

TESTIMONY OF DAN BOULTON
Champaign County
IN OPPOSITION TO Sub. HB 114

To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.

Chairman Balderson, Vice Chairman Jordan, Ranking Member O'Brien and members of the Committee, I am here to speak against any revision of the setbacks for industrial wind turbines that would measure the distance from my home rather than my property line. I also object to any proposed reduction of the current 1,125-foot setback from property lines. If anything, setbacks should be reviewed to increase not decrease distances.

There are two facts I would like for you to consider:

Number one. According to an article published in the National Review, this last year, thirty-seven government entities in ten states moved to reject or restrict wind-energy development. The article predicts more rejections and restrictions are coming.

Nationally, proposed setback changes include the adoption of specific noise level requirements at the property line as well as defining setbacks as a function of turbine height plus blade length instead of a distance measured in feet. What I find very disturbing is that when developers are confronted with complaints from people who are not able to tolerate the shadow flicker or noise caused by inadequate setbacks, the complainers are summarily dismissed because the wind operator **has met the requirements of the local setback ordinance or state standard even if that setback was inadequate.**

In Ohio, we have no recourse for noise because the Ohio Power Siting Board accepts the developers' "design goals" instead of establishing a threshold at the non-participating property line. We are left unprotected. Our only option then is to sue our neighbors for private nuisance.

Number two. Under the existing set back laws, wind turbine developers are free to reach an agreement with neighboring property owners to build with a variance to the set back requirements. This normally requires compensation. Here is the point. The developers are seeking to persuade you to change the law so they can enrich themselves without due process and compensation. They want to use another person's property without their permission and include it in the danger zone of the wind turbines. They want higher profits and want the legislature to help them get them.

I ask you to please protect our personal property rights and say "no" to the wind industry developers' efforts to change the law.

Thank you for allowing me to testify.

¹<https://www.nei.org/News-Media/News/News-Archives/Nuclear-Power-Plants-Are-Compact,-Efficient-and-Re>