full thorough review and
22 provided his stamp pending any -- or after any issues or
23 concerns were mediated.

24 Q. So he reviewed it, approves it, stamps, signed
25 it, provided this date and his license expiration

1 number, and that's what we see on this page; is that
2 right?

3 A. Yes.

4 Q. Let's talk about spill control and oil impacts
5 since it's come up several times tonight. There were
6 questions about leaking oil. From your experience with
7 spill prevention control plans, is Apex required to have
8 one of these plans on site for all of its wind projects?

9 A. They are explicitly required, yes.

10 Q. Is that both a federal requirement and a
11 requirement in the state of Illinois?

12 A. Yes.

13 Q. And so if you can just very briefly explain to
14 the audience what's in one of these spill prevention
15 control plans and sort of how does this work?

16 A. Yeah, so SPCC -- that's what I was referring to
17 before -- they are required for any facility across the
18 U.S. that exceeds one of two conditions, which is more
19 than 1,320 gallons of aboveground aggregate oil storage
20 or 45,000 gallons above -- underground -- that's
21 obviously not applicable here -- and then any facility
22 that may have the potential to discharge to water, which
23 most sites just assume is the case, even if it probably
24 isn't, to be conservative. So those plans go through,
25 they inventory all of the oil on site. The rule is if

1 it exceeds 55 gallons or greater it has to be
2 inventoried, and it will outline things like training
3 procedures that they have to do for oil handling for a
4 spill on site, daily cursory inspections, monthly
5 written inspections, and yearly written inspections that
6 they have to do, any other countermeasure and control
7 that might be deployed in the case of a spill, and then
8 any regulatory authorities that they would have to reach
9 out to in the event of a spill, and for here that would
10 be the National Response Center on a federal level. Any
11 oil that creates a sheen on water, and then for the
12 State, the Illinois Emergency Management Agency is who
13 is in charge of that, but the Illinois EPA dictates if
14 you spill 25 gallons to land or greater, you also have
15 to reach out and notify them and provide written
16 notification. Yeah, that's basically what they cover,
17 and it varies state to state on the rest of those.

18 Q. Very detailed regulations on what those plans do
19 and everything that has to be done; is that fair?

20 A. Yes, oil is heavily regulated in this county.

21 Q. Okay. Let's -- let's turn to fiberglass shards.
22 Ms. Becky Miller -- I hope she's still here -- she asked
23 a question to the last witness about shards of
24 fiberglass, and I promised you would answer that
25 question. I believe her question is: What is the

1 process of cleaning up shards of fiberglass? So before
2 we get to that, have you heard these types of concerns
3 before?

4 A. Yeah, definitely.

5 Q. Okay, and so let's unpack this a little bit. You
6 previously testified that the best practice for bringing
7 down the turbine is felling; is that right?

8 A. Yes.

9 Q. So the concern is when the turbine hits the
10 ground, these blades that are made of fiberglass would
11 break off, and you might have pieces of fiberglass out
12 in the farm field; is that fair?

13 A. That could happen, yes.

14 Q. Okay, so let's talk about Ms. Miller's question.
15 What would be the process of cleaning up those broken
16 pieces of fiberglass?

17 A. Yeah, so I do want to mention, fiberglass shards
18 you would think of, they kind of look like asbestos.
19 Those are little needley shards. The blades themselves
20 are made up of both fiberglass but also a composite
21 material. So though there is fiberglass in them, that
22 fiberglass is bonded. I think it depends on the blade,
23 but some of them are a 50-50 ratio, and so when the
24 turbines are broken, the blades may be broken, they
25 would break off in these bigger chunks. Obviously,

1 still not great, but they wouldn't break into little
2 shards. There's a medium between it, and it would hold
3 it together. Now we understand that could definitely
4 happen during a felling, and on a turbine-by-turbine
5 basis, we include the cost for a full crew to survey the
6 area, as well as their equipment, a skid steer is what
7 we say in this case, to clean up any of that material.
8 That's just immediately after that felling activity
9 would occur, but there's also additional earth work
10 that's provided for these turbine sites, so topsoil and
11 revegetation is required, as well as tilling it to an
12 agricultural condition.

13 Q. So let's make sure everybody understands what
14 you're referring to. I still have up just an example of
15 your cost estimate for the Vestas turbine, and if we go
16 not quite halfway down, sorry, more like a third of the
17 way down under "Wind Turbine Generators", there's a line
18 "confirm removal of turbine residue". You've calculated
19 \$2,191.65 per turbine. Is this what you were referring
20 to? You have a separate line item to make sure any
21 residue has been removed from the farm field?

22 A. Yes.

23 Q. Okay. And then further down towards the end,
24 you've got "topsoil and revegetation at the turbine
25 sites". So then you have a price to make sure that

1 there is topsoil either added back in so that the
2 turbine site is ready to farm; is that right?

3 A. Yes, if it's in an agricultural area.

4 Q. And then you've got another line, the cost to
5 till that area so it is truly ready to farm?

6 A. Yes.

7 Q. So three separate steps where you would have
8 crews working in that soil, where if for some reason
9 there was fiberglass left, they would grab it?

10 A. Yes.

11 Q. And to be clear, if for some reason there was
12 pieces of fiberglass left, is it your understanding
13 Coles Wind would have to clean it up under the terms of
14 their lease?

15 A. Yes. The agricultural impact mitigation
16 agreement in addition to the leases call for
17 reclamation. I don't -- it's not my understanding that
18 additional fiberglass leads to a reclaimed land.

19 Q. And we haven't executed the decommissioning
20 agreement yet, but it's certainly required under the
21 Coles County Wind Ordinance. Would you expect such a
22 decommissioning agreement would say Coles Wind has to
23 clean it up?

24 A. Yes.

25 Q. But the whole point of your cost estimate is for

1 -- if for some reason Coles Wind didn't do it and the
2 County had to draw on the bonds, you've factored in
3 costs to make sure there's no fiberglass in those farm
4 fields?

5 A. That's correct.

6 Q. The last topic I'm going to ask you about, I'm
7 sorry -- one more question about fiberglass. Are those
8 blades in that residue, is it toxic?

9 A. No, they are not defined as toxic.

10 Q. Okay. Last topic I want to ask you about.
11 Several members of the public through their questioning
12 of witnesses have expressed surprise that no wind
13 projects, old projects in Illinois have been
14 decommissioned yet. Have you heard those questions?

15 A. Yes.

16 Q. Do you have an opinion on the significance of the
17 fact that every wind project in Illinois is still
18 constructed, still in operation, still producing tax
19 revenue?

20 A. Yeah. So, as you can see from my estimates,
21 there's a lot more that goes into decommissioning a wind
22 facility than just taking the turbines down. There's
23 access roads, which that cost to decommission access
24 roads is actually higher than the cost to decommission
25 turbines. There's wires, there's other facilities. So

1 from what I've seen though -- I might get the data of
2 the first wind facility in Illinois wrong -- I think it
3 was around 2003, so they haven't reached that 30-year
4 life span that we've mentioned, but what I've seen on
5 cases outside of Illinois where decommissioning of a
6 full facility has occurred, it's been because there
7 wasn't a robust siting process like this where a wind
8 facility was certain to succeed. So in those cases,
9 that may have led to a decommissioning. I haven't seen
10 that be the case for sites in Illinois, and in the cases
11 where partial decommissioning has happened or re-powers
12 have happened, again, that's because a lot of the bones
13 are good of these facilities, these turbines just need
14 to be changed out at the expense of an owner, of course,
15 but that might be the case instead of taking it all down
16 and scrapping the whole project.

17 Q. And do you recall Ms. Anderson's testimony way
18 back on March 19th that should in the unlikely event
19 Coles Wind would have a decommissioning, several
20 different legal documents that says Coles Wind, LLC/Apex
21 has to do the decommissioning?

22 A. Yes.

23 Q. So we've got the AIMA, we've got the ordinance,
24 we've got the leases, we've got the permit, and we've
25 got decommissioning that all says it's on us, not on

1 Coles County?

2 A. Yes.

3 Q. All of your work is to provide a backup, an extra
4 level of security because this then informs how the
5 decommissioning would occur and the financial security
6 that we have to provide to Coles County?

7 A. Yes, this is for that financial assurance.

8 Q. All right. Thank you. No further questions.

9 MR. KAINS: All right. Thank you, Mr. Hess.

10 Gentleman on the committee, it's six minutes
11 until nine. Would you like to ask questions of this
12 witness tonight or wait until next Tuesday at 6 p.m.?

13 Ms. McKeough, can you be here next Tuesday?

14 THE WITNESS: Yes.

15 MR. KAINS: Okay. It would be my recommendation
16 that you just think about it, let this sink in.
17 Everybody in the public think about it, let it sink in,
18 and we'll come back on Tuesday with questions for
19 Ms. McKeough about the decommissioning cost estimate.

20 All right. I think, Mr. Hess, you've got a
21 couple of pieces of homework --

22 MR. HESS: Yes, sir.

23 MR. KAINS: -- to work on over the weekend.

24 MR. HESS: Weekend homework, yes, sir.

25 MR. KAINS: Weekend homework. You're going to

1 have to tell your kids and wife that you've got homework
2 to do -- and yeah.

3 And, Mr. Keyt, do you have anything further?

4 MR. KEYT: No, sir.

5 MR. KAINS: You all don't have anything else?

6 MR. HESS: No, sir.

7 MR. KAINS: Okay. As I said last night, we've
8 added additional dates, next Tuesday, April 22;
9 Wednesday, April 23; Thursday, April 24. On Tuesday, we
10 will start at six o'clock in this room, and we'll have
11 Ms. McKeough on the witness stand for questions. Once
12 she is done, then your construction expert.

13 MR. HESS: Yes, sir. Mr. Adam Carlson right
14 there.

15 MR. KAINS: Mr. Carlson, who I understand is an
16 Illinois native.

17 MR. HESS: Yes, sir.

18 MR. KAINS: Well -- and somebody who wasn't raise
19 on I-55, he was raised on I-57 from what I understand.
20 So -- beautiful Paxton, right?

21 MR. CARLSON: Yes, sir.

22 MR. KAINS: Okay. All right. I seem to recall
23 that from a prior hearing. Okay. So Mr. Carlson would
24 be our next witness on Tuesday if we get through all of
25 the questions for Ms. McKeough on decommissioning, and

1 once Mr. Carlson is done, probably sometime on Wednesday
2 evening then we will hear from folks who are in support
3 of the application, and then probably folks in
4 opposition will get to give their testimony on Thursday,
5 so just kind of trying to get a roadmap for you of how
6 this is going to go.

7 All right. If there's nothing further,
8 Mr. Chairman? No.

9 Okay. Very good. The Planning and Development
10 Committee of the Coles County Board is in recess until
11 Tuesday night, April 22 at 6:00 p.m. in this very
12 courtroom in the Coles County Courthouse on Jackson
13 Street in Charleston. Thank you.

14

15 (END OF PROCEEDINGS.)

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CERTIFICATE OF REPORTER

I, Courtney Orman, CSR #084-004628, reported in machine shorthand the proceedings had in the above-entitled cause and transcribed the same by computer-aided transcription, which I hereby certify to be a true and accurate transcript of the proceedings had.

Courtney Orman

Official Court Reporter

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