

**Public Hearing**  
**Motor Freight Terminal Conditional Use Hearing #29**  
**March 19, 2009**

The North Middleton Township Supervisors held a continued public hearing on March 19, 2009 at the Township Municipal Building, 2051 Spring Rd., Carlisle, PA 17013. Chairman Robert Reisinger called the hearing to order at 6:41 p.m. Board members present: Vice Chairman Harry Kelso, Supervisor Richard Bucher, Supervisor Robert Shearer, Solicitor Mark Allshouse, and Recording Secretary, Tracy Gates.

Visitors: **See Attachment #1**

The Pledge of Allegiance to the American Flag opened the meeting.

Administrative Issues:

Scheduled Hearings

April 15, 2009

May 13, 2009

June 11, 2009

Mr. Wolfe made a request to have the ability to redirect Dr. Bascom for a minimal amount of time. Mr. Wolfe recognizes that this is subjective to Mr. Lucas. Mr. Lucas feels that the order was established back in January and repeated last month; therefore, Mr. Lucas denies the request.

Hearing:

Dr. Bascom took the stand for continuance of cross examination by Mr. Lucas. Solicitor Allshouse reaffirmed her sworn oath. Mr. Lucas began questioning Dr. Bascom regarding studies she referred to in her report. Mr. Lucas questioned Dr. Bascom concerning a point source. Mr. Lucas asked for clarification as to whether the proposed site would be classified as a point source according to the guidelines of the EPA or the DEP. Dr. Bascom stated that it would not be a point source, but she also explained that she uses the term, point source, in two ways, one as a legal term for EPA and DEP, and two, a point source is also used in environmental health as a toxicant source. Therefore, according to the proposed use of this property and since she is an inhalation toxicologist this proposed site would be a point source. Mr. Lucas asked questions of Dr. Bascom surrounding the 1000 ft. buffer. Mr. Lucas asked if Dr. Bascom knew what the PM 2.5 readings were currently for the site and since she did not know, how was she going to be able to predict how much it was going to increase. Mr. Lucas verified with Dr. Bascom that the emissions from diesel trucks have decreased significantly in recent years and efforts are being made to lessen the emissions even more. Mr. Lucas posed questions about how technology is being used to reduce emissions. Mr. Lucas offered exhibit A 74 and asked Dr. Bascom questions surrounding the exhibit. Mr. Lucas continued to question Dr. Bascom regarding studies that she cited in her report and how the reports parallel with this particular proposed use. Mr. Lucas asked about a characteristic or marker that distinguishes PM 2.5 from diesel fuel, distinct from PM 2.5 from gasoline, since the studies that she cited reports dealing

with gasoline emissions. Mr. Lucas offered exhibit A 75 and asked Dr. Bascom numerous questions pertaining to this exhibit.

Dr. Bascom was asked to step down and will continue to be cross examined at the April 15, 2009 hearing.

Administrative Issues:

Exhibits A 73, 74, 75 were admitted and O 36 has been withdrawn and replaced with O 48.

Mr. Wolfe once again requested a chance to redirect Dr. Bascom. Solicitor Allshouse reiterated that he was not willing to vary from the stipulated procedure unless there is an agreement between the parties.

Mr. Wolfe made the request for the rebuttal expert witnesses' reports be submitted two weeks prior to the hearing in place of the established procedure of two days. Solicitor Allshouse asked Mr. Wolfe to be prepared at the next hearing to provide information such as, case law citation, arguments, to support his request to change the procedure.

Solicitor Allshouse turned the meeting over to Chairman Reisinger who made the request for a motion to adjourn the meeting. Supervisor Bucher motioned to adjourn; Vice Chairman Kelso seconded the motion. The meeting adjourned at 9:11 p.m.

Respectively Submitted,

Deborah Ealer

Tracy Gates  
Recording Secretary