

INDEX	
Witness	Examination
Ben Jacobi	15
Reuben Grandon	27
By Kris Donarski	43
By Connie Stetson	54
By Chris Noll	60
By Frank Cattani	66
By David Flaherty	70
By Chris Noll	71
By Pam Flaherty	72
By Derek Whited	77
By Jim Nerad	80
By Kris Donarski	85
By Karen Nerad	86
By Chris Noll	92
By Brad Bastion	93
By Sue Pratt	95
By Chris Noll	97
By Christine Bastion	99
By Chris Noll	102
By Derek Whited	104
By Connie Stetson	106
By Tim Pratt	106
By Kris Donarski	121
By Connie Stetson	123
By Andy Ruggerio	131
By Tim Nerad	133
EXHIBITS	
Exhibit	Marked
Exhibit Number 1	26
Exhibit Number 2	26
Exhibit Number 3	27
Exhibit Number 4	27
Exhibit Number 5	34
Exhibit Number 6	35
Exhibit Number 7	35
End	137

1 MR. WELBERS: This brings us to the
2 application called Ladd Solar 2, LLC. And it is
3 Parcel Number 18-04-200-005.

4 The common location is on Illinois
5 Route 89, between Ladd and Cherry, approximately
6 1,000 feet south of the Illinois 89 and
7 1800 North Avenue intersection in Agriculture
8 zoned rural Bureau County, near the Ladd
9 elevator.

10 This is a -- this property is presently
11 zoned as Agriculture. This is a request for a
12 Conditional Use -- first a Conditional Use
13 permit to build and operate a 4.99-megawatt AC
14 commercial solar energy facility for the purpose
15 of generating electric power on a portion of the
16 subject property. The property will consist of
17 solar panels, racking, foundation, piles,
18 inverters, overhead poles and lines. The
19 commercial solar energy facility will be
20 enclosed by a perimeter fence.

21 It's also a request for a Variation. The
22 Bureau County Zoning Ordinance, as amended on
23 May 9th, 2023, requires a solar facility to be
24 set back by 1.5 miles from a municipality's

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 corporate boundary line. Requesting a Setback
2 Variation to construct and operate the proposed
3 small solar facility within 1.5 miles of -- from
4 the Village of Cherry and within 1.5 miles from
5 the Village of Ladd.

6 The present use is farmland, for annual
7 grain crops, with agricultural outbuildings.

8 Okay. We have a letter from the Village
9 of Ladd. It starts out, says:

10 The Village Council requested to
11 rescind their prior "no objection" and
12 file an objection with the reasons below.

13 Please let me know if I need complete
14 the original forms we received to show the
15 change from the Village meeting on
16 July 23rd of 2024.

17 Thanks so much.

18 Dear Ladies and Gentlemen,

19 The Village of Ladd Trustees request
20 to rescind their prior "no objection"
21 response from the July 9th, 2024, meeting
22 that was filed via United States Postal
23 Service on July 10th of 2024 for Ladd
24 Solar 2, LLC, and Ladd Solar 3, LLC. As

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 of July 23rd, 2024, meeting, they wish to
2 file Letter D. Our municipality objects
3 to Ladd Solar 2, LLC, and Ladd Solar 3,
4 LLC, applications for the following
5 reasons:

6 The Village Council feels that they
7 were not provided enough information to
8 make an informed decision;

9 They have concerns for the health and
10 welfare of village of Ladd residents;

11 They are unknown -- there are unknown
12 environmental impacts;

13 They are not comfortable with solar
14 panels one-half mile from the Ladd
15 corporate village limits, which is in an
16 industrial development area in Ladd;

17 They are concerned with the pile-
18 driving to erect the racks that hold the
19 solar panels, since Ladd is located over
20 the Illinois Third Vein Coal Company mine
21 shafts;

22 Concerns of electromagnetic fields
23 elevating the risk of fire.

24 At the Tuesday, July 23rd, 2024,

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 meeting --

2 It says Cattani. I believe they're
3 speaking of the mayor.

4 -- asked the council if they felt,
5 after hearing all the farmers' concerns
6 that were in attendance tonight, if they
7 felt they wanted to rescind their vote of
8 "no objection" from the July 9th, 2024,
9 meeting. Janice Martin mentioned; Brad
10 Nicholson -- Martin motioned; Brad
11 Nicholson seconded to rescind the prior
12 "no objection" filed on July 9th, 2024,
13 for Ladd Solar 2, LLC, and Ladd Solar 3,
14 LLC, and to file an objection to be filed
15 on July 23rd, 2024, for Ladd Solar 2, LLC,
16 and Ladd Solar 3, LLC, projects for
17 reasons to be outlined on information that
18 will be provided to the Bureau County
19 Zoning Board of Appeals.

20 Ayes: Dave Margherio, Janice Martin,
21 Brad Nicholson, Andrew Ruggerio, Molly
22 Thrasher.

23 Motion carried.

24 Absent, Dan Nelson.

1 Thank you for allowing the Village to
2 investigate and determine through
3 additional information the best decision
4 for the Village of Ladd.

5 And it cites the Village Trustees. This
6 is signed by the Village Clerk, Rhonda Bezeley.

7 Okay. This one is -- is this the previous
8 one?

9 MS. DONARSKI: That's the form they filled
10 out to go along with that letter.

11 MR. WELBERS: Okay. So this is the same
12 form. This comes from the Village of Ladd:

13 Our municipality objects to the above
14 application for the following reasons:

15 The Village Council feels that they
16 were not provided enough information to
17 make an informed decision;

18 They have concerns for the health and
19 welfare of the Village of Ladd residents;

20 Unknown environmental impacts;

21 They are not comfortable with the
22 solar panels one-half mile from Ladd
23 corporate village limits, which is on an
24 industrial development area;

1 There are concerns with the pile-
2 driving to erect the racks that hold
3 the solar panels, since Ladd is
4 located over the Illinois Third Vein
5 Coal Company Mine Shaft;

6 Concerns of electromagnetic fields
7 elevating the risk of fire.

8 Okay. So the conditions. These are
9 conditions that were --

10 MS. DONARSKI: From the Planning
11 Commission.

12 MR. WELBERS: Okay. We'll read them.

13 MS. DONARSKI: We don't have to read all
14 those.

15 MR. WELBERS: Do you want to read them
16 now?

17 MS. DONARSKI: No.

18 MR. WELBERS: Read them later?

19 MS. DONARSKI: Uh-huh.

20 MR. WELBERS: So I skip all this that says
21 conditions? That would be all four of -- all
22 these pages here?

23 MS. NEMETH: Yes. It's a letter sent by
24 the Planning Commission. The conditions were

1 attached.

2 MR. WELBERS: Okay.

3 MS. DONARSKI: I'm sorry.

4 MS. NEMETH: That's my fault, sorry.

5 MR. WELBERS: Would you like me to read
6 something from the Planning Commission?

7 MS. DONARSKI: This is the Planning
8 Commission, and this is supposed to go behind
9 that. They recommended approval of the attached
10 stipulations.

11 MR. WELBERS: Would you like me to read
12 the whole letter from the Planning Commission?

13 MS. DONARSKI: No.

14 MR. WELBERS: I don't have to read the
15 itemized? Just the paragraph?

16 MS. DONARSKI: Yeah, you can just read
17 that, and then I'll read all this aloud later.

18 MR. WELBERS: So just this paragraph?

19 MS. DONARSKI: Yes.

20 MR. WELBERS: Okay. After further review,
21 we do have a letter from the Bureau County
22 Planning and Zoning Department, and the
23 significant part that I am to read into the
24 record right now is that:

1 Based on the information that was
2 heard, Bureau County Regional Planning
3 Commission found that an application for a
4 Conditional Use, as listed above, was
5 consistent with the applicable goals,
6 objectives and policies of the
7 Comprehensive Plan, and was recommended
8 for approval to the Zoning Board of
9 Appeals and the Bureau County Board with
10 the attached stipulations.

11 Which are significant, and at some point
12 in the application will be read into the record.

13 Okay. Let's see what else we've got here.

14 This is again from the Zoning Board,
15 right?

16 Okay. This is a copy of the original from
17 Ladd that said they had no objection, signed by
18 Mayor Frank Cattani, which has since been
19 rescinded by a subsequent letter.

20 Proof of publication is here.

21 Hall High School District Number 502: Our
22 School District has no objection to the above
23 application.

24 Village of Cherry Mayor Robert McCook:

1 Our municipality has no objection to the above
2 application.

3 MS. STETSON: Of course.

4 MR. WELBERS: Bureau County Highway
5 Engineer, John Gross: Our Road District has no
6 objection to the above application.

7 And I said the proof of publication is
8 here.

9 I think that brings us --

10 MS. DONARSKI: Soil and Water.

11 MR. WELBERS: Is it in here too?

12 MS. DONARSKI: Uh-huh.

13 MR. WELBERS: Okay. We'll look for it.

14 MS. NEMETH: Should have been.

15 MR. WELBERS: We'll find it. If it's in
16 here, I'll find it. That's the Planning. That
17 is Shaw Media, proof of publication. That's
18 Hall High School. That's Mayor McCook. That's
19 John Gross. That's this. That's Zoning.

20 MS. DONARSKI: I'm so sorry.

21 MS. NEMETH: It's in there. I think it
22 was passed up in the beginning.

23 MS. DONARSKI: There it is.

24 MR. WELBERS: It's all highlighted. The

1 pages must be sticking together.

2 This is some information from the Bureau
3 County Soil and Water Conservation District
4 regarding this project:

5 It is the opinion of the Bureau
6 County Soil and Water Conservation
7 District Board of Directors that this
8 report as summarized on this page is
9 pertinent to the zoning request.

10 Cultural Resource Information. Upon
11 review of the historic 1875 plat map, we
12 found no historic sites on the property,
13 but there was a home near the property.

14 Biological Resources. Historically
15 the site was prairie landscape. We
16 recommend planting a pollinator or native
17 mix for the ground cover where possible to
18 improve the biological resources on the
19 site to protect the soil. Our office can
20 provide seed mixes and a management plan
21 upon request.

22 Wetland and Floodplain Information.
23 This site is not within a hundred-year
24 floodplain. There is a ravine -- riverine

1 wetland that is south of the site but not
2 within the current building site.

3 Consultation with U.S. Army Corps of
4 Engineers should happen before
5 finalization of work plans if the project
6 will be in and/or near waters of the
7 United States.

8 Erosion Control. The building site
9 is located on gently sloping ground. Most
10 of the soils on the site are at a slight
11 risk of erosion. Care should be taken to
12 cover the bare soil during the
13 construction whenever possible. Grading
14 should be kept to a minimum.

15 Soils Information. Most of the soils
16 on the site are somewhat poorly drained
17 and very limited when it comes to shallow
18 excavation. Additional building and
19 engineering considerations may be needed
20 on locations that are very limited when
21 considering shallow excavation.

22 Conservation Practices. If there are
23 soil conservation practices that will be
24 damaged by the activity on the site, those

1 conservation practices shall be restored
2 to their pre-construction condition as
3 close as reasonably practicable in
4 accordance with USDA and NRCS technical
5 standards. All repair costs shall be the
6 responsibility of the facility owner.
7 This may include fees, paying back annual
8 payments, liquidated damages, or
9 cancelling the existing program contract
10 if there are no plans to build on the
11 permanently remove the practice -- no
12 plans to build on and permanently remove a
13 practice. Work with individual landowners
14 to determine if practices were put in
15 using USDA program money.

16 Refer to the specifications
17 outlined --

18 AIMA. Refer to the specifications
19 outlined in the Agricultural Impact
20 Mitigation Agreement with the Illinois
21 Department of Agriculture for the minimum
22 standards applied to all construction
23 and/or deconstruction activities. We
24 emphasize that construction activities

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 should not occur when normal farming
2 operations, such as plowing, disking,
3 planting and harvesting, cannot take place
4 due to weather conditions. If an AIMA is
5 still needed, the appropriate forms can be
6 found in the Illinois Department of
7 Agriculture website.

8 Have I covered everything I'm supposed to
9 read now?

10 MS. DONARSKI: I believe so.

11 MR. WELBERS: Do we see if the Applicant
12 is here? I bet so.

13 I see him. Go ahead, sir. Come on up.

14 MR. JACOBI: I tried to get a head start.

15 BEN JACOBI,
16 being first duly sworn, testified as follows:

17 MS. NEMETH: State your name and address
18 for the record, please.

19 MR. JACOBI: Ben Jacobi, J-A-C-O-B-I,
20 150 North Riverside, Chicago, 60606.

21 Is this on?

22 MR. WELBERS: No.

23 MR. JACOBI: I can speak loud.

24 MR. WELBERS: You carried well the last

1 time you were here.

2 MR. JACOBI: I will do my best. If you
3 can't hear me, let me know.

4 MR. WELBERS: It just doesn't work, I
5 guess.

6 MR. JACOBI: That's okay. It will sound
7 like I'm mic'd when I start yelling.

8 Good evening, Mr. Chair, members of the
9 Board, members of the public. Thank you very
10 much. My name is Ben Jacobi. I'm the attorney
11 for the Applicant here tonight, Ladd 2.

12 It's a privilege for me to be here tonight
13 to present this project. I'll be kicking things
14 off, I'll introduce the next witnesses that we
15 have to testify on the topics specific to this
16 project tonight. It's a pleasure to be back.
17 It's not my first time before this Board. So
18 Thank you.

19 And actually, I used to represent Bureau
20 County in claims of liability a long time ago in
21 my former job. I no longer do. And I don't
22 recognize any of you, so that's a good thing.
23 And I probably told that joke last time, but
24 it's always funny.

1 So thank you very much. I'm here with
2 Reuben Grandon. He's the lead developer for the
3 project, and he'll be providing specifics on the
4 project after I'm done introducing everything.

5 Kelten Sharp is an engineer from Kimley-
6 Horn, in the back there. He'll be speaking on
7 topics such as stormwater, drainage and runoff,
8 the components of the installation, EMF and
9 pile-driving.

10 Erin Bowen is with CohnReznick. She's an
11 expert on property valuation, and she will speak
12 to that.

13 Maybe the two most important people in the
14 room, Brian Gillan and Kurt Gillan, are the
15 landowners. They are here tonight. We really
16 appreciate their support for the project. So
17 thank you very much. I wanted to make sure I
18 acknowledged that they are here as well.

19 So the project here, Ladd 2, I'll give a
20 very high overview first. Ladd 2 is located on
21 a parcel south of Cherry, north of Ladd. It's
22 about 4400 feet south of Cherry and about 2600,
23 or a bit over 2600, feet north of Ladd on
24 Route 89.

1 Ladd 2 is on the north side of this
2 parcel. So there are two projects on the agenda
3 tonight; one is on the north and one is on the
4 south. So this is the project that's on the
5 north side of that parcel. We'll be addressing
6 that one first. We'll use approximately 34
7 acres and we'll have a capacity of up to
8 4.99 megawatts.

9 The project comes with a number of
10 benefits. I'll just give a highlight of a few
11 of them, for the benefit of the record and for
12 members of the public that haven't heard it. I
13 know that this isn't the Board's first solar
14 project, so you have probably heard some of
15 these before, but I think it's important to
16 address it at hearings.

17 The first is property taxes. The project
18 will be assessed at a fair market value of
19 \$218,000 per megawatt. So at 5 megawatts, just
20 under 5 megawatts, just that's a little over a
21 million dollars of fair market value. That's
22 adjusted up with a CPI index over the years and
23 it's adjusted down for depreciation.

24 All total, in the first year it will

1 generate about \$37,000 in property taxes. I
2 don't have the tax card. It's usually about 10
3 to 11 times what the farmland generates as
4 property taxes. And that will go down for a
5 while due to depreciation, then will bottom out,
6 then it goes up again due to inflation over the
7 life of the project.

8 It will create about 30 to 40 construction
9 jobs during construction.

10 It is a community solar project, and what
11 that means is, it operates on a model where
12 members of the community that are on the
13 distribution grid, so in ComEd, can subscribe to
14 the project, and then they get an amount off of
15 their supply bill. You can go online to find
16 the project. You can subscribe to it. So
17 that's a benefit to residents, money in the
18 pockets of residents.

19 It, of course, is a source of domestic
20 energy. That's important to us. And it
21 preserves the agricultural land through the
22 AIMA, which is Agricultural Impact Mitigation
23 Agreement, that has been executed with the
24 Illinois Department of Agriculture. That is a

1 contract with the IDOA. You have to sign it.
2 You either sign it for a project; or you don't,
3 you don't get a project. It's nonnegotiable.
4 It's on the website.

5 It's a set of terms that require that we
6 maintain the integrity of the agricultural land,
7 the productivity. It requires certain things
8 like decommissioning, protection of topsoil,
9 removal of the materials when the project is
10 complete, and the maintenance of the
11 decommissioning bond that will be drawn by the
12 County in the event that the company doesn't
13 decommission. So there's protection for the
14 County there, and that's required by this
15 contract with the Illinois Department of
16 Agriculture. And again, you have to sign it.

17 Also, of course, the land lays fallow for
18 the lifetime of this project, which will
19 probably be -- and Reuben will tell you exactly,
20 but it will probably be in the neighborhood of
21 30 to 40 years. As the ground lays fallow, then
22 it rejuvenates the productivity of the soil.
23 Studies show that carbon and nitrate levels are
24 replenished with the use of the prairie grass

1 and native pollinator seed mix that will be used
2 in this, under and around the panels. So you'll
3 have, sort of, wildflowers and other pollinators
4 out there, and the root system there helps
5 rejuvenate the soil and actually creates a
6 better filtration system for water through the
7 soil. And Reuben can talk about that as well.

8 So those are some of the benefits that the
9 project brings. Again, just highlights, high
10 levels.

11 Our app tonight, of course, is for a
12 Conditional Use Permit under the Zoning
13 Ordinance 3.41-4B. The application is really
14 designed as a checklist. So if you look through
15 our applications, it restates the Ordinance
16 requirement, and then under that it explains how
17 we comply with it.

18 So it operates as a checklist. This is a
19 good way for us to make sure that we're
20 complying with the Ordinance, which is of utmost
21 importance; and, second, it gives you an
22 opportunity to double-check our work, and that's
23 important as well.

24 We are also asking for the Variance from

1 the 1.5-mile setback from municipalities, and
2 we're asking for that under Section 10.5 of the
3 Zoning Code.

4 The Village of Ladd did object to the
5 project for a number of reasons. We will
6 address each of those reasons tonight. I -- you
7 know, we take the Village of Ladd's comments
8 very seriously, and we have our witnesses here
9 that can respond to each one. So I want to sort
10 of forecast that that is the plan tonight.

11 I want to sort of highlight them real
12 quick, because I think laying that path for the
13 Board is important because the Village of Ladd's
14 concerns are ones that we, again, take
15 seriously. So you know, the Village of Ladd
16 comment that not enough information was
17 available to it at first to properly assess the
18 project. You know, our application there does
19 have all of the information required to show
20 that we're in compliance with the Zoning
21 Ordinance and the state law and, of course,
22 County's Code 5-12020.

23 So we would encourage anybody who doesn't
24 feel they have enough information to please take

1 a look at our application. We spent a lot of
2 time and took time to make sure it complies with
3 the Ordinance.

4 There were concerns of health and welfare,
5 and you will hear testimony from our experts,
6 Reuben and Kelten in particular, that the panels
7 are safe, that there's no impact on neighbors,
8 that there's no danger, and so health and safety
9 is not of concern.

10 The Village of Ladd noted unknown
11 environmental impacts. Exhibit 4 of the
12 application is that AIMA, I noted, and I'm about
13 to do some housekeeping and submit the
14 fully-executed AIMA into the record.

15 Also, Exhibit 5 is the EcoCAT from the
16 Illinois Department of Natural Resources, which
17 shows unlikely adverse impacts.

18 Exhibit 6 is the --

19 MS. DONARSKI: Can you slow down a little
20 bit? Because we have to write all of this down.

21 MR. JACOBI: I'm sorry.

22 MS. DONARSKI: Thank you.

23 MR. JACOBI: So Exhibit 6 is the U.S. Fish
24 and Wildlife Services IPaC, and Rabe Consulting

1 found -- analyzed that impact and found -- or
2 analyzed that report and found no effect or no
3 impact.

4 The fourth concern that the Village of
5 Ladd raised was that it was not comfortable with
6 panels within a half mile of corporate limits,
7 which is an Industrial development area in Ladd.

8 We note from the zoning map in Ladd that
9 the northern part of the village is Industrial,
10 zoned Industrial. Solar is consistent with
11 Industrial. In fact, it's consistent with AG
12 and Industrial, but the State statute also
13 allows it to be developed on Industrial lands.

14 To the extent industry or Industrial uses
15 are moving northward up 89 there, this solar
16 farm, during its existence, will be consistent
17 with those uses.

18 There was concern about pile-driving over
19 mine shafts, and we will hear from Reuben and
20 Kelten that we had that studied. Of course, we
21 can't -- don't want to and can't put a solar
22 farm on top of empty mine shafts. So that has
23 been studied, and no mine shafts were discovered
24 from our consultants.

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 I will tell you, and I think Reuben will
2 back me up on this, once geotech studies are
3 done on that parcel, if abandoned mines are
4 discovered, that will be a problem, and we will
5 have to deal with that and likely will have to
6 reconfigure the project.

7 So, you know, that is being accommodated
8 from the Village's concerns. And if there --
9 and, again, we had it studied, and there were no
10 mines recorded on that property.

11 Then finally, the EMF concern -- and
12 Kelten will testify about this, but the EMF from
13 the inverters is quite negligible, no more than
14 a household appliance. So that is something
15 that I will leave to the engineer to explain.

16 But I wanted to make sure we just, you
17 know, put the Village of Ladd's objection right
18 up front and address it, because its important,
19 and I know it's part of the Village's
20 consideration -- or, I'm sorry, the County's
21 consideration.

22 So we're honored to receive a
23 recommendation from the Planning Commission,
24 which recommended approval with conditions.

1 I'll note, we don't object to any of those
2 conditions, and we will commit to those
3 conditions. And we hope to earn your vote
4 tonight after consideration both of Conditional
5 Use Permit and of the Variance.

6 I have a little housekeeping. I have a
7 couple of exhibits that I would like to
8 introduce into the record now, and then I'll
9 turn it over to Reuben to go into some project
10 details.

11 So first, I do have the fully-executed
12 AIMA. And second, I have the notice and the
13 list of landowners to whom notice was provided.

14 (Exhibits Number 1 and 2 marked
15 for identification.)

16 MR. JACOBI: And then as an exhibit, I
17 will enter as a group here two studies: one
18 Real Estate Adjacent Property Value Impact
19 Report from CohnReznick, which is a literature
20 research analysis and market participant review;
21 and then second with this exhibit is the site-
22 specific analysis addendum for this Ladd 2
23 project and also includes Ladd 3, but we'll
24 introduce them now for Ladd 2.

1 So I am going to provide that copy to the
2 record, and then I have copies for the Board, if
3 you would like them.

4 (Exhibits Number 3 and 4 marked
5 for identification.)

6 MR. JACOBI: Okay. That concludes my
7 opening statement.

8 REUBEN GRANDON,
9 being first duly sworn, testified as follows:

10 MS. NEMETH: Your name and address for the
11 record, please.

12 MR. GRANDON: Reuben Grandon.

13 MS. NEMETH: Spell that, please.

14 MR. GRANDON: R-E-U-B-E-N, last name
15 Grandon, G-R-A-N-D-O-N, 3519 Northeast 15th
16 Avenue, Number 325, Portland, Oregon, 97212.

17 MR. WELBERS: Go ahead and begin, sir.

18 MR. GRANDON: All right. Good evening.
19 Thank you for the opportunity to present about
20 our solar project, Ladd Solar 2.

21 And thank you, members of the Board, for
22 serving your community and having us back here.

23 Thank you, Kris, the Zoning Enforcement
24 Officer, for all of your help with this

1 application.

2 And thank you, members of the public, for
3 being here. It was a pleasure to meet some of
4 you after the Village of Ladd Board meeting on
5 Monday night. So, looking forward to presenting
6 this application for solar in Bureau County.

7 So my role with the company, GreenKey
8 Solar, is the project developer. I have been
9 with GreenKey Solar about four and a half years,
10 and this type of project is exactly the type of
11 project that we focus on. We only do ground-
12 mounted solar of about this scale of community
13 solar. So we don't do any wind. We don't do
14 any rooftop. This is exactly what we're focused
15 on for solar.

16 A little background just about me briefly.
17 I'm from a rural farming community in Iowa. So
18 I do understand rural Midwest, rural Illinois,
19 rural Iowa. My first job when I was 14 -- I
20 should say, my first wage job was detassling
21 corn. So I'm very proud to be from a rural
22 area.

23 With this project, as been talked about a
24 little bit, we will be a community solar

1 project. It's located in Ameren territory. And
2 the idea behind community solar is anybody with
3 an Ameren electric meter, whether that's a
4 resident, a business or municipal office, could
5 subscribe to the project to get their power.
6 And by doing so, they get a small discount on
7 their bill, somewhere around 10 percent or so.

8 The location of this particular project is
9 striking a balance between the clean energy
10 goals in the State level, as well as the rural
11 nature of the surrounding farm nature of the
12 location. That location, as been said, is on
13 Illinois Route 89. It's in between the Villages
14 of Ladd and Cherry, and all of the land
15 surrounding is rural homesteads and farmland.

16 The project itself is -- and I know a lot
17 of you in here already know exactly what a solar
18 project is, but for those of you who haven't
19 heard this kind of presentation before, I do
20 want to just take a minute and describe what the
21 project will look like.

22 So the field itself, when we start
23 construction we do implement vegetation control
24 for, you know, just a ground cover for erosion

1 control. And then we're driving in steel
2 I-beams into the ground. So they are
3 approximately 3 inches by 6 inches. They go
4 into the ground about 6 to 10 foot deep, and
5 they are pounded hydraulically. So you can use
6 an attachment on a Cat or a Deere, or there are
7 special equipment for that, as well, to just
8 pound them into the ground.

9 So, you know, it's not very common -- and
10 our geotechnical report will certainly verify
11 this and confirm this, but it's not very common
12 to use any gravel or concrete. Usually the soil
13 is just firm enough for those to just be pounded
14 into the ground.

15 On top of that, across those piles there
16 is a cross beam. It's called racking. It's
17 just a metal pole that sits horizontally. Then
18 on top of that is the solar panels themselves.

19 These will be a tracker system, is our
20 goal for this facility. So the rows will go
21 from north to south and, kind of like a
22 sunflower, it will tilt towards the east as the
23 sun rises and towards the west and track the sun
24 throughout the day as the sun sets.

1 With that facility, too, there will be a
2 small concrete pad, and that will hold the
3 transformer. So all of the lines will come to
4 that concrete pad where the transformer is
5 located. So everything is connected there. And
6 then from there, it goes out to the utility
7 grid. So there will be the interconnection with
8 Ameren. There will be a pole right by our
9 property.

10 So how we found this project -- sites are
11 very limited. So the way that we find a project
12 site is, first, driven by interconnection. So
13 one analogy we use is a three-legged stool. So
14 the first one is our ability to interconnect to
15 the power grid and to sell the power. So that
16 means we initially do a study on the substation
17 and on the lines that have capacity.

18 After that, we start looking for land.
19 Once we find areas that are good -- and we can't
20 be anywhere in co-op territory. We can only be
21 in Ameren territory. So that's the first, kind
22 of, clear on what land is available.

23 Then we're looking at other things, like
24 other environmental concerns, like wetlands or

1 floodplains. That narrows our list further.

2 Once we do have suitable land, then we
3 send out a letter to potential landowners that
4 might want to work with us. If there is a
5 willing landowner, then the next thing we're
6 looking at is the permitting.

7 So the first leg is interconnection; the
8 second leg is willing landowner; and then the
9 third leg is what brings us here tonight, is
10 that there is a path to permit the project and
11 actually go towards construction.

12 So on this one, the point of
13 interconnection or those utility lines are right
14 along Illinois 89, and they're on the west side
15 of the road, the same side of the road as our
16 project is located.

17 The site conditions are suitable. The
18 topography is a little roly-poly, but it's
19 nothing serious. It won't require grading. It
20 will be very easy to put the solar farm on
21 there. There's no wetlands within the project
22 area. There's no floodplain on the property.
23 And it's zoned Agriculture. So we are able to
24 apply for and been granted a Conditional Use

1 Permit for the solar facility in the
2 Agricultural zone.

3 Yes, to what Ben said, we do take the
4 concerns of the Village of Ladd very seriously,
5 and the one I'll start with is the pile-driving.
6 So we got information that there was concern
7 that we could be pile-driving on top of an area
8 that is -- on top of an area that is an
9 underground mine.

10 So we engaged a consultant, Western Land
11 Services. And I'll hand this out to the Board.
12 But they did an analysis on the land, and they
13 provided a letter that says -- I'll just
14 highlight one section:

15 Specific to the project area, there
16 are no wells, mines or pipelines.

17 I'll hand this out. I didn't print -- I
18 only printed three of these.

19 MR. WELBERS: Make sure that she can get
20 one into the --

21 MR. GRANDON: Okay.

22 MR. WELBERS: -- into the record.

23 MR. GRANDON: In fact, I may save one for
24 the next hearing on the other project.

1 MS. DONARSKI: Okay.

2 MR. GRANDON: And one to the court
3 reporter.

4 COURT REPORTER: You can give it to them
5 so they can look at it.

6 (Exhibit Number 5 marked for
7 identification.)

8 MR. GRANDON: Okay. Mr. Chairman --

9 MS. DONARSKI: Reuben, could you say -- I
10 must have misheard what you said when you
11 were -- didn't you say this report said there
12 were no wells?

13 MR. GRANDON: Yes. It says: Specific to
14 the project area, there are no wells, mines or
15 pipelines.

16 It's the third paragraph on that report.

17 MS. DONARSKI: Okay.

18 MR. GRANDON: Sorry if I mumbled.

19 MS. DONARSKI: I just wanted to make sure.

20 MR. GRANDON: It could be my Iowa mumble
21 kicking in. I wouldn't be surprised.

22 Then the other thing I kind of wanted to
23 show, it's kind of an attachment to that report,
24 are just a couple maps that were really helpful

1 for me. I'm kind of a visual guy.

2 It shows the outline of the property, and
3 it shows the location of the mines as well. So
4 there's one zoomed in, and then there's one a
5 little zoomed out, as well.

6 So I'll submit those two documents to the
7 record as well.

8 (Exhibits Number 6 and 7 marked
9 for identification.)

10 MR. GRANDON: You know, being on top of a
11 mine would be very challenging. It would be
12 something that we would need to discuss with an
13 engineer to decide how we can design the
14 facility. I'll leave it to our engineer that's
15 in the room tonight that will be speaking later
16 to talk more about the specifics of pile-
17 driving.

18 But as far as our investigation goes on
19 this property, we are not over a mine. There's
20 no mine under the ground where we're located.
21 And on top of this report, we will also have a
22 geotechnical report that's completed prior to
23 construction. A geotechnical report will give
24 us the soil structure, and it helps us determine

1 our design requirements when we go to build the
2 facility.

3 Based on my experience with other
4 geotechnical reports in the area, we expect that
5 these piles will be very easy to drive in. And
6 at the end of the useful life, when it's
7 decommissioned, we anticipate they'll come back
8 out of the land without having to be cut out
9 underneath the ground. So we expect it will be
10 very similar to other projects that we worked on
11 in the area.

12 One topic that was a concern was
13 environmental concerns for the project. The
14 Village of Ladd talked about that in their
15 report that Mr. Chairman read.

16 I just want to emphasize that for our
17 panels we are not going to utilize toxic panels
18 in the facility. We don't have -- we do not
19 procure toxic solar panels. The panels
20 themselves are essentially silicon or highly-
21 refined sand. So it's a glass sheet. Then
22 inside, underneath that glass sheet, there's a
23 series of wires and another glass sheet that
24 encapsulates them. The panel is laminated. So

1 it's very durable. Then the perimeter is
2 encased in an aluminum frame. Then there are
3 wires on the back that connect everything
4 together.

5 So they are very durable. They are meant
6 to withstand hailstorms, for example. There's
7 no chemicals in the panels at all. They can
8 withstand, you know, a great amount of force.

9 Where we procure the solar panels from, we
10 do like to design for Qcells, that's designed
11 and engineered in Germany. And we're very happy
12 to see that Qcells is opening up a manufacturing
13 plant in Georgia that I believe is up and
14 running. So it's really great to see solar
15 manufacturing getting expanded in the U.S. So
16 hopefully we'll be able to procure more panels
17 in the U.S. in the future.

18 One of the things that I like to do before
19 we submit our application is to reach out to the
20 emergency responders. So I have, you know, just
21 introduced myself and opened up lines of
22 communication with the fire department, which is
23 the Ladd Fire Protection District. I spoke with
24 Chief Liebe, talked about our facility and,

1 importantly, invited him out to an orientation
2 of the facility, offered to help provide
3 training once we get closer to construction, and
4 just want to make sure that they feel
5 comfortable with the solar farm in the district
6 and that we can assist them with training and
7 providing an orientation and helping with their
8 emergency response plans, as they may desire.

9 The same with the emergency service, 10/33
10 Ambulance, made the same phone call for them. I
11 have only left a voicemail so far.

12 I do want to emphasize one thing that Ben
13 talked about, and that's the Agricultural Impact
14 Mitigation Agreement. That agreement has 17
15 different sections in it, and we take it very
16 seriously. That agreement was developed by the
17 Department of Agriculture, and they work with
18 other sister organizations and departments in
19 the state, like the Illinois Department of
20 Natural Resources. And of those 17 things, you
21 know, there is weed control included, soil
22 compaction. I mean, there are a lot of things
23 under the sun for that agreement that ensures at
24 the end of the useful life of this facility it

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 can be returned back to ag land, but also
2 throughout construction and throughout operation
3 we are being good stewards of the land.

4 An important part of that, too, is for
5 weed control we implement a vegetation
6 management plan, and this is in accordance with
7 the Bureau County Zoning Ordinance, as noted in
8 the Natural Resources Report from the SWCD for
9 Bureau County.

10 We are working to achieve a score of 96 on
11 the Illinois Pollinator-Friendly Scorecard,
12 which is something that the Department of
13 Natural Resources developed in order to
14 encourage solar farms like this to have
15 pollinator species which essentially returns the
16 land to prairie that's not covered by the
17 I-beams or the concrete pad within the facility.

18 I think that's very important. Because if
19 you think about concerns around erosion, for
20 example, you know, we're going to have native
21 vegetation on the entire facility, which is
22 going to increase the filtration of water into
23 the ground. And if you think about after
24 40 years what that ground will look like, I

1 think the biological resources will have
2 improved over the lifetime of the facility.

3 With regards to our access, it will be on
4 Illinois 89. And we worked hard to put our
5 driveway, our access location, as far away from
6 the two houses that are on 89. One's on the
7 west side of 89 and one's on the east side of
8 89. We tried to put it as close to the middle
9 of those two houses as we could. That will also
10 be the same location as our point of
11 interconnection with the utility lines. So
12 trying to maximize the distance from those
13 houses as much as we can.

14 We submitted an initial application to the
15 DOT, and they approved our driveway location.
16 So we do have a green light from the DOT from
17 that, or IDOT. The next phase of that will be a
18 full design review and submittal of the design
19 for the driveway. And, you know, no indication
20 that the location for the driveway needs to be
21 moved. We just need to fulfill all of the
22 design requirements.

23 Any of the impacts from the solar facility
24 will be completely contained to within the

1 facility. So once you get, you know, to the
2 fence line or even the boundary line of the
3 facility, there will be no perceivable impacts
4 beyond the fence. You can see in our zoning
5 site plan, which the maps are kind of the more
6 fun things to look at, but we have the site plan
7 that shows where the array is located. And then
8 we do demonstrate compliance with all of the
9 setbacks.

10 So you can see that the array, including
11 the fence, is 50 feet back from all of the
12 property lines. In the case of the public
13 right-of-way, it's also 50 feet back from the
14 public right-of-way. Then we're at least
15 150 feet back from any of the outside walls of
16 any of the, they call them, nonparticipating
17 dwellings or any of the houses that are nearby.

18 If you're looking at the site plan, you
19 can see the circles that are, like, hash marks.
20 That's showing the 150-foot setbacks from any
21 residences.

22 With that, I believe our application
23 fulfills the requirements in the Bureau County
24 Zoning Ordinance, and we kindly request the

1 Zoning Board of Appeals' recommendation for
2 approval for the CUP application. Thank you.

3 MS. DONARSKI: Mr. Chairman, I would like
4 to take a break right now. We need to get
5 copies of this so the Board can review all of
6 this. They have been talking about something
7 that they haven't seen. We have one copy maybe
8 passed around. Nobody can look at it.

9 They're saying the Village. The Village
10 hasn't got to see that.

11 So we usually like to have ten copies,
12 Reuben, as we have previously discussed.

13 But I think we need to take a break and I
14 need to make copies of this.

15 MR. WELBERS: You don't have to convince
16 me. We'll take a break. How many minutes? 10?

17 MS. DONARSKI: Yeah, probably 10 minutes.
18 I'll run down and make copies.

19 MR. WELBERS: We'll take a short break.

20 (A recess was taken at 8:16 p.m.
21 and proceedings resumed at
22 8:27 p.m.)

23 MR. WELBERS: So you finished your
24 presentation?

1 MR. GRANDON: Yeah.

2 MR. WELBERS: Do you have specific
3 questions?

4 MS. DONARSKI: I do. I do.

5 MR. WELBERS: I thought you would.

6 EXAMINATION

7 BY MS. DONARSKI:

8 Q. So, Reuben, on this exhibit from Andrew Lines
9 from CohnReznick -- is Mr. Lines going to be
10 present to provide testimony on this at this
11 hearing?

12 A. No, he's not here tonight, but it's also
13 developed with his colleague, Erin, who is here
14 tonight.

15 Q. So is Erin going to provide testimony on this?

16 A. Yeah, she will.

17 Q. So if we have questions, we can ask her?

18 A. Yes. Thank you.

19 Q. Thank you.

20 My next question is on this Western Land
21 Services exhibit. Is Mr. Graham or his
22 representative going to be present to provide
23 any information, or is this report what you have
24 to provide?

1 A. Yeah, Mr. Graham is not present tonight. This
2 report is what we have to provide.

3 Q. Okay. Would you mind if I read that aloud, so
4 I can ask you a question?

5 A. Okay. Sure.

6 Q. The report is dated August 9th, 2020- -- excuse
7 me, 2024, Ladd Solar 2 and 3:

8 "Dear Kelsey,

9 This is the scope of my research for
10 Ladd Solar 2 and 3. The project area for
11 this report was created by referencing the
12 provided documents and delineating it on
13 the map.

14 Within a 3-mile radius of the project
15 area, there are 48 wells. Of these, there
16 are 6 dry, 29 other, and 13 plugged wells.
17 There are five mines within the 3-mile
18 radius. Of these, there are one air
19 shaft, three abandoned shafts, and one
20 uncertain location. This data was
21 verified through the USGS Mineral Resource
22 Data System (MRDS) website. There is one
23 natural gas pipeline within the 3-mile
24 radius. The data shown on our map is an

1 approximation of the pipeline location
2 from the Homeland Infrastructure
3 Foundation-Level Dataset (HIFLD), and
4 while verifying with the National Pipeline
5 Mapping System (NPMS) public viewer, the
6 locations of the pipelines differ, as seen
7 on the screenshot below.

8 Specific to the project area,
9 there are no wells, mines or pipelines.

10 This was verified with records from
11 the Illinois State Geological Survey. The
12 attached glossary is a set of common
13 definitions for well types and mine types
14 found in various publicly-accessible
15 databases. Title work was not completed
16 during this research. Individual
17 regulatory well files were not reviewed
18 during this research. This data was only
19 verified from the source of the well and
20 mine data and not from local courthouses.

21 Respectfully,

22 Robert Grim, GIS Analyst, Western
23 Land Services, Incorporated."

24 And they are out of Ludington, Michigan.

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 So with that said, is it your
2 understanding that the Village of Ladd's concern
3 was the impact of the pounding on wells
4 underneath the Gillans' subject property? Is
5 that what you understood that the concern was?

6 A. Yeah, my understanding for the Village of Ladd
7 is that the concern was that we would be
8 covering a mine, and that the driving of piles
9 could cause concern if we're on top of a mine.

10 So we wanted to do some research when we
11 heard about that, and took their concern very
12 seriously. So I engaged this consultant,
13 Western Land Services, to evaluate if we are, in
14 fact, on a mine. And what they produced in
15 their report is that there is no mine underneath
16 the subject property. So we are not on top of a
17 mine.

18 Q. Okay. Just so we have that to be clear.

19 Okay. The second part of my question is,
20 is the property -- was the paragraph that was
21 not previously disclosed that says, "Within a
22 three-mile radius of the project area, there are
23 48 wells...There are six dry, 29 other and 13
24 plugged wells," what would be an impact of the

1 repetitive pile-driving on wells within three
2 miles of the project area?

3 A. Myself, I'm not aware of any impacts within a
4 three-mile radius. We have developed other
5 solar projects that have wells within a
6 three-mile radius. This topic has not come up
7 as an issue on those other projects.

8 But this specific report -- and the reason
9 I highlighted just that one line of the report,
10 was that it said specific to that project
11 area --

12 Q. Correct.

13 A. -- which is on the map attached to it,
14 highlighted in green --

15 Q. Right.

16 A. -- the full subject property area. It says,
17 "There are no wells, mines or pipelines."

18 Q. Correct.

19 Okay. So in this letter that you
20 submitted, this report, it says that, "There are
21 five mines within the three-mile radius. Of
22 these, there are one air shaft, three abandoned
23 shaft and one uncertain location."

24 What possible impact could repetitive

1 pile-driving have on abandoned mines within a
2 three-mile radius of the subject property?

3 A. Yeah, that may be getting a little bit beyond
4 my expertise. I'll offer my explanation, and
5 then maybe Kelten, our engineer that's here
6 tonight, can offer a further explanation.

7 Q. Okay.

8 A. But my understanding is that driving these
9 piles into the ground is not going to create
10 excessive vibrations. It will not create more
11 vibrations than, say, trucks during harvest
12 going to the Ladd Elevator on Illinois Route 89
13 or other areas.

14 So I don't anticipate there to be big
15 impacts from pile-driving, but I'll defer to
16 Kelten to get more into the details on that.

17 Q. Has Kelten read this report then and is
18 familiar with that?

19 A. I believe he has, but I'll defer to Kelten to
20 be sure.

21 Q. Okay. That's my questions on that report.

22 MR. WELBERS: Is that all you have?

23 MS. DONARSKI: Let me look at this -- my
24 other notes here.

1 Q. (By Ms. Donarski:) When you were talking about
2 your proposed development -- I know that you've
3 testified at many hearings and it's very
4 familiar. A lot of these folks here, this is
5 the first that they have heard of that. So
6 that's why we ask a lot of questions, so their
7 questions can be answered on how this all works.

8 So you were testifying that the sun --
9 that the array follows the sun during the day?
10 When the sun goes down, what happens to the
11 array? What does it do at night?

12 A. Yeah, so the system that we would like to
13 develop for this project is called a single-axis
14 tracker. So the rows will be north to south,
15 and the panels will tilt to follow the sun as it
16 rises in the east and throughout the day as it
17 sets. At the end of the day, they go into a
18 stow mode, and they're stationary for the rest
19 of the day until the sun rises the next day.

20 Q. Okay. So with these, when they are -- after
21 they are constructed, what is the height of the
22 highest end of those panels, Reuben?

23 A. Yeah, typically the maximum height above grade
24 will be 12 feet --

1 Q. Okay.

2 A. -- when they're tilted.

3 Q. How about the amount off ground?

4 A. Typically, above grade, at the low end of the
5 panel, 12 inches to 24 inches, but usually right
6 around 18 inches or so, foot and a half.

7 Q. Okay. And then how you had said you were going
8 to do a pollinator mix, how is that -- I don't
9 want to say groomed, but how is it kept under
10 control or managed?

11 A. Yeah, yeah, so we definitely have -- I like
12 that question. Thank you.

13 We have a fully-developed vegetation
14 management plan as part of the application
15 package that we submitted with our land use
16 application, and it talks very thoroughly about
17 vegetation management. We worked with a nursery
18 that's based out of Ottawa for procuring the
19 seeds. When we do implement that plan, one of
20 the first things is a ground cover to help with
21 any erosion during construction, and then
22 restoring the land to prairie throughout the
23 useful life.

24 And the specifics will be better answered

1 by a professional, but we will work with a
2 contractor that will implement the vegetation
3 management. So somebody that has the proper
4 licensure to spray, if there was need for
5 spraying, and somebody that's an expert in the
6 field and ideally locally, so they can be there
7 to take care of it throughout the life.

8 Q. So then how -- is it sprayed around the fences
9 so that things don't grow up on the fences? Or
10 how does that work?

11 A. For the, like, spraying of -- control?

12 Q. Yes.

13 A. Yeah, typically it's limited to the fences,
14 maybe a little bit more than that. But we
15 implement spot spraying, and the fence line is
16 the biggest issue with weeds and weed control,
17 so.

18 Yeah, we certainly take that seriously.
19 We would hate for the weeds to get out of our
20 facility and impact land that our landowner owns
21 and farms or any of the neighbors own.

22 It's not just in the Bureau County
23 Ordinance and the vegetation management plan,
24 but it's also in the AIMA, talking about weed

1 control.

2 Q. Do you ever, like, graze those lands with sheep
3 or anything like that?

4 A. We are open to it. If anybody has sheep that
5 wants to graze on there, we would be very open
6 to having a conversation about that.

7 The facility is safe, all built to Code.
8 So there's no risk of electrocution. On some of
9 our farms we do have sheep that graze, and they
10 help with the vegetation management. So, yeah,
11 certainly a win-win. We're open to that idea,
12 but yeah, we need to find somebody that already
13 has sheep and is already interested in that.

14 Q. What about the pollinator mix? Is that to,
15 like, encourage bees and things like that to
16 develop? Do you ever open that up to people who
17 have bees and hives, that they can put their
18 hives somewhere on the property to help to
19 pollinate from those wildflowers and things that
20 you're planting under there?

21 A. Yeah, there's no plans right now to have any
22 beehives or anything like that on the facility.
23 But, similar to the sheep, if there was interest
24 in that, we would certainly be open to talking

1 about it.

2 Q. Okay.

3 A. Of course, we need to evaluate what there is
4 for requirements for permitting and other
5 regulations. But, yeah, we would certainly be
6 interested in exploring that with somebody.

7 Q. Okay. Moving on to your testimony on the
8 interconnection. Now, where is the substation
9 location where this project will interconnect
10 to?

11 A. This grid, I believe, goes to the substation
12 that's north of Cherry, just a little bit north
13 on 89.

14 Q. Okay.

15 A. And ties into the greater Ameren network.

16 MS. DONARSKI: Okay. That's all I have so
17 far. Thank you, Reuben.

18 MR. GRANDON: Thank you.

19 MR. WELBERS: Now, I'm certain there are
20 folks here that want to ask Reuben questions.
21 And just to review, this is the opportunity to
22 ask him questions regarding his testimony.
23 Everyone that wants to ask a question or a
24 series of questions can do it. Sometime later

1 in the hearing will be the opportunity to come
2 up and express your own points of view. That's
3 testimony.

4 So try to limit it right now to questions.
5 And who would like to start?

6 Go ahead, Connie. We'll start here.

7 MS. DONARSKI: Please state your name so
8 the court reporter knows who's asking.

9 MR. WELBERS: I'll say that, yes. Clearly
10 state your name. When it comes time for
11 testimony, you'll come forward, be sworn in and
12 all that. You can ask questions from your seat,
13 but state your name so that the court
14 reporter -- each time. You know, if -- not for
15 each question, but if another question comes to
16 mind later, so she has it.

17 So go ahead. Connie Stetson.

18 MS. STETSON: Connie Stetson.

19 EXAMINATION

20 BY MS. STETSON:

21 Q. Earlier Ben was talking about the Ladd not
22 okaying this, and you said something about
23 industrial farms were both, da, da. Something
24 like that you said.

1 MR. JACOBI: Ben Jacobi.

2 Just to provide some context. The concern
3 expressed by Ladd was, quote, They are not
4 comfortable -- and I'm reading from an email
5 from the Village of Ladd that's in the record.
6 Quote, They are not comfortable with solar
7 panels one-half mile from Ladd corporate village
8 limits, which is an Industrial development area
9 in Ladd.

10 MS. STETSON: Okay. But then you said --
11 you said, You know, we're industrial, we're
12 farm. You know, you're solar farm, but yet
13 you're industrial. So to me --

14 You said that.

15 MR. JACOBI: That's not exactly what I
16 said.

17 MS. STETSON: You said that similar.

18 MR. JACOBI: I said that -- and I'm sorry.
19 I said that the use is consistent with
20 Industrial uses, which is in the County's
21 Code 5-12020, which requires the County to
22 approve the use that's on Agricultural or
23 Industrial Districts. That's where that came
24 from.

1 MS. STETSON: But Industrial is a
2 different Ordinance to -- it's not the farm,
3 agriculture, for solar and wind. Industrial is
4 totally different.

5 MR. JACOBI: I'm not suggesting that
6 we're --

7 MS. STETSON: I'm just saying.

8 MR. WELBERS: Connie, I hate to review
9 this --

10 MS. STETSON: I'm just saying you.

11 MR. WELBERS: I hate to review this.
12 You're, again, welcome to come up and state your
13 testimony later.

14 MS. STETSON: I'm just asking him. He's
15 the one that's stating it, not me.

16 MR. WELBERS: You're more than asking him.
17 You're actually introducing something.

18 MS. STETSON: I don't have the Ordinance.
19 I didn't think I had to bring the Industrial
20 Ordinance.

21 MR. WELBERS: Actually, Reuben is the
22 witness.

23 MS. STETSON: Well, he was up there.

24 MR. WELBERS: All the attorney did was,

1 you know, an introduction.

2 MR. JACOBI: And I would -- thank you,
3 Mr. Chairman. It is sort of a question of law,
4 under what section of the Ordinance are we
5 applying. This project we're applying in an
6 Agricultural District, under the Solar Provision
7 of the Zoning Code, which is the Special Use,
8 Conditional Use Permit, on the Agricultural
9 District.

10 So I wasn't suggesting -- if I did, I'm
11 sorry. It wasn't meant to be suggestive that
12 solar is an industrial use that needs to be on
13 an Industrial District.

14 What I was trying to suggest is that in
15 response to Ladd's concern, there's an
16 Industrial District on the north side of Ladd,
17 and solar has been determined, as a policy by
18 the State of Illinois, to be consistent with
19 both Agriculture and Industrial. That's all I
20 was saying.

21 MS. STETSON: It didn't sound like that,
22 and I think other people heard it the same way.

23 MR. JACOBI: I'm sorry if I created some
24 confusion. Thank you for allowing me to

1 clarify.

2 Q. (By Ms. Stetson:) And Ladd were the ones that
3 -- Ladd, Village, is the ones that brought up
4 questions that you're bringing people here to
5 testify for. Why are you not at Ladd, giving
6 them the information before you come here? Why
7 aren't you getting that all clarified in Ladd
8 before you come here?

9 MR. JACOBI: Well, go ahead. Go for it.

10 A. Yeah, thanks for the question, Mrs. Stetson. I
11 attended the Village of Ladd Board meeting on
12 Monday night, and I gave comments during the
13 public speaking section of the meeting.

14 I also previously contacted the Village of
15 Ladd and left a couple of messages for the mayor
16 prior to that. So we certainly did attempt to
17 reach the Village of Ladd previously, and then I
18 attended the Village of Ladd Board meeting on
19 this past Monday.

20 Q. (By Ms. Stetson:) So Monday was where all the
21 concerns came?

22 A. Monday -- which -- can you clarify the
23 question, please?

24 Q. The concerns that came from the Ladd people

1 that were at that meeting, all those concerns
2 came to you Monday?

3 A. I don't believe those concerns came to me
4 Monday. I was in attendance at the Village of
5 Ladd Board meeting on Monday, in response to
6 those concerns. We had learned about those
7 concerns at the Planning Commission meeting,
8 which was held last Thursday. And the same
9 document that was read into the record by
10 Chairman Welbers was presented to us at that
11 Planning Commission meeting.

12 So once we learned about those, we worked
13 hard to address them and attended the Village of
14 Ladd Board meeting the following Monday.

15 Q. And you gave them the -- everything that you
16 know, or did you have these people come and
17 testify in front of the Board?

18 A. No. We had too short of a time frame to get
19 everybody organized to go testify in front of
20 the Ladd Board. But on Friday I did call the
21 Village of Ladd and I asked, How best may I give
22 you guys the information that you need or
23 discuss the Ladd 2 and 3 Solar projects? They
24 suggested I should just go ahead and come to the

1 Village of Ladd Board meeting on Monday night.

2 Q. Is the mayor here?

3 MR. CATTANI: That would be me.

4 MR. STETSON: Did he ever call? Did you
5 have a call?

6 MR. CATTANI: Yeah.

7 MR. WELBERS: Now, Frank is not the
8 witness here. Mayor Cattani is not the witness
9 here.

10 MS. STETSON: I'm just verifying. Trying
11 to verify.

12 MR. WELBERS: Reuben is the witness.

13 MS. STETSON: I have nothing else right
14 now.

15 MR. GRANDON: Thank you.

16 MR. WELBERS: Yes, sir.

17 MR. NOLL: Chris Noll.

18 EXAMINATION

19 BY MR. NOLL:

20 Q. Reuben, in your application you talked about
21 Qcells being sourced from Germany. In the
22 Planning Commission meeting, Troy said that they
23 had no decision on the sourcing of those cells
24 at that time.

1 As early as the meeting in Ladd, outside
2 you talked to me and several others and said
3 that no decision had been made on the sourcing
4 and would not be made until the project was
5 approved.

6 How do German cells all the sudden become
7 the magic gold?

8 A. Yeah, I appreciate the question, Mr. Noll.

9 So in the Code for the CUP application for
10 Bureau County, they ask us to describe what type
11 of equipment that we will use. So in the
12 narrative that you read, we talked about the
13 type of equipment, including solar panels, that
14 we will use for the facility. And we like to
15 use ones that are engineered in Germany by a
16 company called Qcells or something similar to
17 that.

18 Troy is right, and you are correct, that
19 we have not procured the materials for the solar
20 farm yet. We are a little early. The
21 Conditional Use Permit process is one of the
22 most important, but an earlier stage of our
23 development cycle. And we are not in a position
24 right now to procure any of the materials. That

1 will happen down the road.

2 And rest assured that our building permit
3 application materials will include the type of
4 solar panels that we'll use for the facility.
5 But as it stands right now, we haven't procured
6 any. So it's not determined yet.

7 Q. So it will be German Qcells?

8 A. It will be -- that's an example what we use on
9 what they will be like.

10 But absolutely, if the plant for Qcells is
11 up and running in Georgia and we're able --
12 which I think it is already, because we're able
13 to --

14 Q. Because you told us --

15 A. -- we're able to --

16 Q. -- it's based on availability and cost.

17 A. Excuse me. Sorry. Go ahead.

18 Q. Because the comments that we had after the Ladd
19 meeting, you had expressed that it would depend
20 on availability and cost.

21 A. Yeah. So right now, you know, we cannot make a
22 purchase order for several months, if not more
23 than a year, into the future.

24 Q. I understand that, Reuben. What I'm trying to

1 get at is, it seems like this is a moving target
2 and it -- and German Qcells are the preeminent
3 standard for solar cells. But if you're telling
4 us that when the decision is made, you're going
5 to buy something inferior, that's a concern.

6 A. Yeah, my response to that is that right now, at
7 the point of the Conditional Use Permit, we
8 cannot say with certainty what exact
9 manufacturer we will use. It depends on price;
10 it depends on what's available in the supply
11 chain; it depends on lead times for procurement.
12 There are many variables that we have to
13 evaluate.

14 So unfortunately we can't say right now
15 with certainty what manufacturer that will be,
16 but the best answer we can say is what type of
17 manufacturer and what type of, you know, solar
18 panel or other material that we will procure.

19 If we were to promise today on the exact
20 manufacturer and then let's say that company is
21 not available in a year and a half, then we
22 would be in a really hard place. We would be
23 between a rock and a hard place if we weren't
24 able to get those. So we're just not able to

1 commit to it right now. That's the reason it's
2 kind of up in the air.

3 Q. Different topic. You had mentioned that
4 Illinois Department of Transportation has
5 approved your plan. They only approved a
6 driveway. My understanding, from talking to
7 them, is they would be very concerned if the
8 driveway or your connection to the power grid
9 interferes with the culvert that goes under
10 Route 89, which is -- controls a significant
11 water flow.

12 So you don't have total approval from
13 IDOT.

14 A. Your question? If I have approval?

15 Q. I'm asking you, is that your understanding as
16 well?

17 A. Yeah, I agree with what you said, Chris. And
18 generally what I stated earlier is that we have
19 received approval from IDOT on the location of
20 the driveway, which is like the geographical
21 coordinate of where that will be located. The
22 next step in that process is to go forward with
23 the full design review, which means we present
24 engineered design plans for that driveway. And

1 that's the next step.

2 So I don't mean to imply, by any means,
3 that our driveway is completely approved. I
4 just meant to state that our location for the
5 driveway is approved.

6 Q. Thank you for that clarification.

7 A. And to your point, too, about potential runoff.
8 It will be 100 percent developed to IDOT
9 specifications. And our solar facility cannot
10 increase the runoff from the field, according to
11 the Illinois EPA Stormwater Protection
12 Prevention Plan. So we will not be increasing
13 runoff.

14 Q. That's not the issue with the culvert though.
15 It's not about increasing runoff. It's blocking
16 the culvert, which allows the water to flow
17 through that site.

18 A. Yeah, Mr. Noll, I heard your concern after the
19 Village of Ladd Board meeting, and I went out
20 there and I looked at the culvert and I looked
21 at the driveway location that's proposed, and
22 they are quite a distance a ways. They are not
23 in the same location.

24 MR. WELBERS: Who would like to ask

1 questions next?

2 Mayor Cattani.

3 MR. CATTANI: Frank Cattani, Village
4 President of Ladd.

5 EXAMINATION

6 BY MR. CATTANI:

7 Q. In regards to your question about Friday's
8 response, I suggested that you come to the
9 Council meeting and speak -- and by the way, the
10 meeting was Tuesday night -- I suggested that
11 you speak so the Council could hear your
12 statement and then we could discuss it further
13 afterwards. But unfortunately, I developed
14 COVID and I wasn't able to attend.

15 And there was several questions that we
16 had brought to the Council. And again, as
17 Mr. Noll stated, you're stating that those
18 panels are from Germany, but if they are not,
19 you're going to use other options. And one of
20 them, we understand, could have been China. And
21 from what I understood, China has various
22 chemicals in theirs, such as arsenic, lead,
23 cadmium, silver. Several of these are toxic.
24 There's about three of them I won't even begin

1 to try to pronounce.

2 And we had seen a presentation of where
3 hailstorms have done a severe amount of damage
4 on these fields and possibly allowing some of
5 these chemicals into the drainage. And again,
6 with Ladd being a half a mile away, we have a
7 lot of concern on that --

8 MR. WELBERS: Would you like to -- Frank,
9 are you --

10 Q. (By Mr. Cattani:) -- draining even off to the
11 west.

12 MR. WELBERS: Frank, are you trying --

13 Q. (By Mr. Cattani:) There's a possibility of
14 getting into our --

15 MR. WELBERS: Frank, are you trying to ask
16 a question on the subject?

17 MR. CATTANI: Yeah, I kind of wanted --

18 MR. WELBERS: If you want to try to ask
19 him, I guess, if he's attempting -- if that
20 would ever be a possibility. Again, this is the
21 time where you're asking him questions. Most
22 certainly -- if you are willing, we are
23 certainly going to want to hear your thoughts at
24 the end of this.

1 Q. (By Mr. Cattani:) I think my main question is,
2 kind of wanted a guarantee that they were coming
3 from Germany and not China?

4 A. Okay. Yeah, I understand your concern.

5 Q. The quality of the panels is what we
6 are concerned about.

7 A. As the mayor of Ladd, I can tell that you take
8 your job very seriously, and I do appreciate the
9 question.

10 So the panels that we will procure will
11 not have any toxic materials. As stated
12 earlier, you know, highly-refined silicon, glass
13 sheets encapsulating wires, copper, and then the
14 whole frame is encapsulated in an aluminum
15 frame.

16 Now, where the wires come together in the
17 back and there soldering, there are trace
18 metals, like lead. There's very, very trace
19 content. I don't believe it's anything to be of
20 concern about, from my knowledge.

21 But the panels that you referenced, with
22 cadmium, for example, those are not panels that
23 we will procure. We are not going to utilize
24 those types of panels.

1 In terms of where they are procured from,
2 I don't think anybody, as far as I know right
3 now, is procuring panels from China. I think
4 that there's been certain tariffs placed on
5 China, and I haven't heard much manufacturing
6 being sourced directly from China right now.

7 I do want to clarify -- I'm going to read
8 the section of our narrative that talks about
9 Qcells, just to see if I can clarify it. You
10 know, we did not commit to procuring solar
11 panels from Germany.

12 So it says here, in response to that
13 section of the Code about describing the
14 facility, it says: While the specific solar
15 modules and racking systems will depend on what
16 is available from the suppliers at the time the
17 order is placed, the potential equipment
18 manufacturers are companies such as Valmont for
19 the racking equipment, and Qcells for the solar
20 modules.

21 Modules is the industry term for panels.

22 The Applicant expects to utilize either
23 these equipment manufacturers or a substantially
24 similar manufacturer. Qcells' modules are

1 engineered in Germany, have an aluminum frame
2 and are a thermally-prestressed glass front
3 cover, with antireflection technology. The cell
4 is monocrystalline solar half cells.

5 So we have committed, in our narrative and
6 by my testimony, on the type of panels that we
7 will utilize.

8 And thank you, Mayor, for the correction.
9 I believe you're right, it was Tuesday night and
10 not Monday night, I misspoke on that, that I
11 visited the Village of Ladd. Thank you.

12 MR. WELBERS: Anything else right now?

13 (No verbal response.)

14 MR. FLAHERTY: David Flaherty.

15 EXAMINATION

16 BY MR. FLAHERTY:

17 Q. The vibration that comes off of those panels,
18 is it really strong during the day? Ladd
19 Elevator is directly across from it. Is it
20 going to affect the fasteners or the metal
21 quality?

22 A. I don't anticipate any impact on the fasteners
23 or the metal quality.

24 Q. Okay. And there's talk about this electrical

1 disturbances or radiation coming off. They have
2 a lot of high-end motors up top and down bottom.
3 Any effect on that?

4 A. I'm sorry, could you clarify? High-end motors
5 in the Ladd Elevator?

6 Q. Yeah.

7 A. Okay.

8 Q. They've got them up on top of the leg and down
9 at the bottom, in the conveyors.

10 A. No, I have never heard that come up in any of
11 the reports that I have seen or any concerns
12 about that. I can't think of what would drive
13 that kind of impact.

14 MR. NOLL: Chris Noll.

15 EXAMINATION

16 BY MR. NOLL:

17 Q. Will it cause any interference, say, to radio
18 or television?

19 A. No. There's -- in my understanding, there's no
20 interference that will be caused by the solar
21 facility. By way of example, there's a lot of
22 solar facilities on airports, and it's routine
23 for a solar farm to be on the roof of an airport
24 or adjacent to the airspace.

1 So I don't anticipate any communication
2 concerns or radiofrequency concerns from the
3 solar farm.

4 MS. FLAHERTY: Pam Flaherty.

5 EXAMINATION

6 BY MS. FLAHERTY:

7 Q. Could you address how many solar farms in
8 Illinois within -- well, within Illinois that
9 you and your company have actually put in,
10 followed through and done? I mean, we have no
11 idea how many you actually had any dealings
12 with. I have heard anything from one to a
13 hundred, but we have nothing specific about your
14 actual experience.

15 A. Yes, thank you, Mrs. Flaherty. I appreciate
16 that question. I think it's very genuine.

17 Right now we're in the process of
18 developing 103 different solar projects in the
19 state of Illinois, and those are all in Ameren
20 territory. Of those in process right now, some
21 are just beginning construction and others are
22 earlier in the development cycle than that.
23 Some are not even to this point yet, where we're
24 doing a Conditional Use Permit hearing.

1 Back in 2018, 2019, our company was active
2 in a different program in Illinois, and one
3 project has been constructed and is now
4 operational. That was a competitive program
5 with the county of -- Tazewell County by Peoria,
6 and we're renting the land.

7 Q. Near Tremont?

8 A. Yes, west of Tremont on Illinois Route 9, on
9 the south side, yup. Yup, exactly.

10 And bear with me, the solar market moves
11 by state, and so a lot of our experience is in
12 the state of Oregon. We have developed dozens
13 of different solar projects of similar size and
14 smaller, and have constructed those internally
15 and we have also worked with third-party
16 contractors to construct those.

17 Q. So basically what I'm hearing you say is, we
18 are kind of a guinea pig?

19 A. No. We have a lot of solar experience but not
20 in Illinois, directly constructing them.

21 But I would also add to that, you know, if
22 your concern is about our ability to be
23 successful and to uphold to the obligations that
24 we have, you know, I would add, for example, we

1 do post a decommissioning bond for the solar
2 facility so that there is financial assurance
3 that we will fulfill the requirements contained
4 in the decommissioning plan or the AIMA.

5 We have agreements, you know, with lots of
6 different entities, but one being this
7 Conditional Use Permit itself. There's a very
8 strict -- the Bureau County Ordinance, in my
9 opinion, is very great and very thorough, and
10 there's a strict set of standards that we need
11 to adhere to. If we don't, we're subject to
12 revocation of our Conditional Use Permit.

13 So it's not just us promising to do
14 something; it's also the County having teeth and
15 the State having teeth to make sure that it does
16 get done.

17 Q. One more question.

18 A. Yes, ma'am.

19 Q. Was there, indeed, a Variance for a solar farm
20 that you had to apply for?

21 A. I'm sorry, Mrs. Flaherty, excuse me, could you
22 just clarify the question?

23 Q. When you put in this application, did you apply
24 for a Variance for the Village of Ladd for the

1 solar farm?

2 A. Yeah, it's required under the Bureau County
3 Zoning Ordinance that if our facility is located
4 within a mile and a half of corporate limits,
5 then we must also apply for a Variation to be
6 within that 1.5 mile radius.

7 So we submitted, in our application, the
8 CUP permit from the County and the Variation
9 request for two different villages: Ladd, like
10 you mentioned, and the Village of Cherry.

11 Q. Okay. After the Village Board meeting on
12 Tuesday night, you were outside talking with a
13 number of people.

14 A. Uh-huh.

15 Q. And a couple of us returned back and we were
16 talking with you, and you made the comment that
17 the Variance only applied to solar -- or to wind
18 towers, it did not apply to solar.

19 Do you remember making that comment?

20 A. I see. I can -- I think I understand what
21 you're saying, but I think it might be slightly
22 mischaracterized.

23 My understanding of the Wind Ordinance is
24 that a village can directly have authority --

1 and I don't want to speak out of turn. Ben
2 probably understands this a lot better than I
3 do.

4 My understanding is, a village does have
5 authority to regulate wind within that mile and
6 a half around that village. And for Bureau
7 County, my understanding is, that authority is
8 only limited to the Variation that we request
9 from the County, which then causes the County to
10 send out the form to that village.

11 So a different mechanism that gives input
12 to the municipalities, but I believe the
13 municipality could regulate wind up to that mile
14 and a half, but very different from solar.

15 I shouldn't speak out of turn. I think
16 Ben may be better equipped to answer that
17 question.

18 Q. My question, you said that there was not a
19 Variance needed for a solar farm within a mile
20 and a half of a village, is exactly the words
21 that you used.

22 A. No.

23 Q. I was there with you.

24 A. If I did imply that, then I didn't speak very

1 well, because it is required. It's 100 percent
2 required by the Bureau County Zoning Ordinance,
3 and I can say that we have applied for it in our
4 application that we submitted in June. I signed
5 that application. I'm very clear that that is a
6 required part and that is a part of the Bureau
7 County Zoning Ordinance.

8 MS. FLAHERTY: Thank you.

9 MR. WELBERS: Derek.

10 MR. WHITED: Derek Whited.

11 EXAMINATION

12 BY MR. WHITED:

13 Q. I have a manufacturing question. A couple
14 times now you have detailed how the panel is to
15 be made and the non-toxicity of it.

16 My question is, do you submit your design
17 to the various vendors to manufacture them or do
18 you -- does the industry have a very common
19 panel, even amongst all the different vendors?
20 Do you understand my question?

21 A. Yeah. It's more the latter, yeah. So we're
22 not -- generally we're not submitting designs
23 for the panel itself to the vendors. We're
24 seeing what's available in the market at that

1 time.

2 So we're not specifically designing our
3 facility and then designing the size of the
4 panel itself. We're looking at what panels are
5 available and then designing our facility to
6 accommodate those.

7 Q. Okay. So you indicated that the panels are
8 going to be silicone based and then have the
9 aluminum around the edging. Is that common
10 within all the manufacturers?

11 A. As far as I have seen, yes.

12 Q. Okay.

13 A. It's a pretty typical way to do it.

14 Q. Then my second question, on a different
15 subject. The 6-by-3-inch I-beam that's pyloned
16 into the ground, what is the depth of the actual
17 below ground?

18 A. Yeah, on average -- and I should maybe clear up
19 a little bit. Sometimes it's I-beams. Right
20 now we're seeing a lot of C's as well.

21 Q. Okay.

22 A. But about that size that you mentioned, 3 by 6.

23 The depth is determined by the
24 geotechnical report. So we're thinking about,

1 how deep does it need to be to be sturdy, also
2 the spacing of the posts to be sturdy for wind
3 or anything else that we need to think about
4 structurally. And the depth is typically, on
5 average, 6 feet to 10 feet deep.

6 Q. What is the aboveground, with that 6 to 10 feet
7 below?

8 A. It can be typically 4 to --

9 Q. Is that the 10 feet above?

10 A. No. The depth would be, underground, below
11 grade, would be 6 to 10 feet.

12 Q. And then what is that height above ground?

13 A. About as tall as me. About 5 to 7 feet.

14 Q. Okay.

15 A. And the nice thing, too, is that when we have a
16 site like this, that's just a little bit of
17 variation in topography, we can put those piles
18 in, and then at the end, when they're all in,
19 just cut them off, real flat plane on the top,
20 and then you have one flat surface.

21 So you don't have to do much earth-moving,
22 you don't have to work the land, you can just
23 put them in and cut them off to be flat. So
24 really saves on that.

1 Q. Do you do any testing for rock in the ground
2 that you could be piling into?

3 A. Oh, yeah, absolutely. We will have a
4 geotechnical engineer visit the site, and they
5 produce a full report of what it's like. It's
6 very important for us, for design purposes, but
7 they'll do several tests on the land, where
8 they're drilling down pretty deep. Usually
9 their attachment is about 12 inches wide or so.
10 Then they're taking that core sample and running
11 it through a lab and producing the results.

12 MR. WHITED: Thank you.

13 MR. NERAD: Jim Nerad.

14 EXAMINATION

15 BY MR. NERAD:

16 Q. What is stow mode?

17 A. Stationary -- you're talking about the panels?

18 Q. Yes, at night. What is stow mode?

19 A. Yeah, so they go into a mode where they remain
20 stationary for the overnight period, when
21 there's no sun shining. So they will be in one
22 fixed position.

23 Q. I understand that. What is that fixed
24 position?

1 AUDIENCE MEMBER: East? West? Up or
2 down?

3 A. Oh, it varies. I see what you're saying.
4 How are they sitting overnight on the
5 land?

6 Q. (By Mr. Nerad:) Yeah.

7 A. A lot of times it will just be flat, like kind
8 of on their back. But I don't want to commit to
9 that, because it can vary, but typically it's on
10 its back.

11 Q. So they vary day to day?

12 A. What's that?

13 Q. They vary day to day? The stow mode varies day
14 to day? Or it varies by the application? What
15 does it vary by?

16 A. Yeah, there can be variations with the
17 different equipment manufacturers, and some may
18 stow them in a certain position and others may
19 have a stow in a different position.

20 So right now, since we haven't procured
21 our materials yet, I don't want to commit to
22 exactly what the stow mode will be. But the --
23 generally the most common one is flat on its
24 back.

1 Q. And stow mode is during nighttime hours?

2 A. Yeah, that's correct, Mr. Nerad.

3 Q. So if the stow mode is parallel, you're going
4 to have massive rain runoff; if the stow mode is
5 perpendicular, it's a wind break, correct?

6 A. Not to my understanding. The massive runoff --
7 you know, for the amount of rain that will hit
8 the land, so the amount of surface area on the
9 land that is covered is really minor. We only
10 have the C-channels or the I-beams that are
11 penetrating the ground and a small concrete pad.

12 So the rain will run right off of the
13 panels and infiltrate into the ground,
14 including, you know, with our vegetation
15 management plan, the amount of rain that
16 percolates into the water table directly beneath
17 the land will probably be increased from a
18 typical farming operation, if I were to guess.

19 So I don't anticipate any impacts. And
20 beyond that -- and Kelten can speak to this
21 more, but we cannot increase the runoff from our
22 site. The Illinois EPA, Environmental
23 Protection Agency, would require us to get
24 additional permits for that, and we cannot

1 increase the runoff.

2 Q. Well, I --

3 MS. DONARSKI: No, go ahead.

4 MR. WELBERS: Let him finish his question.

5 Q. (By Mr. Nerad:) The only thing I'm saying is,
6 I have a pretty massive barn out there, and if
7 it rains and I'm standing over there by the edge
8 of the barn, somebody's dumping a bucket of
9 water on me, and a foot away it's just raining.

10 So I can't believe that 68 acres of solar
11 panels when they're in this position are not
12 going to cause -- because under the solar panel
13 is going to be dry. So where is the water going
14 to be?

15 A. Yeah, the water will, you know --

16 Q. I mean, that's just common sense.

17 A. The water will go right back into the land and
18 right back into the solar facility underneath
19 the panels. Like I said, there can be no
20 increased runoff from the site.

21 And just to clarify, you know, we're not
22 going to be as close as 1 foot from any property
23 line. Our perimeter fence will be back by -- at
24 least 50 feet from the property line or from the

1 public right-of-way line. And then our solar
2 facility from there, the solar array, will be
3 further back, according to National Electric
4 Code. So another, you know, dozen or more feet
5 from there. So we'll be at least -- you know,
6 before you get to the array, it's at least
7 62 feet from any property line.

8 Q. But when the panels are like this, then, of
9 course, your concern is the wind. Because we
10 get 60-mile-an-hour winds out here all the time.
11 And those panels -- and I have seen them. I
12 have looked at other solar farms. And they're
13 like this in the wind (gesturing).

14 So those are going to come and hit my
15 house?

16 A. No, sir. No. It will be designed accordingly
17 so that there is not any negative impacts from
18 wind.

19 You know, one of the things that we take
20 really seriously, piggyback on Derek's question
21 about the geotechnical report, that soil sample
22 that we have, it really determines what the
23 properties are of that soil. And we need to
24 ensure that we're not going to create any

1 hazards at all.

2 So it's designed and built to the
3 specifications that are required, including the
4 wind on the exterior side of the facilities, is
5 one of the great concerns. Because the wind
6 underneath could cause, you know, uplift or
7 something of that nature. So we have to
8 engineer it to a "T," cross every "I" -- or dot
9 every "I" and cross every "T" to make sure that,
10 you know, we're not at risk for any of those
11 negative impacts whatsoever.

12 But to your point about wind shear, I have
13 never heard of that. I haven't seen any
14 studies, myself, in literature. And we have
15 researched it. I haven't seen anything where
16 there's a concern about wind shear or anything
17 of that nature for solar farms.

18 MR. WELBERS: Kris, do you have a
19 question?

20 MS. DONARSKI: Yeah.

21 EXAMINATION

22 BY MS. DONARSKI:

23 Q. Just to clarify for everybody, Reuben, how much
24 of an open space is there between the rows of

1 the panels on the racking system? Is there,
2 like, a foot? 5 foot? 6 inches? What's the
3 open area that's not covered by panels?

4 A. Yeah, the space between the rows of panels
5 are -- if they are going north/south, and then
6 you have two panels flat, and the gap between
7 those two panels can be anywhere from as tight
8 as 5 feet, say, or as wide as 10, sometimes
9 11 feet, something like that.

10 But we're too early in the design phase to
11 say with certainty exactly the width, but that's
12 a pretty good range.

13 Q. So 5 to 11 between the rows when they're flat.
14 So when they're at an angle, that could be
15 larger?

16 A. Uh-huh.

17 MS. DONARSKI: Okay. Thank you.

18 MS. NERAD: Karen Nerad.

19 EXAMINATION

20 BY MS. NERAD:

21 Q. I have a question for you. You were just
22 saying about these panels. Okay. The panels
23 rotate, right, or, you know, move, is what
24 you're saying?

1 A. Yeah, the panel themselves, they will be on
2 rows that go north to south, and then there will
3 be a single-axis tracker underneath of them. So
4 in the morning, they'll tilt as the sun rises,
5 they will be facing the east, and then
6 throughout the course of the day they'll track
7 the sun as it sets in the horizon.

8 Q. Okay.

9 A. And then when it sets in the west, the panels
10 will be facing west.

11 Q. Our barn is 27 yards from these solar panels.
12 A 68-acre farm -- or solar farm, with 27,000
13 panels. Okay. The wind we get out there is
14 tremendous. We have already had a tornado out
15 there. It already took the Gillans' barn
16 down --

17 MR. WELBERS: Karen, I'm going to
18 interrupt you again. There's a difference
19 between asking him a question and testifying.
20 That's testifying, and you're welcome to lay it
21 in the record when the time comes, but it's kind
22 of got to be in order.

23 MS. NERAD: Oh, okay.

24 Q. (By Mr. Nerad:) So how can you predict the

1 wind? I mean, that it's not going to damage --
2 you know, if hail comes in and damages these
3 solar panels? And these solar panels, what, are
4 they just -- if the wind takes them, are they
5 just going to fall straight down to the ground?
6 Because with wind, wouldn't they move? You
7 know, the wind would pick them up and move?

8 And with a 7-foot fence, how is that going
9 to stop them from coming into our yard?

10 A. Yeah, thanks for that question, Mrs. Nerad.

11 So the development of the solar facility
12 is held to the same, if not higher, standards
13 than any building, commercial building,
14 residential building. We go through a very
15 strict building permit process with Bureau
16 County. We are also beholden to other State and
17 federal regulations.

18 It's constructed in a way that makes sure
19 it's not going to be a risk as you described.
20 So it's held to the same standards, you know, as
21 other buildings. It's not just us independently
22 going out there and constructing it. There's
23 also reviews throughout the building permit
24 process and certifications that are required

1 after it is mechanically complete or after it is
2 constructed. So there's a lot of checks and
3 balances throughout the process that ensures
4 that that is not a hazard.

5 I understand your concern. To be honest,
6 we would be very concerned, too, if something we
7 built just flew off like that. So we take it
8 very seriously. That would be a big disaster
9 for us. So that's not, you know, something that
10 we take lightly.

11 Q. Okay. Another question I have for you is, you
12 say they set in the east -- or, you know, start
13 in the east, okay, and then they rotate. Okay.
14 How much glare comes off them?

15 Because on Route 89, we have school buses,
16 we have grain trucks and everything else. I
17 mean, if something happens, there's a glare,
18 you're going to have -- there's going to be a
19 big mess there on 89. You know, if a truck is
20 going down the road --

21 MR. WELBERS: So your question is how much
22 glare? Your question is, how much glare?
23 That's your question, right?

24 MS. NERAD: Right, how much glare.

1 A. Yeah, thank you for the question.

2 MS. NERAD: Sorry.

3 MR. WELBERS: That's all right.

4 A. There will be no glare that's perceptible at
5 ground level.

6 You know, for one, the angle that these
7 are installed at will be pointed to the south.
8 You know, if you look at reports by, like, the
9 Federal Aviation Administration or similar,
10 there are lots of solar facilities put on
11 airports, there's been no impact found from, you
12 know, a solar facility producing glare on an
13 adjacent roadway like on Illinois Route 89.

14 Q. (By Ms. Nerad:) Okay, but aren't these glass
15 panels? I mean, doesn't glass cause glare?

16 A. Potentially glass could cause glare, I suppose,
17 but these panels, they are black in nature or
18 really dark blue, and the whole purpose is to
19 maximize the absorption of the sunlight. So
20 they do a really good job at that. And they are
21 coated in an antireflective, sort of, coating or
22 technology that goes over the top of them.

23 For example, Denver International Airport
24 has a lot of solar panels throughout the

1 whole -- you know, over top of the buildings,
2 the terminals. So if it did produce a lot of
3 glare, I would anticipate that that would be a
4 hazard for pilots and for flying. So glare is
5 not a big concern for these.

6 Q. Okay. That's my next question then. The
7 flight pattern for the Peru Airport is right
8 over our house in the fields adjacent to our
9 farm. Okay. And, you know, I had talked to
10 John Thompson from Ladd, Illinois, which is a
11 pilot --

12 MR. WELBERS: Questions.

13 Q. (By Ms. Nerad:) There's got -- you're saying
14 there's going to be no glare then. What about
15 the pilot?

16 A. Yeah, I don't anticipate there to be any
17 negative impacts from glare from the solar
18 facility.

19 MR. WELBERS: Again, if you want to talk
20 when it's your time to testify -- although, it
21 would be difficult for you to testify for
22 Sheriff Thompson, but he could come and
23 testify --

24 MS. NERAD: Right.

1 MR. WELBERS: -- because he certainly is a
2 pilot.

3 Mr. Noll?

4 MR. NOLL: Chris Noll.

5 EXAMINATION

6 BY MR. NOLL:

7 Q. Reuben, have you had an official glint and
8 glare analysis done for this site? There are a
9 number of firms that do those --

10 A. Yeah.

11 Q. -- and they do it particularly with airports in
12 mind, but they also do it whenever there's
13 housing near or roadways.

14 A. Yeah, I'm not particularly familiar with the
15 requirement that you're talking about, the glint
16 and glare study.

17 You know, as far as the requirements
18 underneath this Conditional Use Permit
19 application or the State statute requirements,
20 I'm not aware of any requirement for a glare
21 study. I think the FAA, you know, has issued
22 guidelines, and generally glare is commonly
23 accepted to not be a major concern for solar.

24 Q. Because the experts are all saying that the

1 nonglare coating does not prevent glare in its
2 entirety.

3 A. I have not heard that before.

4 MR. WELBERS: Any other questions?

5 MR. BASTION: Brad Bastion.

6 EXAMINATION

7 BY MR. BASTION:

8 Q. In regards to the pile-driving, how many posts
9 are going to be driven in the ground? And in
10 this 3-mile radius -- we live a half mile --
11 we're a half mile south. We are right there
12 where it's considered Industrial, but we have
13 lived there for 34 years.

14 You equivocated this to grain trucks going
15 by the house. How far are those vibrations
16 going to be felt out from the site?

17 A. Yeah, thank you for the question, Mr. Bastion.

18 I think, you know, for us to really say
19 how many piles that there will be driven, we
20 have not fully engineered the design. A
21 critical part of that is the geotechnical report
22 or the analysis on the land, which that tells us
23 not only the depth of the piles but also the
24 spacing between those I-beams.

1 My comment earlier about the vibrations
2 is, from what I have learned I don't know --
3 excuse me. From what I have learned, there is
4 no anticipated impact from vibrations from pile-
5 driving. Somebody compared it to, like, you
6 know, think about a basement that you might dig
7 for a house. That's a similar depth. You know,
8 6 to 10 feet below grade.

9 But I'll admit, I'm not an expert in that,
10 and I think it would be better if our engineer,
11 Kelten, was able to answer any questions about
12 the vibration.

13 Q. Sure. My concern is about, you know, 27,000
14 panels on this farm, that's a lot of pile-
15 driving. And, you know, you say it's
16 equivocated to a grain truck going by the house.
17 It would rattle the house. So how many times is
18 our house going to get rattled, if that's the
19 case?

20 A. Yeah, I don't equivocate it to a grain truck.
21 I don't -- from what I have heard, it's just not
22 worse than a grain truck.

23 Q. You stated that earlier. You said it's
24 equivocated to a grain truck, and they get --

1 so.

2 Okay. My other question is, in regards to
3 the panels, are there MSDS sheets in regards to
4 those from the manufacturer, so that they can
5 refer to what to do? Because every manufacturer
6 has an MSDS sheet. Is there a material safety
7 data sheet? Are those available?

8 A. Yeah, there certainly are specification sheets
9 that we can get from the manufacturer, yes,
10 absolutely.

11 MR. BASTION: Okay. Thank you.

12 MR. WELBERS: Next? Sue.

13 MS. PRATT: Sue Pratt.

14 EXAMINATION

15 BY MS. PRATT:

16 Q. I just want a clarification regarding the
17 conversation that we had after the meeting in
18 Ladd. My husband and I were talking to you for
19 quite a while, and it goes back to the panels
20 and where they may be manufactured. And at
21 that -- during that conversation, you had told
22 us that, Yes, there was a possibility they could
23 be manufactured in China.

24 So I want to know if you are changing that

1 statement or if there really is a possibility,
2 as you told us on Tuesday night, that they could
3 possibly be manufactured in China, you just
4 don't know at this point?

5 A. Yeah, thank you for the question, Mrs. Pratt.

6 Yeah, I think right now it's too early to
7 say exactly where we're going to procure those
8 from. To say right now that China is not an
9 option for procurement, I don't know with
10 certainty. You know, we're too early to say if
11 it could be China or not. Right now I'm not
12 seeing much manufacturing coming out of China,
13 for different reasons, like tariffs.

14 You know, I think, like everyone, we would
15 prefer to procure as much as we can. Like
16 Valmont is American made. We would prefer, as
17 much as we can, to have solar panels procured
18 right here. Unfortunately, the industry for
19 solar panels, like a lot of manufacturing, is
20 overseas and a lot of it is in China.

21 So, you know, we cannot force
22 manufacturing to take off. But if it is
23 available in the U.S., we have a preference to
24 use it.

1 Q. Right, I understand that.

2 A. So there's manufacturing happening in Ohio.

3 Qcells has put up a plant in Georgia. So we are
4 starting to see more of it happen. And like
5 everybody else, we would love to procure them
6 domestically. But, you know, we just have to
7 wait and see what's available at that time.

8 Q. Right, I understand. I just wanted that
9 clarification, because you had said that also on
10 Tuesday night, that you would prefer in the
11 United States.

12 But maybe I misunderstood what you said
13 before about China. You said that that wouldn't
14 happen because of tariffs. So I just wanted
15 clarification on whether there is that
16 possibility or there definitely wasn't that
17 possibility.

18 A. Yeah, as of right now, if we were to procure
19 them right now today, I don't believe China
20 would be one of the questions.

21 MR. WELBERS: Mr. Noll? Chris Noll.

22 EXAMINATION

23 BY MR. NOLL:

24 Q. Just to clarify that further clarification,

1 because I was there as well, is you stated that
2 they may come out of Vietnam or some other Asian
3 country where China is moving, actually, to
4 avoid the tariffs?

5 MS. PRATT: Is that a possibility?

6 A. Yeah, that is something that has been occurring
7 in the panel manufacturing industry. Some
8 companies that were formally based out of China
9 have moved operations to Vietnam or Cambodia or
10 other countries.

11 So, yeah, and my effort to discuss those
12 topics on Tuesday night were just to be
13 transparent and try to give you my understanding
14 of the solar market and my understanding of what
15 procurement could and could not look like.

16 So like I said, it's too early for us to
17 know if we could procure the materials. But I
18 would say, although this topic is very
19 interesting to me, of course we want to procure
20 domestically, it does not have any bearing over
21 our land use application or the materials that
22 we've submitted. Material procurement, the
23 location from which they are procured, is not a
24 topic of the Conditional Use Permit, as far as

1 I'm aware.

2 MR. WELBERS: You have a question?

3 MS. BASTION: Christine Bastion.

4 EXAMINATION

5 BY MS. BASTION:

6 Q. You said earlier that when you purchased the
7 solar panels, it would be on availability and
8 price. Would you -- how would you decide about
9 the money? I mean, you can't just buy cheap if
10 it's available. If it's not available, what are
11 you going to do?

12 A. Yeah, we would abide by our procurement
13 policies that we have internally. And one of
14 those things is to procure the type of panel
15 that's described in this land use application,
16 particularly with no toxicity. And then from
17 there, we go out -- similar to many procurement,
18 you know, we have expectations of what we're
19 looking for. We go out and get bids, and we
20 determine what fits our criteria and what's the
21 best; not just in terms of price, availability
22 and quality as well.

23 Q. My other question is the mile and a half from
24 the site to town. I -- we're a half mile. Why

1 can't you move your site to the furthest away
2 from Ladd?

3 A. Yeah, so a lot of our -- I appreciate the
4 question, Mrs. Bastion.

5 Q. The law --

6 A. Excuse me. Go ahead.

7 Q. Instead of the law, follow the law.

8 A. Yeah, so your question is about site selection?

9 Q. Uh-huh.

10 A. Okay. Perfect.

11 Q. And the distance from town.

12 A. Okay. Yeah, I think I understand.

13 So, you know, one of the big drivers for
14 us when we are looking at potential sites for
15 those solar facilities, the biggest driver is
16 probably the interconnection itself. So, you
17 know, we're thinking about where there is
18 capacity on a substation and then where those
19 power lines go.

20 So even though, you know, you guys -- and
21 we all see power lines all over the countryside.
22 They are not necessarily all Ameren, and they
23 don't all fit our criteria for what power lines
24 that we need.

1 So they need to be on three-phase lines,
2 or very close to it, and it needs to be in
3 Ameren territory. So you start to filter that
4 that: okay, all the co-op land is not
5 available; okay, all the land that's not close
6 to three-phase is not available.

7 So the short answer is that we use a
8 funnel to find land that is suitable. Other
9 things might be, like, floodplains or wetlands,
10 you know, things of that consideration.

11 And then from there, once we do have land
12 identified, we work to contact landowners and
13 just see if they are interested. So not every
14 landowner is interested; you know, not everybody
15 is. But it's a really great fit for those who
16 are open to hosting a solar farm.

17 Then from there, it's a matter of
18 permitting. So as Ben alluded to, agricultural
19 and industrial land is suitable, but other land
20 might not be suitable. For example, inside of
21 the Village limits, you know.

22 So what brings us to a site is kind of
23 running through that funnel, and it's shocking
24 how thin the pickings are. It is not a broad

1 number of locations that are suitable for
2 hosting a solar facility.

3 Q. I understand that. Can't you eliminate some of
4 the panels that you want to put up so you're not
5 in -- so you're not in the City limits, per se?

6 A. Yeah, so this solar facility, you know, it's on
7 county land. It's zoned Agricultural by Bureau
8 County, and it's outside of the Village of Ladd
9 City limits.

10 For us to change the size, you know, in
11 terms of output of the facility or reduce the
12 number of panels, it wouldn't be feasible at
13 this point because we have agreements with
14 Ameren already to go ahead with this size of a
15 facility.

16 MR. WELBERS: Chris Noll.

17 EXAMINATION

18 BY MR. NOLL:

19 Q. Is it your company's policy that you will not
20 invest in three-phase power lines or substations
21 to reach other more remote sites?

22 A. It's not necessarily a policy, Mr. Noll, but it
23 is a function of cost and of risk as well. So
24 ideally we're right adjacent to three-phase

1 power lines. Any further you get from those,
2 your costs go up dramatically. Any upgrade to
3 equipment is on our dime. So it does add up
4 very fast and gets cost prohibitive, and you
5 also add risks. For example, there might be
6 easement risks to get the power lines over to
7 you or something of that nature.

8 Q. If you're concerned about the community, that
9 would actually help development within the
10 county or within the other environments in which
11 you're placing these solar sites, by extending
12 that electricity to them.

13 A. I'm sorry, can you rephrase the question?

14 Q. I'm just saying, you're presenting yourself as
15 being very concerned about the community or
16 about the environment. Wouldn't it be a better
17 policy for your company to say, We will invest
18 in three-phase power lines and substations to
19 help those communities and those areas develop
20 more by extending electricity to them?

21 A. Yeah, that's an interesting question. I
22 haven't heard it in that context of how that
23 will help a community in terms of extending the
24 lines or been asked, you know, for us to have a

1 solar farm in a certain location that would
2 benefit from --

3 Q. It would certainly make it more attractive for
4 further development beyond the solar farm.

5 A. Yeah, and there's certainly -- you know,
6 there's room for that, and if there's land that,
7 you know, you would advise me to look at for
8 that type of a facility, we would be more than
9 interested to take a look at it.

10 Q. The County has a bunch of others they can
11 direct you to.

12 A. We would be more than happy to look at it.

13 But that funnel, you know, we can't be
14 outside of Ameren territory. You know, the
15 cornbelt co-op, it has a big presence and it
16 doesn't take long until you're on co-op
17 territory. So your ability to move off of the
18 three-phase is relatively limited.

19 MR. WELBERS: Go ahead, Derek.

20 MR. WHITED: Derek Whited.

21 EXAMINATION

22 BY MR. WHITED:

23 Q. Before you send out the letters of commitment
24 to the individual landowners -- you said the

1 pickings is slim. Do you know roughly in Bureau
2 County how many opportunities are available --

3 A. Good question.

4 Q. -- on the Ameren --

5 A. Derek, I'm sorry, I don't know that off the top
6 of my head, but I would be happy to run you a
7 report and send it to you.

8 Q. I'm just curious.

9 A. I would be happy to send that to you, but I
10 don't know right off the top of my head.

11 Q. I understand you have got to get commitments
12 from landowners and stuff. I'm just curious if
13 there's a number out there.

14 A. Yeah, we can definitely produce that number,
15 but I don't have it with me today. It's
16 certainly limited to sites that are very close
17 to three-phase power lines, you know, suitable
18 topography, suitable environmental, and then --

19 Q. That three-legged tool that you referred to.

20 A. What's that?

21 Q. The three-legged tool.

22 A. Yeah, exactly.

23 MR. WELBERS: Go ahead, Connie.

24 MS. STETSON: Connie Stetson.

EXAMINATION

BY MS. STETSON:

Q. How close are you to the nearest home?

A. Let's see. The nearest home in proximity to this solar facility, I think I might have written that down at some point. Let me see.

So the facility itself, you know, the property line to the fence, is 50 feet to the perimeter fence for the facility; and then the array is another 12 or more feet beyond that.

And I did do, like, simple measurement on the GIS tool, Bureau County Assessor's site, and I estimated the closest house is approximately 200 feet to the property line. So plus an additional 50 feet to the fence. So 250 feet to the perimeter fence.

Q. 250 feet from the home?

A. Yeah, the closest residence to our perimeter fence for our facility, just based on a measurement online, was about 250 feet.

MR. WELBERS: Tim.

MR. PRATT: Tim Pratt.

EXAMINATION

BY MR. PRATT:

1 Q. Reuben, I have got a few questions here.
2 Follow-up on, I believe, it's Connie's question.
3 How far from the property line is this fence
4 going to be?

5 A. From the property line or from the public roads
6 right-of-way --

7 Q. From the fence.

8 A. -- it will be --

9 Q. From the fence to the property line.

10 A. Fence to property line?

11 Q. Uh-huh.

12 A. So from the property line, or from the public
13 roads right-of-way, it will be 50 feet to the
14 fence.

15 Q. So 16.6 yards?

16 A. I'm not very good at math.

17 Q. That's fine. I'm not either, but I did look
18 that up.

19 So 16.6 yards is the distance from
20 property line to the fences.

21 Between from the property line to the
22 fence, are you going to use ground cover there
23 of any kind?

24 A. Yeah, that whole area is included in our

1 vegetation management plan.

2 Q. Because in your application, at one point I
3 know that some of the landowners were told
4 there's going to be -- Lasso was going to be
5 used to control vegetation -- or Roundup, I'm
6 sorry.

7 A. Yeah, as a component of the vegetation plan, it
8 does talk about a light use of Roundup as
9 needed.

10 So, you know, that could be used. We
11 certainly prefer not to. That's not our goal.
12 But I understand that it is required. And, you
13 know, our primary goal is not to have weeds
14 creep out onto neighbors' property or affect the
15 agricultural crops around us.

16 My understanding now is, that agricultural
17 field, it is routinely sprayed, as it's an
18 annual, you know, corn and soybeans rotation.
19 So present conditions is that it does get
20 sprayed. I would say anticipate that to go down
21 quite a bit after the solar facility is
22 implemented.

23 Q. I believe Ms. Flaherty asked a question about
24 the mile-and-a-half requirement from the Village

1 of Ladd.

2 In your application, on Page 20 you have
3 got some information here. It makes it sound
4 like you're saying that the mile-and-a-half
5 setback requirement really doesn't apply to you.
6 It says, This is not in line with State statute
7 and is effectively more restrictive than the
8 State siting statute referenced above.

9 And that is kind of what we picked up
10 Tuesday night that you said also.

11 MR. JACOBI: Do you want me to address
12 that?

13 MR. GRANDON: It's probably better for Ben
14 to help with the legal side of things.

15 MR. JACOBI: So there's sort of this
16 elephant in the room lately, where in 2023 the
17 State passed a statute amending the County's
18 Code 5-12020 --

19 MS. DONARSKI: Mr. Chairman, I want to
20 give them the opportunity to do this, but if
21 Reuben doesn't know, he can say "I don't know
22 and I'll defer to him." Because now we have
23 people asking two -- we're cross-examining, and
24 he's not answering and now we have him. So

1 it's -- you know what I'm -- it's blurring.

2 MR. WELBERS: Yeah, Reuben has answered he
3 doesn't know, but it is an interesting point. I
4 think it's a very interesting question. So
5 let's let it go. Yes, Reuben did defer to his
6 Counsel to try to answer their interpretation.

7 So go ahead.

8 MR. JACOBI: So it's a legal question, so
9 I'm not trying to testify on a fact here. I'll
10 tell you what the current status of the law is,
11 and it is an interesting topic.

12 So in 2023, January 27, 2023, the State
13 passed a law that amended the County's Code,
14 specifically relevant to us here,
15 Section 5-12020, which used to be a very small
16 section related to wind regulation, and it was
17 expanded to wind and solar regulation. It's
18 quite long now.

19 What it says is -- it has a list of design
20 criteria, including setbacks; setbacks being
21 primary there. And what it says is, in
22 12020(B), that counties -- what it required is
23 that counties adopt an Ordinance consistent with
24 the State -- what I'll call the State Siting

1 Legislation, 5-12020. And what 12020(B) says is
2 that counties can adopt regulations not more
3 restrictive than those in the State siting law.

4 What Bureau County did was, consistent
5 with that statute, it adopted a Solar Ordinance
6 that had design criteria, many of which are
7 consistent with the State siting legislation.
8 It has a setback, a mile and a half, to
9 municipalities that is not in the State siting
10 legislation. So the State law does not have the
11 1.5-mile setback for solar to municipalities.

12 It is our interpretation, as we say in the
13 application here, that that setback to
14 municipalities for solar is more restrictive
15 than what is in the State siting legislation.
16 There is a world where we could challenge
17 whether that's a valid setback.

18 This company here is not challenging that
19 setback here tonight. It has decided, instead,
20 to honor the Ordinance, which requires that you
21 either be set back a mile and a half or request
22 a Variance. To request a Variance requires that
23 you meet other standards. So it's not just a
24 snap of the fingers. There are some standards

1 that you have to meet in order to get a
2 Variance.

3 This company has decided to honor that
4 section of the Ordinance, ask for the Variance,
5 and meet the standards. So that discussion in
6 the application, it is sort of a nuanced area,
7 but that is the discussion.

8 MR. WELBERS: Thank you, sir.

9 MR. PRATT: I appreciate that.

10 Q. (By Mr. Pratt:) Reuben, a couple other things.
11 I do have you down here as -- you know, bringing
12 up Industrial Agricultural Zoning, I know it was
13 brought up in the opening, but you followed up
14 with that.

15 Do you know how many houses are in what
16 you are considering Industrial areas, there
17 north of Ladd?

18 A. In reference to --

19 Q. I mean, there's people living in what you're
20 saying is nothing but an industrial area.

21 A. Mr. Pratt, I'm happy to answer the question.

22 Q. Okay.

23 A. So I think there might be a little bit of
24 confusion, perhaps, around Industrial-zoned.

1 So I think in the opening what was
2 referenced about an Industrial area was looking
3 at the Village of Ladd zoning map, which, if
4 memory serves me correct, the zoning goes up to
5 County Road 1700, which is south of our
6 facility. And I believe that northern or
7 northwestern-most area of the Village of Ladd is
8 zoned Industrial, and I believe that's what the
9 reference is to.

10 So this particular project is in County
11 land that's zoned Agricultural. So it's not on
12 Industrial land at all.

13 Q. Okay. Thank you. I wanted to make sure,
14 clarification there. I appreciate that.

15 And again, you're talking about the
16 I-beams and the pile-driving. You know, how
17 long is this construction going to take?

18 A. Yeah, typically construction of a solar project
19 of this nature can take anywhere from six to
20 nine months for full construction. The busier
21 part of that is probably two to three months,
22 where you'll see the increase in traffic and
23 folks on site. You know, maybe even quicker,
24 depending on weather and things like that.

1 The latter, say, six or seven months, is
2 probably more electrical, smaller crew, you
3 know, less activity, less equipment. But
4 generally, you know, total timeframe, six to
5 nine months until we get it connected to the
6 grid.

7 Q. So for six to nine months there's going to be
8 construction, a lot of traffic in and out, and
9 pile-driving?

10 A. The pile-driving itself will not occur
11 throughout that whole period. I can't think off
12 the top of my head how long that period would
13 last.

14 But I can say, you know, just the process
15 is, we have a surveyor go out and mark exactly
16 where all of those piles will be located. And
17 they get, like, a little flag -- I don't know if
18 you have seen those kind of pylon flags. Then
19 the pile driver and that crew comes out and does
20 the whole thing, you know, as quickly as
21 relatively possible.

22 You know, I think of it as, like, a
23 mobilization of that pile-driving that needs to
24 happen. So it's done kind of in one fell swoop.

1 I'm not sure on the exact number of days, but
2 it's done all at once and then we move on to the
3 next stage of construction.

4 Q. Next question. You have given Kris a report
5 that's cited there's 48 wells in a certain area,
6 a 3-mile radius.

7 Some of those wells, you know, are -- a
8 number of us here have wells that are well
9 within that 3-mile radius. You know, we're
10 talking pile-driving; we're talking
11 construction. You know, what happens if, you
12 know, you do cause a problem with our well?

13 A. Yeah, that's hard to answer. It's -- I mean, I
14 have never experienced that happening as a
15 result of pile-driving. You know, I think we
16 can say safely that we developed several solar
17 facilities with close proximity to wells,
18 including our landowners' wells, and there's
19 been no issue with that.

20 The what-if part of the question is, I
21 guess, hard to answer. I don't know if I can
22 constructively say what if or what would happen.
23 But I can say that, you know, we're definitely
24 insured or bonded. We have liability insurance.

1 It's required by the Bureau County Ordinance for
2 us to provide that.

3 I believe we would be in a very tough
4 situation if that were to be an impact. And if
5 that is a concern throughout the development
6 cycle, you know, think about, you know, funding
7 investors' banking: a very conservative
8 approach. They're going to cross every "T," dot
9 every "I." The building permit process, the
10 same: very thorough.

11 So if that is a concern, I'm sure that
12 that will be brought up and we'll be able to
13 address it.

14 Q. So you would say that you're insured, whether
15 there's, you know, well damage, foundation
16 damage or even, you know, a double-pane window
17 that loses seals type of thing?

18 I mean, these vibrations, you know, as
19 Mr. Bastion said, these trucks -- you know,
20 grain trucks are a pretty good rumble to the
21 houses as they go by. That's what you said
22 these would be like.

23 So you would feel that you are insured
24 against those type of things?

1 A. Yeah, I can't say, you know, I'm an expert on
2 our insurance policy, but I know that we do
3 carry a very extensive liability insurance
4 policy. And if we are found liable for causing
5 those damages, you know, practicality and common
6 sense would tell me that we would be held
7 accountable for those.

8 Q. Two more questions. You discussed the
9 decommissioning bond. I'm not sure if that goes
10 into an escrow account or exactly how that
11 works. But you set that up now, at this point,
12 with anticipating what it's going to cost to
13 decommission in 40 years?

14 A. Yeah. Right now, with this application, we
15 have submitted a decommissioning plan that
16 includes that value. That plan is prepared by a
17 licensed professional engineer in the state of
18 Illinois.

19 And in terms of when that's funded or when
20 that goes into place, that's governed by the
21 Agricultural Impact Mitigation Agreement, as
22 well as the Bureau County Zoning Ordinance. So
23 we'll fund that in accordance with those
24 regulations.

1 Q. And that plan, the decommissioning plan, is
2 that then -- are you taking -- I'm assuming you
3 would have, but how can you say now that in four
4 years from now -- you know, inflation over the
5 last five years has gone crazy. I don't know
6 how much money you're putting in this escrow
7 account, but how can you say this would be
8 plenty to decommission in 40 years?

9 A. Yeah, there is a decommissioning plan, and
10 there are regulations with the Department of
11 Agriculture, through that AIMA, about the
12 decommissioning plan. And I believe it's a
13 standard condition of approval, which they
14 almost read at the beginning of this hearing,
15 that talks about the decommissioning plan
16 itself. There's a standard condition that the
17 County requires us to uphold before we pull a
18 building permit for the project.

19 Q. So I could check with the County and see how
20 that plan would come about?

21 A. Yeah. Yeah, like the exact implementation of
22 that plan, yeah, we'll be -- you know, we'll
23 have to comply, and we're happy to comply with
24 the requirements of the County.

1 Q. I just don't want the County to be on the hook
2 if there's not enough money in the account.

3 A. And honestly, that's a great thing about, you
4 know, the AIMA that we have talked about with
5 the Department of Ag is, you know, sure, the
6 decom plan, you know, isn't everybody's
7 favorite, but it is an assurance project, right?
8 And if it does provide assurance for the
9 concerns that you're expressing right now, and
10 it's the County that will hold the money. So
11 there is money if it's ever needed.

12 Q. Reuben, if I could, one more question. On the
13 decommissioning question, do you have any
14 studies that show that this land can be returned
15 back to its the previous state in 40 years? I
16 mean, is there any solar farms that have been
17 decommissioned at all? I know some have gone
18 into life and have started to be decommissioned,
19 but are there any studies that show that this
20 land isn't going to be ruined from now on?

21 A. Yeah, I think the clearest way to articulate
22 that is, you know, through the development of
23 the Agricultural Impact Mitigation through the
24 Department of Ag. You know, they consulted with

1 multiple entities and different offices at the
2 State level. It says it right at the top of the
3 agreement.

4 Their whole motivation or purpose is that
5 this is returned to agricultural land. So my
6 understanding, by adhering to this Agricultural
7 Impact Mitigation Agreement and doing the things
8 that we're required to do, it will be able to be
9 returned to agricultural land.

10 You know, in terms of taking the I-beams
11 out or the piles, those should pull right back
12 out. In terms of removing any cables, we have
13 to remove them according to the AIMA. It goes
14 into details of size of rock that can be left
15 there, compaction, weed control.

16 So, yeah, I believe that the Department of
17 Ag has done a good job of making sure that it
18 can be returned back to farmland or whatever
19 purpose the landowner may have at the end of the
20 life.

21 MR. PRATT: Thank you very much. No more
22 for me.

23 MR. WELBERS: Go ahead, Kris.

24 EXAMINATION

1 BY MS. DONARSKI:

2 Q. Reuben, just so everybody is clear. On this
3 exhibit that was presented tonight with the AIMA
4 agreement, are you able to describe the
5 phased-in approach that the deconstruction
6 follows according to the AIMA agreement?

7 A. Yeah, sure, I would be happy to describe that.

8 So Section 17 of the AIMA, Subsection D
9 says:

10 The facility owner shall provide the
11 County with financial assurance to cover
12 the estimated costs of deconstruction of
13 the facility. Provision of this financial
14 assurance shall be phased in over the
15 first 11 years of the Project's operation
16 as follows.

17 Number 1. On or before the first
18 anniversary date of the commercial
19 operation's date the facility owner shall
20 provide the County with financial
21 assurance to cover 10 percent of the
22 estimated costs of deconstruction of the
23 facility as determined in the
24 deconstruction plan.

1 Number 2. On or before the sixth
2 anniversary of the commercial operation
3 date the facility owner shall provide the
4 County with financial assurance to cover
5 50 percent of the estimated cost of
6 deconstruction of the facility as
7 determined in the deconstruction plan.

8 Number 3. On or before the eleventh
9 anniversary of the commercial operation
10 date, the facility owner shall provide the
11 County with financial assurance to cover
12 100 percent of the estimated costs of
13 deconstruction of the facility as
14 determined in the updated deconstruction
15 plan provided during the tenth year of
16 commercial operation. The financial
17 assurance shall not release the surety --
18 meaning us -- from liability until the
19 financial assurance is replaced.

20 So that talks about how it's phased in,
21 and that's the Department of Agriculture AIMA
22 that we're forced to sign. You know, we can't
23 build a facility without it and we can't
24 negotiate the language of it.

In Totidem Verbis, LLC (ITV)
815.453.2260

In Totidem Verbis, LLC (ITV)

1 So that's what we have agreed to for this
2 facility.

3 MR. JACOBI: Reuben, there's another
4 paragraph in there that says every five years
5 after Year 11 the County has the option to true
6 it up again, so to check the decommissioning
7 price at that point.

8 So, you know, to your point that we don't
9 know what it's going to be in 30 years, well,
10 every five years they'll true it up.

11 MR. PRATT: So in 11 years if GreenKey is
12 not still the owner of the property, if it was
13 sold two, three, four, five times, whatever,
14 that agreement still follows through to whoever
15 is owning it at that time?

16 MR. JACOBI: Yes, sir.

17 MR. WELBERS: Connie.

18 MS. STETSON: Connie Stetson.

19 EXAMINATION

20 BY MS. STETSON:

21 Q. So what did you say -- the sixth year is what
22 now? 50 percent. Okay. So you go bankrupt,
23 whatever, who foots the bill for the other
24 50 percent?

1 A. Yeah, the sixth year says: On or before the
2 sixth anniversary of the commercial operation
3 date the facility owner shall provide the County
4 with financial assurance to cover 50 percent of
5 the estimated costs of the deconstruction of the
6 facility.

7 Q. Okay. So you go bankrupt the sixth year. You
8 have got 50 percent in there. Who foots the
9 bill for the other 50 percent?

10 A. Yeah, so these are the regulations that were
11 set up by the Department --

12 Q. I just asked, who foots the bill? That's what
13 I am asking. I know what the regulations are.

14 A. I can answer.

15 Q. Okay. Answer.

16 A. So these are the regulations that were set up
17 by the Department of Agriculture. And in our
18 deconstruction and decommissioning plan that we
19 have submitted, we have committed to fulfilling
20 these obligations, we're in accordance with the
21 County Ordinance that implements these
22 regulations from the State Statute, and we have
23 signed this AIMA agreement with the Department
24 of Agriculture. So we are fulfilling this.

1 Q. Who pays for the other 50 percent?

2 A. Who would pay for the other 50 percent of what?

3 Q. You have 50 percent down for the
4 decommissioning at the County. Where does the
5 other 50 percent come when there's no use --
6 when the solar panels are done? If they are
7 done, who foots the bill for the 50 percent?

8 A. So I think the question might be, what's the
9 value of that solar facility after Year 11?

10 Q. No. My question is, who pays -- if you only
11 have 50 percent down, and the solar company
12 decides that they don't need it anymore, who
13 foots the bill for the other 50 percent to
14 decommission? That's what my question is.

15 A. I think I'm understanding. What I want to say
16 is that there will be a lot of value in the
17 solar facility that's still sitting on the
18 ground. You know --

19 Q. Who foots the bill for the 50 percent that the
20 County does not have? The County only has
21 50 percent in an account, and they're holding
22 that 50 percent --

23 MR. WELBERS: Is your answer, Reuben, that
24 the solar facility will have more than

1 50 percent of remaining value?

2 MR. GRANDON: By far.

3 MR. WELBERS: So it would come out of the
4 equity of the establishment itself, of the
5 development itself, is that --

6 MR. GRANDON: There will be a lot of
7 value --

8 (Multiple people talking at once.
9 Indiscernible crosstalk.)

10 MS. DONARSKI: We have everybody talking
11 at once, and Callie can't get that into the
12 record.

13 MR. WELBERS: That's true.

14 MS. DONARSKI: One at a time.

15 Q. (By Ms. Stetson:) The decommissioning, the
16 value of the solar is deducted from how much?
17 Is that correct? The salvage.

18 A. I'm sorry, can you rephrase that question
19 again?

20 Q. Okay. You have a salvage value. The project
21 is a hundred thousand dollars. The salvage
22 value is 25,000. You have the 50 percent. Who
23 takes care of the rest of the money to
24 decommission this? The landowner?

1 MR. JACOBI: You're suggesting a
2 decommissioning in Year 6. So at Year 6 --

3 MS. STETSON: In case something happens to
4 the solar --

5 MR. JACOBI: Right.

6 MS. STETSON: -- and it just fails, it's
7 just sitting there, not being used.

8 MR. JACOBI: Your question has a couple of
9 assumptions in it, one of which is in Year 6
10 GreenKey is no longer around, and also the
11 investors in the assets on the ground at that
12 point no longer have any interest in running the
13 solar facility.

14 MS. STETSON: Decommissioned. I think,
15 you know, if it's not used within six months --

16 MR. JACOBI: 12 months. But it has to
17 be -- nobody is going to decommission a
18 commercially-operating solar farm that's
19 producing revenue. That's why this is phased in
20 from 10 percent, 50 percent, a hundred percent,
21 because over those 11 years it becomes -- the
22 solar farm becomes less valuable in producing
23 revenue.

24 So at Year 6, the mortgagers of the

1 finance that GreenKey has on this solar farm
2 will have far more interest in stepping in to a
3 GreenKey that no longer exists and operating the
4 solar farm and finding an operator for it.

5 So there's less risk to the County at
6 Year 6. That's why it's 50 percent.

7 Q. Will the County be responsible for any money --
8 I'm saying if it just sits there, unused for
9 12 months, if that's -- I can't remember -- I
10 don't have it.

11 We're decommissioning. The County has
12 50 percent. Because the salvage value is taken
13 out. So you have this leftover money. Who pays
14 for that balance?

15 MR. JACOBI: The owner.

16 MS. STETSON: The owner of the land.

17 I hope you know that.

18 MR. JACOBI: No. No, no, no. The owner
19 of the solar farm.

20 MS. STETSON: Oh. But what if they're
21 bankrupt?

22 MR. JACOBI: They won't be.

23 MS. STETSON: How do you know?

24 MR. JACOBI: Because there's financiers

1 that have an interest, an equity interest, in
2 the solar farm, and they won't just let their
3 investment go away. So they'll either come in
4 and run it, or they'll sell it to somebody else
5 who will run it, or they'll take those assets
6 and they'll sell it.

7 But at Year 6, it's still a commercially-
8 operable solar farm. So it won't be taken out
9 of the ground. It will continue to run.

10 MS. STETSON: You're just not giving me an
11 answer.

12 MR. JACOBI: No, I am.

13 MS. STETSON: The landowner would be the
14 one to foot the bill --

15 MR. JACOBI: No, no, no. That is not what
16 I said.

17 MS. STETSON: -- if there's any problem.

18 MR. JACOBI: That is not what I said. I
19 said the owner of the solar farm. I don't want
20 that to be mistaken. The owner of the solar
21 farm would fit the bill, as the owner of the
22 solar farm would foot the bill a hundred percent
23 in the event it's decommissioned at any time.

24 The only time the bond ever comes into

1 play is if the owner of the solar farm is
2 unavailable to pay. At Year 6, the owner of the
3 solar farm will be available to pay. So there's
4 very little risk --

5 MS. STETSON: That's written?

6 MR. JACOBI: That's why --

7 MS. STETSON: Is that in writing?

8 MR. JACOBI: That's why the
9 decommissioning bond is phased in like it is
10 under the AIMA.

11 Going back to Reuben's earlier point,
12 those regulations, which were developed in
13 conjunction with the Illinois Farm Bureau and
14 the Illinois Department of Agriculture are the
15 regulations to which this company has committed
16 full-stop to adhere to.

17 MS. STETSON: I didn't get an answer. I
18 feel like if there's any -- I don't want the
19 County to be responsible for anything.

20 MR. JACOBI: Yeah, it won't.

21 MR. WELBERS: Well, the witness and the
22 witness's attorney gave you the best answer that
23 they have.

24 MS. STETSON: It sounds like the landowner

1 has the problem.

2 MR. WELBERS: Well, you can testify to
3 that later.

4 MS. STETSON: I hope they all know that.

5 MR. WELBERS: Got any other questions? I
6 saw another hand.

7 Go ahead, sir. Your name, sir.

8 MR. RUGGERIO: Andy Ruggiero.

9 EXAMINATION

10 BY MR. RUGGERIO:

11 Q. Question for Reuben is, after you drive these
12 piles in the ground, what's the chances of them
13 damaging the water runoff with the field tile?

14 A. That's a good question. We haven't touched on
15 agricultural drainage or field tile yet.

16 So one of our pre-construction activities
17 is that we'll do an analysis for all of the
18 field drainage tile that's in there, that's
19 privately owned and been installed by the
20 landowner.

21 Right now we have a preliminary map from
22 Mr. Gillan, but we will field survey that as
23 well. And, you know, priority one would be to
24 avoid what you're talking about. Find all the

1 tile, survey it, and just avoid it by design.

2 If it does happen that one breaks, we're
3 100 percent liable for that. Again, it's
4 covered in that agricultural agreement. There's
5 also language about it in the Bureau County
6 Zoning Ordinance. I think we could also say
7 that if we don't, we could be flirting with
8 Illinois drainage law, and we don't want to have
9 any negative impacts beyond our property.

10 So long answer short is that we would work
11 to avoid it. If we break it, we would have a
12 professional repair it as soon as reasonably
13 practical. And we would probably hire somebody
14 local to help us with that.

15 Q. If by any chance it gets clogged up, who's
16 going to be responsible to unclog it and to redo
17 it?

18 A. If it's caused by us, that's our
19 responsibility, yeah, absolutely.

20 MR. WELBERS: Any other questions?

21 Yes, Mr. Nerad.

22 MR. NERAD: I just have two quick ones.

23 Tim Nerad.

24 EXAMINATION

1 BY MR. NERAD:

2 Q. Number one, if you don't know where you're
3 going to get the panels from, then I don't know
4 how you can say what's in them.

5 And number two, your 250 feet is wrong.
6 The property line is closer than 250 feet. I'll
7 guarantee you that.

8 A. Yeah, I could have measured it incorrectly, but
9 using the software that I found online and using
10 the measure tool -- you know, I meant to qualify
11 that statement earlier -- that's the best
12 measurement I can get.

13 What is the number, if you don't mind me
14 asking?

15 Q. I got it written down. It's way less than
16 250 feet?

17 MR. WELBERS: Technically --

18 MR. GRANDON: That was my best
19 approximation.

20 MR. WELBERS: -- he's not your witness.

21 MR. GRANDON: Yeah, sorry about that,
22 Mr. Nerad. I want to get it right, but I did my
23 best, you know, estimation of it.

24 MR. WELBERS: Mr. Nerad, when you come to

1 express your point of view, you can have a
2 precise measurement, go ahead and put it into
3 the record. But you didn't ask him any
4 questions; you made statements.

5 MR. NERAD: Oh, okay.

6 MR. WELBERS: Are there any other
7 questions from the group? Were getting close to
8 10:00. I would like to at least finish with
9 Reuben, if we can. Is there any other
10 questions?

11 (No verbal response.)

12 MR. WELBERS: Does our Board have any
13 specific questions of Reuben?

14 (No verbal response.)

15 MR. WELBERS: Well, then it would be
16 proper I think, since it's two minutes before
17 10:00, we usually -- we don't want to be evicted
18 by the deputy over there -- that we --

19 MS. DONARSKI: Recess.

20 MR. WELBERS: -- recess this meeting until
21 6:00 p.m. on Monday. What's the date?

22 MS. DONARSKI: It's August 19th, Monday,
23 but we're going to start at 6:00 p.m.

24 MR. WELBERS: 6:00 p.m., right here.

1 MS. DONARSKI: On Monday.

2 MR. WELBERS: Reuben has --

3 MR. JACOBI: Could we express a preference
4 for the following Monday, the 26th?

5 MS. DONARSKI: That is a possibility, too.
6 Are you guys good with waiting until the next
7 Monday, the 26th?

8 MR. JACOBI: We just have to get travel
9 arrangements for our experts.

10 MR. WELBERS: You want to skip a week,
11 until the 26th of August?

12 MR. JACOBI: That's the request. You can
13 tell me no.

14 MR. WELBERS: No, I'm not going to tell
15 you no.

16 MS. DONARSKI: I have two dates, and so
17 the two dates I have are the two Mondays. So I
18 have the 19th and the 26th. So if you want to
19 skip the 19th, we can go to the 26th. I don't
20 have any more dates after that. I'll look for
21 some additional dates then.

22 MR. JACOBI: The 26th is fine.

23 MR. WELBERS: So that changes. We will be
24 here on the 26th at 6:00 p.m. That gives us a

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

little time extra time before the courthouse has
to close and we have to leave. So August 26th,
6:00 p.m., right here.

(The hearing was recessed at
10:00 p.m.)

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

Now on this 15th day of August, A.D., 2024, I do signify that the foregoing testimony was given before the Bureau County Zoning Board of Appeals.

Barry Welbers, Chairman

Kristine Donarski,
Zoning Enforcement Officer

Callie S. Bodmer

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