

Testimony submitted for Senate Bill No. SB353
Senate Utilities Committee hearing held on Feb 9, 2022

By Dianne Novak, Tampa, Ks. 67483

Chairman Thompson and members of the Committee, my name is Dianne Novak, a private citizen and former County commissioner of Marion County Kansas.

Testimony in Support of SB353

I want to thank the chair and all the members on this committee for taking time to hear my testimony on this another especially important matter of wind generation permitting act.

Serving as a Marion County commissioner 2017 thru 2020, while construction and proposed construction of two wind energy facilities in our county I have firsthand knowledge and experience of trying to work with these multibillion-dollar industrial companies with NO assistance, NO regulations, NO guidelines, and NO requirements at my disposal, OTHER than our own P/Z regulation, that were 100 % rewritten in 2016 *by and for* the advantage of very wind facilities operating in Marion County.

Currently in Marion County our P/Z regulations state: No turbine can be constructed within 1320 feet of the residence of a non-participating property owner and 500 feet from a non-participating property line. This is completely ridiculous, invasive, dangerous and is the number one reason for all the hate, discontent, and lawsuits in Marion County. SB353 addresses these huge issues by setting the 5,280 ft set back from the non-participating property owners property line and other areas.

Every guideline and regulation provided in this is bill is crucial to allowing a more fair and equitable construction of any industrial wind energy facility in rural Kansas. Proper written notice to ALL landowners within the setback area is a must, this did NOT happen in Marion County. Legal and proper protest rights for all non-participating property owners in the setback area must be provided for. This also did NOT happen in Marion County.

The decibels in this bill to be set at no higher than 35 is more reasonable than Marion County, which allows an average of 55 decibels. In Marion County we were told by the applicant “the turbines are no louder than a refrigerator” which is certainly untrue! They are very, very loud!

Shadow flicker and high decibels noise level cause tremendous problems for families in project areas. There are families that have children with autism or a child who suffers with seizures. What remedy does the windfarm offer these families??? NONE!

Let's just be honest, living amidst shadow flicker and high decibels will drive even the healthiest people NUTS, in a short period of time. These types of horrible living conditions dropped on unsuspecting rural Kansas families are life changing and should never be allowed.

Decommissioning has always been a serious concern. The landowner and the county only have promises from an industry known for telling falsehoods, along with a contract written with legal jargon using projections and assumption. I question what value these contracts will have 40, 50, 60, 70 years in the future. These decommissioning contracts are vague at best, they lean toward the property owner removing the turbines and selling them for salvage. There is little detail as to how a landowner can remove such a monstrosity or the cost decades from now to try to remove them and most importantly don't **forget, most of the blades on these existing turbines are made with cancer causing pathogen and cannot be cut up.**

I want to thank every one of you for considering SB353. The preparation and thought that went into this bill is to be commended! Citizens across Kansas are literally struggling and suffering, while counties are left in a mess, because Big Wind has little or no restrictions. I respectfully beg you, please vote "YES" and pass SB353.

Thank you

Dianne Novak