

STATE OF ILLINOIS
WASHINGTON COUNTY ZONING BOARD OF APPEALS

GATEHOUSE ENERGY, LLC
APPLICATION FOR A SPECIAL USE PERMIT

5/28/2026
6:00 P.M. - 9:37 P.M.

ZONING ADMINISTRATOR:
Krystal Althoff

HEARING FACILITATOR:
Scott Kains, Esq.

WASHINGTON COUNTY ZONING BOARD MEMBERS:
Dwayne Mulholland - Chairman
Clarence Gogolek
Mike Chwaszczinski
Patricia Rensing
Devin Clary
Luke Borrenpohl
Bruce Schneider

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COUNSEL FOR THE APPLICANT:
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1 MR. MULHOLLAND: Okay. We're about to get
2 started here. I'd like to call -- first of all, we're
3 going to have to have a secretary.

4 Bruce, do you want to be secretary?

5 MR. SCHNEIDER: Sure.

6 MR. MULHOLLAND: Okay. Roll call.

7 MR. SCHNEIDER: Luke Borrenpohl.

8 MR. BORRENPOHL: Here.

9 MR. SCHNEIDER: Bruce Schneider.

10 Here.

11 MR. SCHNEIDER: Dwayne Mulholland.

12 MR. MULHOLLAND: Here.

13 MR. SCHNEIDER: Mike Chwaszczinski.

14 MR. CHWASCZINSKI: Here.

15 MR. SCHNEIDER: Devin Clary.

16 Patricia Rensing.

17 Clarence Gogolek.

18 MR. MULHOLLAND: Okay. It looks like we've got
19 four present, which is a quorum.

20 Do I have a motion to approve the minutes as sent
21 in the mail?

22 MR. BORRENPOHL: I make a motion.

23 MR. MULHOLLAND: Is there a second?

24 MR. SCHNEIDER: I second.

25 MR. MULHOLLAND: Those in favor say "aye".

1 MEMBERS: Aye.

2 MR. MULHOLLAND: Opposed same sign.

3 Okay. I'm going to turn this meeting over to
4 Scott here, and he's going to swear you all in and go
5 from there.

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

7 Good evening, folks. This is the second night of
8 a public hearing involving an application or a
9 petition -- an application, I guess, from Gatehouse
10 Energy Storage, LLC to -- for the siting of a battery
11 energy storage facility. It is a request for a special
12 use permit to allow for construction and operation of a
13 battery energy storage facility on property located on
14 Howard School Road in Radom, Illinois, and on the first
15 night of the hearing, we heard from -- we heard
16 testimony from Gatehouse Energy's project developer, a
17 Mr. Quinn Gorman, and he testified. He was
18 cross-examined by a number of members of the public and
19 also was questioned by the attorney for Washington
20 County, Mr. Andrew Keyt, and also questioned by members
21 of the zoning board of appeals.

22 Then the second witness, a Lance Pan, the lead
23 engineer from Invenergy, who is the parent company of
24 Gatehouse. Mr. Pan testified, and he was questioned by
25 Mr. Keyt, and now there remain questions for Mr. Pan,

1 and we will begin with those momentarily.

2 I will note for the record Mr. Devin Clary has
3 arrived, so five of the seven zoning board members are
4 present for this public hearing. Again, just a reminder
5 and for those of you who were not here the first time,
6 this is a public hearing. The public will be heard,
7 okay? There will be questions from the public. They
8 are allowed to be asked of any witnesses that are
9 called. For brevity's sake, only those questions that
10 are relevant and germane to this public hearing will be
11 allowed, so if you want to go off on a tangent, I may
12 have to reign you in. Again, I am the hearing
13 facilitator appointed by Washington County to preside
14 over this hearing, and we will adhere to many rules of
15 procedure that you find in a courtroom; however, I'm
16 going to be relaxed on allowing questions that go a
17 little bit far afield, but not too far afield. So, if I
18 reign you in, it's just because you've gone a little bit
19 past the relevancy of this. Because this is a public
20 hearing, just a reminder, everyone will have a chance to
21 testify, okay? That means you will get to get up later
22 in the hearing and make a statement to the zoning board
23 of appeals. While I'm the hearing facilitator, I rule
24 on evidentiary issues. I do not have a vote. The vote
25 on this project will come to the five gentlemen and --

1 who are up here on either side of me, and their vote
2 will be just a recommendation to the full Washington
3 County Board, and they will take up the matter. We are
4 hoping that they will take up the matter for a final
5 vote at the June meeting, which is June 9th. We'll see
6 if we get that far.

7 All right. Mr. Griffin, do you have any
8 procedural matters before we begin?

9 MR. GRIFFIN: I do not.

10 MR. KAINS: All right. Very good.

11 Mr. Keyt, Ms. Rives on behalf of Washington
12 County, do you have anything?

13 MR. KEYT: No, sir.

14 MR. KAINS: Okay. Very good.

15 All right. Mr. Lance Pan. I don't think it's
16 on.

17 MR. PAN: Is this working? Can you hear me?

18 MR. KAINS: Yeah, but you're going to have to
19 really hug it though.

20 MR. PAN: Check one, two. Check one, two.

21 MR. KAINS: There you go. Sir, I'm going to
22 swear you in because it's been a while.

23 (Witness sworn.)

24 MR. KAINS: All right, and could you please state
25 your name and spell your first and last names for the

1 record?

2 MR. PAN: Lance Pan, L-A-N-C-E P-A-N.

3 MR. KAINS: Thank you, sir. Just a reminder for
4 folks in the audience, we have a court reporter seated
5 over at this table. She takes down every single word,
6 so I'll ask you specific questions and have you spell
7 your name for her, because it has to go into the record,
8 and as a reminder, because she's taking down everything
9 that is said in this hearing, we can only have one
10 person talk at a time. So, when it's time to ask
11 questions, we can't have anybody talking over the other
12 person. So -- all right.

13 With that, Mr. Pan, you have testified in this
14 hearing previously on April 23rd, 2026, and Mr. Keyt has
15 cross-examined you, and now the questions for this
16 witness come from members of the Washington County
17 Zoning Board of Appeals.

18 Gentlemen, do you have any questions regarding
19 Mr. Pan's testimony from April 23rd?

20 Yeah, Mr. Schneider.

21 EXAMINATION BY THE ZBA

22 MR. SCHNEIDER: The tax benefits are determined
23 how? You showed us a slide approximately 21 million.
24 Is that 21 million for one year, 10 years, 20 years, 30
25 years, and is that guaranteed, or is that dependent on

1 how much energy is stored and returned?

2 MR. PAN: I can't speak to the tax side. I am
3 more on the project engineering side.

4 MR. SCHNEIDER: So, who can't speak to that?

5 MR. PAN: Quinn.

6 MR. SCHNEIDER: Okay. So, sir, I would think for
7 expediency, we should swear him in and have him at the
8 same time, so we don't have this, "I can't answer," like
9 we did last meeting.

10 MR. KAINS: Very good. Very good point.

11 Mr. Gorman, could you please come to the stand?

12 (Witness sworn.)

13 MR. KAINS: Okay, and, sir, could you please
14 state your name, spelling first and last for the record.

15 MR. GORMAN: Quinn Gorman, Q-U-I-N-N G-O-R-M-A-N.

16 MR. KAINS: I see heads shaking in the back. We
17 can't hear.

18 MR. GORMAN: Q-U-I-N-N -- Q-U-I-N-N G-O-R-M-A-N.

19 MR. KAINS: All right. Thank you, Mr. Gorman.

20 All right. Mr. Gorman previously testified in this
21 matter, and he has been thoroughly cross-examined, but I
22 will allow additional questions from the zoning board of
23 appeals.

24 Mr. Schneider.

25 MR. SCHNEIDER: Yes, you showed a slide of

1 approximately 21 million in tax benefits to the county.
2 How do you get that number? Is that an annual, 10-year,
3 20-years, and is that dependent -- no matter what or is
4 that dependent on the amount of electricity you store
5 and put back on the line? In other words, how much
6 money is going to be actually guaranteed to the county?

7 MR. GORMAN: So, those are estimates, and they
8 are put together by our economic impact report team, and
9 that 21.8 million total, that is over a maximum 25-year
10 life of the project.

11 MR. SCHNEIDER: How did you get that number?

12 MR. GORMAN: I did not create that number. That
13 methodology of how all of that is created is included in
14 I think it's about a 60-page report within the
15 application.

16 MR. SCHNEIDER: So, is there anybody over there
17 that can answer the question?

18 MR. GRIFFIN: Yes, I can answer that question.
19 I'm James Griffin, J-A-M-E-S G-R-I-F-F-I-N. I'm the
20 attorney for the applicant.

21 MR. KAINS: Go ahead, Mr. Griffin.

22 MR. GRIFFIN: I don't know if you necessarily
23 need to swear me in.

24 MR. KAINS: No.

25 MR. GRIFFIN: This is a matter of state law.

1 It's a state statute. The state statute sets the
2 assessed value of the project, and it is not dependent
3 on how much energy is stored and produced. It's
4 dependent on what is called the nameplate capacity, so
5 the size of the project. This is a 185-megawatt
6 project, so it will always be taxed at 185 megawatts
7 regardless of how, you know, successful the project is,
8 how much energy it actually produces. If it goes
9 offline for six months, it gets taxed the same way. It
10 doesn't even matter. It's still taxed at 185 megawatts,
11 and all the local -- or all the county assessor has to
12 do is plug that 185 megawatts into a state formula and
13 that comes up with the tax. So, it's guaranteed unless
14 the State changes the tax laws. As long as the State
15 keeps the tax laws the same way, it is guaranteed into
16 the future. I hope that answers your question.

17 MR. SCHNEIDER: Yes, thank you.

18 MR. KAINS: Anything further?

19 Any other questions for either Mr. Gorman or
20 Mr. Pan from members of the zoning board?

21 All right.

22 MR. EPPLIN: I've got a question.

23 MR. KAINS: Hang on a second.

24 There's a procedure for how we do this. There
25 will first be questions -- whenever there's time for

1 questions, there will be first questions from the
2 county's attorney, Mr. Keyt and Ms. Rives over at this
3 table, then there will be members of the zoning board of
4 appeals, then there will be units of local government,
5 then interested parties represented by an attorney, and
6 then we'll get to members of the public, and ultimately,
7 we will get back to the final questions come from
8 members of the board.

9 So, with that, members of units of local
10 government, including school districts, is anyone here
11 for either of these gentlemen?

12 Interested parties represented by licensed
13 attorneys. Are there any other licensed attorneys in
14 the room other than the ones seated over here and
15 Mr. Griffin and myself? I don't see Mr. Wood, who was
16 here last time. All right. Very good.

17 MR. SCHNEIDER: Right there.

18 MS. R. KUJAWA: I'm a licensed attorney.

19 MR. KAINS: Okay. Very good. I'm sorry, and you
20 are?

21 MS. R. KUJAWA: Rebecca Kujawa.

22 MR. KAINS: That's right. I remember you from
23 last time. Ms. Kujawa, do you have questions of either
24 of these witnesses?

25 MS. R. KUJAWA: I do.

1 MR. KAINS: Okay. You may approach and take this
2 table, please. I just didn't see your hand up. I'm
3 sorry, ma'am.

4 MS. R. KUJAWA: That's okay.

5 MR. KAINS: This is Rebecca Kujawa, K-U-J-A-W-A.

6 MS. R. KUJAWA: Yes.

7 MR. KAINS: Okay. Very good. All right. If you
8 could, please, address the question to whichever witness
9 you wish to have answer.

10 EXAMINATION BY COUNSEL

11 MS. R. KUJAWA: Is this battery energy plant
12 being built for AI infrastructure?

13 MR. PAN: I can answer that. So, we have not at
14 this time signed an off-take with the utility, so that
15 is to be determined.

16 MS. R. KUJAWA: Right, but you have a partnership
17 with NVIDIA and another party, correct?

18 MR. PAN: I'm not familiar with this agreement
19 and can't comment to it.

20 MR. KAINS: Mr. Gorman, do you have an answer to
21 that?

22 MR. GORMAN: I do not.

23 MR. KAINS: Okay.

24 MS. R. KUJAWA: Your CEO made a statement last
25 month that said every project has unique constraints,

1 and he talked about how they're built to the customer's
2 needs and that you're faster to project because you're
3 private and because you build these for this
4 partnership. So, to me, it seems like you do know what
5 this is for. You wouldn't build an infrastructure this
6 big and have no idea who it's going to.

7 MR. PAN: So, we wouldn't build this project
8 unless it has a secured off-take. On the AI data center
9 infrastructure, I believe those comments were made more
10 in reference to projects that would be sited directly to
11 provide power support for AI, like a data center. What
12 we are envisioning here is not attached to a data
13 center, it is attached to the local grid and would be
14 providing power to the local grid.

15 MS. R. KUJAWA: So, is there need for additional
16 power to our local grid right now?

17 MR. PAN: I can't speak to the overall grid and
18 what the utility is envisioning for resource
19 constraints, but I will say that, you know, what we have
20 been seeing around the county is that utilities are
21 looking for capacity, whether that's because they have
22 an AI data center or not.

23 MS. R. KUJAWA: So, it could be for an AI data
24 center?

25 MR. PAN: Yes, but I would like to make it clear

1 that this is not in reference to an AI data center.
2 It's not attached to data center, and I'm not aware of
3 any plans for a AI data center.

4 MR. KAINS: Ms. Kujawa, hang on a second.

5 Mr. Griffin, do you have any witnesses who can
6 answer that last question besides these gentlemen?

7 MR. GRIFFIN: No. Mr. Pan answered it. There is
8 no off-taker, which is a power purchaser. So, at this
9 time, there is no definitive power purchaser, but we
10 have to plans, and we're not partnering with anyone that
11 intends to develop a data center here in the county.

12 MR. KAINS: Okay. Very good. Thank you.

13 Ms. Kujawa, you have the floor again.

14 MS. R. KUJAWA: Okay. I just want to be clear.
15 Your CEO said last month that AI infrastructure and
16 energy infrastructure have to be designed together, so I
17 just find it surprising -- how much are you going to
18 spend on this? Like what's the investment?

19 MR. PAN: So, to answer the question specifically
20 about the project investment, do we have that detailed
21 out? I think we have some budgetary estimates, but
22 nothing at the moment.

23 MR. GORMAN: I believe the equipment costs.

24 MR. KAINS: Step up to the mic.

25 MR. GORMAN: I believe the equipment costs and

1 labor costs for this project come in maybe just a little
2 south of \$200 million. I can also say that Invenergy is
3 a large company, and there are different arms of the
4 company working on different things. There is -- I have
5 been working on this project quite a long time, and
6 there has never been any discussion about this project
7 supplying energy to a data center, being -- being sited
8 next to data center. I'm not even aware of where a data
9 center could be built in this county. I have no idea.
10 This project is to take power off of the grid and send
11 it back on when it's needed most.

12 MS. R. KUJAWA: Okay, but I think that's
13 misleading to make a statement when you don't know and
14 your CEO is saying it's partnering with NVIDIA and
15 trying to build infrastructure to move fast.

16 UNIDENTIFIED SPEAKER: Could we turn the air
17 conditioner fan off so we can hear?

18 MS. R. KUJAWA: I mean, it's convenient because
19 that's what you do is build infrastructure. You don't
20 know what's going on, but I find it shocking you'd spend
21 \$200 million and you have no idea who is going to buy
22 it.

23 MR. GORMAN: Well, we know it will be a qualified
24 utility, and in this case in this area that would most
25 likely be Ameren Illinois.

1 MS. R. KUJAWA: And Ameren Illinois does not
2 provide any power locally, so where did the need come
3 from? I mean somebody has have to had a plan to
4 identify this as a right location and there's energy
5 needs here. So, it just to me it's in order for a board
6 to decide to build this type of infrastructure in its
7 community, it needs to know what it's going to be used
8 for.

9 MR. PAN: So, speaking generally since I cannot
10 speak to any specific utility plans for this area, the
11 reason why utilities look to build out battery energy
12 storage and the reason they're becoming more common
13 across the country is that they provide capacity, local
14 capacity. One of the difficult things that the grid is
15 running into is sourcing energy and capacity. Not just
16 generating it, but getting it to where it needs to be,
17 and battery projects are fantastic at helping alleviate
18 that. So, for example, if there is a surge in demand
19 and that generally corresponds to a surge in energy
20 prices, battery projects local to the area can help
21 provide some of that supply to meet that demand and can
22 ease pricing changes to the changing demand of energy.
23 Whether that's from a load local to here or a load
24 completely unrelated far away that's consuming a lot of
25 power, that doesn't really matter. It's if there is a

1 need for energy, this will help supply to this area.

2 MS. R. KUJAWA: Okay. But there's no energy
3 needed in this area that I am aware of. So, is it able
4 to send this energy elsewhere?

5 MR. PAN: So, this would be connected to the
6 larger grid, and when I say "energy needed in this
7 area", this would be helping provide, you know, energy
8 to the wider grid, so that includes providing power to,
9 you know, residential homes.

10 MS. R. KUJAWA: Where though? I'm trying to be
11 more specific, like in Nashville, or are you talking
12 about in Chicago? Where is it going?

13 MR. PAN: So, once it's on the grid supporting,
14 you know, the electrical grid in this area. So,
15 ostensibly, it would be anything that uses power in the
16 area.

17 MS. R. KUJAWA: So locally?

18 MR. PAN: Yes.

19 MS. R. KUJAWA: So, there's no need for a 185
20 megawatts unless it's a data center.

21 MR. PAN: I can't speak to the needs of the
22 utility.

23 MS. R. KUJAWA: But that's just common sense. I
24 just feel like you are hiding -- you're playing the game
25 of hiding what the intended purpose is even though you

1 have to absolutely know and your CEO says you're in
2 partnership with these companies.

3 MR. GRIFFIN: Mr. Kains, I would ask that it be
4 limited to questions and not testimony.

5 MS. R. KUJAWA: I feel like they're not answering
6 the question.

7 MR. KAINS: Hang on. There's an objection, and
8 I've got to rule on it. That's what we do.

9 Mr. Griffin, your objection is she's testifying?

10 MR. GRIFFIN: Yes.

11 MR. KAINS: Okay. I'm going to overrule it.

12 But, Ms. Kujawa, you know how to cross-examine
13 witnesses, and I think you're doing a fine job, but
14 let's maybe rather than interjecting perhaps your
15 opinion, let's just get to the point. I think your
16 point is they can't say specifically what the need is
17 for this storage that they're planning; is that correct?

18 MS. R. KUJAWA: Correct. I guess my question is
19 you're going to spend \$200 million but you have no idea
20 who your customer will be?

21 MR. GORMAN: So, our customer, again, would be
22 the utility in this case. This is not different from
23 the way that we build any of our other projects. We
24 build it, and we know that our utility customers have,
25 you know, demand, and then they purchase our projects

1 once they are constructed. I will say again and, you
2 know, referencing, you know, this statement made by the
3 CEO of Invenergy, you know, again, Invenergy is a large
4 company that builds these projects throughout the
5 country and in some cases throughout the world. When
6 he's talking about whatever he's talking about, I
7 sincerely do not believe he's talking about Gatehouse
8 Energy Storage here.

9 MS. R. KUJAWA: Okay. So, who would have told
10 you that we need 185 megawatt -- if it can only apply
11 locally, who would use that?

12 MR. GORMAN: That could be answered by the
13 utility.

14 MS. R. KUJAWA: Okay. I think we all know what
15 that means. I think I'm done with my questions.

16 MR. KAINS: All right. Thank you, Ms. Kujawa.

17 All right. Any other attorneys with questions
18 for these gentlemen?

19 All right. Very good.

20 All right. Questions for either of these
21 gentlemen, Mr. Gorman, the project developer, or
22 Mr. Pan, the lead engineer?

23 All right. Interested parties, members of the
24 public, folks who are either neutral on the application
25 for this project or who are opposed. Anyone who is

1 neutral or opposed with questions for either of these
2 gentlemen, just a show of hands. I see Ms. Kujawa here.
3 Come on up.

4 MS. M. KUJAWA: Well, I want Mr. Winka to go
5 first.

6 MR. KAINS: You want Mr. Vinka to go first?

7 MS. M. KUJAWA: Yes, I do.

8 MR. KAINS: I didn't see -- of course, I've got
9 two guys in front of me, so I'm not seeing Mr. Vinka.

10 MS. M. KUJAWA: He wants me to.

11 MR. KAINS: Mr. Winka, I'm sorry. I wrote it
12 down wrong. All right, and for the record, you are
13 Maryanne Kujawa.

14 MS. M. KUJAWA: Correct.

15 MR. KAINS: Okay. Go right ahead with your
16 questions for these gentlemen.

17 EXAMINATION BY THE PUBLIC

18 MS. M. KUJAWA: Okay. To the energy engineer, I
19 have size of battery. With the width, the length, and
20 the height of the battery.

21 MR. PAN: So, typically -- well, we have not
22 selected a product yet for this project. Typically,
23 these battery enclosures are approximately nine and a
24 half feet tall, approximately eight feet wide, and
25 something like 20 or 40-feet long.

1 MS. M. KUJAWA: 20 or 40 feet?

2 MR. KAINS: 20 or 40.

3 MR. PAN: 20 or 40 feet. There are different
4 products that come in different form factors. Some of
5 them are 20-foot containers. Some of them are 40-foot
6 containers.

7 MS. M. KUJAWA: So, at present, you don't know
8 what size you're going to be using?

9 MR. PAN: We don't have a product selected, so we
10 don't have actual --

11 MS. M. KUJAWA: So, that's not in the application
12 then?

13 MR. PAN: Well, what we have provided in the
14 application is a current assumption, but it's not a
15 final selection.

16 MS. M. KUJAWA: Okay. Who is going to build
17 these? You apparently don't have a company that's going
18 to build these. What companies do you use to build
19 these batteries?

20 MR. PAN: So, we would work with a construction
21 contractor to do the onsite construction.

22 MS. M. KUJAWA: Is that construction person here
23 in our county?

24 MR. GORMAN: So, I believe you're talking about
25 the construction of the project and not the construction

1 of the batteries to be clear, and so we -- we -- I
2 mentioned this last time, but we will enter into a
3 procurement with the State, and one of the requirements
4 of procurement is that we enter into a labor agreement.
5 So, we will work with union halls to build this project,
6 and we will use as much local labor as absolutely
7 possible in the construction of this project.

8 MS. M. KUJAWA: So, right now this zoning board
9 is supposed to okay this, but not knowing what size of
10 batteries you're going to use?

11 MR. GORMAN: So, there is the --

12 MS. M. KUJAWA: Is that correct?

13 MR. GORMAN: -- the preliminary equipment model
14 which we have put together, which is the Gridstack Pro
15 5000, and that is the height and dimensions of the
16 project that are included in the application.

17 MS. M. KUJAWA: Okay, then how much is each
18 battery -- how many megawatts are in each battery?

19 MR. PAN: So, each enclosure is somewhere around
20 two and a half megawatts.

21 MS. M. KUJAWA: Two and a half megawatts. So, in
22 a 185-megawatt facility, how many batteries is that?

23 MR. GORMAN: I believe it's about 160, maybe 165.

24 MS. M. KUJAWA: Okay. So, you said that the
25 batteries were two and a half megawatts. Okay. The

1 last time you said that they were going to sit on three
2 to four inches of rock.

3 MR. PAN: So, yes, typically, they are -- they're
4 placed on piles foundations and then --

5 MS. M. KUJAWA: And what is pile foundation?

6 MR. PAN: So, that is like a steel I-beam that is
7 driven into the ground which then typically has a cap
8 placed on top, and then the equipment is pressed on top
9 of that.

10 MS. M. KUJAWA: And what is the cap?

11 MR. PAN: Steel as well.

12 MS. M. KUJAWA: Steel as well.

13 MR. PAN: And then typically in order to finish
14 the surface so that we're not just on dirt, we will have
15 like a crushed rock or gravel to kind of finish the
16 setting.

17 MS. M. KUJAWA: Do you know what size of gravel
18 you're going to use? What grade?

19 MR. PAN: I don't know that off the top of my
20 head.

21 MS. M. KUJAWA: But you're the engineer, aren't
22 you?

23 MR. PAN: I am not a civil engineer.

24 MS. M. KUJAWA: Oh, I'm sorry. Let's see. How
25 is the power transferred to whatever electric company

1 that's going to be using this power?

2 MR. PAN: So, that is done at the point of
3 interconnection, so that's the switchyard in the area
4 that connects to the wider grid.

5 MS. M. KUJAWA: And who okays that?

6 MR. PAN: That would be the transmission operator
7 and utility.

8 MS. M. KUJAWA: And where is that transmission
9 operator?

10 MR. PAN: Do you know the transition operator?

11 MR. GORMAN: The transmission operator is Ameren
12 Illinois.

13 MS. M. KUJAWA: But from what site are they
14 okaying this? Is it up in Chicago? Is it here in
15 Washington County?

16 MR. GORMAN: I don't know where Ameren's
17 facilities which they will use to do that are located.

18 MS. M. KUJAWA: So, you are selling the battery
19 power to Ameren?

20 MR. GORMAN: Either the project itself or the
21 power. Again, that off-take method has not yet been
22 determined, but it would --

23 MS. M. KUJAWA: So, you're not -- so Ameren
24 wouldn't be telling you that if you don't have the
25 contract yet.

1 MR. GORMAN: No.

2 MS. M. KUJAWA: Okay. Once the battery is used
3 and it's empty, what do you do with it?

4 MR. PAN: Are you speaking about after the
5 project lifecycle is over?

6 MS. M. KUJAWA: Well, I don't understand the use
7 of the battery. If you say you have two and a half
8 megawatts in each battery, when you use that up, do you
9 insert more power into there, or how is that worked?

10 MR. PAN: Yeah, so just like your phone, these
11 batteries can be discharged. So, they push power onto
12 the grid. Then they also charge, which means they take
13 power and store it for later.

14 MS. M. KUJAWA: Okay. So, in those 20 -- what is
15 this, the 20 to 25 years when that's done, what happens
16 to those batteries?

17 MR. PAN: The batteries will be removed and the
18 site will be fully decommissioned and returned to a
19 pre-construction stage.

20 MS. M. KUJAWA: How do the batteries get to this
21 site?

22 MR. PAN: Typically, they are shipped off the
23 back of like flatbed trucks.

24 MS. M. KUJAWA: And they have power in them?

25 MR. PAN: They are typically shipped with a

1 minimal, safe state of charge.

2 MS. M. KUJAWA: And do you know how they would be
3 shipped to here? What highway?

4 MR. PAN: So, I don't know specifics of that, but
5 I can state that if this project were to move forward, a
6 site-specific transportation plan that would outline
7 exactly the equipment, routes to the site, and potential
8 road use agreements, that would all be hashed out later
9 in the execution of the project.

10 MS. M. KUJAWA: Okay, but that's not in the
11 application, right?

12 MR. GORMAN: So, within the application -- and we
13 discussed this at length last time -- there is a
14 proposed road use map, which identifies Illinois Highway
15 15, County Highway 15, County Highway 23, and then
16 Howard School Road as the proposed roadmap for major
17 equipment haul.

18 MS. M. KUJAWA: But those batteries have to come
19 from somewhere. Where do they come from, and how are
20 they getting to those three roads that you keep talking
21 about?

22 MR. GORMAN: You are referring from the -- from
23 wherever they're manufactured?

24 MS. M. KUJAWA: Yes.

25 MR. PAN: Yeah, so those would be shipped in

1 trucks or something similar to that.

2 MS. KUJAWA: But you don't know because you don't
3 have a contract with them yet?

4 MR. PAN: Yeah. We haven't actually purchased
5 any equipment for this project.

6 MR. KAINS: Ma'am, I'm going to interrupt for
7 just a second.

8 Mr. Keyt, is it required that the transportation
9 of the batteries themselves, is that required in the
10 application that is under consideration currently by
11 Washington County?

12 MR. KEYT: If I understand the question, you're
13 -- the question is do they have --

14 MR. KAINS: Does this have to be in the
15 application right now?

16 MR. KEYT: No. It's -- what's required is that
17 they have a route, local route identified. I think what
18 is a little bit confusing in their answer is that -- if
19 I'm understanding it correctly, it would be manufactured
20 somewhere and then shipped on a truck by interstate,
21 most likely, until it got locally, and then it would
22 travel on local roads once it gets off the interstate.

23 MR. KAINS: Does it have to be in this
24 application, or does that come later with the road use
25 agreement and permit -- building permit?

1 MR. KEYT: That comes -- the route does, but the
2 details would be in the road use agreement, which comes
3 later.

4 MR. KAINS: Okay. All right. Very good. Go
5 ahead, Ms. Kujawa.

6 MS. M. KUJAWA: Okay. I want to know where do
7 you live?

8 MR. PAN: I live in Chicago.

9 MS. M. KUJAWA: Have you been at the site that is
10 proposed?

11 MR. PAN: Yes, I have.

12 MS. M. KUJAWA: So, what do you see there?

13 MR. PAN: What I recall not-in-use farmland.

14 MS. M. KUJAWA: Not used farmland?

15 MR. PAN: Not currently being used. I didn't see
16 any crops there when I visited.

17 MS. M. KUJAWA: When was that? Was that in the
18 winter?

19 MR. PAN: That was a couple months ago.

20 MR. KAINS: I think we all could agree there's
21 crops there.

22 MS. M. KUJAWA: Yes, definitely. Okay. Would
23 you --

24 MR. KAINS: Ask another question, please.

25 MS. M. KUJAWA: Would you move to live in that

1 area?

2 MR. PAN: Yes.

3 MS. M. KUJAWA: Okay. We'll find you a realtor
4 and make for sure you move next to this.

5 MR. KAINS: Go ahead with another question,
6 Ms. Kujawa.

7 MS. M. KUJAWA: Sorry.

8 MR. KAINS: That's all right. Just because
9 you're one of my favorite people doesn't mean you can
10 get away with all kinds of things though.

11 MS. M. KUJAWA: I'm sorry.

12 MR. KAINS: You're fine.

13 MS. M. KUJAWA: I wanted to know what kind of
14 fence do you use?

15 MR. PAN: So, typically, it's a steel fence that
16 you would find surrounding something similar to any
17 other electrical infrastructure.

18 MS. M. KUJAWA: So, anybody could come with a
19 wire cutter and cut it?

20 MR. PAN: I suppose so, yes.

21 MS. M. KUJAWA: So, that's real safety.

22 MR. KAINS: You don't have to answer that. Go
23 ahead with another question.

24 MS. M. KUJAWA: I'm sorry. I do have a question
25 is why do I hear -- and it's to both of you. Why do I

1 hear this project cannot be stopped? We do live in a
2 democracy, which is a system of government where power
3 resides with the people. Citizens exercise authority
4 directly or through elected representatives, which at
5 this point is our zoning board and our county board. I
6 do see a county board member back there. We're directly
7 stating that the project, the 185-megawatt lithium
8 storage facility is not what we want due to health
9 reasons, environmental reasons, light pollution, change
10 in the agricultural area, and safety reasons, so why
11 should we say yes to your proposal?

12 MR. KAINS: Ms. Kujawa, I'm going to direct these
13 witnesses to not answer the question, because they --
14 they have a different feeling. You have a different
15 feeling. This goes not to direct evidence in this case.
16 This goes to their opinions, and I think that everyone
17 could take their opinions for what it's worth, and
18 everyone considers your opinion for what it's worth, and
19 I do want to thank you for your questions and for your
20 statement that you just made. So, thank you.

21 MS. M. KUJAWA: Thank you.

22 MR. KAINS: All right. Any other questions for
23 these witnesses from members of the public?

24 MS. WINKA: I have one.

25 MR. KAINS: Okay. Yes, ma'am. Please come

1 forward.

2 Mr. Gorman, thank you for getting out of the way.
3 I'm having a heck of a time. I mean, you guys aren't,
4 you know, as big as Mr. Keyt over here, but it's still
5 hard to see through you.

6 Ma'am, could you please state your name for the
7 record?

8 MS. WINKA: Amanda Winka, W-I-N-K-A.

9 MS. KAINS: Okay, and Amanda is common spelling?

10 MS. WINKA: Yes, A-M-A-N-D-A.

11 MR. KAINS: And what town do you live in?

12 MS. WINKA: Ashley.

13 MR. KAINS: Ashley. Very good. Go right ahead
14 with your questions for Mr. Gorman or Mr. Pan.

15 MS. WINKA: Okay. My first one was kind of
16 touched by the other attorney earlier, but it was if
17 it's happening here, how will it help us? Like, I live
18 -- my house is the closest to this planned facility, and
19 we have Tri-County Electric. So, I don't understand how
20 it's helping our area whenever I can see it from my
21 window.

22 MR. KAINS: I think that was answered. I believe
23 Mr. Pan answered that this is not necessarily going to
24 go to -- what's your power company called?

25 MS. WINKA: Tri-County.

1 MR. KAINS: Tri-County. It may not go to
2 Tri-County. Would that be a fair assessment?

3 MR. PAN: Yes, it would be.

4 MR. KAINS: Now, if you're saying that it's going
5 to likely go to Ameren, where would the closest Ameren
6 customers be, if you know?

7 MR. GORMAN: I do not know where Ameren -- where
8 Ameren would send it to their customers at this point,
9 but I would like to answer another part of this
10 question, which is how does this project benefit me, and
11 that's with the property taxes that we were talking
12 about. You know, this project will pay --

13 MR. KAINS: Ladies, we're having a hard time
14 hearing him because all I'm hearing is you. So, hang on
15 just a second. We'll give you a chance.

16 MR. GORMAN: The property taxes that are paid out
17 over the life of the project will go to taxing bodies
18 that will use them to make public improvements, and
19 those public improvements will, as they are supposed to
20 do, improve the life of the public.

21 MR. KAINS: So, Mr. Gorman, would it be fair to
22 say then that there may not be any direct impact on
23 Washington County residents with respect to
24 electricity -- just with respect to electricity, but
25 that the main benefit for Washington County would be the

1 tax benefits that were discussed earlier?

2 MR. GORMAN: I would agree that's a fair
3 statement.

4 MR. KAINS: Okay. Very good. I'm sorry,
5 Ms. Winka.

6 MS. WINKA: That's okay. The other question that
7 I had was the power that you're pulling off the grid,
8 how much -- how much power are you pulling off of the
9 grid to store in the batteries versus how much the
10 batteries them self are using this power that you're
11 pulling off of the grid?

12 MR. PAN: Yeah, so the size of the project is 185
13 megawatts, so that means it can charge up to 185
14 megawatts.

15 MS. WINKA: Like per day?

16 MR. PAN: It would be whenever the utility
17 directs it to. So, power is an instantaneous thing, so
18 it's through megawatt hours. That is the amount of
19 energy that goes in, and that would be 185 megawatts for
20 four hours. In terms how much energy is consumed by the
21 batteries themselves, typically that is going to be a
22 very, very small portion of the total amount of energy
23 that would be going into the system. Something, off the
24 top of my head, under 5 percent of the total energy
25 capacity nameplate.

1 MS. WINKA: Because these batteries have to heat
2 themselves and cool themselves to stay a consistent
3 temperature; is that correct?

4 MR. PAN: I don't believe they would need to heat
5 themselves in this type of climate, but yes, they would
6 need to cool themselves.

7 MS. WINKA: Okay. The -- another question that I
8 have is about your 25 years, like when does that start?
9 Does that start when you break ground, or does that
10 start when the facility is up and going, or how does
11 this timeline that we have that you say is 25 years?

12 MR. PAN: So, the 25-year life of the project
13 would start once it actually begins operations.

14 MS. WINKA: Okay. I don't know that I have any
15 really other questions. I mean, I have a statement that
16 I -- but I guess you don't want that.

17 MR. KAINS: Now is not the time.

18 MS. WINKA: Okay. So, I guess that's it for my
19 questions.

20 MR. KAINS: Thank you, Ms. Winka. Yeah, there
21 will be time for folks from the public to get up one at
22 a time and say what they want to say.

23 Mr. Griffin, your witness is still under oath and
24 on the stand. So, gentleman in the front row in the
25 blue and white checked shirt, did you have a question?

1 MR. EPPLIN: Yes, I was --

2 MR. KAINS: Would you come over here, please?
3 Because I cut you off earlier, I want to make sure we
4 get you in.

5 MR. EPPLIN: Thank you. Okay. No problem.

6 MR. KAINS: What is your name again, sir?

7 MR. EPPLIN: Fred Epplin, E-P-P-L-I-N.

8 MR. KAINS: That's right, and you're the township
9 trustee.

10 MR. EPPLIN: Yes, sir.

11 MR. KAINS: Okay, very good. Do you have his
12 name?

13 Okay. Go ahead, Mr. Epplin.

14 MR. EPPLIN: We've been talking about these
15 taxes. Is the State of Illinois getting any cut on
16 this?

17 MR. KAINS: Do you gentlemen know, or
18 Mr. Griffin? Does the State of Illinois get a cut from
19 these taxes?

20 MR. GRIFFIN: Not of the property taxes. No,
21 they do not.

22 MR. KAINS: It's property tax. State only gets
23 income tax and gas tax as we all know.

24 MR. EPPLIN: So, the State is not going to get
25 any money from this project whatsoever?

1 MR. GRIFFIN: Well, the State won't get any real
2 property taxes. Will they get other types of taxes?
3 Yes, they will, but so will the local communities,
4 things like sales tax are split between the State and
5 the local community. So, the State would get some of
6 that.

7 MR. EPPLIN: Okay. Now, how is this distributed
8 as far as the taxes for the school, township, what's the
9 percentage? What's the formula for that?

10 MR. GRIFFIN: It's the exact same as every other
11 real property in the same taxing district, same as homes
12 or businesses. The percentages don't change.

13 MR. KAINS: Mr. Griffin, I see over here on this
14 monitor "tax benefits and property value". Is that
15 something that could help address Mr. Epplin's
16 questions?

17 MR. GRIFFIN: Yes, it is. You'll see the
18 breakdown right here. This is based --

19 MR. KAINS: Up here.

20 MR. GRIFFIN: This is based -- of course, this is
21 current -- current -- the current tax amounts that each
22 of these taxing bodies are charging. That can change
23 slightly over time. You know, a school district can
24 increase its tax base or decrease it, but under the
25 current -- they're currently taxing at right now, this

1 is the percentage. So, you see schools is in the green.
2 I can't really read it from here, but it looks like it's
3 a little over 50 percent property taxes will go to the
4 schools, and then you've got the other piece of the pie
5 that represent the other taxing districts.

6 MR. EPPLIN: Okay. Thank you. My next question
7 has to do with the Ameren situation. I hear Ameren come
8 up all the time. Is Ameren going to be involved with
9 your original construction? Is the township going to be
10 -- should we be looking at getting a specific road use
11 permit from Ameren as well as your company, or are you
12 going to work together, or how is this going to happen?

13 MR. GORMAN: No, Invenergy/Gatehouse will build
14 this project. Ameren will not build the project. They
15 will purchase it after the completion of construction.

16 MR. EPPLIN: So, their switchgear, everything
17 will be put in after you're done, or are you going to
18 put the switchgear in?

19 MR. PAN: So, we -- when we build these projects,
20 we'll connect them to the point of interconnection, so
21 that will be the switchyard which will have the kind of
22 breaker equipment to connect everything safely.

23 MR. EPPLIN: Okay. Next question has to do with
24 the number of people I keep hearing in previous meetings
25 that's going to be working in this situation. Would you

1 entertain putting in a laydown yard and put a bus
2 service to eliminating the cars going up and down that
3 road so the local people can maneuver their way in and
4 out?

5 MR. GORMAN: So, we spoke about this at length
6 the last time you asked the questions regarding how the
7 traffic for the construction workers will take place to
8 make sure that we are minimizing -- sorry -- to make
9 sure that we are minimizing impacts upon the local
10 traffic, and as said, we will do -- we will make sure
11 that this is done with Kiefer and with Andrew Brown to
12 make sure that, you know, there will not be 200 people
13 on site at one time. That is going to be 200 individual
14 people estimated over the length of the construction --
15 the construction period. We will work -- and this will
16 be part of the road use agreement negotiations to make
17 sure that, first of all, current road laws are being
18 followed and that, you know, we are controlling traffic.
19 We will have a traffic coordinator making sure that our
20 -- you know, the people working on the project are
21 entering and leaving safely for themselves and for
22 everyone.

23 MR. EPPLIN: I know in solar panel situations
24 they're using buses to transport the workers in and out
25 to alleviate the number of cars that's involved on the

1 roads, and that's the reason I was asking.

2 MR. GORMAN: I have not heard about that. That's
3 new to me, but, again, during the road use agreement
4 negotiations, this is something that could be discussed.

5 MR. EPPLIN: Okay. Thank you.

6 MR. KAINS: All right. Mr. Epplin, thank you.

7 Mr. Keyt, to you I have a question. Road use
8 agreements, are those done prior to this application
9 process and this public hearing process, or is a road
10 use agreement with the county and townships done
11 afterwards?

12 MR. KEYT: It's done after and before the
13 building permit. So, they cannot have a building permit
14 until there is a road use agreement in place among other
15 things.

16 MR. KAINS: So, now do you anticipate that the
17 township for which Mr. Epplin is a trustee will have
18 their attorney work with this company too on a road use
19 agreement?

20 MR. KEYT: Any road authority would have the
21 right, and likely what they would do normally is
22 negotiate a road use agreement between the time of a
23 special use, if it were to be granted, and the time of a
24 building permit.

25 MR. KAINS: Mr. Griffin, have you or anybody from

1 Invenergy or Gatehouse been in touch with the township
2 attorney with respect to road use agreements?

3 MR. GRIFFIN: No, we have not gotten that far.

4 MR. KAINS: And is it because -- well, why
5 haven't you?

6 MR. KEYT: Can I just clarify? It's not required
7 to have a road use agreement.

8 MR. GORMAN: And I also want to say I am not -- I
9 did meet with the township road commissioner, and we
10 talked through that map that you saw earlier. We talked
11 about the project. We spoke at length. I was not made
12 aware of an attorney that would be representing the
13 township, but, you know, these will be circle-table
14 discussions, and if an attorney does exist, then we will
15 work with them as well and at Mr. Brown's direction.

16 MR. KAINS: Mr. Epplin is nodding his head yes
17 they have an attorney. So, that will be something we
18 can look forward to as well. The more lawyers the
19 merrier. I'm just kidding. Thanks, Dwayne.

20 But, Mr. Keyt, you're saying now -- right now is
21 not the time to be worrying about -- or it's not
22 required to have a road use agreement in place where
23 then there's a discussion about how to bring workers on
24 to the property?

25 MR. KEYT: I think correct.

1 MR. KAINS: Now is not the time.

2 MR. KEYT: Now is not necessarily the time. A
3 road use agreement is required before a building permit.
4 It is not required at a special use.

5 MR. KAINS: All right. Very good. Thank you.

6 Any other questions from the public for either
7 Mr. Gorman or Mr. Pan?

8 Okay. Yep. Gentleman in the blue shirt.
9 Mr. Gorman, if you will take four steps that way so I
10 can see over here.

11 After this gentleman, who else from this side has
12 questions for either of these witnesses?

13 All right. And anybody from this side still with
14 questions?

15 Okay, the gentleman in the back row in the
16 Cardinal Nation shirt. I saw that earlier. It is
17 Cardinal Nation, all 8 or 10 counties of us. All right.

18 Sir, what is your name?

19 MR. M. WINKA: Marvin Winka, W-I-N-K-A.

20 MR. KAINS: Yes, sir, Mr. Winka. Go ahead with
21 your questions.

22 Mr. Gorman, you can resume your spot.

23 MR. M. WINKA: Okay. I'm going back to the April
24 meeting, and I asked the question -- my main concern of
25 this project is safety. We are the most -- the most

1 close to the proposed project. Our farming operation
2 would be greatly affected -- affected if there was any
3 catastrophe, any issues going on there. That's our
4 grain farm and our livestock. We have livestock within
5 one quarter of a mile from the proposed site, and at the
6 time, my question was I think it was La Salle County in
7 Illinois where there was a malfunction and you had a
8 fire at a battery storage facility; is that correct?

9 MR. PAN: That is correct, yes.

10 MR. KAINS: Okay. Before we get too far,
11 Mr. Griffin, do you have a witness with respect to the
12 issues of fire safety who is on deck?

13 MR. GRIFFIN: We do, Mr. Kains.

14 MR. KAINS: Okay. Mr. Winka, feel free to ask
15 these gentlemen, but there is a witness over here who is
16 their fire safety expert. He'll be on the stand next.

17 MR. M. WINKA: Next, so I need to address him?

18 MR. KAINS: Yeah, but if you have any others for
19 these gentlemen -- but if it's about fire safety, you
20 can wait for the next guy, but if you have any other
21 questions about --

22 MR. M. WINKA: Basically, it centers around that.

23 MR. KAINS: All right. Then we'll have you first
24 up when the next gentleman comes up.

25 MR. M. WINKA: Thank you.

1 MR. KAINS: Thank you, Mr. Winka. We really
2 appreciate it. All right.

3 The gentleman in the Cardinal Nation shirt, come
4 on forward, please, and by the way, there's a lot more
5 counties than 8 or 10 that are in Cardinal Nation. You
6 can go down to Memphis and Mississippi suburbs south of
7 there and I know there's some Cardinal fans there.

8 Sir, what is your name?

9 MR. HODGE: Brian Hodge.

10 MR. KAINS: Okay. Brian, how do you spell your
11 first name?

12 MR. HODGE: B-R-I-A-N.

13 MR. KAINS: And your last name?

14 MR. HODGE: H-O-D-G-E.

15 MR. KAINS: Okay. Mr. Hodge, you have the floor.
16 Ask questions.

17 MR. HODGE: I'm an administrator at Ashley Grade
18 School, and it has to do with property tax revenue. Do
19 you know how much that you would generate in the
20 facility for our school district?

21 MR. GRIFFIN: Specific amounts, no, but that is
22 in our report. That is in the report that you can
23 check, and we can provide you those numbers, but we can
24 -- if it's a specific taxing body, we can provide those
25 numbers. Now, if your school is part of a larger group

1 of schools that are, you know, a consolidated school
2 district, then all we're going to have is the
3 consolidated school district number.

4 MR. KAINS: Mr. Hodge, which district are you
5 inquiring about?

6 MR. HODGE: Ashley District 15.

7 MR. KAINS: Ashley District 15. During the
8 recess, Mr. Griffin, if you can find that specific
9 number and then report back to everyone about the tax
10 benefit to District 15. Okay. Very good.

11 MR. HODGE: I had a number on March 15th -- or
12 March 5th, I'm sorry, \$284,000 annually, and that was
13 approximate, so I'm just throwing that number at you,
14 and on the 25 years, it was projected to be 7.1 million.

15 MR. GRIFFIN: I will confirm those numbers.

16 MR. HODGE: Okay. Thank you.

17 MR. KEYT: If I can maybe just help clarify.

18 MR. KAINS: Yeah, Mr. Keyt, go ahead.

19 MR. KEYT: It's Appendix W, and it is Table 6.4
20 is the property tax, and I can hand you the version that
21 I have, if you'd like, but the 7.12 million is correct
22 as to Ashley Consolidated School District No. 15.
23 Nashville High School No. 99, it is 5.292 million --
24 5,292,738.

25 MR. KAINS: Okay. Mr. Keyt, just so everybody

1 hears this, Ashley Unit District 15 gets 7.1 million
2 over the life of the project?

3 MR. KEYT: 7,120,444.

4 MR. KAINS: What about Nashville 99?

5 MR. KEYT: 5,292,738.

6 MR. KAINS: Mr. Hodge, does that answer your
7 question?

8 MR. HODGE: Yes, it does.

9 MR. KAINS: Very good. Thank you so much for
10 coming forward.

11 All right. Any other questions from the public
12 for these gentlemen?

13 All right. Moving on then. Questions from
14 Washington County staff and consultants. Ms. Althoff,
15 do you have any questions for the witness?

16 MS. ALTHOFF: No.

17 MR. KAINS: Thank you. All right.

18 Redirect examination. Do you have any questions
19 based upon the other questions for these fellas?

20 MR. GRIFFIN: Just a few.

21 MR. KAINS: Yes, sir. Go right ahead. You have
22 the right.

23 REDIRECT EXAMINATION

24 BY MR. GRIFFIN:

25 Q. Mr. Gorman, does Invenergy only develop projects

1 where there have been blackouts or power shortages?

2 A. No, we do not.

3 Q. So, how do you know where to build your projects
4 for future energy use?

5 A. Well, utilities will often put out RPF and --
6 requests for proposals, and what they're doing is
7 modeling out their expectations for electricity demands
8 years, sometimes decades into the future, and that can
9 help to let us know where to be, you know, looking for
10 areas where these projects are built. Also, we are --
11 we're looking at infrastructure that has available
12 transmission capacity, and that is another indicator of
13 where these projects will be built.

14 MR. GRIFFIN: Thank you.

15 MR. KAINS: Is that all?

16 MR. GRIFFIN: Yes.

17 MR. KAINS: Mr. Keyt, do you have final questions
18 for these witnesses?

19 MR. KEYT: I do not.

20 MR. KAINS: All right. Members of the Washington
21 County Zoning Board of Appeals, questions?

22 MR. BORRENPOHL: I do have one.

23 MR. KAINS: Mr. Schneider and Mr. Borrenpohl.
24 Mr. Borrenpohl goes first.

25

1 EXAMINATION BY THE ZBA

2 MR. BORRENPOHL: All right. Guys, this has been
3 a long process here, so I'm not trying to cross you up,
4 but the 185-megawatt application and the math that you
5 gave Ms. Winka in my numbers come up to 412.5 megawatts.

6 MR. PAN: I can speak to that. I think I was
7 thinking of a little bit newer projects than what we
8 submitted in the application. So, for what we specified
9 in the application, each enclosure would probably only
10 be about one megawatt. So -- and to explain that power
11 number is typically going to be a little bit higher than
12 the actual nameplate capacity of the project. That's to
13 account for losses to the actual point of
14 interconnection.

15 MR. BORRENPOHL: So, during this application
16 process and the building permit process, if technology
17 changes or you decide to use a different project as
18 you've just stated, could this project get any bigger
19 than 185 megawatts?

20 MR. PAN: No, it could not.

21 MR. BORRENPOHL: Thank you.

22 MR. KAINS: Thank you, Mr. Borrenpohl.

23 Mr. Schneider.

24 MR. SCHNEIDER: Okay. Along with that same math,
25 so, basically, you're saying you're going to have 160 to

1 165 containers on this property; is that correct?

2 MR. PAN: Roughly, yes.

3 MR. BORRENPOHL: And you don't know if they're
4 going to be 20-foot long or 40-foot long?

5 MR. PAN: So, what we have submitted in the
6 application, that specific project is a 40-foot
7 enclosure, but we haven't made an equipment selection
8 yet.

9 MR. SCHNEIDER: And you're going to spend \$200
10 million and you don't have a contract with somebody
11 that's going to buy it for sure?

12 MR. PAN: To clarify, we are -- you know, we're
13 not committed to building this project yet. That would
14 be contingent on this process here, as well as working
15 with off-takers to see if they want this project.

16 MR. SCHNEIDER: Okay. Explain that a little
17 more. So, you're saying if you do get the okay to go
18 ahead, then you're going to get a contractor for this
19 \$200 million project, and what if you don't get a
20 contract, then what happens? You're not going to build
21 it? I mean, I don't feel all warm and fuzzy inside when
22 you're giving wrong math numbers about the batteries and
23 you don't tell me right away if this is a 20-foot or
24 40-foot, and you're going to spend \$200 million and you
25 don't know who is going to buy it.

1 MR. PAN: So, to clarify, we would not build this
2 project if there's not an off-taker. So, you know,
3 given the stage that we're at, we haven't selected
4 anything, but once -- if there is an off-take and
5 there's a customer who wants to buy this, then that's
6 when we would be hammering out the details of what this
7 project would actually go into the ground with.

8 MR. KAINS: Thank you, Mr. Schneider.
9 Any other questions from members of the board?
10 All right. Very good.
11 All right. Gentlemen, you may step down.

12 (Witnesses excused.)

13 MR. KAINS: Mr. Griffin, call your next witness.

14 MR. GRIFFIN: Call Mr. Brian Fink.

15 MR. KAINS: Good evening, sir.

16 MR. FINK: Good evening.

17 (Witness sworn.)

18 MR. KAINS: Could you state your name for the
19 record, spelling first and last names for the court
20 reporter?

21 MR. FINK: Brian, B-R-I-A-N, Fink, F-I-N-K.

22 MR. KAINS: Mr. Fink.

23 Initially, do you have questions for your
24 witness, Mr. Griffin, or does he have a presentation?

25 MR. GRIFFIN: He has a presentation, and he'll

1 provide a little bit of a background, so I'm not going
2 to engage in a Q and A.

3 MR. KAINS: Okay. Very good. All right. The
4 only thing I'm going to ask, Mr. Fink, if you just keep
5 hugging that microphone.

6 MR. FINK: Absolutely. Let me know if you can't
7 hear me.

8 MR. KAINS: Yeah, very good. Thank you. Go
9 right ahead then with your presentation, sir.

10 MR. FINK: So, again, my name is Brian Fink. I
11 work for a company called Fire & Risk Alliance. It's a
12 fire protection engineering firm. They do a lot of
13 design work on these types of projects. They do battery
14 testing, large-scale testing. They write the emergency
15 response plans, hazard mitigation analysis report. They
16 do plume modeling, explosion modeling, but that being
17 said, I am not an engineer. I come from a firefighting
18 background. I spent 38 years with the New York City
19 Fire Department, the last 20 as a battalion chief in the
20 Bronx, and when I retired three years ago, I got
21 involved with training firefighters on these types of
22 systems. When I first started getting involved in this,
23 I probably had the same questions you did about safety,
24 because I didn't know enough about the batteries or how
25 they operated to feel comfortable training firefighters

1 on it. So, I did my homework. I went out to many, many
2 of these sites. I talked to fire departments who have
3 had fires with these. We had problems with the fires in
4 New York City as well. So, we were already on track
5 with trying to learn as much as we could about these
6 systems. What I found out in part was that when I
7 listened to engineers talk about these systems, I found
8 it difficult to follow them sometimes, so I'm here
9 tonight to just give you some information and some
10 concerns that I had, because I'm sure many of my
11 concerns are the concerns that everyone in this
12 courtroom has had.

13 So, I'm just going to run through just a quick
14 overview of batteries, particularly in these type of
15 sites, because we keep hearing about NFPA 855 and the
16 codes and UL 9540 and 9540A. Those are code
17 requirements for battery energy storage. 855 is
18 designed for what batteries -- the regulations to build
19 these sites. UL 9540/40A is the testing procedures that
20 batteries need to go through to be approved to be put
21 into these sites. I sit on that committee. When I
22 first started with this, I felt as though codes were not
23 keeping up with the technology. We were being overrun
24 or outrun by the technology changes. I think at this
25 point, especially over the past two or three years,

1 codes are -- have gone a long way to catch up with the
2 technology. I just want to talk a little bit about how
3 that has happened. So, now the new codes, which weren't
4 in place back when these things first started getting
5 built, require emergency response plans or emergency
6 management plans. So, the fire departments have a set
7 protocol on how to respond to these facilities. They
8 also have to have annual training. So, when they
9 respond they're safe and they know what to do when they
10 get there. There's also explosion preventions that are
11 required on these systems, which didn't used to be
12 required. Now, they have a requirement to build an
13 explosion protection, and that can be deflagration
14 panels or ventilation systems to keep it out of an
15 explosive range. Up until this past year, it could be
16 one or the other. Now, it is required that a
17 ventilation system, active system needs to be put in,
18 not just a passive system. Systems can also have
19 deflagration panels, but that would be an extra. The
20 equipment that Invenergy is proposing here has both
21 those systems built into it. So, it's a redundancy
22 built into the explosion protection.

23 To me, one of the biggest changes that has come
24 into the codes occurred this year in 2026. NFPA 855 now
25 requires large-scale fire testing of these units for

1 them to be approved to be put into sites, and what that
2 does is determine what the setbacks from each piece of
3 equipment needs to be between the pieces of equipment,
4 where if there is a fire in one, it will not spread to
5 another piece of equipment. So, what they're required
6 to do now is light an entire container on fire and see
7 how it impacts containers that are around it at the
8 distances they want to build these sites at. So, to me,
9 that is a big safety benefit out of this. Now they have
10 to prove the distances between equipment to build this
11 site.

12 Some of the other things that have occurred over
13 the past few years is they moved away from nickel
14 manganese cobalt batteries. Now they're all lithium
15 iron batteries, but they're different sub-chemistry
16 batteries. The batteries you have in your cell phones,
17 in your laptops, and many of the electrical vehicles are
18 nickel manganese cobalt batteries. They're more
19 volatile than the lithium iron phosphate batteries.
20 When they go into thermal runaway, they typically will
21 light up on fire immediately and start blowing
22 themselves apart literally. The lithium iron phosphate
23 batteries, they have a higher ignition temperature, and
24 they're less volatile in that they do not blow them self
25 apart. They don't ignite typically with a thermal

1 runway. So, that's a big safe bloom in changing the
2 technology and --

3 MR. KAINS: Mr. Fink, when did those batteries
4 start being used in facilities?

5 MR. FINK: Probably about three years ago they
6 moved to that. Those batteries were out there for quite
7 a few years, but they found that they are a better
8 option for these type systems.

9 MR. KAINS: And these are the batteries that are
10 going to be used at this project if it's approved?

11 MR. FINK: Pretty much all are using the lithium
12 iron phosphate batteries, yes.

13 MR. KAINS: Very good. Sorry to interrupt your
14 presentation.

15 MR. FINK: No.

16 MR. KAINS: Go right ahead.

17 MR. FINK: And I'll tell you the other benefit of
18 that is we're all concerned about what comes out of
19 these batteries as far as heavy metals. We've all read
20 about that. When they moved to the lithium iron
21 phosphate batteries, they don't have the heavy metals
22 that the nickel manganese cobalt -- nickel, cobalt are
23 the heavy metals. These batteries do not have that.
24 So, to me, that was a big change that was very
25 beneficial for the environment.

1 Also, the equipment has changed greatly. When
2 they first started building these things, either they
3 were putting them indoor inside of facilities, which did
4 not work out well for the industry, or they were putting
5 them literally in shipping containers that weren't built
6 specifically for batteries. That has changed now. Now
7 the containers that they're putting them into, they're
8 built specifically for batteries, insulated. They have
9 fire protection in many of them as far as barriers and
10 so fire can't spread. It's a very different design than
11 what they originally started using.

12 The other big part of that is many of the larger
13 fires that you've seen in the news around the county has
14 been indoor facilities, where they're putting open racks
15 of batteries inside of a structure. They're no longer
16 doing that, and in part because insurance companies
17 won't insure that type of design anymore. They need to
18 sprinkle those type of facilities to protect the
19 structure. It does not protect the batteries. If there
20 is a thermal runaway that sets the sprinkler heads off,
21 it shorts out more and more racks of batteries and
22 spreads it throughout the facility.

23 MR. KAINS: When did this start happening?

24 MR. FINK: Probably -- I haven't seen an indoor
25 project be approved for the past two or three years at

1 this point.

2 MR. KAINS: Okay. Very good.

3 MR. FINK: Prior to that, many of them were like
4 that.

5 MR. KAINS: Thank you.

6 MR. FINK: Yeah. Absolutely.

7 Outdoor systems -- and if you think about it,
8 thousands of racks of batteries inside of a structure,
9 that's how many can be involved in fire. When you have
10 these outdoor systems, there's a limited amount of
11 batteries in each one of these containers. So, when you
12 have a thermal runaway event at one of these outdoor
13 energy storage systems, it's a much smaller scale event,
14 much, much smaller.

15 The other thing that's very beneficial in the
16 designs of these is the battery management systems that
17 go into these are very sophisticated systems that manage
18 it, thousands of data points, and what they're designed
19 to do is automatically shut these systems down if
20 anything goes out of range. If you think about your own
21 cell phone, when you plug that in at night, if it did
22 not stop charging at a hundred percent, it could
23 overheat and go into a thermal runaway. That's just the
24 basic idea of what a battery system does. Inside these
25 containers it's much more robust, much -- a much more

1 complicated system designed to automatically shut it
2 down before it can go into any kind of thermal runaway
3 event.

4 There's also gas, heat, and smoke detection built
5 inside of these containers now in most of the designs.
6 What they're designed to do is if the gas detector goes
7 off, it kicks on that ventilation system, so it's
8 designed to keep it from getting into an explosive range
9 or a flammable range inside the container. So, those
10 are some of the developments that have come about as far
11 as the equipment goes, but also now the code requires
12 that the emergency management plan or emergency response
13 plan, they -- they need to have that in place before
14 that goes online, and it needs to be in conjunction with
15 what the fire department wants. They need to meet with
16 the fire department and make sure that the fire
17 departments has input into that plan. It also requires
18 the fire department to receive training on an annual
19 basis so they know what to do when they get there, and
20 typically if a fire department responds to one of these
21 facilities, what they're going to do is determine what
22 alarms are going off, they're going to look at the
23 battery management system that gives them a lot of data
24 on the state of charge of the system, how many cells or
25 modules are above temperature, and is it spreading to

1 any other containers. Firefighters are trained not to
2 get near these systems. When I do the training with
3 them, we tell them to stay a minimum of a hundred feet
4 away from the container that is in a thermal runaway
5 event. They're trained not to put water on the burning
6 equipment, because it's ineffective, it does not stop
7 thermal runaway. Most of what they're going to do is
8 meter downwind, and on one of the questions that
9 Mr. Winka just brought up, fire departments are going to
10 conducting metering downwind to determine whether or not
11 anybody needs to be sheltered in place or evacuated.
12 That's typically what fire departments will do if there
13 is any type of an event at one of these locations, and
14 one of the other questions I had is what's the
15 environmental impact if one of these things goes on
16 fire. So, during the 9540A testing, they're trying to
17 capture the gases that come off one of these cells or
18 modules or an entire unit and publish the gases that
19 come off. Virtually, all of these batteries, the three
20 main gases that come off and represent roughly 90 to 95
21 percent of the gas composition is hydrogen, carbon
22 monoxide, and carbon dioxide. Those are the three main
23 gases. There are other hydrocarbons that come off of
24 it. When I've looked at the gas composition from these
25 batteries, as well as the gas composition from a house

1 fire, they're basically the same gases that we are
2 exposed to off of both types of events, and when we
3 train firefighters, we have firefighters learn to be
4 better at what we do. We look at past events to see
5 what happened in those events to plan for the next
6 event, and that's how I felt comfortable addressing
7 training for the fire service and talking to the public
8 about past events is I look at the data. There's a lot
9 of information out there that has been very emotionally
10 driven, but I wanted data to base my opinions on and
11 also to conduct training, so there's some very good
12 after-action reviews that have come out after events
13 around the country. I encourage anybody who is
14 interested to read those. We can get them copies of
15 those or direct them to the website, and there's a lot
16 of good data to ease some of your fears about what these
17 events look like. So, that's my presentation, and I'm
18 happy to answer whatever questions you might have.

19 MR. KAINS: Very good. Thank you, Mr. Fink. I
20 have a question initially. Would you or someone from
21 Fire & Risk Alliance be training the fire department or
22 fire departments that could respond to anything that
23 might happen out there?

24 MR. FINK: Yes. Invenergy uses our company to do
25 their training.

1 MR. KAINS: Okay. So, your company would be
2 doing the training?

3 MR. FINK: Correct. It would be someone, myself
4 or someone just like me, and we typically just -- we
5 have a team of FDNY chiefs that go out and train
6 firefighters.

7 MR. KAINS: Very good. Thank you.

8 All right. Questions from Washington County
9 first by the attorney for the zoning board Mr. Keyt.

10 EXAMINATION BY MR. KEYT

11 Q. Okay. Thank you, sir. I have just a few
12 questions, I think. So, one of them, under the NFPA 855
13 standard, what is the -- if you could tell us, what's
14 the setback standard that is required within the NFPA
15 855, which I know might be multiple answers to that
16 question.

17 A. Well, the real answer to that is it's
18 insufficient in my opinion. It's 10 feet from any
19 exposures not associated with the site. That's what the
20 code states.

21 Q. Understood. So, one of the requirements within
22 the current Washington County Battery Storage Ordinance
23 is it has to be 200 feet from a right-of-way and 200
24 feet from parcel lines.

25 A. Yes.

1 Q. Those, in your opinion, would be more protective
2 than what just the simple NFPA 855 requirement would be?

3 A. Yes, I looked at your local ordinances, and I
4 think they're good. I like those. I'm not in favor of
5 that 10-foot setback, and many urban areas are dealing
6 with that that they are putting them. In New York City,
7 I can tell you these systems are 10 feet from apartment
8 buildings.

9 Q. In your opinion, it would be wise then to stick
10 with the Washington County zoning ordinance requirement
11 as opposed to substituting an NFPA standard where it's
12 more stringent?

13 A. I think you're going down a right path with the
14 numbers you've got right now. I do not have an issue
15 with the numbers that you propose.

16 Q. In terms of transportation of battery systems, is
17 there any specific issues in relation to safety in
18 relation to the transportation of the battery systems
19 that need to be addressed?

20 A. So, Lance had mentioned, they ship them in at a
21 30-percent state of charge. When we're doing the
22 training, we try to tell the firefighters the state of
23 charge is the gas in the gas tank, and batteries when
24 they go into thermal runaway at a low state of charge,
25 it's a very benign type of reaction compared to if they

1 were at a hundred percent state of charge. So, when
2 they ship them in, typically it's on a flatbed truck.
3 They have the 30-percent state of charge. If there were
4 an accident or something like that, the event is less
5 volatile.

6 Q. In terms of, though, is there any specific
7 transportation safety issue that needs to be addressed?
8 Is there -- is there, in your opinion, any
9 transportation safety issue that needs to be addressed
10 when it's being transported within local roads?

11 A. No. I mean, you know, we transport a lot of
12 chemicals across our highways, a lot of hazardous
13 materials across our highways. They're in our rail
14 cars. So, this, you know, is probably less of an event
15 if one of these trucks were to be involved in some sort
16 an accident. It's not like a chemical tanker being
17 involved in an accident.

18 Q. Is there any sort of suppression that needs to be
19 addressed within the transportation plan?

20 A. No, and as I said, it's ineffective to try to put
21 out burning batteries, and most fire departments have
22 come to the realization that you're better off allowing
23 a battery to consume itself, because if you leave any
24 state of charge left in the battery, it can reignite at
25 a later time, and I think most fire departments are

1 learning that with electrical vehicles, many tow
2 companies won't tow because they're afraid they're going
3 to go back on fire when they get to the tow unit. Their
4 best option is a battery on fire if it fully consumes
5 itself, it cannot go back on fire again. The plan for
6 the fire department, just protect the exposures; don't
7 try to fight the fire.

8 Q. In terms of specific training -- well, strike
9 that. In terms of specific equipment that a local fire
10 protection district -- keep in mind most of the fire
11 protection districts in Washington County and rural
12 Illinois are volunteer fire departments -- is there any
13 specific equipment that those fire protection districts
14 might need to fight a fire in relation to a battery
15 storage system like this?

16 A. So, they're not going to fight the fire. At
17 most, they might protect adjacent equipment, but really
18 their big purpose to respond to one of these is to do
19 metering. So, that may be something that they require
20 is some metering devices. I'm not sure what they have
21 currently, but I would encourage them to request
22 metering devices so they can assure the public that
23 they're not being exposed to any kind of harmful levels
24 of any kind of gases.

25 Q. And in terms of metering, can you for the record

1 explain what you mean by metering?

2 A. Yeah, metering is gas meters that would pick up
3 any kind of gases that may be harmful to the public.
4 So, we would encourage them to go downwind at a distance
5 and start metering back. This is what they do for
6 HAZMAT-type operations all the time. So, it's metered
7 to make sure that the public is not being exposed to any
8 kind of harmful levels of any kind of gases.

9 Q. And I think Mr. Kains already asked if you were
10 or your entity would be the agency that would come and
11 do the training on behalf Invenenergy?

12 A. Yes, we do their training for them.

13 Q. In terms of detection, you mentioned there was
14 multiple detection systems for thermal runaway within
15 the container them self. I'm not sure I caught exactly
16 what the multiple detection systems are.

17 A. So, it's a combination, and every manufacturer
18 may do something a little bit differently. Tesla is
19 kind of the odd ball, but most containers will have gas,
20 heat, and smoke detectors inside, but if only one of
21 those is going off, typically that's not a thermal
22 runaway event, and how their control center would know
23 that they actually have a thermal runaway event is
24 looking at the battery management system data, and
25 they're going to see temperature spikes in the batteries

1 that confirms whether or not they have a thermal runaway
2 event.

3 Q. In terms of any environmental testing that would
4 need to take place, how would and who would do that
5 testing?

6 A. So, they're required to do a hazard mitigation
7 analysis report on specific equipment once that's picked
8 and a specific battery, and it would be an engineering
9 firm -- my firm does do that, but they can use another
10 engineering firms to do that, but that would be a
11 requirement.

12 MR. KEYT: I don't have any more questions.
13 Thank you.

14 MR. FINK: You're welcome.

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

16 The next questions come from members of the
17 Washington County Zoning Board of Appeals.

18 EXAMINATION BY THE ZBA

19 MR. MULHOLLAND: I got one question. You talked
20 like if you had one of these on fire that the fire
21 department would be monitoring for toxic fumes or
22 whatever?

23 MR. FINK: Correct.

24 MR. MULHOLLAND: Is the same standards going to
25 be set for Mr. Winka's cattle? He has got a lot of

1 cattle a quarter mile from that place, and if they need
2 to be evacuated, how would you go about evacuating them?
3 What would you do with them?

4 MR. FINK: I can't say I've ever evacuated cows
5 in New York City, but at the distances you're quoting --
6 and I'm going back to the data that we've got from past
7 events -- they're far outside of any range that need any
8 kind of evacuation. I haven't seen any data to support
9 that we need to evacuate anybody at that kind of
10 distance.

11 MR. BORRENPOHL: So, obviously, we live in rural
12 America, correct?

13 MR. FINK: Yes, sir.

14 MR. BORRENPOHL: Our fire agencies are probably
15 the people that are standing behind you.

16 MR. FINK: Yep.

17 MR. BORRENPOHL: So, in an event of one unit in a
18 thermal runaway, how long do you think that would last?

19 MR. FINK: That's a great question, and it's
20 really variable depending on if they're using lithium
21 iron phosphate batteries, they seem to be a shorter
22 duration event. Many of these events I've seen with
23 those batteries, you'll get like a module, one module
24 within a container, and they'll have dozens and dozens
25 of modules, and it doesn't go any further. I can't

1 guarantee you that's the event. The ones that go
2 actually on fire, I've seen active fire can be anywhere
3 from two hours to eight hours or ten hours. So, I can't
4 nail that down specifically, but that's kind of a range
5 of what I've seen from reports that I've been able to
6 pull up.

7 MR. BORRENPOHL: So, with that being said, in a
8 small rural community with the training part, the Ashley
9 Fire Department, do you -- I mean, I'm sure you've
10 talked to the fire chief. There's been a letter
11 presented to us in the last meeting. Do you feel like
12 there's other agencies around that need to be included
13 in this and not just Ashley, or is that the Ashley fire
14 chief?

15 MR. FINK: Well, I would suggest anybody who
16 might respond into this area they get the training as
17 well. They should all be trained, and I will tell you
18 it won't only benefit them with just these systems, it
19 will help them with any type of battery event they may
20 respond to, because what we've seen in the fire service
21 is the batteries inside your house are far more likely
22 to cause you injury or death than the batteries out in
23 the field some place, and they need to be trained on
24 that.

25 MR. BORRENPOHL: And just to go back on what you

1 said with your -- what you've seen with the past data
2 out, there's no residences within this project that
3 would have to worry about a thermal runaway with fumes
4 for them self, cattle, anything like that?

5 MR. FINK: I have not seen that in any of the
6 data that I've been able to come up with.

7 MR. BORRENPOHL: Do you know how close it needs
8 to be if someone would want to build a house close to
9 this? I know the NFPA 855 setback says 10 feet. So, in
10 New York City, you can build on top of these as long as
11 it's 10 foot above it, right?

12 MR. FINK: Yeah, it's kind of unbelievable that
13 they've kept it at that. I wouldn't be comfortable
14 having a residence within a hundred feet of one of these
15 things.

16 MR. BORRENPOHL: So, could I go back to
17 Mr. Gorman with the question related to this as well?

18 MR. KAINS: Sure.

19 MR. BORRENPOHL: So, with this being said, do you
20 feel like, Mr. Gorman, that the property value would
21 still say the same or be higher if somebody wanted to
22 building a house in this knowing these facts?

23 MR. GORMAN: We have a property appraiser with us
24 here today. Can I defer that question to him, as I am
25 not a property appraiser?

1 MR. KAINS: Yep.

2 MR. GRIFFIN: Let me just suggest, if we can have
3 Mr. MaRous testify first, and he can answer those
4 questions.

5 MR. BORRENPOHL: Very good.

6 MR. GRIFFIN: Thank you.

7 MR. BORRENPOHL: I think that's all I have for
8 you, sir.

9 MR. FINK: Yes, sir.

10 MR. CHWASCZINSKI: You mentioned that 95 percent
11 of the gases coming from the fire would be hydrogen,
12 carbon monoxide, and carbon dioxide?

13 MR. FINK: That is direct.

14 MR. CHWASCZINSKI: And I think people around
15 probably -- around there are probably concerned with
16 that other 5 percent.

17 MR. FINK: Uh-huh (affirmative).

18 MR. CHWASCZINSKI: What is -- what would the
19 components of that other five percent be?

20 MR. FINK: It depends specifically on the battery
21 that is being used, but it's -- I can't remember all the
22 chemical names, but one of the ones that most people are
23 concerned with is hydrogen fluoride, which pro -- which
24 is produced when a battery burns, as it is with freon
25 when freon burns, it produces hydrogen fluoride as well,

1 and that's where most of the concern for the
2 firefighters that have been involved. The one positive
3 with hydrogen fluoride is once it's in the open
4 atmosphere, it dilutes rapidly and changes in form.
5 What I train firefighters on, if you are inside of a
6 structure with a battery fire, that hydrogen fluoride is
7 big concern for you. You have to have all your
8 protection on and your self-contained breathing
9 apparatus, but in the open air, it dissipates very
10 rapidly. If you look at the air like the ocean, it
11 dilutes chemicals rapidly once they're in the open
12 atmosphere, and if I can make the analogy, if you have
13 your car running inside of an enclosed garage with the
14 door closed, it could make you sick or kill you. You
15 can stand next to your car outside with it running and
16 it doesn't impact you. It's much the same with gases
17 coming off of any type of fire. If you are in close
18 proximity to that, you're going to be impacted by those
19 chemicals and by those fumes. The farther away you
20 move, the less impact it has because it becomes diluted
21 with the air. I don't know if that answered your
22 question, but there's ethylene and methane and many
23 different chemicals that come off at smaller
24 percentages.

25 MR. CHWASCZINSKI: Yeah, it sort of does, but

1 like with those cattle that are a quarter of a mile
2 away --

3 MR. FINK: Right.

4 MR. CHWASCZINSKI: -- there is no gas that would
5 be considered -- that wouldn't dilute itself?

6 MR. FINK: No. Like I said, I go back to the
7 data that we've been able to collect from past events,
8 and I haven't seen any data that would support that they
9 would be impacted at all at that kind of distances.

10 MR. KAINS: Any other questions from members of
11 the board? All right. Very good. Thank you.

12 Questions of -- from members of units of local
13 government, including school districts.

14 Mr. Epplin, did you have any questions on fire
15 safety for this gentleman as a township official?

16 MR. EPPLIN: No, sir.

17 MR. KAINS: Okay. Very good. Thank you.

18 Mr. Hodge, are you an elected official or an
19 administrator with the Ashley school district?

20 MR. HODGE: I'm an administrator.

21 MR. KAINS: Do you have any questions for this
22 gentleman regarding fire safety?

23 MR. HODGE: I don't think so.

24 MR. KAINS: Okay. Very good. Thank you.

25 Licensed attorneys. Counsel, come forward, Ms.

1 Kujawa, and then I want to hear if Mr. Winka has any
2 questions, because I think he's the one who is
3 potentially most impacted here.

4 All right. Ms. Kujawa, go right ahead.

5 EXAMINATION BY COUNSEL

6 MS. R. KUJAWA: Okay. You mentioned NFPA 855 and
7 that there was some recent significant amendments to it
8 in the last year. Those amendments were primarily
9 regarding emergency preparedness and hazard mitigation,
10 correct?

11 MR. FINK: Correct.

12 MS. R. KUJAWA: And you agree that they're very
13 valuable and important with respect to the installation
14 of any of these BESS systems?

15 MR. FINK: Absolutely.

16 MS. R. KUJAWA: So, would you recommend -- I know
17 we're talking about this 10-foot setback, but the NFPA
18 855 is not a zoning, it is about protection and safety,
19 right?

20 MR. FINK: Correct.

21 MS. R. KUJAWA: So, from an ordinance
22 perspective -- first of all, NFPA, that's not a law?

23 MR. FINK: Correct.

24 MS. R. KUJAWA: So, it's important that it is
25 included in our ordinance?

1 MR. FINK: You should quote that, yes. You
2 should say it needs to be designed to the 855, the
3 most-current edition as well.

4 MS. R. KUJAWA: And we can still have a setback
5 of 200 feet?

6 MR. FINK: It allows you -- 855 allows you to
7 make it more difficult or --

8 MS. R. KUJAWA: Correct.

9 MR. FINK: Or have tougher standards, absolutely.

10 MS. R. KUJAWA: I appreciate you saying that,
11 because our county ordinance does not have 855 even
12 mentioned in it, and despite mentioning it to certain
13 individuals and they seem to want to --

14 MR. KAINS: Counsel, ask a question.

15 MS. R. KUJAWA: Okay. Well, you answered it. We
16 need to add it to our ordinance. I do have another
17 question. You mentioned that they have recently
18 designed these to be outside and that's been a new
19 development in the last two or three years.

20 MR. FINK: It's probably been a little longer
21 than that, but yeah, they've most -- I haven't heard of
22 a developer looking to build an indoor project in
23 several years.

24 MS. R. KUJAWA: And with it being outside, is
25 that meaning there can't be an enclosure, so is that the

1 problem? I don't know what that means exactly.

2 MR. FINK: Being outside?

3 MS. R. KUJAWA: Yeah.

4 MR. FINK: No, outside requires an enclosure.

5 MS. R. KUJAWA: I mean, as far as how you're
6 viewing it from a safety perspective, is it because --

7 MR. FINK: It's because you're taking a smaller
8 amount of batteries and putting it in a container. When
9 they're indoors, it's just racks and racks of open
10 batteries, thousands of racks of batteries. These are
11 very limited in separate racks. So, it's minimizing the
12 scale of any potential event. It's like having one car
13 on fire in a parking lot or all the cars on fire in a
14 parking lot.

15 MS. R. KUJAWA: Okay. And what happens in like
16 catastrophic events like tornados?

17 MR. FINK: I haven't heard of any of these
18 systems being impacted. If you think about it, these
19 containers are extremely heavy.

20 Lance can probably tell you they're like -- I'm
21 not even sure, what, 40 tons each container roughly?
22 Plus, the way they're mounted, how he talked about they
23 go down with the basically either steel columns -- and
24 they bolt them to those.

25 MR. KAINS: Mr. Fink, could you just hug your

1 microphone a little bit more? They can't hear you.

2 MR. FINK: Yeah. No, I haven't heard of any
3 systems being impacted by a tornado, and just the weight
4 of the containers and how they're secured into the
5 ground, I would find it highly unlikely that they would
6 be impacted by that.

7 MS. R. KUJAWA: Okay. Those are all my
8 questions.

9 MR. KAINS: Very good. Thank you, Ms. Kujawa.

10 All right. Then members of the public.
11 Mr. Winka, do you have any questions that you'd like to
12 ask?

13 MR. KEYT: Mr. Kains, I just need to clarify
14 something for the record.

15 MR. KAINS: Yes, sir.

16 MR. KEYT: So, the NFPA 855 standards, this is
17 the special use permit application from the developer.
18 Special use permit applications are governed under 55
19 ILCS 5/5-12009.5 of the Illinois Counties Code. The
20 Illinois Counties Code allows a county to establish
21 conditions of approval for any sort of special use
22 permit application such as this one. When we were here
23 last time, the developer agreed to comply with a number
24 of NFPA 855 standards, which would then become
25 conditions of approval of the application. So,

1 regardless of whether they are listed specifically
2 within an ordinance, they would become conditions of an
3 approval, which has the effect of the statutory impact
4 and the becoming law of the county of an ordinance that
5 each of the NFPA standards that we went through
6 previously on the previous night would become standards
7 of approval and requirements for them to follow, which
8 they agreed to during the last hearing process. So, if
9 the project were to be approved, and again, that is at
10 the county board level not the special -- or the ZBA
11 levels, state law under a special use permit application
12 would allow, in which they agreed to, is that they would
13 comply and that would be then mandated under the
14 ordinances of the county under a condition of approval
15 they would comply with all NFPA 855 standards we went
16 through and all the UL standards we went through.

17 MR. KAINS: All right. Very good. Thank you,
18 Mr. Keyt.

19 Mr. Winka, please come forward. Go right ahead
20 with your questions for Mr. Fink.

21 MR. M. WINKA: Thank you. Here we go.

22 MR. KAINS: Thank you, sir. Well, I think we're
23 going to get to it now.

24 EXAMINATION BY THE PUBLIC

25 MR. M. WINKA: Okay. Some of my questions might

1 have been answered, but you made the statement that you
2 did ignite one of these units, correct?

3 MR. FINK: Yeah, I mean that's what's required
4 now.

5 MR. M. WINKA: Required, okay. And the unit that
6 you ignited, how does it compare to the size of units
7 that are going to be placed in this facility?

8 MR. FINK: So, whatever they're planning on
9 using, every manufacturer will need to test their
10 specific design. So, whatever they pick is going to
11 have to go through that test. It can't be: Oh, we
12 tried it with one unit, and it applies to all. No, it
13 has to be the specific unit that they're going to use,
14 the amount of batteries that they're going to have in
15 it, and the spacing that they're looking to put the
16 other equipment in relation to it.

17 MR. M. WINKA: So, the unit you ignited it, it
18 doesn't compare to the units that are going to be used
19 here?

20 MR. FINK: Well, large-scale fire testing is done
21 on all of these things now. The data that I pulled to
22 see what would help are real-life events, not testing.
23 Because to me testing some great, it helps validate, but
24 I want to see what's happened at real events out in the
25 real world, not in a laboratory test. So, the data that

1 I have is from real events that have occurred around the
2 country.

3 MR. M. WINKA: Okay. And when one of these units
4 caught fire --

5 MR. FINK: Yes.

6 MR. M. WINKA: -- I understand the fire
7 department cannot put it out?

8 MR. FINK: Correct.

9 MR. M. WINKA: So, how long did it burn? How
10 long?

11 MR. FINK: Yeah, and again it depends on what
12 type of system it was. The indoor systems, they burn
13 for days.

14 MR. M. WINKA: We're not on an indoor, we're on
15 an outdoor.

16 MR. FINK: Yeah, outdoor and the range has been
17 from two hours to eight hours or ten hours, and it's
18 basically a crap shoot as to how long it can be.

19 MR. M. WINKA: But you still don't know if that
20 eight to ten hours would pertain to a unit the size they
21 want to put in this facility?

22 MR. FINK: Yeah, I mean most of the developers --
23 they're a whole myriad of different designs they're
24 using out there, and, you know, how they're dividing up
25 the containers and that, so it would be really hard for

1 me to answer that, because I'm not sure what they're
2 going to use. You know, if they pick a piece of
3 equipment and you want to figure out what's going on
4 with that one, I'm sure they will provide you with
5 large-scale fire testing with that specifically.

6 MR. WINKA: So, there were not tests done in
7 units of this size, possibly?

8 MR. FINK: No, there's many large units they've
9 done testing like that that they have done testing on.

10 MR. M. WINKA: So, what I don't understand too
11 -- and this is the first time it's brought up tonight,
12 at some of our informational meetings earlier, months
13 ago, I was under the understanding that there would be
14 200 units and their length was 24 feet. Now, I'm
15 hearing units up to 40-feet long. What's changing here?

16 MR. FINK: It depends on who the manufacturer is,
17 and I'll tell you what, you know, there is a wide
18 variety of designs out there, and I'm not sure what
19 they're going to pick, but I would be less concerned
20 with the size of the equipment, more about the batteries
21 that are in that equipment.

22 MR. M. WINKA: Exactly, that's why I'm wondering
23 what's going to happen if there's 40-foot units here and
24 one of those catch -- malfunction.

25 MR. FINK: Well, those have caught fire. I mean,

1 the Tesla batteries, and they have had fires in their
2 sites, and some of the testing results I've seen on
3 those, they're like 40-foot containers.

4 MR. M. WINKA: Okay.

5 MR. FINK: Yeah.

6 MR. M. WINKA: And the fire department can't --
7 firefighters cannot get within 100 feet?

8 MR. FINK: I tell them they shouldn't be within
9 that.

10 MR. M. WINKA: Then how do they protect the other
11 units? You said their job is to protect, how do they do
12 that if they can't put water on the fire? How do they
13 protect the adjoining unit?

14 MR. FINK: That's part of the training we do with
15 them. So, the danger zone for them because of the
16 flammable gases, any time you have flammable gas inside
17 of a confined space, it makes that an explosive gas.
18 So, what happens with these systems, many times is if
19 there's a fire in one of these containers and it's
20 developing flammable gases, it blows the doors off the
21 container. So, that's why we don't want them in front
22 of the containers, because if a door comes off, we don't
23 want them being hit by it.

24 MR. M. WINKA: So, if this happens, are there
25 flames that come out?

1 MR. FINK: It can be. It can be, and that's
2 precisely why we don't want them in front, but again,
3 the scale of testing that is done now, that's the
4 large-scale fire testing, is going to go a long way to
5 determine what the spacing needs to be between
6 containers so they don't have to put water on the
7 adjoining container. What we tell them is what we tell
8 firefighters when they're approaching an unstable
9 building, they come in at the forty-fives so they're not
10 in front of the container. If they need to apply water
11 to another container, they're not in that danger zone.
12 They'll set up a portable monitor on the ground, or
13 they'll put up -- you know, if they've got aerial
14 trucks, they'll put that up, and they will just float
15 water on it, and we don't recommend they do anything at
16 the sites to tell you the truth other than be there.

17 MR. M. WINKA: My understanding was the
18 containers in this proposed site would be -- is it six
19 and a half feet apart?

20 MR. FINK: They're going to have to prove that in
21 a large-scale fire test. They can tell you whatever
22 they want, but --

23 MR. M. WINKA: That's what I'm wondering is how
24 the fire department will protect these other units. You
25 mentioned spraying water on them.

1 MR. FINK: Uh-huh (affirmative).

2 MR. M. WINKA: How do you spray water on a unit
3 that's six and a half feet away from the one that's
4 burning?

5 MR. FINK: So, what fire departments have done
6 previously, they have ground-based monitors. They set
7 that up. They put it on a fog pattern. They'll operate
8 it when necessary, and they get away from it. They
9 don't have anybody on it.

10 MR. M. WINKA: And does our volunteer fire
11 department have such monitors?

12 MR. FINK: I would think they would. If they
13 didn't, I would suggest they get them one.

14 MR. M. WINKA: But it's my understanding they've
15 already had training?

16 MR. FINK: No, no, no. They've just been spoken
17 to. Their training has been just an overview of
18 batteries. They have not had the formal training.

19 MR. M. WINKA: Oh, they haven't.

20 MR. FINK: No, because they may not ever get it
21 sited.

22 MR. M. WINKA: How many -- how many firemen would
23 it take to be on site if there was --

24 MR. FINK: I would recommend they keep it at a
25 minimal. There's not much they can do there. Their

1 best option is to meter downwind and just keep the
2 public informed. With this large-scale fire testing
3 now, hopefully that goes a long way to not having the
4 fire department engage at all because the spacing will
5 be adequate between the equipment that they won't have
6 to do any water application.

7 MR. M. WINKA: Even if the unit explodes, it
8 blows the door off, has fire coming out, and the units
9 are some --

10 MR. FINK: They're going to have to prove that
11 through large-scale testing, because --

12 MR. M. WINKA: So, will that large-scale testing
13 be done on units comparable to the ones being used in
14 this site prior to --

15 MR. FINK: Yes, they would need to have that test
16 result back before they could build this. Any equipment
17 they're going to use has to go through that testing.

18 MR. M. WINKA: Then do these -- this test have to
19 be done prior to any permits?

20 MR. FINK: Whatever equipment that they procure
21 would have to pass that test and have those numbers
22 already published. So, if they pick XYZ company, XYZ
23 company would have had to have conducted that testing
24 and would have published data to state how close they
25 can put adjoining equipment.

1 MR. M. WINKA: So, when will this testing be
2 done?

3 MR. FINK: It depends on the manufacturer. Most
4 manufacturers are already doing it. Most are already
5 doing. They saw this coming down the pipeline, and they
6 started doing it on their own. So, many of the large
7 manufacturers already do this testing.

8 MR. M. WINKA: Okay. Then the training for the
9 volunteer fire department, that doesn't consist of many
10 people and not a lot of equipment?

11 MR. FINK: Yeah, and again, I don't recommend
12 they take any action at one of these sites. We give
13 them options, and it's up to them what they want to do,
14 but their best option, especially with this large-scale
15 fire testing that gives you that adequate space, is they
16 won't do any of that.

17 MR. M. WINKA: You say you give them the option
18 if they want to do anything?

19 MR. FINK: You can't tell the fire department
20 what to do. The chief makes that call. We can give him
21 guidelines and give him training so he makes good
22 tactical decisions, but the fire chief is in charge.
23 I'm not.

24 MR. M. WINKA: So, what if there is a disaster?
25 What if we have an issue out there and they decide to do

1 nothing? If you're telling me they make the choice of
2 what to do, so what if they say they're not coming out;
3 they're not going to do anything?

4 MR. FINK: I can't imagine them saying they are
5 not going to come out. They take an oath to protect the
6 public. So, they come out, see what's going on, see if
7 there's anything they can do, and then it's up to them
8 how they want to manage it, and what I would recommend
9 to them is just conduct metering downwind to be able to
10 reassure the public they are not being exposed or your
11 cattle is not being exposed to any harmful levels.

12 MR. M. WINKA: Well, we're north of it. Most of
13 your wind is from the south in this area, if you're not
14 familiar with that.

15 MR. FINK: Okay. I appreciate that. Yep. So,
16 it would be pushing in that direction.

17 MR. M. WINKA: Exactly, and low humidity, it
18 would be hanging on the ground.

19 MR. FINK: So, again, the gas composition -- I'm
20 not telling you it couldn't hang on the ground. At
21 those kinds of distances, it would be so diluted, I
22 can't imagine there being any kind an issue at those
23 distances, and that's backed up by the data from the
24 fires that have occurred, but if you think about --

25 MR. M. WINKA: I'm sorry, go ahead.

1 MR. FINK: -- the gas composition, the fact that
2 many of the gases coming off, and I had mentioned the
3 hydrogen, which is much lighter than air, many batteries
4 are 50-percent hydrogen, which tends to lift even if
5 there is --

6 MR. M. WINKA: But you also stated --

7 MR. KAINS: Mr. Winka, could you move the mic a
8 little closer?

9 MR. M. WINKA: Sorry.

10 MR. KAINS: That's all right.

11 MR. FINK: I'm having the same problem.

12 MR. M. WINKA: I'm not used to talking in a mic.

13 MR. FINK: Yeah, me either.

14 MS. ALTHOFF: I don't think it's on. I don't
15 think your microphone is on.

16 MR. M. WINKA: Oh, really.

17 MS. ALTHOFF: There's a switch on it.

18 MR. M. WINKA: Is it on now? No.

19 MS. ALTHOFF: It's on the back. Hello. There we
20 go.

21 MR. M. WINKA: Okay. How long was I off?

22 MS. ALTHOFF: The whole time.

23 MR. M. WINKA: You're kidding me?

24 MR. FINK: You and I heard it all.

25 MR. KAINS: You're fine, Mr. Winka.

1 MR. M. WINKA: Well, my wife tells me I talk too
2 loud anyway, so you can probably hear me without a mic.

3 MR. FINK: Mine does too.

4 MR. KAINS: Mine does too.

5 MR. M. WINKA: I forgot where we are just about.

6 Okay. Yeah, well, you know, any smoke --

7 MR. FINK: Any smoke from any fires --

8 MR. M. WINKA: -- is not good for your lungs.

9 MR. FINK: I agree. I can prove that to you too,
10 but again, a house fire has the same gas composition as
11 one of these containers. None of it is good for you.

12 MR. M. WINKA: But the fire department can put a
13 house fire out.

14 MR. FINK: Yeah, and that is true.

15 MR. M. WINKA: They can't do that with these
16 units.

17 MR. FINK: That is true, but you're still exposed
18 to the same gases, but at your distances -- and I know
19 it's -- believe me, if I was you, I would asking the
20 same exact questions, but at those kind of distances, I
21 have not seen any data to suggest that it would be at a
22 harmful level by the time it got to your cattle.

23 MR. M. WINKA: But, see, I know there's a lot of
24 people here that are concerned about this, but they're
25 not dealing with the same issues we are. It's our

1 livelihood that's affected here.

2 MR. FINK: I completely understand that. Yep, I
3 completely understand it.

4 MR. M. WINKA: And if they don't tell you to
5 evacuate and you stay there, you may not feel safe. I
6 think people will evacuate when there is a problem.

7 MR. FINK: They could self-evacuate. I was out
8 at the site. I took a look around. I saw your farm. I
9 saw your cows.

10 MR. M. WINKA: You saw part of it.

11 MR. FINK: Part of it, yeah. It's a big, big
12 place. Yep. But at those kinds of distances, I have
13 seen no data to suggest you would be impacted with a
14 harmful level of any type.

15 MR. M. WINKA: But you have no data in regard to
16 livestock to farming issues like we have?

17 MR. FINK: No, I'm not talking about specific to
18 livestock or people, I'm just talking about gas
19 composition at those kind of distances. Any kind of --
20 any time you have a fire, the further you get from it,
21 that smoke is diluted, it's not the same as when you are
22 close to it.

23 MR. M. WINKA: But you're not going to want to
24 stay in it if it can last for eight hours, possibly
25 less, possibly longer, and if you have a south wind,

1 you're not going to want to stay in it. If there's
2 smoke there, I don't care -- you can tell me all you
3 want about it not being harmful, there's no danger in
4 it. You're not going to stay there and inhale it. You
5 wouldn't. I asked Mr. Gorman that under oath. I didn't
6 get a good answer out of that, but I can tell you you
7 wouldn't want to stay there.

8 MR. FINK: At those kind of distances, believe
9 me, I've been in a lot of smoke, and those distances, I
10 would not be concerned.

11 MR. M. WINKA: Yeah, I know. I know firemen that
12 have damage their lungs.

13 MR. FINK: Me too.

14 MR. M. WINKA: That died from it, too. I don't
15 want to be -- I'm not a fireman, but I don't want to
16 have that issue either, and myself, I'm getting on the
17 short end of the stick.

18 MR. FINK: You and me both.

19 MR. M. WINKA: My family isn't. I have six,
20 seven-year-old grandchildren living right by it. That's
21 my concern.

22 MR. FINK: I would encourage you to look at
23 reports that have been written on previous events to see
24 the testing that was done. You don't have to believe
25 me, but when you see the same results coming back on

1 multiple events, that's what convinced me as to, okay,
2 what distances do we need to be away from this stuff to
3 be able to operate safely and keep people safe and to
4 know when we might have to evacuate, and those
5 evacuations are people who are very close to where that
6 fire would be.

7 MR. M. WINKA: Okay. Can I ask you one more
8 question?

9 MR. FINK: Absolutely.

10 MR. M. WINKA: Are you employed by Invenergy?

11 MR. FINK: Sure. They pay my firm to do training
12 and come to these meetings. Absolutely. I didn't fly
13 out there --

14 MR. M. WINKA: Thank you.

15 MR. FINK: Of course.

16 MR. KAINS: Is that all?

17 MR. M. WINKA: Yes.

18 MR. KAINS: Thank you for your questions.

19 MR. M. WINKA: Thank you.

20 MR. KAINS: Mr. Fink, you're not going anywhere.
21 We're all going somewhere. We're going to take a
22 recess. We're going to take a break. It's 7:47. We're
23 going to take a break and come back at eight o'clock,
24 and there will be more questions for you, Mr. Fink. So,
25 the Washington County Zoning Board of Appeals is in

1 recess until 8:00 p.m. Thank you.

2 (Recess was taken.)

3 MR. KAINS: Folks, members of the zoning board
4 talked with their attorney and talked with me, and we're
5 going to go tonight until around 9:30, maybe perhaps a
6 little bit past, but we want to try to get as much in
7 tonight as possible. We want to get this thing on the
8 road.

9 All right, Mr. Fink, you remain under oath. Do
10 you understand that you're still obligated to tell the
11 truth?

12 MR. FINK: Yes, sir.

13 MR. KAINS: All right. Very good. When we
14 broke, Mr. Winka had just finished with his questions
15 for Mr. Fink. Are there any other members of the public
16 who are either opposed to the project or neutral on the
17 project who wish to ask questions?

18 Ms. Winka. And can I see a show of hands of
19 anybody on this side? Okay. The lady in the back and
20 gentleman in a gray ball cap, it looks like.

21 All right. Anybody on this side with questions?
22 Okay. This gentleman also in a gray ball cap. Oh, and
23 where would we be without Maryanne Kujawa? You know, I
24 kind of chuckle and joke, but, you know, she's been to
25 several hearings, and she asks good questions, and she

1 cares about her community, and that's all you can ask
2 for.

3 This is Amanda Winka. Go ahead with your
4 questions for Mr. Fink, please.

5 MS. WINKA: Okay.

6 MR. KAINS: There's something on the side.

7 MS. WINKA: On. There we go. No. Hello.

8 UNIDENTIFIED SPEAKER: We'll get some batteries
9 for you.

10 MS. WINKA: Okay. Some of the questions I feel
11 like may have already been asked, but not a direct
12 answer. So, early on in the meetings whenever we were
13 back in the fall, we were told that if there was a fire
14 that there would be evacuations, and what -- and we were
15 told it was going to be a mile and a half. So, now
16 we're being told only if you're a hundred feet. So, I'm
17 confused -- I guess you can see why a lot of us are
18 concerned, because at the beginning, it was a mile and a
19 half would have to be evacuated and now only a hundred
20 feet, so I don't know what's changed.

21 MR. FINK: So, I don't know who told you that,
22 but I can't see an instance with an outdoor system where
23 that would be required.

24 MS. WINKA: Okay. Because you're probably the
25 fourth or fifth fire person who has been here on their

1 behalf. It's not been the same person any time. We've
2 not spoken with the same fire person, so --

3 MR. FINK: Do you know who made that statement?

4 MS. LIGGETT: It was the first one. It was the
5 very first one at the meeting --

6 MR. KAINS: Hang on just a second. Ma'am, what's
7 your name?

8 MS. LIGGETT: Denise Liggett.

9 MR. KAINS: Okay, Denise, D-E-N-I-S-E, and how do
10 spell your last name?

11 MS. LIGGETT: L-I-G-G-E-T-T.

12 MR. KAINS: Okay. Very good. Because Courtnay,
13 our court reporter, needs to take everything down, and
14 needs your comment. We thank you for it. It needs to
15 be attributed to you. So, we have to make the record
16 very clear. All right. So, it was a gentleman at the
17 very first meeting?

18 MS. WINKA: Right.

19 MR. KAINS: Go ahead, Ms. Winka.

20 MS. WINKA: So, I guess -- I guess maybe more of
21 a -- okay. So, sorry. Let me get back to my paper.
22 You talked earlier about an explosive range. What is
23 that range, like --

24 MR. FINK: Yeah, each gas has its own explosive
25 range or flammability range, and hydrogen is the one I

1 spoke about because it has the largest range.

2 MS. WINKA: Okay.

3 MR. FINK: 4 percent to 76 percent.

4 MS. WINKA: So, talking feet or yards or miles,
5 like how big is it going to be?

6 MR. FINK: Yeah, that's a good question,
7 because --

8 MS. WINKA: And you don't have an answer?

9 MR. FINK: No, I do.

10 MS. WINKA: Okay.

11 MR. FINK: Yeah. No, it's localized to the
12 immediate vicinity of the container. That's why we tell
13 the fire department -- when I said a hundred feet,
14 that's not an evacuation zone. That's what I tell the
15 firefighters to stay away, because an explosion in one
16 of these is not like it's shrapnel going all over the
17 neighborhood. It's a door blowing open or off of a
18 container, that's an explosion. The actual fire that
19 comes out of it is just immediate in the container. It
20 doesn't go beyond 10, 15 feet from a container.

21 MS. WINKA: Okay. So, there is no reason, us
22 being within a quarter of a mile, that we should be
23 worried about if there was a fire?

24 MR. FINK: I would want to have the fire
25 department metering if the smoke is drifting that way.

1 MS. WINKA: So, then if they are metering and
2 then there's high levels, then what?

3 MR. FINK: They would make a determination,
4 shelter in place or evacuation.

5 MS. WINKA: And if they said evacuate, how much
6 time do we have?

7 MR. FINK: To evacuate?

8 MS. WINKA: Yeah.

9 MR. FINK: I would recommend if they tell you to
10 do that that you do it at that time.

11 MS. WINKA: How do we evacuate multiple
12 truckloads of cattle?

13 MR. FINK: I can't foresee that being the case in
14 that distance. In the distances we're talking about,
15 I've had no data that I have seen that would indicate
16 that you would need to evacuate at those kind of
17 distances, and I can only speak from data. You know, I
18 don't want to give an opinion.

19 MS. WINKA: Well, I don't want to be the data
20 pieces that the next people say --

21 MR. FINK: Understood.

22 MS. WINKA: Hey, what's the problem? You're
23 putting these all in rural communities now, and I don't
24 really know where my -- okay. So, then my next question
25 is the fire departments, you say "local", well how

1 local? How many fire departments do you need to have in
2 this training, like --

3 MR. FINK: Fire departments usually have mutual
4 aid agreements set up. So, whoever would be in that
5 mutual aid agreement, that's who I would recommend be in
6 the training as well.

7 MS. WINKA: And then you say this -- that they
8 need the metering equipment or that sort of thing. Who
9 is going to provide that? Do they have to go out and
10 purchase this, or is this company going to provide all
11 of the tools necessary in the event of an emergency?

12 MR. FINK: That's a great question. Yeah, I
13 recommend that they provide it if they don't already
14 have that.

15 MS. WINKA: And a lot of the questions about the
16 -- Marvin had asked about the size of this, at first, we
17 were being told a smaller and now a bigger and before it
18 gets manufactured that they test. How come we don't
19 know the exact size now while you're applying for these
20 applications so that we do know if they've been tested
21 or not?

22 MR. FINK: I'm not sure if I'm the one that
23 should be answering that, but in general, when the
24 companies are making up a proposal to build a site,
25 they're not sure what equipment is going to be

1 available, or they haven't decided on a design.

2 Whatever they buy will have to have had that testing
3 done on it.

4 MS. WINKA: But if they've got this project in
5 place, how come we don't know those answers already?
6 How come they don't know which manufacturer is going to
7 building these so we know now they have been tested?

8 MR. KAINS: Mr. Keyt, is this something that is
9 required by the Counties Code and/or the ordinance at
10 the siting approval stage, which is where we are now?

11 MR. KEYT: They have to provide the potential
12 manufacturers.

13 MR. KAINS: And have they in the application
14 provided the potential manufacturers of these battery
15 cells?

16 MR. KEYT: They did.

17 MS. WINKA: And they've all -- and they've all
18 been tested and show these dimensions and all of that?

19 MR. KEYT: I think that's a question the
20 applicant has to answer as opposed to me, but --

21 MR. KAINS: Mr. Griffin, does anybody on your
22 team have the answer to that question? Have the --

23 MS. WINKA: Proposed.

24 MR. KAINS: -- proposed batteries that are going
25 to comprise this project, have all of the ones that have

1 been listed as potential products that the company would
2 use, have they been tested?

3 All right, Mr. Pan.

4 MR. PAN: Yes, the ones that were proposed for
5 this project have been tested, and I also note that they
6 have been permitted before, and we are building other
7 projects with this equipment.

8 MR. KAINS: So, they have been used before?

9 MR. PAN: Yes.

10 MR. KAINS: Okay. Thank you. All right. Very
11 good. Go ahead, Ms. Winka.

12 MS. WINKA: I think that was it.

13 MR. KAINS: Okay. Very good. Thank you.

14 I have a question for you, Mr. Griffin. Would
15 your company, your client, be willing to provide the
16 metering equipment that this witness has suggested would
17 be necessary for the fire departments to use to monitor
18 any gases leaving any potential fire?

19 MR. GRIFFIN: Yes, we would. We have committed
20 to provide all training and equipment requested by the
21 fire protection district in order to be -- for them to
22 be comfortable with this project.

23 MR. KAINS: "The fire protection district"
24 meaning Ashley, what about others in the mutual aid
25 group?

1 MR. GRIFFIN: We treat those the same.

2 MR. KAINS: Okay. Very good. Thank you,
3 Mr. Griffin.

4 All right. Then there was a lady in the back
5 row. Yes, ma'am. Come right up with your questions for
6 Mr. Fink.

7 MS. DREAS: You know, it's probably not for
8 Mr. Fink.

9 MR. KAINS: Hang on. Let's get your microphone
10 on first.

11 MS. DREAS: Hello. Hello.

12 MR. KAINS: There you are. First, ma'am, could
13 you please state your name so Courtney, the court
14 reporter, can take it down?

15 MS. DREAS: Mary Dreas, D-R-E-A-S.

16 MR. KAINS: And what town do you live in?

17 MS. DREAS: Radom.

18 MR. KAINS: Okay. In Radom.

19 MS. DREAS: Close by.

20 MR. KAINS: Yes, ma'am. Go ahead. What is your
21 question, and then we'll see if it's a Mr. Fink question
22 or one of the other gentlemen.

23 MS. DREAS: My first question is where are these
24 battery storage buildings manufactured?

25 MR. KAINS: That's not a Mr. Fink question.

1 That's a Mr. Pan question. Mr. Pan, just a reminder,
2 you are under oath.

3 MR. PAN: I am.

4 MR. KAINS: Very good.

5 MR. PAN: So, is your question on the enclosure
6 themselves?

7 MS. DREAS: I am talking about the --

8 MR. KAINS: The building.

9 MS. DREAS: Storage building.

10 MR. PAN: Okay. So, the battery enclosures are
11 manufactured all around the world. So, that again is
12 dependent on the final equipment. I will say that, you
13 know, we do look to try and use something made here in
14 the U.S. as much as possible.

15 MS. DREAS: Well, that would be great. Okay.
16 Next one is why did Gateway House pick this area? We
17 are a small farming community, family-owned community.
18 I believe that the land that you purchased or is on the
19 block, they are farm owners, not farmers. So, the land
20 that's right next to it, this is their business.

21 MR. KAINS: Okay. Let's get to the first
22 question. Why was this particular parcel selected? Mr.
23 Gorman, do you have an answer?

24 MR. GORMAN: Yes, and -- yes, and I believe this
25 question was asked last month.

1 MR. KAINS: And by the way, do you remember that
2 you are under oath as well?

3 MR. GORMAN: Yes, I do.

4 MR. KAINS: Okay. Very good. Thank you.

5 MR. GORMAN: The primary reason for this
6 particular parcel of land being used is because we have
7 an executed interconnection agreement with MISO that
8 allows us to site -- sorry, that allows us to site
9 transmission infrastructure on this parcel, and we also
10 have land control through the landowners that you are
11 talking about.

12 MS. DREAS: Right. So -- so, it goes back to the
13 power company that you're -- I don't know. I just don't
14 understand why this would be good. All right. Okay. I
15 think that's it.

16 MR. KAINS: All right. Very good. Thank you for
17 your questions.

18 MS. DREAS: Well, thank you for having me.

19 MR. KAINS: The next one is the gentleman over
20 here in the about the fourth row with the gray hat.
21 Yes.

22 Sir, could you please state your name for the
23 record?

24 MR. K. WINKA: Kevin Winka.

25 What goes up must come down, right?

1 MR. FINK: Correct, yes.

2 MR. K. WINKA: Smoke settles.

3 MR. FINK: Correct.

4 MR. K. WINKA: What settles out of the smoke?

5 MR. FINK: Particulate matter.

6 MR. K. WINKA: What's that made of?

7 MR. FINK: I couldn't tell you.

8 MR. K. WINKA: Is that the 5 percent Mike was
9 asking about earlier that you didn't know?

10 MR. FINK: I'm sure that's part of it.

11 MR. K. WINKA: Heavy metals?

12 MR. FINK: No. I already told you the heavy
13 metals are not in these specific batteries.

14 MR. K. WINKA: You're one hundred percent sure
15 there's no heavy metals?

16 MR. FINK: That's what they're telling me.

17 MR. K. WINKA: Who is telling you this?

18 MR. FINK: The manufacturers. So, the heavy
19 metals are the nickel and the cobalt. These batteries
20 do not have nickel and cobalt. It's lithium iron
21 phosphate.

22 MR. KAINS: Mr. Winka, could you let him finish
23 before you ask your next question, please?

24 MR. K. WINKA: Well, I don't get an answer, so
25 I'm trying to speed this up.

1 MR. KAINS: Well, Mr. Winka, if you let him
2 answer the question, he might give you an answer. He
3 might not, but let's see what he has to say.

4 Courtney, read back the question.

5 (Question read back by the reporter.)

6 MR. KAINS: Okay. Did you have anything to add
7 to your answer the manufacturers are telling you there
8 are no heavy metals?

9 MR. FINK: It also comes out from the 9540A
10 testing. They are analyzing what is coming off the
11 batteries and publishing that report, and every battery
12 has a little bit different list of chemicals. I can
13 show you what comes off of them, I just don't have it in
14 my head.

15 MR. K. WINKA: If there was a lightning storm and
16 one of these got hit by lightning, would that cause a
17 failure?

18 MR. FINK: I would have to ask that of Lance.

19 MR. KAINS: Okay, Mr. Pan. Lightning strikes,
20 what happens?

21 MR. PAN: So, that is a good question. We build
22 these projects, and we do a study to make sure that in
23 the event of a lightning strike that equipment isn't --
24 isn't -- the batteries themselves will be protected as
25 much as possible. There is grounding. There are surge

1 protectors to cut things off to try to protect against
2 lightning strikes. That is something that is taken into
3 account for the design, just like a power substation
4 would.

5 MR. K. WINKA: Okay. Because we're at the farm,
6 I'm Marvin's son, I live right there, work right there.
7 We get struck by lightning every -- probably once every
8 two years, and we have to replace equipment, and it's
9 not uncommon for lightning strikes. I mean, that's out
10 in the middle of nowhere. I mean, the high line has
11 been struck before, so that's a big concern. If it's
12 raining, heavy thunderstorms when this happens, you
13 can't put water on this, you said. What happens then?

14 MR. FINK: I didn't say you can't put water on
15 it, I said it's ineffective to stop the fire.

16 MR. K. WINKA: If the smoke is going up in the
17 air and it starts raining, it settles.

18 MR. FINK: Correct.

19 MR. K. WINKA: What happens -- has there been
20 soil testing?

21 MR. FINK: There has, and the report I mentioned
22 to you, which if we could have Invenergy send them to
23 the board so they could disseminate them to everybody,
24 you can look at those results.

25 MR. K. WINKA: We have 40 acres of hay adjacent

1 to this property. If that settles and falls on that
2 field, is that crop useable as feed, or is it going to
3 have to be destroyed?

4 MR. FINK: I would recommend looking at the
5 reports.

6 MR. K. WINKA: Do we have any reports here
7 tonight?

8 MR. KAINS: What reports are you referring to?

9 MR. FINK: So, there's a report out of New York
10 and out of California on past events. It has air,
11 water, and soil testing that was done during and after
12 these events.

13 MR. K. WINKA: So, you have them numbers right
14 now with you?

15 MR. KAINS: Let's get to where the reports are.
16 Mr. Griffin, Mr. Pan, Mr. Gorman, do any of you fellas
17 have what reports it is -- what reports there are,
18 rather, and when could they be made available?

19 MR. GRIFFIN: We can make them available within
20 24 hours to the board.

21 MR. KAINS: Okay. Can they be -- can they be
22 possibly e-mailed to Ms. Althoff, the zoning
23 administrator?

24 MR. GRIFFIN: Yes, they can.

25 MR. KAINS: And Ms. Althoff, is there a way to

1 put them on a county website?

2 MS. ALTHOFF: There is, and I can upload them,
3 yep, probably within about an hour of receiving them.

4 MR. KAINS: Okay. Thank you. Let's do that,
5 Mr. Griffin, because I think everybody should be able to
6 know what it is that if there is -- like Mr. Winka said,
7 what goes up comes down, and if it's on their pasture,
8 then I think we all need to know that. All right.

9 Okay, Mr. Winka, go ahead with other questions
10 that you might have.

11 MR. K. WINKA: It's all a feed issue. If it
12 settles, can we feed that, and the livestock, if they
13 inhale this, it's in their body, their lungs. If we
14 have to evacuate, the fire department has to monitor
15 this, the livestock, is it in them if we can't get them
16 out of the smoke?

17 MR. FINK: Again, a theoretical question like
18 that, I can't tell you an answer to that, because I
19 don't know how close they are.

20 MR. K. WINKA: You know how close they are. You
21 said you've been there.

22 MR. FINK: Yeah, I'm not sure where these
23 batteries are going to be. What distances can you give
24 me? Can you give me --

25 MR. K. WINKA: That's your job to tell us.

1 MR. FINK: Well, I don't know.

2 MR. KAINS: Okay. He doesn't know. Ask another
3 question.

4 MR. K. WINKA: The lightning. Okay. Other --
5 they're anchored to the ground so tornados don't flip
6 them over. You have paperwork with you tonight?

7 MR. FINK: I do. I have that copy of the report.
8 You saw it, and you asked me to make more copies.

9 MR. K. WINKA: But you tried to give it to my
10 father 10 minutes ago in a recess

11 MR. KAINS: Okay, guys. Guys, I don't want to
12 get into a he-said/she-said. He didn't say/she didn't
13 say. You talked with him during a break?

14 MR. K. WINKA: No, he talked to my father.

15 MR. KAINS: You talked to his father. Okay.
16 That's fine. That's good. Okay. Now, now the question
17 is are you asking about a certain document?

18 MR. K. WINKA: He handed my father two packets of
19 paper that had air reports on them. Where they was
20 from, I don't know. I handed them back to him, because
21 we was in recess. I said if you have paperwork, hand it
22 out to everybody.

23 MR. KAINS: What's your question, Mr. Winka?

24 MR. K. WINKA: What is that paperwork? Is there
25 any numbers or data in that paperwork you have tonight?

1 MR. FINK: It does.

2 MR. K. WINKA: So, why can't you answer some of
3 the questions that we are giving you out of that
4 paperwork instead of these instances?

5 MR. FINK: If you want me to read from the
6 report, I can quote the report.

7 MR. K. WINKA: It would be better than not having
8 an answer.

9 MR. KAINS: Okay. Hang on. Do you have another
10 copy of the report you gave to Marvin Winka?

11 MR. FINK: Well, he gave it back, so I have it.

12 MR. KAINS: Okay. Very good. All right. Go get
13 it. If we want to spend time reading this report, then
14 I think it's important.

15 MR. WINKA: If it was important enough to give to
16 my father --

17 MR. KAINS: What do you want to ask him about
18 this report?

19 MR. WINKA: What is the report of?

20 MR. FINK: Okay. So, the ones -- there's paper
21 copies that I have of a report that was published out of
22 California of a large indoor facility that had a fire.
23 They had air quality monitoring, and that was really
24 what your dad had been keying in is the air quality.

25 MR. KAINS: Okay. Now, I'm going to ask this

1 question, do you have that report in front of you? What
2 is the title of that report?

3 MR. FINK: Air Quality Report SDG&E Battery Fire.

4 MR. KAINS: SDG&E Battery Fire.

5 MR. FINK: San Diego Gas and Electric Battery
6 Fire.

7 MR. KAINS: Does it have a date on the report?

8 MR. FINK: Yes, it does. 9/7/24.

9 MR. KAINS: Okay. So, it's recent?

10 MR. FINK: Correct.

11 MR. KAINS: Okay. Go ahead with your question.

12 MR. K. WINKA: That was indoor that they say they
13 do not manufacturer them facilities that way anymore,
14 correct?

15 MR. FINK: Correct. This was a large --

16 MR. K. WINKA: Has there been an outdoor fire?
17 Do you have a report on that?

18 MR. FINK: So, those are newer state reports. I
19 don't think I have a paper copy with me. I do have the
20 executive summary that I can e-mail to whoever would
21 like it.

22 MR. K. WINKA: I think it should be public.

23 MR. KAINS: Okay. Let's -- can we e-mail the
24 executive summary from -- how many of these New York
25 reports are there, sir?

1 MR. FINK: There's three total.

2 MR. KAINS: There's three reports, and now when
3 you say "executive summary", I'm going to guess it's
4 perhaps 1 or 2 pages?

5 MR. FINK: It's a little longer than that. It's
6 about 7 pages. I mean, the full report is 526 pages.

7 MR. KAINS: Yeah, I don't think anybody here is
8 going to read 520-some-odd pages. I think an executive
9 summary would be appropriate. If it's 7 pages, we might
10 be able to glean something from it. Would Gatehouse be
11 able to send that to Mrs. Althoff?

12 MR. GRIFFIN: Yes, we can.

13 MR. KAINS: Within 24 hours?

14 MR. GRIFFIN: Yes.

15 MR. KAINS: And Ms. Althoff, you can download it
16 or upload or whatever?

17 MS. ALTHOFF: Yep, we'll get it on there.

18 MR. KAINS: All right. That's fair, because
19 we're going to have -- we're going to have another night
20 of this hearing, so folks will have a chance to look at
21 it. Okay. Go ahead, Mr. Winka.

22 MR. K. WINKA: I am finished for now then. If he
23 has paperwork with him, I think it should have been
24 given out to everybody instead of one person behind the
25 mic -- not standing behind the microphone at the time.

1 MR. KAINS: All right. Well, that's neither here
2 nor there, but do you want to tell us what that report
3 is about, the San Diego report?

4 MR. FINK: One talks about metering that they did
5 at that event, which was a large indoor event. The
6 conclusion -- I'm just going to read off the conclusion.

7 MR. KAINS: Yes, sir, that would be great.

8 MR. FINK: The analysis of the samples collected
9 from the runoff water suggests that the water quality is
10 within acceptable limits for most contaminants,
11 especially when considering the public health standards
12 for drinking water. The low levels of metal detected
13 and with the absence of more toxic elements like
14 lead/cadmium suggest that the water poses minimal risk
15 both to human -- human health and the environment.

16 Now, keep in mind these were nickel manganese
17 cobalt batteries, these were not lithium iron phosphate
18 batteries.

19 MR. KAINS: So, it's the old stuff rather than
20 the new technology?

21 MR. FINK: Correct.

22 MR. KAINS: Oh, so it really doesn't have any
23 bearing to this product that this company is going to be
24 using?

25 MR. FINK: No, but it would give you an idea of

1 the ones with heavy metals that they did not have an
2 issue with the water. There's even less likelihood they
3 would with these. Now, the New York report has a mix.
4 Some has MC batteries, some with LFP.

5 MR. KAINS: Very good. Thank you. Who conducted
6 that study?

7 MR. FINK: It was a combination, and I'm --
8 San Diego Fire was part of it, but there was also -- I'm
9 not sure if it was the EPA or another regulatory agency
10 that was involved.

11 MR. KAINS: All right. Thank you. And,
12 Mr. Griffin, do you want to move for the admission for
13 of this report?

14 MR. GRIFFIN: I will, yes.

15 MR. KAINS: Okay. Mr. Keyt, any objection?

16 MR. KEYT: No objection.

17 MR. KAINS: Where are we on the applicant's
18 exhibit list?

19 MR. KEYT: I think --

20 MS. RIVES: Do you know off the top of your head?

21 MR. KEYT: Brian will know this.

22 MS. RIVES: 3.

23 MR. KAINS: 3. Applicant's Exhibit 3 is admitted
24 and will be part of the record. So, that document, if
25 you wouldn't mind taking it to Mr. Keyt, and he will

1 give it to his paralegal Brian. The young man over here
2 is the glue that holds their law firm together. So --
3 you don't run into many good paralegals all the time,
4 but he's a good one.

5 All right. Anybody -- let's see. Okay. That
6 gentleman. Then we had -- okay. Ms. Kujawa, I'm going
7 to make you go last. You get to go first sometimes, but
8 you're going to go last. This gentleman over here in
9 the gray ball cap.

10 Good evening, sir. Could you please state your
11 name for the court reporter?

12 MR. SHERMAN: Good evening.

13 MS. ALTHOFF: Turn it on.

14 MR. SHERMAN: Good evening. My name is Ronald
15 Sherman, R-O-N-A-L-D S-H-E-R-M-A-N.

16 MR. KAINS: All right. Go ahead with your
17 questions, Mr. Sherman.

18 MR. SHERMAN: Okay. First thing I want to say is
19 I want to thank you for your service. I think you've
20 seen things I never want to see, and I want to get that
21 off my chest right away. My first question is relating
22 to lightning strikes. I know we had an answer to the
23 container or box. Would there be any chance this
24 lightning could strike the batteries? Have you seen a
25 site that has been struck by lightning?

1 MR. FINK: I have not.

2 MR. SHERMAN: Have you seen a site that has been
3 struck by a tornado?

4 MR. FINK: I have not.

5 MR. SHERMAN: You say there's warning systems. I
6 don't know who to addressed over here, but these warning
7 systems, are they self-contained?

8 MR. FINK: I'm not quite sure what you mean by
9 "self-contained."

10 MR. SHERMAN: In the units themselves.

11 MR. FINK: Yeah, most of the equipment
12 manufactured today will have heat, smoke, and gas
13 detectors inside along with the battery management
14 system that oversees the batteries.

15 MR. SHERMAN: And who will receive readings from
16 these signals?

17 MR. FINK: They go to a central station and to
18 their control center. These systems have to be
19 monitored 24/7 by a control station. So, they are the
20 ones who will be getting those notifications?

21 MR. SHERMAN: Would the fire department be
22 getting a notification that a unit is over heating?

23 MR. FINK: They would be getting a notification
24 of alarms going off at the facility. The battery
25 management system would show the overheating condition

1 in there. A heat detector could go off, but the battery
2 management system is going to be definitive as to what
3 exactly is going on. Whether or not they tie it into a
4 central station that monitors that, I'm not sure what
5 their plan is, but the fire department would get
6 notified either by a central station or by their control
7 center should there be an event.

8 MR. SHERMAN: Central station, can you explain
9 that? I'm not familiar with that.

10 MR. FINK: So like ADT, if you put up that type
11 of thing. Yeah, they're required to have a central
12 station monitoring built in, so they would get the
13 alarm. They would transmit that to the fire department.

14 MR. SHERMAN: There was a young lady up here
15 earlier said that she was told that might have to
16 evacuate in case of fire and it would be a mile and a
17 half. Well, it kind of struck me funny, I got a letter,
18 and my farm is a mile and a half. Are the two related?

19 MR. FINK: I have no idea.

20 MR. SHERMAN: I do not either. You were
21 mentioning ventilation.

22 MR. FINK: Yes.

23 MR. SHERMAN: Active or passive?

24 MR. FINK: Active.

25 MR. SHERMAN: By what system?

1 MR. FINK: Typically, the hot fan is built in.
2 Every container manufacturer has a little different
3 variation, but it's going to be some sort of intake and
4 exhaust.

5 MR. SHERMAN: So, this is going to create heat;
6 is that right?

7 MR. FINK: Anything that's running can create
8 heat, yeah.

9 MR. SHERMAN: Well, will this affect the area
10 around the battery facility?

11 MR. FINK: I've been to a lot of these sites,
12 dozens and dozens and dozens, and I haven't noticed, you
13 know, an increased temperature around the equipment.

14 MR. SHERMAN: So, it won't affect the vegetation
15 or anything else around it?

16 MR. FINK: They shouldn't have vegetation around
17 these. You know, they're supposed to keep it clear by
18 at least 10 feet. So, I can't imagine it affecting
19 vegetation from the sites that I've been to, and I've
20 been to, like I said, lots of sites.

21 MR. SHERMAN: With the bad weather we have, it
22 seems like April is the month that really knocks the
23 socks off. What about if we had an electrical failure?
24 What about if the transmission lines went down? Is
25 there a way that the system can self-protect itself?

1 MR. FINK: Yeah. I mean, it's designed to have
2 battery backup, believe it or not, to keep the systems
3 active, yeah, and if your grid goes down, these
4 batteries, they're not charging or discharging any
5 longer because there's no way for them to do, and that's
6 typically where you would have some sort of an event.

7 MR. SHERMAN: But if there would be overheating
8 or a fire or something, they would be able to still
9 warn?

10 MR. FINK: Correct. Yeah, they're designed to
11 have a backup for that.

12 MR. SHERMAN: Okay. I think that's answers my
13 questions. Again, thank you for your service.

14 MR. FINK: Thank you, sir.

15 MR. KAINS: Thank you, Mr. Sherman, for your
16 questions. We appreciate it.

17 Ms. Kujawa.

18 MS. M. KUJAWA: I only have one question.

19 MR. KAINS: Okay. Well, just jump right up and
20 share the microphone with Mr. Fink, if you want.

21 MS. M. KUJAWA: I can talk loud enough for
22 everybody to hear me.

23 MR. KAINS: Okay good.

24 MS. M. KUJAWA: Have you ever seen a rural
25 facility?

1 MR. FINK: Yes.

2 MS. M. KUJAWA: An open facility.

3 MR. FINK: Many.

4 MS. M. KUJAWA: Many. Where at? New York or
5 Illinois?

6 MR. FINK: No, California, Arizona. I can't say
7 I've seen --

8 MS. KUJAWA: Now, their weather is a lot
9 different than ours.

10 MR. KAINS: Let him finish his answer.

11 MS. M. KUJAWA: Sorry.

12 MR. KAINS: California, Arizona, where else?

13 MR. FINK: Indiana, Texas. I'm trying to
14 remember all the others.

15 MS. M. KUJAWA: But not here in Illinois?

16 MR. FINK: I don't recall any sites in Illinois
17 that I've been to, to tell you the truth.

18 MS. M. KUJAWA: Okay. That's all I had.

19 MR. KAINS: Thank you, Ms. Kujawa.

20 Any other questions from members of the public
21 who are either opposed to the project or neutral?

22 Mr. Winka, you've already had your bite at the
23 apple, I'm sorry. We'll have -- we'll have questions
24 from members of the board coming up. Maybe they'll be
25 thinking along the same lines as you.

1 Do we have anybody else?

2 All right. Questions from Washington County
3 staff, Ms. Althoff.

4 MS. ALTHOFF: No.

5 MR. KAINS: Very good. Thank you.

6 Redirect examination, Mr. Griffin.

7 MR. GRIFFIN: I don't have any questions,
8 Mr. Kains.

9 MR. KAINS: All right. Thank you.

10 Recross, Mr. Keyt.

11 MR. KEYT: No questions.

12 MR. KAINS: Very good. Thank you.

13 Final questions for this witness come from
14 members of the zoning board of appeals.

15 All right. Very good, Mr. Fink, thank you for
16 your testimony. You may step down.

17 MR. FINKS: Thank you.

18 (Witness excused.)

19 MR. KAINS: How many witnesses left, Mr. Griffin?

20 MR. GRIFFIN: Likely just one.

21 MR. KAINS: All right. Call him.

22 MR. GRIFFIN: Mr. Michael MaRous.

23 MR. FINK: Good evening.

24 MR. KAINS: Good evening, sir.

25 (Witness sworn.)

1 MR. KAINS: Okay, very good. Would you state
2 your name for the record, spelling first and last name.

3 MR. MAROUS: Michael MaRous, M-I-C-H-A-E-L
4 M-A-R-O-U-S.

5 MR. KAINS: Okay. Do you have questions for him,
6 or is he going to make a presentation?

7 MR. GRIFFIN: He is going to make a presentation,
8 and he will provide some background.

9 MR. KAINS: All right. Go ahead, Mr. MaRous,
10 with your presentation.

11 MR. MAROUS: Next slide. So, very briefly, I
12 have been a real estate appraiser for over 40 years and
13 probably appraised over \$20 billion worth of assets,
14 12,000 properties, most in the state of Illinois, have
15 extensive experience with doing market impact studies
16 similar to what I did here. For a variety of different
17 projects, including shopping centers, industrial
18 facilities, mixed-use facilities, waste transfer
19 facilities, wind facilities, and I've testified numerous
20 times. I have the MAI designation. I've held offices.
21 I've taught. I have over 40 public body clients. I'm
22 located in Park Ridge, Illinois, which is a suburb of
23 Chicago. I went to the U of I, graduated from there,
24 married a central Illinois lady, so I have some
25 experience down here, but I've looked at a lot of

1 battery projects throughout Illinois, Wisconsin, Kansas,
2 Colorado, and have seen them live and observed the
3 trends of development.

4 The next page, please. So, this is -- I'm not
5 going to read all of this, but basically what I did is I
6 reviewed the project information, the detailed studies,
7 I came out and I visited the site. We did demographic
8 analysis of the area looking at the population, looking
9 at the trends, looking at values of residential
10 properties, which I provided in the report, and then
11 looked to see the market understanding of the BESS
12 facilities, and it's a new facility. They're relatively
13 small in relation to other energy uses. They are low
14 profile. They're 10 feet tall, but I looked at the
15 situation, and the key issues with any project has to do
16 with noise, with sound -- with smell, with visual
17 issues, with traffic created by trucks, cars, and any
18 potential negative impacts. The impacts on the roads.
19 The impacts to the schools, which residential
20 development has. Then we look at the economic impacts
21 here. You've heard the average is seven or \$800,000 a
22 year with virtually no stress on the economy.
23 Obviously, the safety issues, as an appraiser, it's
24 something we look at. You know, we've had the experts
25 here, we've had the technical experts. So, this is what

1 we look at to see what these projects do, but to bring
2 in a \$200 million project that generates \$800,000 a year
3 is a significant impact on economic development, and in
4 looking at what we do is we look at matched pairs.
5 There are not many, because there just haven't been good
6 examples. A lot of these are built a significantly
7 distant away, and just like when I look at a solar
8 facility, you want to make sure that the tip of a
9 residence is 150 feet to 200 feet, I prefer, away from
10 the module. With this situation from kind of doing
11 research and looking at it, 600 to 800 feet is kind of
12 the preference to be the minimum. Here it appears the
13 nearest house appears to be over 3,000 feet. Obviously,
14 I was here at the last meeting. The concern with the
15 agricultural producers in the area, I can understand
16 their concern. It makes sense. Part of what we did is
17 we looked at land values. And --

18 MR. KAINS: Could you step closer to the
19 microphone or perhaps even raise the mic stand?

20 MR. MAROUS: Sure.

21 MR. KAINS: There you go.

22 MR. MAROUS: So, looked also at impact to
23 residential or the land values. The reality, it's six
24 acres of development out of a 60-acre parcel. The
25 county, I believe, has over 300,000 acres of

1 agricultural land. So, it's like one tenth of one
2 percent, so it's really pretty de minimus. It's really
3 not impactful either way, and another situation that we
4 try to do is talk to market participants, brokers in the
5 area that have that type of product to see their impact,
6 and the other issue is interview assessors that have
7 this type of use in their area. The reality is in
8 checking across Illinois, Michigan, Iowa, Indiana,
9 Wisconsin, both parties aren't even aware of what BESS
10 is. When they've been there, they don't even realize
11 they're there. They kind of blend into the fabric of
12 the community as another business, industry, or
13 agricultural type of use. So next slide, please.

14 And the next slide. I've gone over this. So,
15 the conclusions are that there's a strong economic
16 positive impact. There's no indication from looking at
17 15 different BESS facilities, matched-pair facilities,
18 and particularly with a significant setback, the
19 agricultural use, the fact that it's on what I call a
20 gravel road, the trend of development in the area, it's
21 my professional opinion that actually that there would
22 be a positive impact once this is done to the county,
23 and that's my conclusions, and I stand ready for
24 questions.

25 MR. KAINS: Thank you, Mr. MaRous.

1 Mr. Griffin, did you have any follow-up on
2 anything he testified to?

3 MR. GRIFFIN: I do not. I'll just point out, as
4 Mr. MaRous already stated, his report is in our
5 application. It's lengthy.

6 MR. KAINS: All right. Very good. Thank you.

7 All right. Questions from Washington County,
8 first by the Attorney Mr. Keyt.

9 MR. KEYT: No question.

10 MR. KAINS: All right. Questions from members of
11 the zoning board of appeals for Mr. MaRous regarding his
12 conclusion that property values could potentially --
13 well, that Washington County could potentially benefit
14 from this project. Any questions? Mr. Chwaszczinski.

15 EXAMINATION BY THE ZBA

16 MR. CHWASCZINSKI: Yeah, I would say that's just
17 what he said. He said that overall Washington County
18 would benefit, but he didn't really say specifically for
19 that area.

20 MR. KAINS: That's not a question, so you don't
21 have to respond. So, any other questions from members
22 of the board?

23 All right. Questions from members of units of
24 local government, including school districts and
25 townships. Mr. Epplin as a representative of the

1 township, do you have anything?

2 MR. EPPLIN: No, sir.

3 MR. KAINS: Okay. Very good. Thank you. And
4 Mr. Hodge on behalf the school district, do you have any
5 questions?

6 MR. HODGE: No.

7 MR. KAINS: Okay. Very good. Thank you.

8 All right. Licensed attorneys. No. Okay.
9 Thank you, Ms. Kujawa.

10 All right. Members of the public, folks who are
11 either opposed to the project or neutral on the project.
12 Yes, ma'am. Ms. Liggett.

13 EXAMINATION BY THE PUBLIC

14 MS. LIGGETT: Liggett, Denise Liggett.

15 MR. KAINS: Denise Liggett.

16 MS. LIGGETT: Yeah, I can probably talk loud
17 enough so I don't need that microphone. So, you're
18 saying this will not impact the people that have just
19 built homes in this area? I mean, it's going to raise
20 their assessment?

21 MR. MAROUS: Assessment impacts taxes. You mean
22 values? Yes -- well, it's going to be a positive impact
23 because it's going to actually probably have some road
24 improvements to what's there, number one, and number
25 two, it's going to have positive impacts to the public

1 bodies, in particular the school districts, and the
2 better the school district, generally the higher the
3 value. So, yes.

4 MS. LIGGETT: So, my house that if I just built
5 -- my nephew just built a brand-new home there within
6 less than a mile.

7 MR. MAROUS: Which house?

8 MS. LIGGETT: It's on Howard School Road going
9 north.

10 MR. MAROUS: The white --

11 MS. LIGGETT: It's the while and black.

12 MR. MAROUS: -- house surrounded by the woods, 10
13 acres.

14 MS. LIGGETT: Yes.

15 MR. MAROUS: Yes, I'm familiar with it.

16 MS. LIGGETT: So, his value, house value will not
17 go down, because -- say in five years, he -- there does
18 become a data center next to there and he tries to sell,
19 he will never get what he got in it that has been put in
20 it.

21 MR. MAROUS: So, is that a question, or is that a
22 statement?

23 MS. LIGGETT: No, that's a question. You tell
24 me.

25 MR. KAINS: Okay. It's a question that

1 presupposes a data center would be built there, and I
2 don't think we've had any -- any testimony that there's
3 going to be one. So, I guess the question is that
4 particular home that her nephew just built, the one that
5 you described on 10 acres, in five years once this
6 battery storage facility -- let's assume it passes,
7 assumed it passes, in five years, what is your best
8 prediction based upon your experience and expertise in
9 the field, Mr. Marous, based upon that, what do you
10 think will happen with the property value?

11 MR. MAROUS: First of all, the house is probably
12 near the upper end of the value in the immediate
13 neighborhood. It's brand new. It's very attractive.
14 It's surrounded by 10 acres of woods. Even though the
15 property owner appealed their taxes at one of the
16 hearings, stating that the assessment at 185,000 was too
17 high, but my opinion that house will maintain its value
18 because it's got function, it's attractive, it's
19 surrounded by the woods, and now there's going to be an
20 additional economic stimulation to the taxing bodies.

21 MR. KAINS: Okay. Thank you. Okay.
22 Ms. Liggett.

23 MS. LIGGETT: That -- rephrase that, because he
24 did not do that. They have never appealed their taxes.

25 MR. MAROUS: There's on file a board of review

1 appeal and a hearing for that property.

2 MR. KAINS: Okay. First of all, that's all good
3 and well. Whether it is or not, it's irrelevant to this
4 proceeding, and the board is not to consider whether or
5 not there was a board of review appeal or hearing or
6 anything for that matter. I think we can agree to
7 disagree on that, but it's not relevant to this
8 particular proceeding. Go ahead with your question.

9 MS. LIGGETT: He was incorrect.

10 MR. KAINS: Okay.

11 MS. LIGGETT: I just wanted to state that. He
12 was incorrect. The board of appeal was because --

13 MR. KAINS: This is irrelevant. Go on to your
14 next question. Something relevant, please.

15 MS. LIGGETT: Would you live next to -- would
16 your value of your house, how would it be next to these
17 battery storage centers?

18 MR. MAROUS: Are you comparing your relatives at
19 a mile-plus, I would have no issue. I live a couple
20 miles, three miles from O'Hare Airport, and my values
21 have skyrocketed because of demand and the
22 infrastructure and the benefits. Is there noise that my
23 wife doesn't like? Yes. Is there impact of traffic?
24 Yes. Is there positive economic value? Yes. And where
25 I live, there's really no room, unless we did New York

1 zoning, to add an infrastructure like this. To be a
2 thousand feet away, sheltered by woods, I would have no
3 issue at all. I would like the economic development
4 that would add to the quality of life of the community
5 and make the schools better.

6 MS. LIGGETT: And that's where we differ, because
7 we like it rural where there's nobody around.

8 MR. KAINS: Okay. Ms. Liggett, you'll be able to
9 say your piece when it's your turn.

10 MR. KAINS: Any other questions for Mr. MaRous
11 regarding property values/economic impact?

12 Yes, Mr. Winka.

13 MR. M. WINKA: Okay. Are we on?

14 MS. ALTHOFF: No.

15 MR. M. WINKA: Denise, did you turn this off?

16 MS. LIGGETT: I didn't use it. I'm loud enough.

17 MR. M. WINKA: I don't know. Yep, I'm on now.

18 MR. KAINS: There you are.

19 MR. M. WINKA: I just kind of want to continue
20 with this property value thing. You're relating
21 property values in the Chicago area, New York area.
22 It's a little different here in Washington County. The
23 home --

24 MR. MAROUS: To answer, she asked me about my
25 house. That was my response. I've looked and done

1 probably a hundred value impact studies for properties
2 or more in rural areas having similar situations to
3 Washington County.

4 MR. KAINS: Okay. Thank you for your
5 clarification. Let's let Mr. Winka ask the question.

6 MR. MAROUS: Sure.

7 MR. M. WINKA: Here in Washington County where
8 Denise's nephew built his new home, my son and
9 daughter-in-law, Matt and Amanda, built a new home at
10 the same -- probably a few months before theirs. Their
11 home is sitting on a farmstead, so that is a different
12 situation. They can't sell their house out of that, but
13 Denise's nephew could, and it will affect their values
14 of home in a rural area because there's sites farther
15 away that people can buy or build new homes on, and that
16 will affect it because they will move farther away.
17 They're not going to come in and buy a house that's
18 within a mile of it or three-quarters of a mile for the
19 value that they have in that home, because there's
20 enough choices to go farther away.

21 MR. KAINS: Mr. Winka, could you ask him a
22 question?

23 MR. M. WINKA: Pardon me?

24 MR. KAINS: Could you ask him question? Right
25 now you're testifying.

1 MR. M. WINKA: Yeah, I know.

2 MR. KAINS: This all good and well, but that's
3 later on.

4 MR. M. WINKA: Well, I'm stating that's what the
5 difference is, so do you agree with that?

6 MR. MAROUS: I agree that people have choices and
7 make decisions and that impacts the value of real
8 estate. Some people want to be farther out. Some
9 people want to be closer to the services, to the
10 schools. There's not one factor that influences that.
11 That's one factor, but a lot of people don't want to go
12 farther out, they want to be like the nephew and be
13 closer to town and be surrounded by woods. So, you
14 know, every situation is different, but, again, in my
15 opinion based on looking at the site and the setbacks,
16 the trend and development and everything else, it's my
17 opinion that will not have a negative impact on value.

18 MR. M. WINKA: Well, my opinion is --

19 MR. KAINS: Different.

20 MR. M. WINKA: The Dickinsons bought their
21 property prior to any of this starting and built their
22 home. If I were going to build now and buy property, I
23 would not buy property that close because there's plenty
24 of other property farther away, and I have to disagree
25 that it won't affect property values in our area.

1 MR. KAINS: Do you have any other questions for
2 the witness?

3 MR. M. WINKA: No, I don't.

4 MR. KAINS: Okay. Thank you, Mr. Winka.

5 MR. M. WINKA: Thank you.

6 MR. KAINS: We appreciate your comments.

7 Any other questions?

8 MR. KAINS: Yes, Mr. Kevin Winka.

9 MR. KAINS: Go right ahead with questions for
10 Mr. MaRous.

11 MR. K. WINKA: In your studies with a battery
12 facility being built on property, the adjoining property
13 values, will go up or down?

14 MR. MAROUS: If there is adequate setback, there
15 is no negative impact.

16 MR. K. WINKA: Has there been ground sold next to
17 one of these battery facilities in your studies?

18 MR. MAROUS: Over a thousand feet, yes.

19 MR. K. WINKA: And what did the value do?

20 MR. MAROUS: The value was consistent with value
21 increases in other parts of the county.

22 MR. K. WINKA: And who was the people buying the
23 property next to these batteries?

24 MR. MAROUS: Typical buyers of residential
25 property.

1 MR. K. WINKA: So, residential buyers were buying
2 property. The agricultural ground right now around that
3 facility, who -- has ground like that sold next to one
4 of these battery facilities, agricultural ground, not
5 residential.

6 MR. MAROUS: You're talking for agricultural --

7 MR. K. WINKA: Yes.

8 MR. MAROUS: -- use. So, in looking at, you
9 know, various data sources and land sales and
10 transactions, if anything, because of the higher lease
11 rates and higher sale prices, if anything, it's got a
12 higher impact because it's going to raise the value per
13 acre of the property.

14 MR. K. WINKA: Who are -- the agricultural ground
15 the farmers are buying it or people -- investors buying
16 it?

17 MR. MAROUS: Both.

18 MR. K. WINKA: Both. Are other companies buying
19 it to develop, trying to -- since this is here already?

20 MR. MAROUS: If it's closer to a developed area,
21 it could be all three. In the rural areas, it's
22 generally residential buyers or it could be agricultural
23 buyers that are trying to assemble land to make their
24 farms bigger or people that want to get into a small --
25 this is 60 acres, that's obviously too small to

1 individually farm on its own, but there's all kinds of
2 buyers that are interested in quality Illinois farmland.

3 MR. K. WINKA: Next to one of these facilities?

4 MR. MAROUS: Yes.

5 MR. K. WINKA: And that's in your report that
6 you've submitted?

7 MR. MAROUS: Yes.

8 MR. K. WINKA: Okay. Thank you.

9 MR. KAINS: Thank you, Mr. Winka, for your
10 questions.

11 Any other questions from folks either opposed to
12 the project or neutral on the project?

13 Yes, Mr. Sherman.

14 MR. SHERMAN: Ronald Sherman. Ronald Sherman. I
15 have a question, and I don't know if you can answer it
16 or not, because I'm going to ask the audience to answer
17 it.

18 MR. KAINS: No. He's the witness.

19 MR. SHERMAN: Okay. Not how it works, but good
20 try, Mr. Sherman.

21 MR. SHERMAN: I didn't know. I just wanted to
22 find out.

23 MR. KAINS: I think if I was prosecuting a
24 criminal jury trial when I was a prosecutor in
25 Springfield, and I asked the folks in the audience

1 rather than the jury what they thought, it probably
2 wouldn't go over too well.

3 MR. SHERMAN: That's fine.

4 MR. KAINS: They'd all yell: Hang them high.
5 Thank you, Mr. Sherman.

6 Yes, ma'am. The hardest part of all of this is
7 having the nerve to come up and say something. The
8 second hardest part is trying to turn on the microphone.

9 Ma'am, what's your name?

10 MS. THOMAS: I'm Donna Thomas. D-O-N-N-A,
11 Thomas, T-H-O-M-A-S.

12 UNIDENTIFIED SPEAKER: Can you turn the fan off?

13 MS. THOMAS: It's just a little question. You
14 had mentioned other -- you interviewed other states that
15 have had similar experiences in Michigan, Iowa,
16 Wisconsin, and Indiana, so could you maybe tell us what
17 was the impact on the community like? Did the community
18 not want it initially and then after it was in they did
19 like it? Like, I'd like to hear some meat and potatoes
20 from what -- those others place.

21 MR. MAROUS: It's a very good question, and
22 that's kind of what I would call a taste test, and what
23 I found is when anything new is interjected into a
24 community and it's new technology and new use that
25 people aren't used to, there's concern. There's

1 negativity, there's blocks, whether it emanates from the
2 local tavern, a beauty shop, the church.

3 MR. KAINS: Hold on, Mr. MaRous. We're going to
4 try to --

5 MS. ALTHOFF: I'm working on it.

6 MR. KAINS: Ms. Althoff is earning her money
7 tonight, that's for sure.

8 MS. ALTHOFF: Thank you for that.

9 MR. KAINS: Yes. Thank you for just taking care
10 of us.

11 MS. ALTHOFF: I'm going to have to call somebody.

12 MR. MAROUS: Do you want me just to yell?

13 MR. KAINS: Yeah, why don't you kind of be as
14 loud as you can without breaking the microphone.

15 MR. MAROUS: I'm trying to be able to look at her
16 and also kiss the mic, so --

17 MR. KAINS: Yeah, the question is what does he
18 know about how this turned out after a battery storage
19 facility went into a community, and he had started by
20 saying at first people had reservations, concerns,
21 sometimes very serious concerns, often very serious
22 concerns, and go ahead from there.

23 MR. MAROUS: And then others don't really care,
24 don't think it's a big deal and ignore it, and it's a
25 nonissue. But once it gets developed, when done

1 properly, when done safely, when done with proper
2 setbacks and screening, the experience has been it's
3 become the fabric of generally the agricultural
4 community and people don't think much about it.

5 MR. KAINS: Okay. Ms. Thomas, do you have any
6 other questions?

7 MS. THOMAS: So, then the interviews that were
8 done, were those primarily rural communities or were
9 they suburban communities?

10 MR. MAROUS: Primarily rural.

11 MS. THOMAS: Thank you.

12 MR. MAROUS: Yes.

13 MR. KAINS: Thank you, Ms. Thomas.

14 Any other questions for this witness, folks
15 either opposed or neutral?

16 Okay. Very good.

17 All right. Then the next group gets to ask
18 questions, Washington County staff. Ms. Althoff, do you
19 have questions besides how to get this room cool?

20 MS. ALTHOFF: I do not. Thank you for asking.

21 MR. KAINS: Thank you. Then redirect
22 examination, Mr. Griffin.

23 MR. GRIFFIN: No redirect.

24 MR. KAINS: Okay. Recross, Mr. Keyt, Ms. Rives.

25 MR. KEYT: No, sir.

1 MR. KAINS: All right. Final questions for the
2 witness come from members of the zoning board of
3 appeals.

4 EXAMINATION BY THE ZBA

5 MR. BORRENPOHL: So, I do have one question, and
6 it may not pertain to you. The real estate and the
7 taxes, would that be -- assessed value, would that be a
8 question for you, or would that be for someone else on
9 the team?

10 MR. MAROUS: Well, I can handle it, because I
11 deal with it, and we can let Mr. Griffin deal with it
12 too, but I have the property we appraise, and I
13 represent 40 public bodies that we deal with this all
14 the time.

15 MR. BORRENPOHL: So, I just have a question like
16 on the tax, the assessed value of something like this.
17 Does this compare to like a wind farm or a solar farm,
18 or how do they get the assessed value versus -- on
19 something like this in our area that has nothing else to
20 compare it to?

21 MR. MAROUS: It's done by megawatt, and it's
22 basically -- and I don't fully have it memorized, the
23 ordinance, but basically it starts out per megawatt
24 whether it's used or not, and there's a number that's
25 looked at. Now, wind is higher than solar because it's

1 more efficient. This is somewhere in there, and then
2 it's impacted by the equalization factor, which down
3 here you're close to 1. I believe it would be at a
4 33.33 percent level of assessment, and then it would be
5 based on the tax rate of this township, and let's just
6 say hypothetically it's 7 or 8. You would multiply
7 that, you would get it, so basically the assessor is
8 taken out of the equation, and it goes to your tax rate
9 and your equalization factor of the county.

10 MR. BORRENPOHL: Thank you. I was confirming
11 that it was the megawatt is how it was being processed.

12 MR. MAROUS: Yes, and I've been involved with
13 other states where they've kind of left it to the
14 assessors, and it's been a mess. This has worked out
15 well.

16 MR. KAINS: Any other questions from members of
17 the board for Mr. MaRous? All right. Very good.

18 Sir, you may step down.

19 (Witness excused.)

20 MR. KAINS: Mr. Griffin, do you have any other
21 witnesses you wish to call?

22 MR. GRIFFIN: We do not have any other witnesses.

23 MR. KAINS: Very good. It's 9:03. We're going
24 to go a little bit longer. First of all, I want to see
25 a show hands of folks who are in favor of the project

1 who wish to come up to the microphone to testify.

2 Okay. We've got the gentleman from the union.

3 MR. KAINS: Okay. I'm also going to say this
4 about testimony under oath versus public comment. This
5 is a public hearing, and there will be an opportunity
6 for public comment. The difference between the two is
7 testimony comes from the same microphone as public
8 comment, but you will be able to say what you want as
9 long as it's relevant, and you will be potentially
10 cross-examined by members of zoning board, the attorneys
11 in the room, members of the public who are on the
12 opposite side of your position, okay. So, if you want
13 to give testimony, you can be cross-examined, and you
14 don't have a time limit on how long you go.

15 What is the public comment time period at a
16 meeting in Washington County?

17 MR. KEYT: I think it's five minutes.

18 MR. KAINS: Five minutes. So, the difference is
19 if you want to testify under oath, you can talk as long
20 as you want, but you're subject to cross-examination.
21 If you want to just reserve it for public comment, you
22 can say what you want to say for five minutes and nobody
23 is going to be asking you questions.

24 MR. KAINS: Yes, sir. Back in the back.

25 MR. SMALL: Three minutes.

1 MR. KEYT: I was wrong. Three minutes.

2 MR. KAINS: And, sir, just for the record, state
3 your name for the court reporter.

4 MR. SMALL: Rodney Small.

5 MR. KAINS: I didn't hear.

6 MS. ALTHOFF: Rodney small.

7 MR. KAINS: That is Rodney Small. I do believe
8 he's a member of the county board, and he knows.

9 MR. KAINS: Three minutes for public comment.

10 MR. KEYT: We've got to clarify one thing.

11 MR. KAINS: Yes. Mr. Keyt, go ahead.

12 MR. KEYT: So, if you want information to be
13 considered as evidence for the zoning board of appeals
14 to consider, you would provide testimony for them to
15 consider, because public comment is not considered
16 testimony. It's not necessarily considered by the
17 zoning board of appeals in making their decision. If
18 you want to provide evidence or testimony to provide for
19 the ZBA to consider, you would want to provide that as
20 testimony.

21 MR. KAINS: Thank you for that clarification, Mr.
22 Keyt. All right.

23 Mr. Schneider wants to ask a question of
24 Gatehouse.

25 MR. SCHNEIDER: This might be addressed by

1 Mr. Pan. Could you explain in layman's terms how the
2 underground collection and, I guess, you know, from the
3 AC to DC what happens in the underground collection?

4 MR. PAN: Yeah, so the underground collection is
5 what typically connects the medium voltage transformers
6 that step up the power from the inverters, which are
7 there to invert the power from the batteries, which is
8 direct current to alternating current. I know that was
9 a mouth full. So, starts at the battery. It's direct
10 current. That is not what the grid and pretty much, you
11 know, everybody's home uses. So, that goes through an
12 inverter, which then changes it to alternating current.
13 That is then stepped up by the medium voltage
14 transformer, so that puts it at a higher voltage that is
15 then collected by the collection cable. That goes
16 underground to the project substation. Does that help
17 answer your question?

18 MR. SCHNEIDER: Yes. Why underground?

19 MR. PAN: It's typically underground to avoid
20 being potentially damaged.

21 MR. KAINS: By?

22 MR. PAN: By animals, by any number of factors.

23 MR. SCHNEIDER: All right. Yes. Thank you.

24 MR. KAINS: Thank you, Mr. Schneider.

25 All right. Then folks in favor. The gentleman

1 in the back from the union. Good evening, sir.

2 MR. MAROUS: Good evening.

3 (Witness sworn.)

4 MR. KAINS: Very good. Thank you.

5 MR. RILEY: Is this testimony or public comment?

6 MR. KAINS: This is testimony.

7 MR. RILEY: I want to do public comment. I'm
8 sorry, I misunderstood.

9 MR. KAINS: That's all right. If you want to be
10 considered by the board, testimony is considered by the
11 board. Public comment is just public comment. So, take
12 your pick.

13 MR. RILEY: I can do testimony, it's fine.

14 MR. KAINS: Yeah. Go ahead and state your name.

15 MR. RILEY: My name is Joe Riley. I'm with the
16 Downstate Illinois Laborers' District Counsel.

17 MR. KAINS: How do you spell your last name, Joe?

18 MR. RILEY: R-I-L-E-Y.

19 MR. KAINS: And you're with?

20 MR. RILEY: The Downstate Illinois Laborers'
21 District Counsel.

22 MR. KAINS: Okay. Go right ahead.

23 MR. RILEY: I'm here on behalf of them and behalf
24 of Local 459, who covers this area, to speak in favor of
25 the project. So, they talked earlier about project

1 labor agreements, PLAs, and just for those that aren't
2 familiar with that, what means is when there's a PLA, no
3 matter what contractors are hired for this job, they
4 have to abide by the local union -- the local union
5 halls in the area. They'll have to call those union
6 halls for laborers, electricians, pipe fitters, et
7 cetera, to build this project, and those generally I can
8 speak on behalf of the labor agreements, those are tight
9 agreements to where, you know, it allows maybe some
10 supervision or one or two laborers, but the rest will
11 come from the local hiring hall. So, that means people
12 -- trades members that live here in Washington County
13 would work on this project. So, that's why we're in
14 favor of this protect. It's going to put our men and
15 women to work. In turn, they're going to pay into their
16 pension funds, their health and welfare funds, which
17 provide insurance for them and their family, and, you
18 know, then also once the taxes bodies' revenue starts
19 coming in from projects, we start seeing new gymnasiums
20 and things like that built, roads, and it's kind of a
21 bonus effect, and those members get put to work on those
22 projects.

23 MR. KAINS: Very good. Thank you, Mr. Riley.

24 All right. Questions from Washington County by
25 its counsel, Mr. Keyt?

1 MR. KEYT: No questions.

2 MR. KAINS: Members of the board, any questions
3 for Mr. Riley? Very good.

4 Units of local government, including school
5 district, townships. No. All right. Very good.

6 Licensed attorneys.

7 MS. R. KUJAWA: Yes.

8 MR. KAINS: Yes. Come forward, Ms. Kujawa.

9 MS. M. KUJAWA: Could I have that clarified. You
10 keep saying "Ms. Kujawa". There are two.

11 MR. KAINS: Okay. The licensed attorney Ms.
12 Kujawa.

13 MS. M. KUJAWA: Okay.

14 MR. KAINS: You've let your license lapse, right,
15 in retirement?

16 MS. M. KUJAWA: I did.

17 MR. KAINS: Rebecca can come up. How about that?

18 MS. M. KUJAWA: That's better.

19 MR. KAINS: Is she your mother?

20 MS. R. KUJAWA: No, my mother-in-law.

21 MR. KAINS: She is a pistol. Go right ahead --
22 and I love you. Go right ahead with your questions.

23 MS. R. KUJAWA: So, I know that your hands are
24 tied based on what the State --

25 MR. RILEY: Is this a question for Mr. Riley?

1 MS. R. KUJAWA: No, I'm sorry.

2 MR. KAINS: It's time to ask Mr. Riley questions.

3 MS. R. KUJAWA: I'm sorry.

4 MR. KAINS: Sorry

5 MS. R. KUJAWA: I misunderstood, sorry.

6 MR. KAINS: It's questions for this witness.

7 Okay.

8 Another licensed attorney, Mr. Griffin.

9 MR. GRIFFIN: No questions.

10 MR. KAINS: No questions. All right.

11 Members of the public who are either opposed to
12 the project or neutral on the project?

13 Okay. Very good.

14 Mrs. Althoff.

15 MS. ALTHOFF: No questions.

16 MR. KAINS: No. All right.

17 Final questions come from members of the board.

18 Mr. Riley, you got by easy.

19 MR. RILEY: Thanks.

20 MR. KAINS: Thank you for coming.

21 MR. RILEY: Yeah, of course.

22 MR. KAINS: It seems to me everywhere I go in
23 downstate Illinois Mr. Riley is there advocating for the
24 union people, and I think he spends more time at
25 meetings than he does doing other things.

1 All right. Anybody else in favor of project?

2 Okay. Folks who wish to testify. Come up here,
3 have their testimony considered as evidence to be
4 considered by the board who would also have questions,
5 such as the ones that weren't asked to Mr. Riley.
6 Anybody who is neutral who would like to come up and
7 testify?

8 Okay. Now, the next question is folks who are
9 opposed who wish to testify. That's different from
10 public comment, and Mr. Keyt has clarified that if you
11 come up and testify, you have unlimited time, it will be
12 considered by the zoning board, it will be in the
13 record, and the transcript will go to the full county
14 board for its consideration. So, if you want to have it
15 considered, now is the time to come up and say what you
16 want to say. Otherwise, you can reserve it for public
17 comment, and public comment is three minutes. And I am
18 going to say this just to save time, you're not going to
19 get to testify as a witness and do public comment, so
20 you pick one or the other, because I can see the wheels
21 turning right here. Maryanne is thinking: I'm going to
22 do both. One or the other.

23 Is there anyone who wishes to come forward --
24 I'll -- just a show of hands on this side of the room,
25 folks who wish to testify right now. Folks on this side

1 of the room who wish to testify. Okay.

2 We have Ms. Rebecca Kujawa. You may come
3 forward, and the floor is yours.

4 There you go.

5 MS. R. KUJAWA: Okay. Does that work?

6 MR. KAINS: Yes, ma'am. Very good. Thank you.

7 MS. R. KUJAWA: Okay. So, as I started a minute
8 ago, I just wanted to convey that even though I think
9 there's a lot of discussion with the county board about
10 your hands being tied because of the State law that was
11 passed earlier this year, I think it makes your job even
12 more important and the county's job even more important
13 because you -- your job is to interpret the ordinances
14 and the codes and to monitor and supervise what they're
15 doing to make sure that what they commit to do they're
16 actually doing, and obviously, they're pretty
17 specialized, so it's not like it's something simple that
18 an attorney can achieve or -- you know, you need to have
19 resources, and, you know, if the State can decide that
20 these businesses can go in an agricultural area, then I
21 would just encourage you to enforce all the restrictions
22 that are available to you by the State and make that by
23 law so that, you know, when the people move on or sell,
24 those restrictions are still in place and it's not a
25 breach of contract, it's not in a special use permit.

1 So, if this continues, and it looks like it's going to
2 pass, I just whole-heartily hope that you will stay very
3 engaged and will stay on top of this and hold them to
4 the commitments that they're making. Thank you.

5 MR. KAINS: Thank you. Now is the time for
6 questions. All right. First of all, Mr. Keyt or
7 members of the board.

8 Mr. Keyt.

9 MR. KEYT: No questions.

10 MR. KAINS: Members of board. Very good.

11 Questions from members of units of local
12 government, township, school district.

13 No. Very good. All right.

14 Licensed attorneys, Mr. Griffin.

15 MR. GRIFFIN: No questions.

16 MR. KAINS: All right. Members of the public who
17 are -- since Ms. Kujawa is opposed, so it would be folks
18 on the other side. Folks who are in favor of or neutral
19 on the project with questions for Ms. Rebecca Kujawa.
20 Very good.

21 Ms. Althoff.

22 MS. ALTHOFF: No.

23 MR. KAINS: Okay. Very good. And then final
24 questions come from members of the board.

25 MR. KAINS: All right. Ms. Kujawa, thank you for

1 your testimony and your continued presence here on
2 behalf of your family and your neighbors.

3 All right. Anybody else who is opposed who would
4 like to come up and testify? Okay. Very good.

5 It's time for presentation of county staff
6 reports. Mr. Keyt, are there any staff reports that you
7 wish to present on behalf of your client Washington
8 County?

9 MR. KEYT: Other than the findings of fact and
10 conditions, there's no additional reports.

11 MR. KAINS: Okay. We have that to still take up.

12 All right. Then closing statements. What I
13 think we will do -- not what I think we'll do, what we
14 will do is we will allow for a closing statement by the
15 Applicant through its attorney Mr. Griffin, and if there
16 are probably no more than three closing statements from
17 folks opposed who just want to get up and say this is
18 why the board should reject this application. So, we'll
19 have closing statements first from Mr. Griffin.

20 A closing statement, folks, is a summary of the
21 evidence, summary of the case, whether or not you think
22 it met its burden of following the ordinance and the
23 State law. So, you'll get kind of an example of what a
24 closing statement looks like from Mr. Griffin. He'll
25 get up and stand at the microphone for probably three to

1 five minutes, and at the conclusion of that, he will ask
2 the board to approve the application.

3 So, Mr. Griffin, you may have a closing
4 statement, and then I'll allow three persons who are
5 opposed if they wish to make closing statements -- and
6 you don't have to. Go right ahead. The floor is yours,
7 Mr. Griffin.

8 MR. GRIFFIN: Thank you very much. I want to
9 thank the board for listening to us. We know it's a
10 significant, length application that we filed. Of
11 course, we had to file that significant, lengthy
12 application because of the requirements that the County
13 has established for BESS systems, and in addition to
14 that, as Mr. Keyt has also explained, the County also
15 has the ability to impose conditions on the project, and
16 I have no doubt that if it is approved there will be
17 significant conditions imposed -- imposed that will
18 cover several pages, and we'll be protective of the
19 county and ensure that projects like this do follow the
20 rules, are designed to meet the latest safety standard,
21 which is NFPA 855, which we've committed to comply with,
22 and so between all -- and the purpose of all these
23 reports and requirements that you have in your ordinance
24 is to ensure that these projects are zoned and sited in
25 the appropriate locations, and this project does satisfy

1 all of your setbacks. In fact, greatly exceeds many of
2 your setbacks. The residential setback is 600 feet. We
3 exceed that by a factor of five. We are 3,000 feet from
4 the nearest residence. So, this is an excellent
5 location for a project like this.

6 As far as why here, why is the project here?
7 There's a number of factors, but the main one is because
8 of the grid system and the availability of capacity
9 where this project is proposed, and so that's why you
10 might find: Why is this being proposed in Washington
11 County, we haven't run out of power here, because
12 there's capacity in the grid to add new power, to add
13 new capacity here, and that's critical to future growth
14 and future demand. The utility companies don't wait
15 until we run out of power to put new power on the grid.
16 They're looking ahead years and decades, because, you
17 know, as residents of the general public, we don't want
18 to run out of power and then figure out where we're
19 going to get the power from. We want the utilities to
20 be thinking ahead, planning ahead into the future, and
21 projects like this are going to serve that future
22 demand.

23 So, we do believe that we've satisfied all of the
24 requirements of the county ordinance, that it does meet
25 standards for special use. We are excited about the

1 ability to bring this project to the community, about
2 the economic and tax benefits that it will have without
3 really any demand on services. We would ask for your
4 recommendation of approval, and we appreciate being
5 here. Thank you.

6 MR. KAINS: Thank you, Mr. Griffin. All right.
7 That was short and sweet. Does anybody wish to --
8 anybody else wish to make a closing statement?

9 MR. KAINS: Yes, Ms. Amanda Winka.

10 By the way, thank you for your participation in
11 this hearing, because, you know, I know that your family
12 is very interested in this, and it's not easy to stand
13 up in front of a room of people, and so I commend you
14 for that. You may go right ahead with the statement.

15 MS. WINKA: This is just my comment on the
16 matter, correct?

17 MR. KAINS: Yes, ma'am.

18 MS. WINKA: Okay. Like I have mentioned earlier,
19 my family lives the closest to this site. I've got
20 three daughters. We've got a livestock and grain farm,
21 and the livestock is our lively hood, and like I've
22 said, in the event -- which we say there's not ever
23 going to be a need for evacuation, but I'm still
24 concerned that in the fact that if there is one, how do
25 I get everything out of there. We live the closest. We

1 built our house before this was projected, and if the
2 guy that lives by the airport, I'm sure he bought after
3 the airport was there. We didn't. We've lived here
4 before this was in the works. Just because it's out in
5 the middle of the country doesn't mean it doesn't affect
6 anyone. It affects us greatly. And also, this is one
7 of our busiest times of the year with the cattle and hay
8 and planting, and it's -- we're here fighting for this
9 because we don't want it, and we need to be working
10 where we want to be working, so those are my -- that's
11 my statement.

12 MR. KAINS: Thank you, Ms. Winka.

13 Anybody else wishing to make a closing statement?

14 Yes, Mr. Epplin.

15 MR. EPPLIN: I would like to make sure the zoning
16 board and Washington County Board make sure you guys got
17 your facts and figures correct, because there are a lot
18 of discrepancies going on. This started out like 200
19 units, then it's 165, and they told Radom -- it's a mile
20 and a half from that location -- that they need to have
21 a radius of a mile and a half. So, I still don't
22 understand why they had to have a mile and a half
23 radius, but if there's no hazards or anything, why would
24 they want Radom to be made aware of this? I'm concerned
25 that there's going to be some information here that's

1 not been communicated correctly, and we, the residents
2 of Washington County, are going to suffer the
3 consequences if the Washington County Board and zoning
4 board don't follow up and make sure everything is
5 factual. Thank you.

6 MR. KAINS: Thank you very much, Mr. Epplin.

7 Anybody else with a closing statement?

8 All right. Very good. I'm sorry.

9 MS. M. KUJAWA: You said I was last, didn't you?

10 MR. KAINS: Ms. Kujawa, Maryanne.

11 MS. M. KUJAWA: Yes. First of all, I am
12 addressing you.

13 MR. KAINS: Microphone.

14 MS. M. KUJAWA: First of all, you said in your
15 presentation you didn't know the names of companies that
16 you were going to be using. Later you said you do know
17 companies that you're going to be using. So, which is
18 it? Next question is, is there a tax incentive for this
19 project from the State? And what comes next in the
20 area? Because of the amount of megawatts that is being
21 used, we -- as one person said before -- we don't need
22 that much power, so what is coming? Is it a data
23 center? And what is the future demand for a data
24 center? I read agricultural papers, and they're saying
25 in there that Illinois Farm Bureau, they're worried

1 about the data centers that are going to be put on -- in
2 Illinois. It's taking the agricultural land that we use
3 now, and I would like to ask the lawyer over here, could
4 we put to know the type of batteries that are going to
5 be used in the application?

6 MR. KEYT: Yeah, so before they would be able to
7 ever get a building permit, they have to provide that
8 information. There's a number of potential
9 manufacturers that they've listed in the application.
10 Some of those we had some discussion about last month.

11 MS. M. KUJAWA: Okay. Thank you. Have a good
12 evening.

13 MR. KAINS: Thank you, Ms. Kujawa.

14 All right. That concludes closing statements.
15 Do you have any rebuttal, Mr. Griffin?

16 MR. GRIFFIN: I do not.

17 MR. KAINS: I once had a judge look at me and
18 said: You don't have any rebuttal, do you, Mr. Kains?
19 And then I said: Yes, I do. And he about hung me.

20 All right. Very good. All right. The --
21 Mr. Griffin, do you have any documents you wish to admit
22 into evidence? I know you had a series of resumés from
23 folks, because I think we have three exhibits; is that
24 right, three exhibits?

25 MR. KEYT: Aside from the application, I think

1 they're up to Exhibit No. 3.

2 MR. KAINS: Exhibit 3 already was addressed.

3 MR. GRIFFIN: I'd ask for all three exhibits be
4 moved into evidence.

5 MR. KAINS: Yeah. Mr. Keyt, any objection?

6 Just an objection to the microphone.

7 MR. KEYT: Yeah. I've not reviewed the technical
8 submission they provided tonight, but I don't have any
9 objection to the rest.

10 MR. KAINS: We'll hold that in abeyance and take
11 that up at the next session of this public hearing.

12 All right. With the exception of that, do you
13 have any other exhibits to introduce?

14 MR. GRIFFIN: We'll be providing those reports
15 that were requested tonight, so I would ask that those
16 be put into the record as exhibits to support Mr. Fink's
17 testimony as to the reports he relied on.

18 MR. KAINS: All right. Then what we'll do is
19 we'll take up the issue of admission of exhibits at the
20 beginning of the next session of this hearing, because
21 all of the exhibits need to go to the county board.

22 All right. With the exception of the issue of
23 admission of exhibits, I'm going to close the
24 evidentiary portion of this public hearing, and now it
25 is time for public comment.

1 Public comment. You have three minutes. Anybody
2 want to come up who is in favor of the project? Come
3 up. You can talk for three minutes, and then you sit
4 down.

5 Anybody who is neutral?

6 Anybody who is opposed want to make a public
7 comment?

8 Other than Rebecca Kujawa. She already
9 testified. Anybody want to come up and say their piece
10 on this?

11 All right. Public comment is closed.

12 Mr. Keyt or Mrs. Althoff, have we received any
13 letters, writings, e-mails, anything like that, other
14 than Exhibit 1, which is a letter from the Ashley
15 Community Fire Protection District Chief. That's in as
16 Exhibit 1. Have we received any other writings?

17 MS. ALTHOFF: No, I have not.

18 MR. KAINS: Mr. Keyt?

19 MR. KEYT: I have not.

20 MR. KAINS: Okay. Very good.

21 All right. No written public comment. No oral
22 public comment, and it is time -- it is not time,
23 because it is 9:29. At the next session of this public
24 hearing, the county board -- or, I'm sorry, the zoning
25 board of appeals will deliberate on what are called

1 findings --

2 MS. RIVES: Scott, will you hold on?

3 MR. KEYT: Yeah, hold on, Scott.

4 MS. RIVES: We missed something.

5 MR. KEYT: There was a written, I think, comment
6 that was provided in March that also had a petition with
7 signatures on it.

8 MR. KAINS: Okay.

9 MR. KEYT: That was -- it was presented to the
10 county. I'm not sure exactly who presented it, but I
11 presume they want that into the record that there are --
12 I'm sorry?

13 MR. MULHOLLAND: Mr. Winka.

14 MR. KEYT: Yeah, Mr. Winka, and my presumption,
15 Mr. Winka, is you want that document into the record?

16 MR. M. WINKA: Yes. It was to be Exhibit B --

17 MR. KEYT: Okay.

18 MR. WINKA: -- if I understood at the April
19 meeting.

20 MR. KAINS: Let me see it. Let me see it. It's
21 going to go in. Don't worry, Mr. Winka.

22 This is a letter from Mr. Winka.

23 MR. KEYT: I don't know that it needs to be read
24 into the record.

25 MR. KAINS: I'm not going to read the whole thing

1 into the record. I'm just going to tell folks what it
2 is. Dated March 23, 2026, from Mr. Winka to the
3 Washington County Zoning Office and the Washington
4 County Board, and he has attached a petition, folks
5 opposed to the proposed battery energy storage system in
6 or near Radom, Illinois, and he CCed members of the
7 board, members of the Washington County Board. It is a
8 petition opposing this project, and it relates to safety
9 concerns, environmental and public health concerns, a
10 section on community process. He indicates that members
11 who signed this petition do not approve of the project
12 as currently proposed and are urging the County Board
13 here in Washington County to reject any zoning changing
14 permits or approvals that would allow this project to
15 proceed in or near Radom to the extent permitted by law,
16 and there are a number of signatures in excess of 10
17 pages, perhaps 11 or 12 pages. I'm not going to count
18 each one.

19 Yes, do you have anything you'd like to say,
20 Mr. Winka?

21 MR. WINKA: Yes. There's 200 signatures on
22 there.

23 MR. KAINS: Thank you.

24 MR. WINKA: 92 are from residents of the village
25 of Radom and the other 108 are from community

1 landowners, and some of them that are St. Louis
2 addresses or whatever are still landowners in that mile
3 and a half radius.

4 MR. KAINS: Yes, sir.

5 MR. WINKA: That's where the other 108 come from.

6 MR. KAINS: Okay. Very good. Thank you,
7 Mr. Winka.

8 Mr. Griffin, I can ask if you object to this.
9 You have not seen it, but it's a petition saying they
10 oppose it. Your thoughts on admission of it as an
11 exhibit on behalf of Mr. Winka?

12 MR. GRIFFIN: No objection to it.

13 MR. KAINS: Okay, because if you were going to
14 object to it, I was going to overrule it anyway, because
15 it's going to be in evidence anyway. That will be --
16 that will be marked -- can you pass that, please, down
17 to Andy. Mark that as Marvin Winka Exhibit 1.

18 Thank you for bringing that to our attention, Mr.
19 Keyt. That's extremely important. Any other documents
20 that need to come in?

21 All right. We'll take up the additional
22 documents at the start of the next session.

23 Okay. What's going to happen next at the next
24 session -- we're done for tonight. At the next session,
25 we're going to be back here in this room for the zoning

1 board of appeals to consider what are called findings of
2 fact. In every zoning type of case, there has to be
3 findings of fact. Basically, it is a rather lengthy
4 written summary of the evidence that's been submitted in
5 this case. Mr. Keyt, Ms. Rives, and Mr. Tuck over here,
6 the legal team that represents the county board and this
7 zoning board, will be preparing these findings of fact
8 and going through them with members of the zoning board
9 at the beginning of our next session. They also will be
10 preparing conditions that would attached. If this
11 project would be approved, there would be a number of
12 conditions. I've done a number of these hearings, and
13 Mr. Keyt has been the attorney at a number of these
14 hearings, and his conditions are generally quite
15 lengthy, but what that does is it protects Washington
16 County's Zoning Board, the Washington County Board, and
17 just as importantly, the citizens of Washington County
18 should this project be approved, there will be
19 conditioned attached to it that the applicant, the
20 project developer must adhere to. If they don't, then
21 they have to face the music, and nobody wants to
22 litigate against Mr. Keyt.

23 All right. So, that's what's going to happen
24 next time. There will be a discussion. We'll go
25 through exhibits. There will be a discussion of

1 findings of fact, a discussion of conditions, and then
2 there will be a vote by the zoning board of appeals to
3 determine what their recommendation is, and it's just a
4 recommendation to the full county board, and we are
5 going to meet again.

6 Mr. Keyt, have you talked with your clients, all
7 of these folks up here on a date?

8 MR. KEYT: Yes. So, the date would be June 2nd.
9 I want to make sure with Krystal the room works.

10 MS. ALTHOFF: Yep.

11 MR. KEYT: So, the date would be June 2nd right
12 back here. I think six o'clock, if that works for
13 everybody.

14 MR. KAINS: I'm going to ask a number of people
15 if they can be here. Mr. Griffin, can you and members
16 of your team -- necessary members of your team be here?

17 MR. GRIFFIN: Yes, we can.

18 MR. KAINS: June 2nd. Okay. Folks in the
19 audience, is there anybody who cannot be here on June
20 2nd for the final vote? You won't have anything to say
21 because all the talking has been done except these guys
22 will get to do all the talking then.

23 MR. EPPLIN: 6 p.m.?

24 MR. KAINS: 6 p.m. So, we will be back here in
25 this room on June 2nd.

1 MS. ALTHOFF: Tuesday.

2 MR. KAINS: Next Tuesday.

3 MS. ALTHOFF: Yes.

4 MR. KAINS: I don't even know what day of the
5 week it is. I'm still getting used to May, and we're
6 almost done. We'll back in this room on Tuesday night,
7 June 2nd at 6 p.m. for the wrap up of this public
8 hearing, and then the recommendation from the zoning
9 board will go to the full county board, which will meet
10 on June the 9th.

11 All right. The Zoning Board of Appeals is in
12 recess, and we will reconvene on June 2, 2026 at 6 p.m.
13 in this courtroom at the American Legion Hall in
14 Nashville, Illinois.

15 Thank you. Good night.

16

17 (END OF PROCEEDINGS.)

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CERTIFICATE OF REPORTER

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

Courtney Orman

Official Court Reporter

License No. #084-004628

Dated this 1st
of June, 2026.

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