

**CALL TO ORDER**

The Special Meeting of Oakmont Borough Council was called to order at 7:10 PM by President Benusa.

**ROLL CALL**

Present: Ms. Zentgraf, Messrs. Bland, Favo, Federici, Kennedy, and President Benusa, members of Council; Mayor Fescemyer; Solicitor Shoop; and Lisa Cooper Jensen, Assistant to the Borough Manager and Assistant Borough Secretary

Excused: Solicitor Shoop

Recused: Mr. Taliaferro

Visitors: Joanne Anderson, William Anderson, Mary Anna Babich, Tom Baculik, Joy Benusa, Walt Brotherton, Paula Calabrese, Beth Cameron, Jen Dancico, Carole DiClaudio, Patricia Dodge, John Faith, Dwight Ferguson, Connie Folino, Tony Folino, Alex Frisenda, John Frye, Shawn Gallagher, Michelle Helfman, Dean Hornsby, Sue Martin, Jim Parsons, Matt Radinovic (arr. 7:35 PM), Nancy Ride, Mike Skinner, Holly Usher, Dave Williams, Chuck Wooster and Francesca Wylie

**PLEDGE OF ALLEGIANCE**

All those who were present and able stood and recited the Pledge of Allegiance.

**PUBLIC HEARINGS**

**HHI Trucking & Supply, Inc. (Folino), 107 Dark Hollow Road** – President Benusa asked that all those in the audience be sure to put their names on the sign-in sheets. He then turned the hearing over to Attorney Shawn Gallagher of Thorp Reed & Armstrong, as Acting Solicitor and Hearing Officer for the evening.

Court Reporter Aaron Wawrzyniak swore in all those who wished to speak. Mr. Gallagher explained that this hearing was a continuation of the previously held Public Hearings on the HHI Trucking & Supply, Inc. Conditional Use Application.

A complete transcript of this hearing follows.

**ADJOURNMENT**

There being no further business to conduct that evening, Mr. Kennedy offered a motion to adjourn the meeting. Ms. Zentgraf seconded the motion, which passed unanimously.

The meeting was adjourned at 10:55 PM.

**Minutes of Special Meeting  
Oakmont Borough Council**

504

**December 3, 2007**

Lisa Cooper Jensen  
Assistant Borough Secretary

/lcj

## BOROUGH OF OAKMONT

## COUNCIL MEETING

1  
2  
3  
4 IN RE: An application for Conditional Use Approval of The  
5 HHI Trucking & Supply, Inc. for a concrete batch plant,  
6 situated along Dark Hollow Road bordering Plum Creek to the  
7 west, known as tax parcel Identification No. 444-J-0001,  
8 totaling 3.2 acres in an I-Industrial Zoning District.

9  
10 COUNCIL MEETING taken on behalf of the Borough in  
11 the above-entitled cause, before Aaron M. Wawrzyniak,  
12 Freelance Reporter-Notary Public, at the Borough of  
13 Oakmont, Fifth Street & Virginia Avenue, Oakmont,  
14 Pennsylvania, 15139-0206, on December 3rd, 2007, at  
15 7:00 p.m.

16  
17  
18  
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20  
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24

1 APPEARANCES :

2 ON BEHALF OF THE BOROUGH OF OAKMONT :

3 MR. BENUSA, PRESIDENT

4 MR. BLAND, VICE PRESIDENT

5 MR. FAVO, MEMBER

6 MR. FEDERICI, MEMBER

7 MR. KENNEDY, MEMBER

8 MS. ZENTGRAF, MEMBER

9 MR. GALLAGHER, SOLICITOR

10 MR. FESCEMYER, MAYOR

11 MS. JENSEN, BOROUGH MANAGER'S ASSISTANT

12 MR. SKINNER, ENGINEER, GATEWAY

13 MR. RADINOVIC, ENGINEER, HRG

14

15 ALSO PRESENT :

16 MR. TONY FOLINO, HHI TRUCKING & SUPPLY, INC.

17 MARY ANNA BABICH, CSC

18 DWIGHT FERGUSON, ESQ.

19 PATRICIA DODGE, ESQ.

20 STACEY NOBLE, ESQ.

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1 MR. BENUSA: I would like to call to order this  
2 meeting for the continuation of the public hearing for the  
3 conditional use HHI application for the concrete batch  
4 operation.

5 Roll call, Lisa.

6 MS. JENSEN: Mr. Bland?

7 MR. BLAND: Here.

8 MS. JENSEN: Mr. Favo?

9 MR. FAVO: Here.

10 MS. JENSEN: Mr. Federici?

11 MR. FEDERICI: Here.

12 MS. JENSEN: Mr. Kennedy?

13 MR. KENNEDY: Here.

14 MS. JENSEN: Mr. Talaferio?

15 \_\_\_\_\_

16 (No response)

17 \_\_\_\_\_

18 MS. JENSEN: Ms. Zentgraf?

19 MS. ZENTGRAF: Here.

20 MS. JENSEN: President Benusa?

21 MR. BENUSA: Here.

22 \_\_\_\_\_

23 MR. BENUSA: Just a housekeeping reminder that  
24 there is a sign-in sheet for everybody to please sign so  
25 that, when this hearing has its next date, you are properly

1 notified. And the only way we notify people is by signing  
2 in on that sheet.

3 And you said those are distributed in the back?

4 MS. JENSON: Yes.

5 MR. BENUSA: So please make sure you sign that.

6 At this time, I will turn over the hearing to  
7 Shawn Gallagher, who will give us a brief synopsis on where  
8 we are at, since we have had two of these hearings to  
9 date.

10 MR. GALLAGHER: Thanks, Mr. President. My name is  
11 Shawn Gallagher. I am acting as the hearing officer for  
12 borough council.

13 As many of you already know and have already been  
14 here for the first two hearings, this is the continuation  
15 of a conditional use hearing. Right now, we are still in  
16 the process of the applicant's case in chief.

17 Mr. Folino and council will finish their  
18 presentation of whether or not their proposed use is in  
19 compliance with the zoning ordinance. And then there will  
20 be a time for cross-examination of the witnesses.

21 After the conclusion of the applicant's case, then  
22 the objectors, represented by Mr. Ferguson, will then have  
23 the opportunity to put on their case in chief.

24 At this time, without further ado, Mrs. Dodge,  
25 please start.

1 MS. DODGE: Thank you very much. Good evening.

2 I would like to call Tom Baculik. Tom, could you

3 come up?

4

5 (Witnesses sworn in)

6

7

TOM BACULIK, having been previously sworn,

8

was examined and testified as follows:

9

DIRECT EXAMINATION

10 BY MS. DODGE:

11 Q. Could you approach council? Would you identify

12 yourself, please?

13 A. My name is Thomas Baculik.

14 MR. BENUSA: Could you spell that?

15 MR. BACULIK: B-A-C-U-L-I-K.

16

17 BY MS. DODGE:

18 Q. Who employees you, Mr. Baculik?

19 A. Comprehensive Safety Compliance.

20 Q. Is that also known as CSC?

21 A. Yes.

22 Q. And what do you do for CSC?

23 A. I do industrial hygiene and safety work for CSC.

24 Q. And how long have you been doing that?

25 A. For over 15 years.

1 Q. What is the extent of your education?

2 A. I have a bachelor's of science from IUP in safety  
3 science.

4 Q. And in your occupation, what are your duties?

5 A. My duties, as of right now, I am the supervisor of  
6 the industrial hygiene and safety department.

7 Q. Do you have expertise in occupational health and  
8 safety?

9 A. Yes.

10 Q. And are you familiar with the requirements of  
11 OSHA?

12 A. Yes.

13 Q. What is OSHA?

14 A. The Occupational Safety and Health Administration.

15 Q. Are you also familiar with noise standards and  
16 issues relating to sound and noise?

17 A. Yes.

18 Q. Are you familiar with community noise issues?

19 A. Yes.

20 Q. Have you conducted, in the past, studies relating  
21 to noise levels?

22 A. Yes.

23 Q. Now, as I understand it, CSC was retained as a  
24 consultant in connection with the proposed concrete plant,  
25 is that correct?

1 A. Yes.

2 Q. What was your specific role as an employee of  
3 CSC?

4 MR. BENUSA: Excuse me. When were they retained?

5 MS. BABICH: January of 2007.

6 MS. DODGE: This January — January of 2007.

7 MR. BENUSA: Thank you.

8 MR. FESCEMYER: Why don't you bring your chair up  
9 and sit down and get comfortable, rather than having to  
10 stand there?

11 \_\_\_\_\_

12 BY MS. DODGE:

13 Q. Now, what was your role in connection with the  
14 proposed concrete plant?

15 What were you assigned to do?

16 A. I was assigned to take some sound level meter  
17 readings.

18 Q. Anything else?

19 A. Also, I went to a similar concrete plant and took  
20 some readings there, too.

21 Q. Was your role initially and principally to conduct  
22 various noise studies?

23 A. Yes.

24 Q. Now, could you tell council what a noise study is?

25 A. A noise study — what we did is we set up various

1 noise dosimeters and let them run.

2 Q. Before you get to what you did in this specific  
3 job, could you, in general, tell council what a noise study  
4 is?

5 A. Essentially, a noise study is — we will put  
6 dosimeters on employees, and they go and do their job and  
7 measure the noise exposure against the OSHA limit.

8 MR. BENUSA: Dosimeter — do you want to explain a  
9 dosimeter's functionality?

10 MR. BACULIK: A dosimeter is a device that records  
11 noise intensity and averages out an average through the  
12 whole day.

13 MR. BENUSA: So the employee is wearing this for  
14 an eight-hour period?

15 MR. BACULIK: Yes.

16 MR. BENUSA: Do you have an example of one of  
17 those available?

18 MR. BACULIK: No.

19

20 BY MS. DODGE:

21 Q. What is the unit that a dosimeter is measured in?

22 A. Decibels.

23 Q. Are there other ways to test noise, other than a  
24 dosimeter?

25 A. Yes. You can use a sound level meter.

1 Q. Now, you mentioned that you are familiar and have  
2 an expertise in OSHA standards.

3 Does OSHA have any standards with respect to noise  
4 levels over an eight-hour workday?

5 A. Yes, it does.

6 Q. What is the OSHA standard?

7 A. Ninety dBA.

8 Q. What is dBA?

9 A. That is decibels on the A scale.

10 Q. So when you say it is averaged over an eight-hour  
11 day, can you explain to council what that means?

12 A. It means an average — you can have levels higher  
13 than 90 and lower than 90, as long as the average is less  
14 than 90.

15 Q. Are there other standards that are used outside of  
16 the OSHA realm to test or to measure noise levels?

17 In other words, are there other standards?

18 A. Yes.

19 Q. Can you tell council what those are?

20 A. There is another one, ACGIH, which is another  
21 governing body. And there is also ANSI.

22 Q. What is the ANSI standard?

23 A. For noise.

24 Q. What is the ANSI standard for noise?

25 A. They don't have one.

1 Q. Is there some guideline that ANSI uses for  
2 residential areas?

3 A. Their guideline for residential noise is 55  
4 decibels.

5 Q. Is that again an average, like the OSHA?

6 A. Yes, that is an average.

7 Q. Now, over distance —

8 MR. BENUSA: Excuse me. Usually averages are  
9 accompanied by minimums and maximums.

10 Do you know those numbers?

11 MR. BACULIK: No, I don't.

12 MR. BENUSA: Thank you.

13 MR. FAVO: When you said 90 decibels, that is the  
14 OSHA standard for industrial, is that what you said  
15 earlier?

16 MR. BACULIK: Yes.

17 MR. FAVO: And ANSI is 55 for residential?

18 MR. BACULIK: Yes.

19

20 BY MS. DODGE:

21 Q. And that is, as I understand it, averaged over a  
22 24-hour span, is that right?

23 A. Which one?

24 Q. The ANSI standard.

25 A. Or even longer.

1 Q. So 55 — it can go above or below that, 55 is the  
2 average, is that right?

3 A. Yes.

4 MR. BLAND: When you said over a 24-hour span,  
5 I mean, if you have an eight-hour workday and you are  
6 averaging over 24 hours, wouldn't that —

7 MS. DODGE: Well, if I can explain. There are two  
8 different standards.

9 One is OSHA, and that is measured over an eight-  
10 hour day, because that is an industrial worker's standard.

11 The ANSI standard that Mr. Baculik is talking  
12 about is in a residential area. And, therefore, it isn't  
13 limited to an eight-hour day, but limited to the entire  
14 day, from a 24-hour period.

15 MR. BLAND: No, I think I got that. There were  
16 two questions.

17 The first one was, with the ANSI standard, that  
18 sounds like it is geared more towards the surrounding  
19 residents, let's say.

20 And if you have noise that is only being created  
21 over an eight-hour period, then you average it over a  
22 24-hour period, isn't the average going to be suppressed?

23 Won't there be an eight-hour period where, if you  
24 took that, the average would be a lot higher than the  
25 24-hour average?

1 MR. BACULIK: Yes. It should be.

2 MR. BLAND: Then the second question is, on the  
3 OSHA standard, as you described the test, it sounds like  
4 that is more geared towards monitoring the health of the  
5 employees that are close to the equipment, because you are  
6 monitoring the sound that they are hearing, right? That  
7 one is not geared towards residents and all around the  
8 area.

9 Is that fair or am I misinterpreting?

10 MR. BACULIK: Fair.

11

12 BY MS. DODGE:

13 Q. Does noise increase or decrease as you move away  
14 from the source of the noise?

15 A. It decreases.

16 Q. And when you are measuring with the dosimeter, is  
17 it measuring all noise at a particular spot?

18 A. Yes.

19 Q. Did you, at my request, visit a comparable  
20 concrete Vince Hagan plant in Ohio?

21 A. Yes.

22 Q. When did you go there?

23 A. November 28th.

24 Q. And did anyone go there with you?

25 A. A co-worker of mine.

1 Q. What was the purpose of going to another  
2 Vince Hagan plant?

3 A. The purpose was, I guess, really twofold. One  
4 was, we did some videotaping of the facility.

5 And the other one, we took some sound level meter  
6 readings while they were operating.

7 Q. Did anyone, besides yourself, go?

8 A. Yes.

9 Q. Who went with you?

10 A. My co-worker.

11 Q. What is his name?

12 A. His name is Bill Bays.

13 Q. And did Bill do the videotaping?

14 A. Yes, he did.

15 Q. Did you take the noise measurements yourself?

16 A. Yes.

17 MR. BENUSA: Using what instrument?

18 MR. BACULIK: A sound level meter.

19 MR. BENUSA: Not a dosimeter?

20 MR. BACULIK: Correct.

21

22 BY MS. DODGE:

23 Q. What is the name of the plant you visited?

24 A. Bessemer Supply.

25 Q. Where is that located in Ohio?

1 A. In —

2 Q. Is it Peterson, Ohio?

3 A. Yes.

4 MR. KENNEDY: What was that name?

5 MS. DODGE: Peterson, Ohio. The name of the plant  
6 is the Bessemer plant.

7 MR. KENNEDY: Is it in the eastern or what part of  
8 Ohio?

9 MR. BACULIK: Eastern part of Ohio.

10 MR. KENNEDY: Near Youngstown?

11 MR. BACULIK: I really don't know. Well, I mean,  
12 it is in the — it is south of Youngstown.

13

14 BY MS. DODGE:

15 Q. Was the Bessemer plant operational the day that  
16 you were there?

17 A. Yes, it was operational.

18 Q. Can you tell council the kinds of things that were  
19 going on while you were there?

20 A. The day we were there, they had a truck that was  
21 unloading the concrete into the silo.

22 They had a front loader that was loading aggregates  
23 into hoppers. The hopper was conveying the aggregates up  
24 to the hoppers up top.

25 They were filling concrete trucks with water,

1 aggregates, concrete and sand.

2 Q. Now, are there any significant differences that  
3 you are aware of between the Bessemer plant and the  
4 proposed HHI plant?

5 A. Yes, there is.

6 Q. Could you tell council what those are?

7 A. The Bessemer plant is partially enclosed.

8 Q. What part of it, if you know?

9 A. The hoppers are enclosed.

10 Q. Is there any other difference of which you are  
11 aware?

12 A. They don't have a reclaimer.

13 MR. FAVO: Could you please explain, what is the  
14 enclosure like?

15 MR. BACULIK: Metal.

16 MS. DODGE: If I could interrupt, we have some  
17 video.

18 I am happy to have him describe it, but we have  
19 some pictures of it.

20 MR. FAVO: Sure.

21 MR. BACULIK: It is just a metal — like  
22 corrugated-type metal enclosure.

23 MR. FAVO: Right around the hoppers?

24 MR. BACULIK: Yes.

25

1 BY MS. DODGE:

2 Q. Now, you mentioned that some video was taken.

3 Have you reviewed that video?

4 A. Yes.

5 Q. Is the video of various parts of the operation, as  
6 you just described for us?

7 A. Yes.

8 MS. DODGE: With council's permission, we do have  
9 some short segments of video, because there was an  
10 interest, I thought, in council seeing different components  
11 of a comparable plant.

12 So, with your permission, what we would intend to do  
13 at this point is show those various components.

14 MR. GALLAGHER: Do you have this presentation on a  
15 CD?

16 MS. DODGE: Yes, we do. And we would be happy to  
17 give that to you.

18

\_\_\_\_\_

19

(Video playing)

20

\_\_\_\_\_

21

22 MS. BABICH: Bear with me. I am a little slow  
with this.

23

24 MS. DODGE: Excuse me. Stop, Mary Anna. Is  
everyone ready?

25

\_\_\_\_\_

1 (Video playing)

2

3 BY MS. DODGE:

4 Q. What are we looking at in this picture,

5 Mr. Baculik?

6 A. We are looking from the plant, out to the road.

7 There are houses across the street.

8 Q. Is this the entrance to the plant?

9 A. Yes.

10 Q. What are we seeing in this particular video?

11 A. We are looking from the road, towards the plant.

12 Q. Can you stop that, Mary Anna?

13 What is that vehicle that you see right there, with  
14 the blue cap?

15 A. That is the tanker truck unloading the cement.

16 Q. All right. Okay, Mary Anna.

17

18 (Video playing)

19

20 BY MS. DODGE:

21 Q. And as we are panning back past the tanker truck

22 — could you stop that again Mary Anna — what is it we are  
23 now seeing in this part of the video?

24 A. The small building is their trailer. It has the  
25 controls in there.

1           The bigger building is the enclosed part that has the  
2           hoppers in it.

3           Q.     And then is that the silo in about the middle, as  
4           we are looking at it right now?

5           A.     Yes.

6           Q.     All right, Mary Anna.

7

\_\_\_\_\_

8

(Video playing)

9

\_\_\_\_\_

10       BY MS. DODGE:

11       Q.     What is this, Mr. Baculik, that we are looking at  
12       now?

13       A.     Those are just some piles of aggregate and sand.

14       Q.     And it appears that there are several separated by  
15       some kind of Jersey barrier?

16       A.     Yes.

17       Q.     Is that one of the concrete trucks?

18       A.     Yes.

19       Q.     And are we also looking at the bin for the  
20       aggregate and the silo?

21       A.     Yes. That is looking back towards the road.

22       Q.     So this is on the other side of the plant from  
23       what we saw in the earlier video, correct?

24       A.     Yes.

25       Q.     So this is, if we walked around and we were

1 standing behind it, looking forward towards the road?

2 A. Yes.

3 Q. And is the sound on all of these videos?

4 A. Yes.

5 MR. BLAND: Is cement being mixed here?

6 MR. BACULIK: Right now, it is being unloaded from  
7 the tanker to the silo. That is what the noise you hear  
8 is — the swoosh.

9

—

10

(Video playing)

11

—

12 BY MS. DODGE:

13 Q. What are we looking at here, Mr. Baculik?

14 A. We are looking at the hoppers and the silo. And  
15 the tanker is being unloaded.

16 Q. And is that the tanker with the blue cab that we  
17 saw earlier?

18 A. Yes, it is.

19 Q. Is that the tanker with the cement in it, that is  
20 being unloaded?

21 A. Yes.

22 Q. Is that the component of the operation that is  
23 going on in this particular slide?

24 A. Yes.

25 MR. BLAND: So that is the supply end?

1 MR. BACULIK: Yes.

2 MS. DODGE: Yes — so far.

3 \_\_\_\_\_

4 (Video playing)

5 \_\_\_\_\_

6 BY MS. DODGE:

7 Q. So what are we looking at here?

8 A. The front loader here is going to go and get some  
9 aggregates from the pile and drop them into the hopper.

10 Q. What are we seeing now?

11 A. The dropping into the hopper, and it is being  
12 conveyed up to the other bins. There are three bins.

13 MR. BLAND: They didn't have a problem with you  
14 standing there, did they?

15 MR. BACULIK: No. At that point, we were probably  
16 maybe 15 feet, 20 feet away.

17 \_\_\_\_\_

18 (Video playing)

19 \_\_\_\_\_

20 BY MS. DODGE:

21 Q. We are now seeing the front end loader leaving  
22 that site, right?

23 A. Yes.

24 Q. Now, what is being depicted in this particular  
25 clip?

1           A.     There are aggregates going from the hopper onto  
2 the conveyor and into the hoppers in the top.

3           Q.     And in the foreground, is that the bin in which  
4 the aggregates are being dumped by the front loader?

5           A.     Yes.

6           Q.     What are we seeing in this next clip?

7           A.     This is the tanker again unloading the concrete.

8           Q.     And how does that process work, if you know?

9           A.     It is done by air that gets blown from the tanker  
10 into the silo.

11          Q.     Is there a hose that connects from the truck to  
12 the silo?

13          A.     Yes.  You can see the hose on the ground.  It is  
14 about a six-inch hose.

15                 See it moving?

16          Q.     Yes.  And, Mary Anna, would you stop that for a  
17 moment?

18                 That area that we are seeing right here, with the  
19 lower part of the silo, we see a kind of cylindrical area  
20 in the center of that frame.  Do you see what I am talking  
21 about?

22          A.     Yes.

23          Q.     What is the purpose of that?

24          A.     That is where the aggregates, the sand, the cement  
25 and the water go into the truck.

1 Q. And do trucks pull up to that point, and then it  
2 is all deposited into the concrete truck?

3 A. Yes, it is.

4 Q. Okay, thank you, Mary Anna.

5

6

————  
(Video playing)

7

8 BY MR. DODGE:

9 Q. And are we now looking at, as the camera pans up,  
10 a portion of the silo?

11 A. Yes.

12 Q. Was this another video of a portion of the piping  
13 that is leading from the concrete truck — or the cement  
14 truck to the silo?

15 A. Yes. Yes, it is.

16 Q. What are we seeing in this next clip?

17 A. This is the tanker truck moving.

18 Q. Now, we are also now looking at the silo again,  
19 correct?

20 A. Yes.

21 Q. And as we get up to the silo, what does it say on  
22 the top there?

23 Can you see that?

24 A. On the top it says, Vince Hagan. That is the  
25 manufacturer.

1 Q. What is that on top of the silo?

2 A. That is the baghouse at the top of the silo.

3 Q. Now, what are we seeing in this next clip, Tom?

4 A. This is the concrete truck being loaded.

5 Q. What about this next clip?

6 A. The same thing — the concrete truck being loaded,  
7 just a different angle.

8 Q. It looks as though the drum of the truck is  
9 spinning?

10 A. Yes. It rotates to mix it up.

11 Q. What about this next clip?

12 A. After it is filled, the truck pulls over to the  
13 side, and it has to sit there and rotate for five to 10  
14 minutes to mix all of the concrete up.

15 MS. DODGE: That is the end. Thank you.

16 Would anyone like to see any of those again or any  
17 questions about the video?

18 MS. ZENTGRAF: How much time was spent, just as an  
19 overall, from the start of the video up to the process of  
20 where they would load the aggregate?

21 And do you know how long you were there?

22 MR. BACULIK: They said, to load a truck, I think  
23 they said that it takes a few minutes to load a truck. As  
24 it pulls out, it sits.

25 They don't want it to leave dry. They want it to

1 be mixed up before they leave.

2 MS. ZENTGRAF: But the time that was utilized by  
3 the video camera — from the time — until truck was ready  
4 to pull out, how much time did you actually stand there?

5 MR. BACULIK: We were on site for probably two  
6 hours.

7 There are trucks coming and going throughout.

8 MR. FESCEMYER: Mr. Baculik, when the concrete  
9 truck pulls in to get loaded, does it pull in forward and  
10 then pull out forward after it is loaded, or does it back  
11 into the loading area?

12 MR. BACULIK: In this one here, it is backed in  
13 and pulled out forward.

14 MR. KENNEDY: That was a rural area in which the  
15 plant is located, is that correct?

16 It looked like Butler County.

17 MR. BACULIK: There were houses right across the  
18 street.

19 MR. KENNEDY: What distance?

20 MR. BACULIK: They were set back from the road,  
21 but they were just right across the street. I mean, I  
22 didn't measure how far back they were.

23 MR. KENNEDY: I think you can see they were  
24 several hundred feet at least.

25 What is the travel time to this location?

1 MR. BACULIK: From here, probably hour and a half  
2 or so.

3 MR. KENNEDY: And that slurry that was on the  
4 ground, is that a constant?

5 Is that always there?

6 MR. BACULIK: I don't know. I mean, I was only  
7 there one day.

8 MR. GALLAGHER: Anybody on council have any other  
9 questions?

10 MR. BLAND: I don't know if it was something that  
11 you had indicated to find out, but the truck that was being  
12 filled in the very end, when it is filled, do you know the  
13 weight?

14 MR. BACULIK: No.

15 MR. BLAND: And I guess one last question. If  
16 somebody were to visit, can they just go and visit or did  
17 you have to get — did they know you were there for a  
18 reason?

19 Did you ask permission or did you just show up?

20 MR. BACULIK: Yes, we asked permission.

21 MS. DODGE: That is all right. Please, go ahead.

22 MR. FAVO: I wasn't sure if he was leaving or  
23 not.

24 MS. DODGE: No. He is still here.

25

1 BY MS. DODGE:

2 Q. Mr. Baculik, did you have the opportunity to take  
3 some noise readings while you were at the Bessemer plant?

4 A. Yes.

5 Q. I am going to hand you what has been marked as  
6 Exhibit No. 14.

7 A. Okay.

8 MR. GALLAGHER: I thought we left off at 14.

9 MS. DODGE: Strike that. This is Exhibit 16.

10 MR. GALLAGHER: Well, we have this video.

11 MS. DODGE: Then why don't we mark the DVD as  
12 Exhibit No. 16?

13 MR. GALLAGHER: That is fine.

14

15 (Exhibit No. 16

16 Was marked for identification)

17

18 MS. DODGE: And then this will be Exhibit No. 17.

19 So let's start this all over again.

20 Let me hand you what has been marked as Exhibit  
21 No. 17.

22

23 (Exhibit No. 17

24 was marked for identification)

25

1 BY MS. DODGE:

2 Q. Can you take a look at this, please?

3

\_\_\_\_\_

4

(Witness doing as requested)

5

\_\_\_\_\_

6 BY MS. DODGE:

7 Q. Can you tell council what Exhibit No. 17 is?

8 A. Exhibit No. 17 is the sound level meter reading I  
9 collected at the Bessemer facility.

10 Q. And I believe you told the council president  
11 before that you used a sound meter to make these?

12 A. Yes.

13 Q. Did you make any efforts to make sure that your  
14 sound meter was accurate before you went to the Bessemer  
15 plant that day?

16 A. Yes.

17 MR. BENUSA: How did you determine your average?

18 MR. BACULIK: The instrument determines the  
19 average.

20 MR. BENUSA: On readings what — every 10 seconds,  
21 every 15?

22 MR. BACULIK: I collected readings between  
23 probably 15 seconds to 30 seconds or longer.

24 MR. FAVO: So you take the machine, and it does  
25 its increments, and then you just noted these bigger

1 readings off of this chart, or does the machine just do its  
2 incremental and then computes it for you?

3 MR. BACULIK: The machine — I picked the source,  
4 say, for example, the first one. I was at the tanker truck  
5 there. And I walked from the front to the rear and back.

6 I started and stopped it. Then I got the — it  
7 gives you the average. Then I reset it and took the next  
8 readings.

9

10 BY MS. DODGE:

11 Q. Did you tell us that the sound meter you used was  
12 calibrated?

13 A. Yes.

14 Q. And what does that mean?

15 A. It means that we have a calibrator, and the  
16 calibrator is sent out for calibration yearly. And that is  
17 used to calibrate our instrument.

18 Q. Does that make it accurate?

19 A. Yes.

20 Q. Now, are the results that are on —

21 MR. BENUSA: That is a little vague.

22 Accuracy to what level and decibel readings to one  
23 decibel, to 25?

24 MR. BACULIK: It's one-tenth.

25 MR. BENUSA: One-tenth of a decibel?

1 MR. BACULIK: Yes.

2 MR. BENUSA: Thank you.

3

4 BY MS. DODGE:

5 Q. Now, you have a number of readings on Exhibit  
6 No. 17, where you have the sound level and then the  
7 location.

8 Are those the various areas where you took sound  
9 readings that appear on Exhibit No. 17?

10 A. Yes.

11 Q. And it looks like they ranged from 73.4 up to 99,  
12 is that correct?

13 A. Yes.

14 Q. Now, did you give these results to Dave Williams  
15 of CSC?

16 A. Yes.

17 Q. Why did you give Mr. Williams these results?

18 MR. KENNEDY: Does he employ him — Mr. Williams?  
19 Does he employ this gentleman?

20 MS. DODGE: Mr. Williams is also a CSC employee.

21 MR. KENNEDY: Wasn't that the point of the whole  
22 display here?

23 MS. DODGE: I think there were several CSC  
24 employees that worked on this noise study. So there is  
25 Mr. Baculik, followed by Mr. Williams.

1                   So Mr. Baculik gave these results to Mr. Williams,  
2 and Mr. Williams will testify about what he did with them.

3

4 BY MS. DODGE:

5           Q.     Now, did you also conduct a noise analysis at the  
6 proposed concrete plant site?

7           A.     Yes.

8           Q.     And are you familiar with that site?

9           A.     Yes.

10          Q.     Have you been there on more than one occasion?

11          A.     Yes.

12          Q.     Could you describe for council what the existing  
13 operation is like down at that site, based on your  
14 observations?

15          A.     The times I was there, they have a screen that  
16 screens soil. And they also have a material there that is  
17 ground-up asphalt there. I understand they load and unload  
18 trucks with it.

19          Q.     What types of equipment have you observed at the  
20 HHI Folino site?

21          A.     When I was there, I observed a front loader and  
22 tri-axle trucks.

23          Q.     Now, did you perform a noise study at the proposed  
24 concrete plant site?

25          A.     Yes.

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\_\_\_\_\_  
(Exhibit No. 18

was marked for identification)  
\_\_\_\_\_

BY MS. DODGE:

Q. I am going to hand you what has been marked as  
Exhibit No. 18.

Can you identify that for me?

A. Yes.

Q. What is that?

A. These are the results of our survey, as done at  
the Folino site.

Q. Is this the noise study done at the Folino site?

A. Yes, it was.

Q. Can you tell me over what period of time this  
study was conducted?

A. It was done from November 14th through the 16th.

Q. Was it a 48-hour period, roughly?

A. Approximately, yes.

Q. And what equipment did you use in connection with  
this noise study?

A. We used dosimeters.

Q. Is that the dosimeters that you explained to us  
earlier?

A. Yes.

1 Q. Were those dosimeters calibrated?

2 A. Yes, they were.

3 Q. Would you explain how you measured the accuracy of  
4 those dosimeters?

5 A. The same way. The calibration of the dosimeters  
6 are calibrated, and then we use that to calibrate — the  
7 calibrator to calibrate the dosimeters.

8 Q. Would you briefly explain to the council how you  
9 set up this study before it was actually conducted?

10 In other words, where did you place the dosimeters?

11 A. At various locations.

12 Q. Now, if we are looking at the first page of  
13 Exhibit No. 18, there is a number of columns. And I want  
14 to start with some of these categories at the very top.

15 There are five descriptions of locations, the first  
16 one which reads, concrete caisson located on HHI property.

17 Is that one of the locations where you placed a  
18 dosimeter?

19 A. Yes.

20 Q. Would you go through the other locations and  
21 explain to council where those were placed?

22 A. The next one is the soil screener on the property  
23 — HHI property.

24 The next one was on a utility pole off of Dark Hollow  
25 Road.

1           The next one was off of Lucca Lane.

2           And the last was at the entrance to Oakmont Commons.

3

\_\_\_\_\_

4

(Exhibit No. 19

5

was marked for identification)

6

\_\_\_\_\_

7

BY MS. DODGE:

8

Q.       Now, I am going to hand you a photograph, which we

9

have marked as Exhibit No. 19.

10

Does that photograph show the locations of the five

11

dosimeters?

12

A.       Yes.

13

Q.       And in what way is that designated?

14

Are there arrows on this photograph?

15

A.       Yes, those yellow arrows.

16

Q.       And just looking through those, if we start

17

towards the bottom of the photograph, which is Exhibit

18

No. 19, the arrow furthest to the left, is that the

19

concrete caisson area?

20

A.       Yes.

21

Q.       What is the next arrow over?

22

A.       To the right, that is the screener.

23

Q.       That is also on the Folino property?

24

A.       Yes.

25

Q.       There is another arrow about midway through this

1 photograph.

2 Do you see that one?

3 A. Yes.

4 Q. Where is that and which one is it on your noise  
5 assessment?

6 A. That is the utility pole.

7 Q. So that is the third one.

8 There are two other ones towards the top, towards the  
9 left portion of the photograph.

10 Would you identify what each of those arrows  
11 represents?

12 A. The one near the top center, with the arrow  
13 pointing at the top, that is Lucca Lane.

14 And the one to the left of that, pointing down, that  
15 is at the Oakmont Commons entrance.

16 Q. Why did you select those five locations?

17 A. Those were just randomly selected, because some of  
18 them were areas of concern.

19 Q. Which ones were areas of concern?

20 A. The one off of Dark Hollow Road at the utility  
21 pole, Lucca Lane and at the top of Oakmont Commons.

22 Q. And when you say they are areas of concern, what  
23 do you mean?

24 A. I guess that there is opposition to the concrete  
25 plant.

1 Q. Are those three arrows — in other words, the one  
2 at the utility pole, the one at Lucca Lane and the entrance  
3 to Oakmont Commons — are those all on the periphery or in  
4 residential areas?

5 A. Yes.

6 Q. Now, when you place the dosimeters in these  
7 locations, can you just describe how you do that?

8 A. The dosimeters were calibrated prior to setting at  
9 any of these locations.

10 They were put into a plastic enclosure for the  
11 weather, with the microphones sticking out. And they were  
12 started and ran.

13 Q. Now, as we look back at Exhibit No. 18, which is  
14 the results of your noise assessment, could you explain for  
15 us — and let's just take the very first one, where we have  
16 the time of 5:44 — are these dosimeters measuring the  
17 noise minute-by-minute over this 48-hour period?

18 A. Yes.

19 Q. And how accurate is that minute-by-minute?

20 In other words, is it synchronized in some way between  
21 the various dosimeters?

22 A. Yes.

23 Q. How do you do that?

24 A. Well, the dosimeters can be — the time, the date  
25 can be set on those. And we just set them all with the

1 same time.

2 Q. Now, looking across this first row, we have the  
3 time of 5:44 p.m. on November 14th, 2007.

4 Is that the time of the first reading on your noise  
5 assessment study?

6 A. Yes.

7 Q. And we then see numbers reading under each of  
8 these columns of locations —

9 MR. BENUSA: Excuse me. Is 11-14 a Monday,  
10 Tuesday, Wednesday, Thursday?

11 MR. BACULIK: A Wednesday.

12 MR. BENUSA: Wednesday. Thank you.

13

14 BY MS. DODGE:

15 Q. Can you tell us the significance of each of these  
16 readings?

17 In other words, where we see 71.8, what does that mean  
18 in that column?

19 A. That is the decibels at that time.

20 Q. So, at the concrete caisson at 5:44 p.m. on  
21 November 14th, the dosimeter reading was 71.8?

22 A. Yes.

23 Q. And if we go across that row, that will show us  
24 the decibel reading for each of the locations of your  
25 dosimeters, is that right?

1 A. Yes.

2 Q. As we look throughout this document, is that the  
3 same for each one-minute increment for the period  
4 11-14-2007 through 11-16-2007?

5 A. Yes.

6 Q. And it appears that your last reading was on  
7 November 16th at 5:25 p.m., is that right?

8 MR. BENUSA: Can I get a quick clarification here,  
9 back to the yellow arrows again in your Excel spreadsheet  
10 here?

11 Can we number those arrows for reference points  
12 going forwards?

13 So starting with the one that is closest to the  
14 batch plant, number that arrow one and what column  
15 reference that would be, too, on the spreadsheet that you  
16 have provided us.

17 MS. DODGE: We can certainly do that.

18 MR. BENUSA: Thank you.

19 MS. DODGE: We will mark the first arrow as one.  
20 The one at the top screener is two. The utility pole,  
21 which is in the middle of the page, is three. The arrow  
22 pointing — is the arrow pointing up Lucca Lane, Tom, or  
23 the entrance to Oakmont Commons?

24 MR. BACULIK: This one is Lucca Lane.

25 MS. DODGE: So the arrow pointing down towards the

1 top of the page is number four, which is Lucca Lane.

2 I'm sorry. I have that backwards.

3 Lucca Lane is the one that points up, so we will  
4 number that one as four, if that is okay with you.

5 And then the arrow pointing down is number five,  
6 which is the entrance to Oakmont Commons, Washington  
7 Street.

8 MR. BENUSA: Thank you. And going across the  
9 columns then on the spreadsheet.

10 \_\_\_\_\_

11 (Off the record)

12 \_\_\_\_\_

13 MR. BENUSA: Then going across the top of the  
14 spreadsheet, the concrete — can those be numbered  
15 sequentially respectfully as to what you just read off?

16 MS. DODGE: Sure. I think those are — going  
17 across Exhibit No. 18, the concrete caisson is No. 1, the  
18 topsoil screener is No. 2, the utility pole is No. 3, Lucca  
19 Lane is No. 4, and then the entrance to Oakmont Commons is  
20 No. 5.

21 MR. BENUSA: Thank you.

22 MS. DODGE: Sure.

23 \_\_\_\_\_

24 BY MS. DODGE:

25 Q. Now, looking to the very last page of this Exhibit

1 No. 18, which is your noise study, did you also calculate  
2 average noise levels for each of those locations, both for  
3 a 48-hour period and for the two days that constituted your  
4 study?

5 A. Yes.

6 Q. Let's look at the very bottom, which is the  
7 average noise level for 48 hours.

8 First of all, can you tell me, how did you calculate  
9 the average noise level?

10 A. The average noise level is calculated by  
11 converting the decibels to a dose percent, then averaging  
12 out and then converting that back to a decibel.

13 Q. Is that standard in your experience?

14 A. Yes.

15 Q. Now, the average noise levels for 48 hours in each  
16 of those locations can be seen across that particular row,  
17 correct?

18 A. Yes.

19 Q. And so, just by way of example, the first column,  
20 the concrete caisson, the average noise level over 48 hours  
21 was 62.2 decibels, correct?

22 A. Yes.

23 Q. And moving to the rest of those in that row, the  
24 topsoil screener over the same period, 48-hour period, was  
25 68.3, is that right?

1 A. Yes.

2 Q. At the utility pole location, which is location

3 No. 3, the average was 56.8, is that right?

4 A. Yes.

5 Q. The average at Lucca Lane, over the same period,

6 was 50.8, correct?

7 A. Yes.

8 Q. The average at the fifth location, the entrance to

9 Oakmont Commons, was 54.1, correct?

10 A. Yes.

11 Q. You also calculated averages for each of the two

12 days that appear directly above that on the final page of

13 this exhibit, correct?

14 A. Yes.

15 Q. And if we looked across there, we would see those

16 averages for each of those five locations as well?

17 A. Yes.

18 Q. Now, as part of your study, did you determine that

19 there were maximum readings, or did you determine the

20 maximum reading at each location of these five dosimeter

21 locations?

22 A. Yes.

23 Q. Does your exhibit show that in a shaded area,

24 where each of the maximum readings are?

25 The shading, I will just mention, is hard to see. So

1 rather than rely on the shading, we will just go through  
2 those.

3 MR. FAVO: Pages 16 and 17?

4 MS. DODGE: I'm sorry?

5 MR. FAVO: Pages 16 and 17, is that where you  
6 mean?

7 MS. DODGE: No. That is a completely different  
8 shaded area that we will get to in a moment. This is  
9 something different.

10 \_\_\_\_\_

11 BY MS. DODGE:

12 Q. Could you first look at 48 of 49?

13 \_\_\_\_\_

14 (Witness doing as requested)

15 \_\_\_\_\_

16 BY MS. DODGE:

17 Q. And if you would look specifically at the  
18 4:40 p.m. entry under the concrete caisson column, do you  
19 see that?

20 A. Yes.

21 Q. Is that the highest measurement in decibels that  
22 you registered over that 48-hour period for that location?

23 A. Yes, it was.

24 Q. If you look at the same time at the other  
25 locations, would you agree with me that they are all

1 differing readings and all lower?

2 A. Yes.

3 Q. And what is the significance of that to you?

4 A. That means that something happened at or near the  
5 caisson, but the noise wasn't transmitted to the other  
6 locations.

7 Q. On this same page, let's look at the time period  
8 of 4:44 p.m., under the third column, which is utility  
9 pole.

10 Do you see that?

11 A. Yes.

12 Q. And is that the highest decibel reading for the  
13 48-hour period at that location?

14 A. Yes, it is.

15 Q. And what is that reading?

16 A. It is 85.7.

17 Q. At the same time, what was the reading at the  
18 concrete caisson?

19 A. It was 61.6.

20 Q. What significance does that have, if any?

21 A. That means that something happened at or near the  
22 utility pole, and it didn't affect the property at the  
23 caisson.

24 Q. Does the dosimeter register all noises that are  
25 occurring at the particular location where it is located?

1 A. Yes, it does.

2 Q. And so does that include things such as passing  
3 vehicles?

4 A. Yes.

5 Q. Lawn mowers?

6 A. Yes.

7 Q. Dogs barking?

8 A. Yes.

9 Q. A plane going overhead?

10 A. Yes.

11 MR. KENNEDY: This is not in operation currently,  
12 is it, this batch plant?

13 MS. DODGE: The concrete plant is not in  
14 operation, but Mr. Folino has his operations ongoing. They  
15 were ongoing during these days of testing.

16 MR. KENNEDY: Well, if it is a different  
17 operation, why are we concerned with the decibels?

18 Why aren't we waiting until we — we don't have  
19 anything then to measure the plant, since it is not in  
20 operation.

21 MS. DODGE: We will have that. This is to show  
22 the current operations and the noise levels, and then  
23 Mr. Williams —

24 MR. KENNEDY: And then you are going to compare  
25 the two or contrast?

1 MS. DODGE: Mr. Williams will testify about all of  
2 the testing that was going on and put all of those numbers  
3 together.

4

5 BY MS. DODGE:

6 Q. Now, what was the highest reading at the  
7 Lucca Lane location?

8 And I am specifically directing your attention, since  
9 the shading was difficult to see, to 4:25 on 11-16.

10 A. 84.5.

11 Q. And what was the highest reading at the entrance  
12 to Oakmont Commons?

13 Again, that is the fifth column. And, again, I direct  
14 your attention to 4:45 p.m. on that same day.

15 A. 86.1.

16 Q. I believe there is one other reading. And if you  
17 could turn to page 17 of 49 at the time 10:02 a.m. on  
18 November 15th?

19

20 (Witness doing as requested)

21

22 BY MS. DODGE:

23 Q. Do you see that?

24 A. Yes.

25 Q. Was that the highest reading at the topsoil

1 screener?

2 A. Yes, it was.

3 Q. And that is 86.4?

4 A. Yes.

5 Q. At the same time that that was reading there,  
6 would you agree with me that all of the other readings are  
7 substantially lower?

8 A. Yes, they are.

9 Q. Now, there is also a shaded area that appears in  
10 your noise assessment on pages 16 and 17.

11 What does that shaded area represent?

12 A. The shaded area on pages 16 and 17 represents —  
13 we did some noise readings from the front loader and a  
14 tri-axle truck on the property, with their backup alarms  
15 operating.

16 Q. So it sounds like you went to the site on the  
17 15th?

18 A. Yes, we did.

19 Q. What was going on, on that date, when you got  
20 there?

21 A. The front loader was loading the concrete —  
22 excuse me, the front loader was loading the tri-axle trucks  
23 with the waste material from asphalt material.

24 Q. Was the screener running on the property?

25 A. Not when we arrived.

1 Q. Was it operating at some point while you were  
2 there?

3 A. Yes, it was.

4 Q. Did you also do dosimeter readings or sound level  
5 readings with respect to the backup beepers?

6 A. Yes, we did.

7 Q. How did you do that?

8 A. What we did was, we had the front loader and a  
9 tri-axle truck sitting next to each other, with both of  
10 their alarms — backup beepers — facing the same way. And  
11 then we took readings while they both were operating.

12 Q. And were there also readings taken at various  
13 other points in the residential surrounding area?

14 A. Yes.

15 Q. Do you know the results of those?

16 A. Yes, but I don't know exactly.

17 Q. Were the readings in the residential areas under  
18 the 55 ANSI standard that you mentioned earlier?

19 A. Yes.

20 Q. Are you familiar with the concept of chipping, in  
21 connection with concrete trucks?

22 MR. BENUSA: Excuse me real quickly. Will we get  
23 any statistical data based on the differential between what  
24 was found overall average versus this 15-minute time  
25 frame?

1                   Did anybody analyze that data to say that that  
2 single truck increased sound, decreased sound by any  
3 differentials, or are we just looking at a shaded area and  
4 we are just going to —

5                   MS. DODGE: The shaded area, during that part of  
6 it, obviously, all of the sounds that are going on at these  
7 five locations are all the sounds that were going on over a  
8 48-hour period.

9                   In that shaded area is when backup beepers are  
10 being —

11                  MR. BENUSA: I understand that. I am asking if we  
12 have any statistical data to prove whatever you were trying  
13 to prove there by running that test.

14                  Does Mr. Williams or Mr. Baculik here have any —  
15 have they run any numbers on what the variance between the  
16 averages were, as compared to what the averages were at  
17 that time?

18                  MS. DODGE: I am not sure that I understand your  
19 question. Obviously, we see the readings as they exist on  
20 this document, which are the dosimeter readings at that  
21 time.

22                  He also took various readings at the site. And if  
23 you give me a few minutes, I can probably come up with  
24 those and show those to him.

25                  Those were separate from the dosimeter readings.

1 There were additional sound levels taken during the backup  
2 beepers.

3 And if I am not responding to your question,  
4 please let me know.

5 MR. BENUSA: I guess you are not responding to  
6 that.

7 My question is, in the entire data set collected  
8 in this 48-hour period, the area that is shaded, do you  
9 have any statistical data to indicate if that activity that  
10 occurred in that 15 minutes was any different than the  
11 activity that is shown over the 48-hour period?

12 MS. DODGE: The activity in that period, the  
13 shaded period, was just where people literally took trucks  
14 and backed them up, and then went up in the residential  
15 area.

16 MR. BENUSA: Yes. And all I am looking for is if  
17 you provided us, in this number montage here, with any  
18 statistical data to show if there was an increase in that  
19 number or a decrease in that number.

20 MS. DODGE: What number are you referencing?

21 MR. BENUSA: You provided us a grand total on the  
22 back of an average, correct?

23 MS. DODGE: Yes. And then each column represents  
24 the dosimeter, each row represents the dosimeter reading  
25 per minute for every minute of that 48-hour period so that,

1 at any given time, you can compare —

2 MR. BENUSA: Then did anybody collect the  
3 information that is in the shaded area?

4 MR. BACULIK: Yes. On the last page, page 49.

5 MR. BENUSA: Yes. I am looking at that.

6 MR. BACULIK: It says, the average noise level  
7 during that assessment. It is at the top one.

8 MR. BENUSA: That is when you did the beepers?

9 MR. BACULIK: Yes, yes. That is the shaded area.

10 MS. DODGE: That is the shaded area, is the  
11 beepers.

12 MR. BENUSA: Okay. So the beepers were — okay,  
13 that is fine. That is all I wanted.

14 MS. DODGE: I am sorry not to understand that.

15 Any other questions about this study? There will  
16 be another witness relating to this study, but we are going  
17 to move on to another area, unless there are other  
18 questions.

19 MR. FAVO: Yes, real quick. The shaded area you  
20 provided was basically, okay, the trucks are revving up and  
21 starting to do a normal day's work, right?

22 MR. BACULIK: They are doing that, and they are  
23 doing the beeper assessment. We are checking for the  
24 backup alarms on the vehicles.

25 MR. FAVO: If you had to give a rough estimate if

1 you went into a neighborhood, a residential neighborhood, I  
2 know the standard is 55, but what would you expect to see  
3 right out on Fifth Street right now in decibels?

4 MR. BACULIK: It depends. I mean, it could be, if  
5 there is traffic going by, it would be louder.

6 If there is no traffic going by, of course, it is  
7 going to be quieter.

8 MR. FAVO: Okay.

9 MR. BACULIK: I mean, it is hard to give you a  
10 direct answer.

11 MR. FAVO: But, I mean, what are the normal  
12 operations of the business?

13 MR. BACULIK: I can't answer that.

14 MR. FAVO: 8:00 to 5:00?

15 MS. DODGE: I believe it is earlier than that. I  
16 think Mr. Folino can probably answer that.

17 But I think the normal operations start anywhere  
18 from 5:00 a.m. and would last at least through 5:00 or  
19 6:00 p.m.

20 And during these two days, as Mr. Baculik  
21 testified, there were normal operations at that site going  
22 on during those business hours.

23 The beeper assessment — the shaded area — was  
24 created to have several pieces of equipment backing up as  
25 close as they could to the road to create that sound.

1           MR. FAVO: I appreciate that. As a layman here,  
2 and looking real quick, I see right around 6:00, the first  
3 day, you would be shutting down and you are in the 40s.

4           But if you go to November 15th at 3:40 a.m., all  
5 of a sudden, we are up at 73, 74, 73.

6           That is even in excess of what you would be doing  
7 when you were doing the assessment of the beepers coming  
8 right at you. And that doesn't make any sense to me.

9

10 BY MS. DODGE:

11 Q. Could you explain that, Tom?

12 A. I will attempt to explain that to you.

13 The day we set these up, the evening on Wednesday the  
14 14th, it was starting to rain that day. And it rained — I  
15 can't say it rain continuously or even off and on, but  
16 there was rain pretty much from that time until the next  
17 morning, say 6:00, 7:00, 8:00 in the morning. And the rain  
18 is going to influence the noise.

19 MR. FAVO: Okay.

20 MR. BACULIK: So, if you would look at the next  
21 day, you would see that it is relatively quieter, as  
22 opposed to the 15th in the morning, when it wasn't  
23 raining.

24 MR. FAVO: Would it make more sense to reset and  
25 do a different time then, when you have rains like that or

1 when rain hits you?

2 I mean, that would throw your averages way up,  
3 because you are looking at 3:00 in the morning here, and I  
4 would assume it is relatively quiet, unless you had a  
5 cricket right next to it or something like that.

6 Could that potentially be throwing all of these  
7 average ups?

8 MR. BACULIK: It potentially could, yes.

9 MR. BLAND: What I was saying earlier was, if it  
10 is quiet, wouldn't that drop the average?

11 MR. BACULIK: Yes.

12 MR. BLAND: You just said it would raise it.

13 MR. BACULIK: If it was raining.

14 MR. BLAND: Oh, okay. All right. So, the same  
15 point then — if it is a typical summer night and it is  
16 calm, then if you are doing a 24-hour average, the number  
17 wouldn't necessarily be lower than if you did an eight-hour  
18 average during the work period?

19 MR. BACULIK: Yes, it should.

20 MR. FAVO: The rain can actually throw you up to  
21 — I mean, when you gave us this other sheet, when you were  
22 on location, you are saying the rain is equal to a  
23 John Deere front loader, approximately 24 feet away,  
24 idling?

25 MR. BACULIK: I don't know how hard it is raining.

1                   MR. BLAND: It could actually be hitting the  
2 microphone?

3                   MR. BACULIK: Yes. We tried to shield it as much  
4 as we could.

5                   You don't want to shield it too much, otherwise,  
6 you would be shielding the noise.

7                   MR. FAVO: Or the noise coming off of the shield  
8 itself?

9                   MR. BACULIK: It's possible — or the bag, the  
10 plastic bag it was in.

11                  MR. FAVO: So it was wrapped in a plastic bag, the  
12 microphone?

13                  MR. BACULIK: To microphone wasn't. It was  
14 sticking out. But we tried to shield it as much as we  
15 could from the weather.

16                  MR. BLAND: So you don't have any averages that  
17 are specific to the working hours?

18                  MR. BACULIK: We didn't do that, no.

19                  MS. DODGE: We could certainly calculate that for  
20 you at your request.

21                  MR. KENNEDY: What time during the 24-hour period  
22 does this operation start, the noise factor?

23                  MR. BACULIK: I wasn't there when they started.

24                  MS. DODGE: The operation generally starts  
25 relatively early in the morning, sometime —

1 MR. KENNEDY: Which is what hour?

2 MS. DODGE: 5:00, 6:00 a.m.

3 MR. KENNEDY: So the people in the neighborhood  
4 would be affected by that sound if they were in bed?

5 MS. DODGE: I think, if you look at the time  
6 frames that were involved, for example, if we could just  
7 pick out — let me find something representative for you.

8 If you look at, for example, around — and I am  
9 looking at the first date, November 15th — if you look in  
10 the, say 6:15, 6:16 area, we have noise levels on the two  
11 located on the Folino property as high as — and I am  
12 looking at the topsoil screener — in the 70s and 80s.

13 And if you look at then, in moving over to the  
14 residential areas, those are down to in the 50s or 60s  
15 during that same time frame.

16 So, as Mr. Williams will testify, there is no  
17 direct correlation between the noises in columns one and  
18 two and the residential areas, because there is a  
19 significant drop in the decibels between the Folino areas  
20 and the residential areas.

21 So a noise that would register, for example, at 82  
22 decibels — and I am looking now at page 13.

23

\_\_\_\_\_

24

(Off the record)

25

\_\_\_\_\_

1 MS. DODGE: If we look at page 13, and you look  
2 at, for example, 6:15 a.m., column two topsoil screener,  
3 the decibel level there is 82. The decibel level in column  
4 three is 61. In column four, it is 59. In column five, it  
5 is 60.

6 And, remember, these are all noises that appear at  
7 the level at that particular dosimeter location. That is  
8 registering all noises — cars, any noise that would be  
9 outside.

10 Similarly, if you drop down to 6:16, we have 79 in  
11 column two, and we have 63 in column three, 53 in column  
12 four, 56 in column five.

13 So, at the same time that the dosimeter level at  
14 the site was in the 80s, it was in the 50s in the  
15 residential areas that are marked in these other columns.

16 And this is current noise level that is in an  
17 industrial area, which is permitted.

18 MR. KENNEDY: Why would you take the soundings at  
19 the entrance to the development known as Oakmont Commons,  
20 instead of —

21 MS. DODGE: Well, column three, if you look at  
22 column three, is at the very closest location at the  
23 entrance of Oakmont Commons, if you refer to the photograph  
24 and the third arrow.

25 MR. KENNEDY: Is that right here?

1 MS. DODGE: That is at the entrance to Oakmont  
2 Commons. The arrow pointing up towards the upper portion  
3 of this — No. 3 is at the entrance to Oakmont Commons.

4 MR. KENNEDY: On a utility pole?

5 MS. DODGE: Yes. And that is at the entrance to  
6 Oakmont Commons.

7 MR. KENNEDY: And Lucca Lane is four, and the  
8 entrance is five.

9 MS. DODGE: Well, there are two entrances, the  
10 lower entrance —

11 MR. KENNEDY: The lower entrance at number one.  
12 Oh, no, number three.

13 MS. DODGE: Number three is the closest entrance  
14 to the Folino property.

15 Any other questions on this exhibit before we move  
16 on?

17 MS. ZENTGRAF: If these readings were taken today  
18 or in the next month, with the difference in the foliage  
19 with the trees, would that make a difference in the  
20 readings, as in, would the trees serve as a buffer?

21 Could that make a change in the readings that you  
22 would receive on an average workday?

23 MR. BACULIK: Yes, it could.

24 MS. ZENTGRAF: Thank you.

25 MR. BENUSA: I would like just to make a comment

1 for the record also.

2 My prior question about statistical analysis is  
3 that the only statistical analysis provided is an average  
4 of noise levels on the beeper assessment, and the average  
5 noise level per day and then an average noise level for 48  
6 hours.

7 That is all that was provided, right? There was  
8 no other additional data that went through and looked and  
9 said, boy, it is 3:00 in the morning, and it is louder than  
10 a — you know, there weren't any outliers or anything that  
11 looked at it or notes that the data was not — that is a  
12 no, I am going to assume?

13 MR. BACULIK: Yes.

14 MR. BENUSA: That all you provided is what is in  
15 the document?

16 MR. BACULIK: And we also provided maximums, too.

17 MR. BENUSA: Yes. Thank you.

18 \_\_\_\_\_  
19 BY MS. DODGE:

20 Q. Mr. Baculik, are you familiar with the concept of  
21 chipping?

22 A. Yes, I am.

23 Q. What is chipping?

24 A. Chipping is removing dried concrete from the  
25 interior of the trucks.

1 Q. And have you conducted, in the past, noise studies  
2 about the noise level of chipping?

3 A. Yes, I have.

4 Q. And as you move outside of a concrete truck in  
5 which chipping was performed — well, let me ask you this,  
6 how often is chipping performed typically in your  
7 experience?

8 A. Yearly. They don't do it weekly or anything. It  
9 is done on an as-needed basis.

10 Q. Is it typically done more than once a year?

11 A. Not typically.

12 MR. BENUSA: I am a little confused as to why you  
13 are considered a chipping expert if you are an industrial  
14 hygienist.

15 Do you provide monitoring at the back of the  
16 trucks for the employees at times?

17 MR. BACULIK: No. A few years ago, one of the  
18 jobs I was on just happened to be at a concrete/asphalt  
19 facility, and that happened to be going on that day.

20

21 BY MS. DODGE:

22 Q. In fact, did you perform a study of the chipping  
23 noise levels?

24 A. Yes, I did.

25 Q. Would you agree with me that, in connection with

1 workers who are working in the area of chipping, is there  
2 any negative impact to workers, as long as OSHA guidelines  
3 are followed?

4 A. There is no negative impact.

5 MS. DODGE: Thank you. That is all the questions  
6 I have.

7 MR. GALLAGHER: Does anyone else have any  
8 questions?

9 MR. BENUSA: Just a quick clarification on that  
10 OSHA guideline.

11 You are stating that the level of the chipping at  
12 what distance does not exceed the 90-decibel worker  
13 requirement?

14 MR. BACULIK: At what distance?

15 MR. BENUSA: Yes. I mean, is that the OSHA  
16 requirement for the person inside the chipper does not  
17 exceed that standard or does not exceed the standard based  
18 upon 50 meters from the property line?

19 MR. BACULIK: It is just the individual doing the  
20 job, wearing the correct PPE — the ear plugs, ear muffs —

21 MR. BENUSA: So you got that, correct? That means  
22 that the employee must be wearing proper protective  
23 equipment also. That would not be — it is not that it —  
24 I guess it is a little confusing. It seemed that you —  
25 what were the decibels readings then?

1 MR. BACULIK: Inside?

2 MR. BENUSA: Inside, outside?

3 MR. BACULIK: Inside, I can't remember exactly.

4 But they were in the range of 109 to 112 inside of the drum  
5 itself.

6 And outside, on the ground, right on the outside  
7 of the truck, they were in the mid to upper 90s.

8 So they drop pretty significantly just within a  
9 few feet.

10 MR. BENUSA: And as a quick clarification, you  
11 have an industrial hygiene degree?

12 MR. BACULIK: I have a safety science degree.

13 MR. BENUSA: From?

14 MR. BACULIK: IUP.

15 MR. BENUSA: Do you have any other additional  
16 certifications since that degree?

17 MR. BACULIK: No, I don't.

18 MR. BENUSA: Thank you.

19 MR. FESCEMYER: Just one question. Is it  
20 necessary to do the chipping on-site or can the chipping be  
21 done off-site also?

22 That is up to the discretion of the owner?

23 MR. BACULIK: Yes, it is.

24 MR. FESCEMYER: So that truck doesn't need to be  
25 on Dark Hollow Road if the chipping is being done?



1 A. Petersburg, I think.

2 Q. Did you make this exhibit? That is Exhibit

3 No. 17.

4 A. Yes.

5 Q. Should that say Petersburg?

6 A. Yes, it should.

7 Q. How long did it take you to drive from your office  
8 to Petersburg, Ohio?

9 A. I think it was approximately an hour and a half or  
10 so.

11 Q. Are you aware that there a Vince Hagan plant in  
12 Tarentum, just 20 minutes from your office?

13 A. No, I am not.

14 Q. Are you unaware of the fact that Mr. Toedt  
15 testified that there is an identical plant within 20  
16 minutes of your office?

17 A. I am not aware of that.

18 Q. Who directed you to drive an hour and a half to  
19 Petersburg, Ohio, to examine the sound levels in that  
20 plant?

21 A. I think it was the representative from  
22 Vince Hagan.

23 Q. Do you know his name?

24 A. Chris — and I am not sure what his last name is.

25 Q. Okay.

1           A.     I think that was the plant that was the most  
2 similar to the one that was going to be proposed to be  
3 constructed.

4           Q.     Was that Chris Toedt? Mr. Toedt's first name is  
5 Chris.

6           A.     It very well could be.

7           Q.     Did you see him in person?

8           A.     Where?

9           Q.     Did you see Mr. Toedt in person when he directed  
10 you to go to Petersburg?

11          A.     No.

12          Q.     Did he have a bad Boston accent? And I am being  
13 facetious, because he did have an accent. I wouldn't say  
14 it was bad.

15          The hoppers were partially enclosed. Did you inquire  
16 as to why those hoppers were enclosed?

17          A.     Yes.

18          Q.     What was the reason?

19          A.     They use well water on the site, and they are  
20 enclosed, because of the heat.

21          They are in tanks that heat the water in tanks. And  
22 it helps to keep them warmer.

23          Q.     In one of the video clips, we saw a conveyer belt  
24 carrying aggregate up into one of the enclosed hoppers.

25          I presume it is a hopper, right?

1 A. Yes.

2 Q. So are you telling us that the aggregate was  
3 dumped into a hopper which had water in it?

4 A. No. There are water tanks in the enclosure.

5 Q. Did you consider what effect the metal enclosures  
6 around those hoppers might have on the generation of sound  
7 as a result of the aggregate falling down into the metal  
8 hoppers?

9 A. No.

10 Q. Wouldn't that be relevant?

11 A. But the building is the same, but there is an  
12 enclosure on it. So, I mean, the noise wouldn't be the  
13 same.

14 Q. It would be less, would it not?

15 With the metal enclosure around the hopper, wouldn't  
16 that decrease the noise?

17 A. Outside, yes, it would.

18 Q. Outside, where you measured?

19 A. I didn't measure the aggregates going into the  
20 hoppers.

21 Q. Do you know whether the facility in Tarentum has a  
22 metal enclosure around the hoppers?

23 A. Can you repeat that?

24 Q. Yes. Do you know whether the Vince Hagan facility  
25 in —

1 A. No.

2 Q. You don't know?

3 A. No, I don't.

4 Q. You were unfamiliar with that until I mentioned it  
5 to you now, is that right?

6 A. Right.

7 Q. So I won't ask you any more questions about that  
8 now.

9 A. Okay.

10 Q. But you do know that the proposed plant does not  
11 have any plan to have any form of enclosure around the  
12 metal hoppers into which the aggregate will be dumped?

13 A. That is my impression, yes.

14 Q. If you were designing a way to mitigate sound  
15 generated by aggregates falling into metal hoppers,  
16 wouldn't one of the things you might do is perhaps enclose  
17 it in a building?

18 A. Yes. There are other ways, too.

19 Q. Of course. I am going to presume that the sound  
20 which we heard in this room was not intended to accurately  
21 reflect the sound that you heard on the site, is that  
22 correct?

23 A. The sound that we heard here was actually the  
24 actual sound on site.

25 Q. Do you feel that is an accurate reflection of the

1 sound that you heard?

2 A. It is accurate to what the video recorded.

3 Q. But I am asking about what your ears heard.

4 Does that give us an accurate impression as to what  
5 you heard?

6 A. Yes. To me, it does, yes.

7 Q. Now, when we were hearing that in this room, what  
8 generated that noise, the sound from the video clip?

9 A. Which noise are you talking about?

10 Q. The noise in the video clip.

11 A. I mean, there were a lot of noises. Which one?

12 Q. Well, where did the noise come from that we heard?

13 A. It came from the front loader.

14 Q. I meant, on this. Did it come from the laptop?

15 A. Yes, it did.

16 Q. Did you look at the speakers on that laptop?

17 A. Yes.

18 Q. And they are about half-an-inch to one-inch  
19 speakers?

20 A. Yes.

21 Q. And your testimony here is that that accurately  
22 reflects the sound that you heard with your ears when you  
23 were videotaping that?

24 It accurately reproduced that sound, is that correct?

25 A. Maybe not exactly. But if it is as good as that

1 can reproduce, it did.

2 Q. What you showed us on that video clip was that,  
3 when concrete was going to be loaded — when a concrete  
4 batch was being mixed, that required a front-end loader to  
5 go over to the storage areas, scoop up the aggregate and  
6 then dump it into the hopper — into a hopper, and that  
7 hopper then dumped the aggregate down onto the belt, is  
8 that correct?

9 A. Yes, it did.

10 Q. And the aggregate mixes are different, are they  
11 not, for various types of concrete, if you know the answer  
12 to that question?

13 A. I assume they are. I can't say for sure.

14 Q. Do you know whether or not it is the practice of  
15 these concrete plants just to simply keep a hopper loaded  
16 full with aggregate for the various batches of concrete  
17 that are being made?

18 A. I can't say for sure.

19 Q. A portion, in fact, it seemed like a significant  
20 portion of the video clip, showed the unloading of the  
21 Portland cement from a tanker truck.

22 Do you recall that portion of the video?

23 A. Yes.

24 Q. Through what appeared to be a rubber hose?

25 A. Yes.

1 Q. And we heard a noise associated with that, like  
2 kind of a grinding motor type of noise?

3 A. Yes.

4 Q. Did you see the location of the motor that was  
5 pumping the cement from the tanker into the storage hopper?

6 A. It is on the truck.

7 Q. It is on the truck?

8 A. Yes.

9 Q. Can you describe that motor for us?

10 A. It is a pneumatic motor. It blows the concrete  
11 into the silo.

12 Q. I am going to show you a symbol here, and it is a  
13 capital L, like this, with an N.

14

\_\_\_\_\_

15

(Witness examining diagram)

16

\_\_\_\_\_

17 BY MR. FERGUSON:

18 Q. Are you familiar with that symbol?

19 A. Yes.

20 Q. What was that?

21 A. It is a natural log.

22 Q. And in sound measurement, what does it mean?

23 If you were representing a sound measurement using  
24 this, what would you be using this to represent?

25 A. Can you be more —

1 Q. This N, does that stand for natural, is that what  
2 you are saying?

3 A. Yes.

4 Q. What if it was L10, what does that mean?

5 A. It is log 10.

6 Q. And what does that mean, for those of us who are  
7 not —

8 A. You can use that to calculate noise.

9 Q. You can use this to calculate noise?

10 A. It is in the formula, one of the formulas you can  
11 use.

12 Q. That particular formula, though, informs us of  
13 what?

14 If you give us a calculation of noise, using this L10  
15 formula, what is the particular aspect of the noise that  
16 you have measured that you are representing with that type  
17 of a symbol?

18 A. I can't answer that.

19 Q. You don't know?

20 A. Correct.

21 Q. And so it is safe to say that you did not use any  
22 form of measurement that used this type of — in which your  
23 analysis would be represented by these symbols, is that  
24 right?

25 You didn't take it into consideration at all?

1 A. Any of it, are you saying?

2 Q. Did you use this in your calculations or any other  
3 variable?

4 A. I didn't.

5 Q. You didn't?

6 A. Correct.

7 Q. Do you know if anybody did?

8 A. Yes.

9 Q. We are going to hear from that person?

10 A. Yes.

11 Q. You testified that a sound level, a volume or a  
12 decibel decreases as distance from the sound increases,  
13 isn't that right?

14 A. Yes.

15 Q. What was the height of the concrete hopper that  
16 you measured?

17 A. I don't know.

18 Q. You don't know?

19 A. No.

20 Q. Do you know if it bears any relationship to the  
21 height of the proposed concrete hopper?

22 A. I don't know.

23 Q. Can you estimate whether or not the concrete  
24 hopper that you observed in Peterson, Ohio, was higher than  
25 75 feet?

1 A. Are you asking the hopper or the silo?

2 Q. The silo in which the concrete — I beg your  
3 pardon, I meant silo.

4 A. I can't say for sure.

5 Q. Not for sure, but was it over 50 feet?

6 A. I assume it was, yes. But I can't say. I didn't  
7 measure it. I don't know.

8 Q. So would it be safe to say that, from the point  
9 from which you measured, if that silo was significantly  
10 higher than the silos which are going to be placed at this  
11 plant, that the noise would actually be louder at this  
12 plant, because the motors on top of that silo would be  
13 closer to you in taking the measurements?

14 Is that a safe assumption?

15 A. Yes.

16 Q. If we look at your Exhibit No. 17, I believe that,  
17 with the exception of the fourth entry, which is the front  
18 loader at approximately 25 feet away, idling, and the third  
19 from the bottom — I am sorry if you didn't have that —  
20 the third from the bottom, which talks about, I presume,  
21 the same vehicle being 20 feet away, that none of the other  
22 measurements contain any distances?

23 A. Yes.

24 Q. Isn't that really just meaningless to us, if we  
25 don't know what the distance is?

1           A.     Well, they are in relatively close proximity. I  
2 wasn't, for some of them, 50 feet away or anything like  
3 that.

4           I gave those, because I don't — for example, the  
5 front loader, the John Deere that was loading, you know, I  
6 didn't want to get run over by the front loader, so I kept  
7 my distance away from it.

8           Q.     But there is not even an estimate of the distance?

9           A.     On this, no.

10          Q.     It is hard to quantify what this means, is it not,  
11 if we don't know how far away you were?

12          So, if you were as far away from this as Lucca Lane is  
13 to the proposed plant, then that is an astonishing number,  
14 isn't it?

15          But if you were just close enough to be dodging it to  
16 avoid being injured, that is something very different,  
17 isn't it?

18          A.     Yes.

19          Q.     Do you have an Exhibit No. 19, which is the aerial  
20 photo which has been modified to show the location of the  
21 dosimeters? Thank you.

22          Will you agree that, to the left of the photograph,  
23 there is a portion of Lucca Lane which is roughly parallel  
24 with Dark Hollow Road?

25          A.     Where are you pointing?

1 Q. I am showing you this portion of Lucca Lane, which  
2 is at least, for a point, roughly parallel with a portion  
3 of Dark Hollow Road.

4 A. I don't think that is Lucca Lane.

5 Q. What is this road where arrow number five seems to  
6 be —

7 A. It is Washington.

8 Q. I beg your pardon for misleading you that way.

9 Same question, though — Washington Road, you see that  
10 portion of Washington Road, which is not exactly parallel,  
11 but it is more parallel than any other part there?

12 If I may just approach you here, do you see, almost  
13 off the screen and within those trees, there is a brown  
14 spot there?

15 Did you happen to notice a house there —  
16 Mrs. Cameron's house — who is behind you here today?

17 A. No.

18 Q. You didn't notice that house there?

19 A. No.

20 Q. And then if you move to the right, you will see —  
21 you can actually see kind of an outline of a swimming pool  
22 there. Do you see that?

23 I will point it out to you — right there. And then  
24 beside that, a residence.

25 Did you notice that residence when you were there?

1 A. No, I did not.

2 Q. You didn't notice that residence?

3 A. No.

4 Q. We will call that Dr. Basaron's house.

5 And then next to that, there is what shows up as a  
6 gray roof — Mr. Parsons' house.

7 Did you notice that house when you were doing these  
8 sound measurements?

9 MR. GALLAGHER: I'm sorry, but can you please  
10 point that out?

11 MR. FERGUSON: I beg your pardon. Yes. I am  
12 moving from left to right, along Washington Road.

13 MR. KENNEDY: It is avenue — Washington Avenue.

14 MR. FERGUSON: So it is south of Washington  
15 Avenue, and there was one house, almost off the edge,  
16 barely seeable to the ground. That is Cameron. Next is  
17 Basaron. Next is Parsons.

18 And then there is the — there is a residence  
19 there or a structure there with what appears to be a red  
20 roof, a reddish roof.

21

22 BY MR. FERGUSON:

23 Q. Did you notice that property when you were doing  
24 these sound measurements?

25 A. No.

1 Q. Do you think those are pertinent to your studies  
2 in any way?

3 Did you think those were pertinent to your study?

4 A. Yes. I would think any house would be pertinent,  
5 wouldn't it?

6 Q. Did you measure from any house?

7 A. No.

8 Q. You mentioned areas of concern, that was your  
9 phrase.

10 Why is it that there was not one residence that was an  
11 area of concern for purposes of your study?

12 A. We didn't go on anyone's private property.

13 Q. Why not?

14 A. I don't know. We just didn't.

15 Q. You didn't seek permission to do so, did you?

16 A. No.

17 Q. In fact, do you know where any of these property  
18 boundaries are here?

19 A. No, I don't.

20 Q. Is it correct to say that you did not measure from  
21 the closest residence to the proposed batch plant?

22 You took no measurements of sound from the closest  
23 residence to the proposed batch plant site, is that  
24 correct?

25 A. Correct.

1 Q. Although you did testify that you did measurements  
2 in surrounding residential areas, but you didn't know  
3 where?

4 Do you recall testifying to that, and that what you  
5 found was below 55 dBA?

6 Do you remember that testimony?

7 A. No.

8 Q. Was anybody observing the dosimeters while they  
9 were measuring the sound over this 48-hour period?

10 A. Yes.

11 Q. So did you have five people measuring or did you  
12 just check on them occasionally?

13 A. Occasionally.

14 Q. How many people were watching the dosimeters over  
15 that 48-hour period?

16 A. Myself.

17 Q. Does that complete your list?

18 A. Yes.

19 Q. What was your method for checking the dosimeters?

20 A. I would go around and make sure that they were  
21 still there and running.

22 Q. Did you sleep in that 48-hour period?

23 A. I didn't check them constantly, no. It is  
24 impossible to.

25 Q. Unless you had more people?

1 A. Correct.

2 Q. What is the ANSI sound level for residential  
3 neighborhoods for 5:00 in the morning?

4 A. I don't know if they have one for 5:00 in the  
5 morning.

6 Q. You don't know if they have one at night?

7 A. They have an average.

8 Q. For night? They have an average night sound  
9 level — ANSI does?

10 A. It is for long-term.

11 Q. I don't know what that means. My question to you  
12 is, do you know if ANSI has a recommended sound level for  
13 residential areas at night?

14 A. No.

15 Q. No, you don't know, is that right?

16 A. Correct.

17 Q. Do you know during what hours ANSI regards as  
18 night?

19 A. Not exactly, no, I don't.

20 Q. Do you think that is pertinent in this situation?

21 A. Yes.

22 Q. And do you believe that it is pertinent for at  
23 least one reason, which is that the operations which you  
24 measured begin at 5:00 in the morning?

25 Is that one of the reasons why the sound level for

1 night would be pertinent?

2 A. Yes.

3 Q. Did I understand correctly that you included in  
4 the average, on the last page of this study, the periods of  
5 time on which the dosimeters were being rained upon?

6 A. They are not broken down, no.

7 Q. So you did include that in the average, correct?

8 A. Yes.

9 Q. Was the dosimeter calibrated to average sound  
10 instantaneously or over a 24-hour period?

11 A. The dosimeter was calibrated before we started the  
12 test.

13 Q. Well, I didn't ask when you calibrated it. And I  
14 am sorry if I was misleading.

15 My question was, how was it calibrated. I shouldn't  
16 say calibrated. I did mislead you. I beg your pardon.

17 How was the dosimeter set?

18 Was it set to average the sound readings on an  
19 instantaneous level or over a 24-hour period?

20 A. They were started and they accumulate the dose  
21 until you stop the dosimeter. It keeps accumulating the  
22 dose over that time period.

23 Q. Are you saying that you set the dosimeter to  
24 average the sound over the entire 48-hour period, so it was  
25 longer than a 24-hour averaging?

1 A. Yes.

2 Q. Did you personally set the dosimeters to average  
3 the sound readings over a specific period of time?

4 A. No.

5 Q. Did someone else do that?

6 A. No.

7 Q. Did anyone do that? I am confused.

8 A. Yes. It wasn't set. It was calculated. The  
9 average was calculated.

10 Q. So you did not set — neither you nor anyone else  
11 set the dosimeters to average the sound either  
12 instantaneously or over a 24 or 48-hour period?

13 No one did that, is that what you are saying?

14 A. That is correct.

15 Q. You just took readings, and then someone just  
16 averaged them, is that right?

17 A. Yes.

18 Q. Is this document, which has been marked as Exhibit  
19 No. 18, a document which was compiled from data obtained  
20 from the dosimeter, or is this a document that can be  
21 printed directly from the dosimeter?

22 Can this type of report be generated directly from the  
23 dosimeter?

24 A. Yes.

25 Q. It can?

1 A. Not in this form.

2 Q. So someone else took the information from the  
3 dosimeter and created this table, is that correct?

4 A. Yes.

5 Q. And then how did you check the accuracy of that  
6 transposition from the readings on the dosimeter to this  
7 table that you have given us this evening?

8 A. It was spot-checked.

9 Q. When did that occur?

10 A. When the table was created.

11 Q. When was the table created?

12 A. I can't give you the exact date.

13 Q. The machine was in a plastic bag, is that correct,  
14 but the microphone was not?

15 A. Correct.

16 Q. How big is a dosimeter?

17 A. They are approximately — the one we were using,  
18 it was probably an inch thick by three or four inches wide  
19 by maybe five inches high.

20 Q. So would it be correct to say that the plastic bag  
21 was within an inch of the microphone?

22 A. Yes.

23 Q. Do you have any idea of the decibel level that is  
24 created by rain falling on a plastic bag within one inch of  
25 a microphone on a dosimeter?

1 A. No.

2 Q. Is there a reason why there are no distances

3 provided in the report which is Exhibit No. 18?

4 A. In relation to?

5 Q. The decibel levels.

6 Is there a reason there aren't any distances provided

7 on Exhibit No. 18?

8 A. From where?

9 Q. From the sound that you were measuring from these

10 various sites, or is distance irrelevant to sound

11 measurement?

12 A. No.

13 Q. If it is relevant, then why was it not — I mean,

14 is that information forthcoming?

15 Do you intend to provide us with the distances between

16 the sound that you were measuring when you took these

17 measurements and the five points from which you took the

18 measurements?

19 A. Which measurements are you talking about?

20 Q. I am taking about all five points of measurement.

21 I am talking about these sound readings.

22 A. Yes. But there are multiple — I mean, it was

23 recording readings the whole time.

24 Q. Yes, I understand that. My question is, for

25 example, if you look at arrow number five.

1 A. Yes.

2 Q. Do you have anything that tells us, what is the  
3 distance from the dosimeter represented by arrow number  
4 five and the source of the sound?

5 A. Which source of sound are you talking about?

6 Q. Any of the sources of sound which were measured on  
7 the report.

8 A. There were sources of sound by traffic going by  
9 the road.

10 Q. But you don't really know what those sources of  
11 sound were, right?

12 A. Right.

13 Q. And some of the sources of sound were generated by  
14 the site on which the proposed concrete plant would be  
15 located?

16 A. It is possible.

17 Q. Now, how about a specific instance when, as part  
18 of this study, you intentionally caused vehicles which had  
19 backup beepers to be recorded from these five locations,  
20 isn't that right?

21 A. Yes.

22 Q. But we don't know what the distance is between  
23 those backup beepers and these locations, right?

24 A. No.

25 Q. Can you describe the difference in topography

1 between the Folino site of the proposed concrete plant and  
2 arrows four and five on Exhibit No. 19?

3 What is the difference in topography there, if you  
4 know? I don't know if you know or not.

5 A. I am assuming that you mean that they are higher.  
6 I don't understand your question.

7 Q. You don't understand the question?

8 A. Yes.

9 Q. Are you familiar with the topography along  
10 Washington Avenue?

11 A. Do you mean —

12 Q. Are you familiar with it?

13 A. I have been on it, yes.

14 Q. And it appears that arrow number five, at least on  
15 my copy, it looks like it is pointing to a yellow dot  
16 there. That yellow dot is extraneous, is that right?

17 It is not intended to point at that?

18 A. No.

19 Q. Would you agree with me that the location of both  
20 dosimeters at locations four and five are at an elevation  
21 which is lower than the residences on the south of  
22 Washington Avenue?

23 A. Four is.

24 Q. Four is lower, is it not?

25 A. Yes.

1 Q. Five?

2 A. Five — I can't say for sure. It is fairly close  
3 to being the same elevation.

4 Q. So at least in the instance when you were  
5 measuring the backup beepers from the site of the proposed  
6 concrete plant, what impact would that lower elevation, or  
7 said another way, what impact would the earth in between  
8 the dosimeter number four and the Folino site have on the  
9 amount of sound generated from the Folino site?

10 A. I can't answer that.

11 Q. Would you agree that earth and mounds between a  
12 sound source and a dosimeter could decrease the sound  
13 readings?

14 A. Yes.

15 MR. FERGUSON: I don't have any more questions.

16 MR. GALLAGHER: Ms. Dodge?

17 MS. DODGE: Very briefly.

18

19 REDIRECT EXAMINATION

20 BY MS. DODGE:

21 Q. How long of a period did it rain over the course  
22 of the two days that these readings were taken?

23 A. I would say it was probably at least eight hours,  
24 if not longer.

25 Q. On the second day and the second average that

1 appears — and that is the time period between I think it  
2 is the 15th and the 16th — would you agree with me that it  
3 was not raining?

4 A. Yes.

5 Q. So the averages for that 24 hours do not include  
6 any rain as part of the average measurement, is that right?

7 A. That is correct. From what I remember, that is  
8 correct.

9 Q. You were asked before about distance between the  
10 bottom of the silo and the top of the silo at the Bessemer  
11 site?

12 A. Mm-hmm.

13 Q. In fact, isn't the motor for the silo at the  
14 bottom of the silo, not at the top?

15 A. At the Bessemer site?

16 Q. Yes.

17 A. I don't know.

18 Q. And in terms of the measurements that you took  
19 that are reflected on Exhibit No. 17, would you agree with  
20 me that all of those measurements were taken on the  
21 Bessemer property?

22 A. Yes, they were.

23 MS. DODGE: Thank you.

24 MR. FERGUSON: I just have one follow-up.

25

## RE CROSS EXAMINATION

1

2 BY MR. FERGUSON:

3 Q. On top of the concrete silo, are there not dust-  
4 suppression devices?

5 A. I believe there is.

6 Q. Do those create noise?

7 A. When?

8 Q. At anytime.

9 A. Yes.

10 Q. What courses in sound or sound measurements have  
11 you taken at Indiana University of Pennsylvania?

12 A. I had some general classes there.

13 Q. In sound?

14 A. In industrial hygiene.

15 Q. In industrial hygiene?

16 A. Yes.

17 Q. But what about in sound?

18 A. None exactly in sound.

19 Q. Have you had any academic training in sound or  
20 sound measurement?

21 A. No.

22 Q. Do you have any certifications as a technician in  
23 sound or sound measurement?

24 A. No.

25 Q. Are you certified by the Institute of Noise

1 Control Engineers?

2 A. No.

3 MR. FERGUSON: Thank you.

4 MR. GALLAGHER: Ms. Dodge?

5 MS. DODGE: Nothing further.

6 MR. GALLAGHER: Does anybody have any specific  
7 questions of Mr. Baculik?

8

—————  
(No response)

10

11

—————  
(Recess taken)

12

13

—————  
MR. GALLAGHER: We are back on the record here.

14

Ms. Dodge?

15

MS. DODGE: I now call David Williams.

16

17

—————  
DAVID WILLIAMS, having been previously sworn,

18

was examined and testified as follows:

19

DIRECT EXAMINATION

20

BY MS. DODGE:

21

Q. Could you tell the council your full name, please?

22

A. David R. Williams.

23

Q. Who do you work for, Mr. Williams?

24

A. CSC.

25

Q. How long have you worked for CSC?

1 A. About 15 or 16 years.

2 Q. What is your title?

3 A. I am a certified industrial hygienist.

4 Q. Tell council what a certified industrial hygienist  
5 does.

6 A. Primarily work associated with OSHA compliance is  
7 what we do.

8 But an industrial hygienist is familiar with the  
9 issues — the health issues associated with occupational  
10 issues.

11 Q. What is the extent of your education?

12 A. I have a BS in chemistry from the University of  
13 Pittsburgh, specialized course work at the University of  
14 Michigan and the University of Cincinnati.

15 I have worked over 20 years as a research chemist and  
16 over 20 years as a certified industrial hygienist.

17 Q. How do you get certified?

18 A. You have to meet the educational requirements,  
19 work for a period of time under a certified industrial  
20 hygienist and pass a written exam.

21 Q. Now, you mentioned that you had some specialized  
22 training at several other universities.

23 What kind of training was that?

24 A. It covered a wide range of industrial hygiene  
25 issues, from analytical chemistry to monitoring

1 methodology, sampling techniques, noise measuring and the  
2 associated calculations.

3 Q. Have you performed and analyzed noise measurements  
4 during your career?

5 A. Yes.

6 Q. Would you describe generally for us the nature of  
7 your experience in that area?

8 A. Well, at one time, I actually did surveys — noise  
9 surveys, where I would measure the noise, interpret it and  
10 write a report.

11 At this point in time, I primarily review and  
12 interpret field data that is obtained by other field  
13 hygienists in our group.

14 Q. Is Mr. Baculik one of the field hygienists who  
15 gathers data for your analysis?

16 A. Yes.

17 Q. Did he do so in connection with the proposed  
18 Folino concrete plant?

19 A. Yes.

20 Q. What was your involvement in this assignment?

21 In other words, what were you asked to do and what did  
22 you do?

23 A. Well, I assisted in devising the strategy that we  
24 used and reviewed the data and did some of the  
25 interpretation of it.

1 Q. And did you draw certain conclusions based upon  
2 the data that was gathered and your experience with noise?

3 A. Yes.

4 Q. Now, could you tell us, how is noise measured?

5 A. It is measured in decibels. And, actually, noise  
6 that the human ear hears is typically measured in dBA.

7 The A scale is a scale that discriminates against  
8 sound typical of the way that the human ear would  
9 discriminate.

10 Q. Is there an OSHA standard with respect to noise  
11 levels?

12 A. Yes.

13 Q. Could you describe what that is, please?

14 A. It is a 90-decibel or dBA time-weighted average  
15 over an eight-hour workday.

16 Q. And are there other standards, such as ANSI  
17 standards, that are sometimes used to regulate or measure  
18 noise?

19 A. ANSI primarily is directed toward methodology and  
20 opinions, so they have no regulatory authority. There  
21 aren't any — consensus organization.

22 Q. Does ANSI put out guidelines with respect to sound  
23 in residential areas?

24 A. Yes.

25 Q. And would you describe what that is?

1           A.     Some of their writings are rather vague, but the  
2 standard that applies to community noise implies a 55 dBA  
3 contribution of industrial noise to a residential area.  
4 And it defines daytime noise as 7:00 a.m. to 10:00 p.m. and  
5 nighttime noise as 10:00 p.m. to 7:00 a.m.

6           Q.     Now, you mentioned something in your answer that I  
7 would like you to explain, and that is the industrial  
8 contribution to residential areas.

9           What do you mean by that?

10          A.     If one measured the noise at the source and at the  
11 remote location — the residential area — the permissible  
12 level contributed by that facility would be 55 dBA. And  
13 that would be in addition to what noise is already there.

14          If the noise is significantly above 55, that noise  
15 wouldn't even be measured or would not be audible. If it  
16 is significantly below 55, then it would contribute to that  
17 noise.

18          If the residential area were exactly 55 and the  
19 industrial site were contributing 55, the resultant noise  
20 level would be 58.

21          Q.     And we will get into that calculation a little bit  
22 later in your testimony.

23          Is there, as far as you know, any specific noise  
24 criteria in the Borough of Oakmont?

25          A.     No.

1 Q. Let's talk for a moment, if we can, about some  
2 common noise levels.

3 With respect to, say, normal conversation, how many  
4 decibels is a normal conversation level?

5 A. Typically in the 60 to 70-decibel range.

6 Q. What about equipment that you might hear in a  
7 neighborhood, like say a lawn mower for example?

8 A. That would range from 90 to 100.

9 Q. What about traffic on a busy road, is there some  
10 way to — and I recognize that these are all estimates —  
11 but how would we measure that?

12 A. A large truck might contribute to somewhere in the  
13 area of the 90s, depending on the distance from the truck,  
14 of course.

15 Q. And you heard Mr. Baculik talk about the  
16 dosimeters.

17 Are they registering and calculating noise at a  
18 specific spot?

19 A. Yes.

20 Q. Is it the combination of all sound or noises at  
21 that particular location?

22 A. Yes.

23 Q. What factors affect how noise is transmitted from  
24 its creation or its origination to some other place?

25 A. That would be diminished by objects in its path.

1 Soft, irregular-shaped objects absorb sound more readily  
2 than hard objects.

3 The major reduction in noise is a function of distance  
4 from the source.

5 Q. In addition to distance and objects in path, would  
6 topography make a difference in connection with the  
7 conveyance of noise?

8 A. Yes, if there were an object in the path.

9 Q. So if there were, for example, a hillside just  
10 behind where we were talking right now that goes up, would  
11 that act as a buffer to the sound?

12 A. Well, it might. If the point were below a  
13 hillside on the other side of a mound, the hillside, it  
14 might. But, in long distances, that effect is greatly  
15 diminished.

16 For example, the noise baggers they put up along  
17 highways are very close to the highway. If they were  
18 further away, they would be ineffective.

19 Q. Is vegetation a barrier to sound transmission?

20 A. Yes.

21 Q. And you mentioned objects. Would that include,  
22 for example, buildings?

23 A. Yes.

24 Q. Is the principal factor in noise reduction  
25 distance?

1 A. Yes.

2 Q. Is there a method by which you calculate how noise  
3 diminishes over distance?

4 A. It diminishes relative to the square of the  
5 distance of the source.

6 Q. Let me show you a chart that you prepared for me.  
7 I am going to hand that to you.

8

\_\_\_\_\_

9

(Exhibit No. 20

10

was marked for identification)

11

\_\_\_\_\_

12

(Witness examining chart)

13

\_\_\_\_\_

14 BY MS. DODGE:

15 Q. Have you had a chance to briefly look at Exhibit  
16 No. 20?

17 A. Yes.

18 Q. Would you explain to the council, first of all,  
19 what is Exhibit No. 20?

20 A. It is an attempt to illustrate the effect of  
21 distance from the source in readily discernable terms.

22 If you will notice, in the first column, the noise  
23 level, it doubled with each successive entry — or the  
24 distance, it doubled with each successive entry. And the  
25 noise level diminishes by six dBA by each doubling of the

1 distance.

2 MR. BENUSA: Can I just get a clarification for  
3 the record? I don't think we have addressed the PEL  
4 acronym.

5 MS. DODGE: We will go there right now.

6 MR. BENUSA: Okay. Thank you.

7

8 BY MS. DODGE:

9 Q. You have in the first row a distance of one foot,  
10 and then you have under noise level 90 and then  
11 parenthesis, OSHA PEL.

12 What does that mean?

13 A. Permissible exposure limit. That is what we just  
14 discussed. It refers to an eight-hour calculated average  
15 noise exposure.

16 Q. So, for purposes of Exhibit No. 20, you used that  
17 OSHA level as just a selected guide to show —

18 A. It was sort of an arbitrary number. We could have  
19 used any number we wanted.

20 The facility will comply with OSHA standards, and so  
21 that seemed like a good one to start with.

22 MR. BLAND: Can we ask about time-weighted  
23 average?

24 Is it just referring to the fact that we have it  
25 averaged over a period or what does that mean?

1           MR. WILLIAMS: Well, the time-weighting means, if  
2 the noise — one noise level occurs for two hours and one  
3 for four and another one for another two hours, the total  
4 contribution is the function of the noise level time — the  
5 time that it occurred.

6           So the one that prevailed for four hours would  
7 have a greater weight than one that prevailed for two  
8 hours.

9           And the calculation averages all of these things  
10 out, weighs them against the amount of time they occurred  
11 and computes an average.

12           Is that good enough?

13           MR. BLAND: Yes.

14

15 BY MS. DODGE:

16           Q. Looking at your exhibit, would you explain to us  
17 how, as you move away in increments, the noise level drops  
18 in decibels?

19           For example, when you double the distance between your  
20 one foot and two feet, there is also, as I read your chart,  
21 a diminishment in the noise level, is that right?

22           A. Yes.

23           Q. And did you testify before that, as the distance  
24 is doubled, with each doubling of the distance, the noise  
25 level drops six decibels?

1 A. Correct.

2 Q. So looking, for example, at the bottom of this  
3 first page, if you are 32 feet from the distance of the  
4 source, it will have dropped, at least in this example,  
5 from 90 decibels to 60 decibels?

6 A. Correct.

7 Q. Is that what this chart says?

8 A. Yes.

9 Q. And if we turn to the second page, have you  
10 continued to double the distance and show the relative drop  
11 in decibels at that distance from the source of the noise?

12 A. Correct.

13 Q. So, for example, at a distance of 128 feet from  
14 the source of a noise, assuming the source was at 90  
15 decibels, it would have dropped within that 128 feet down  
16 to 48 decibels, is that right?

17 A. Correct.

18 Q. Now, did you review the materials and the noise  
19 assessments that were calculated and performed by  
20 Mr. Baculik?

21 A. Yes.

22 Q. I would like you to turn first to Exhibit No. 18,  
23 which is the 48-hour noise assessments.

24 Do you have that in front of you?

25 A. Yes.

1 Q. Now, have you reviewed the data that appears on  
2 Exhibit No. 18?

3 A. Yes.

4 Q. And did you discuss with Mr. Baculik how he  
5 performed the study?

6 A. Yes.

7 Q. Did he seek your advice in performing the study?

8 A. Well, we discussed how he would do it. He has  
9 done these things before, so he was aware of how to do it.  
10 He and I did some of these together at one time. And  
11 this time, he did it on his own.

12 Q. Now, based upon your review of these calculations,  
13 is it your understanding that this study was done over a  
14 48-hour period?

15 A. Yes.

16 Q. And it shows the dosimeter readings and results  
17 from five different locations, is that right?

18 A. Correct.

19 Q. Now, based on your review, what conclusions, if  
20 any, did you reach about the data that appears in Exhibit  
21 No. 18?

22 A. First of all, the objective was to determine  
23 whether there is any direct correlation between the noise  
24 measured near the residential area and the noise from the  
25 source of concern.

1           And the data shows no distinct correlation. That is  
2 my conclusion.

3           Q.     What do you base that conclusion on?

4           A.     Well, the fact that they don't — they vary  
5 independently of each other.

6           If there was a direct correlation, when one always  
7 went up, the other would go up.

8           If the source noise were a constant, the residential  
9 noise would be constant.

10          And if the source noise went down, the residential  
11 noise would go down by approximately the same number of  
12 decibels.

13          And that correlation does not exist for this set of  
14 data.

15          Q.     Was it your conclusion that the noise in the  
16 residential areas varied independent of the noise at the  
17 Folino site?

18          A.     Yes.

19          Q.     And how did you reach that conclusion?

20          A.     Just by observing the noise levels. They vary  
21 independently.

22          There are some times when the noise at the residences  
23 is actually higher than the noise at the site of concern.

24          And there are times when it is very low, when the noise  
25 level is relatively high at the site of concern.

1 Q. Based upon your review of the results of the noise  
2 assessment that were collected by Mr. Baculik, did you  
3 reach any conclusion about whether the current level of  
4 noises on the Folino property have a negative or adverse  
5 impact on the residential surrounding areas?

6 A. Based on this data, it has no adverse impact.

7 Q. Now, did you also review Exhibit No. 17, which is  
8 the noise assessment that was done and measured by  
9 Mr. Baculik at a comparable concrete plant?

10 A. Yes, I have briefly reviewed this data.

11 Q. And is it your understanding that these are sound  
12 measurements taken at another concrete plant?

13 A. Yes.

14 Q. Did you reach any conclusions about the data that  
15 appears on Exhibit No. 17, as it relates to the proposed  
16 use as a concrete plant on the Folino property?

17 A. If these noises are typical of the concrete plant,  
18 then I would not expect it to adversely impact the noise at  
19 the residences.

20 Q. Why not?

21 A. Because of the intensity of the sounds, based upon  
22 the measurements that we have conducted.

23 Q. Now, how do you measure cumulative results of  
24 sound?

25 In other words, we know the sound levels with the

1 current use, and there have been measurements done of a  
2 comparable plant.

3           When we put those two together, how are you able to  
4 determine whether the noise is going to change or heighten  
5 in any way?

6           A.     Well, we have mentioned doubling — you are  
7 talking about adding two sources?

8           Q.     Yes.

9           A.     We have mentioned that doubling the noise  
10 intensity, because of the logarithmic scale, increases the  
11 noise level by three decibels.

12           That is to say that, if the noise level is increasing  
13 by three decibels, it is doubled. If you add two equal  
14 noise levels, they will be three decibels — the resultant  
15 noise will be three decibels higher.

16           Q.     So, using a number, for example, if we use the 90  
17 dBA that you used in Exhibit No. 20, and we assumed a 90  
18 noise level for some operation of the concrete plant if it  
19 was placed on the Folino site, using those two 90 numbers,  
20 what would be the difference in the decibel level of the  
21 combined operations?

22           A.     The combined operations would show a noise level  
23 of 93.

24           Q.     So, if the noise levels double, the decibel goes  
25 up by three?

1 A. Correct.

2 Q. Now, based upon your review of Exhibit No. 17,  
3 your knowledge from Exhibit No. 20 and your review of  
4 Exhibit No. 18, have you reached any conclusion about the  
5 impact of a concrete plant on the noise in the surrounding  
6 community?

7 A. I would not expect it to produce — to impact the  
8 noise level significantly at the residential site that we  
9 have been measuring.

10 MS. DODGE: Thank you. That is all the questions  
11 that I have.

12 MR. GALLAGHER: Mr. Ferguson?

13

14

CROSS-EXAMINATION

15 BY MR. FERGUSON:

16 Q. Mr. Williams, my name is Dwight Ferguson.

17 A. Glad to meet you.

18 Q. Nice to meet you, too.

19 Mr. Williams, what courses did you take in sound or  
20 sound measurements?

21 A. I took some course work at both the University of  
22 Cincinnati — one of the premier industrial hygiene  
23 universities — and at the University of Michigan, which is  
24 also very prominent in that area.

25 The course work they gave covered a wide array of

1 noise measurement issues, calculations. Whatever a good  
2 noise course is, that is what it did.

3 Q. Any idea of how many credit hours were involved in  
4 the specific study of noise?

5 A. No.

6 Q. I know it was a while ago.

7 A. Yes, this was a while back. I don't even know.

8 These were accelerated courses, concentrated courses  
9 dedicated to the specific issues.

10 Q. It was not your primary area of study, was it?

11 A. No.

12 Q. Did you have any post-graduation academic training  
13 specifically in the study of sound or sound measuring?

14 A. No, except that I attended a number of seminars.

15 Q. That is what I am referring to.

16 A. Yes.

17 Q. Can you think of any?

18 A. I have attended courses at industrial hygiene  
19 conferences, courses that were given by consultants in this  
20 area.

21 There used to be a guy named Mr. Thornton at Gulf  
22 Research. He was a recognized expert. I attended several  
23 of his demonstrations.

24 Q. Would you say that he was, perhaps, one of the  
25 most premier experts in the field?

1 A. Who?

2 Q. Mr. Thornton?

3 A. He is recognized. I don't know if he is a  
4 premier expert.

5 Q. Do you recognize him?

6 A. Yes, I recognize him.

7 Q. Do you see him sitting there?

8 A. Is this Mr. Thornton?

9 MR. THORNTON: Yes. I changed a little, too.

10 MR. WILLIAMS: Changed a little in the past 40  
11 years.

12 But do you recall giving courses?

13 MR. THORNTON: Oh, yes.

14 MR. WILLIAMS: Yes. I was there.

15 \_\_\_\_\_

16 (Off the record)

17 \_\_\_\_\_

18 BY MR. FERGUSON:

19 Q. Do you have a certification by the Institute of  
20 Noise Control Engineering?

21 A. No.

22 Q. So, what Mr. Baculik did was your strategy, is  
23 that right?

24 A. Well, we both devised it. I may have had a strong  
25 influence on it.

1 Q. What was the trading ratio for the dosimeters?

2 A. The trading ratio?

3 Q. Yes.

4 A. Do you mean the doubling ratio?

5 Q. Yes.

6 A. Is that it?

7 Q. The trading ratio. What was the trading ratio?

8 A. I am not familiar with that term.

9 Q. Who set the dosimeters that you used in your  
10 study?

11 A. Tom Baculik calibrated them. Typically, these  
12 dosimeters don't vary a 10th of a decibel over a number of  
13 years.

14 Q. I am not talking about calibration. I am talking  
15 about who set them as to how they would record the sound  
16 levels.

17 A. Well, he did.

18 Q. He set them?

19 A. Yes.

20 Q. Did you hear him testify that he didn't set them?

21 A. No. I am not going to testify that he didn't. I  
22 didn't understand what you are talking about.

23 Q. I'm sorry. I'm probably confusing you.

24 A. Yes, you are.

25 Q. So you did not set them, is that fair enough?

1 A. No.

2 Q. What is the cutoff for the dosimeter?

3 A. These dosimeters are set at the lowest threshold,  
4 the low threshold cutoff. And I think they were set to  
5 measure 115 decibels.

6 Q. That was the cutoff?

7 A. The peak, I believe so. Most of them are — that  
8 is the cutoff.

9 Q. And you said it was a 115-decibel threshold, is  
10 that right?

11 A. No. The threshold on these was probably down in  
12 the area of 40 or so.

13 OSHA specifies an 80-decibel threshold for the action  
14 level and a 90-level threshold for the permissible exposure  
15 limits.

16 Any noise below the threshold is assigned a decibel  
17 level of zero.

18 We did not want noises below 90 or 80 to be assigned a  
19 level of zero, because we wanted to measure below that  
20 range.

21 So our dosimeters were adjusted to the lowest level  
22 that they would measure.

23 Q. Is a dosimeter a good instrument for measuring  
24 decibel levels in the lower range?

25 A. Yes.

1 Q. Is that supported by any of the sound measuring  
2 institutes that you referred to, such as OSHA or ANSI?

3 A. Yes.

4 MR. BENUSA: Can I ask a quick question on the  
5 dosimeters?

6 Are the dosimeters calibrated based on a single  
7 point or are they calibrated based on a range of points?

8 MR. WILLIAMS: The standard is to calibrate them  
9 on a single point. They are calibrated at 114 decibels.

10 MR. BENUSA: Thank you.

11 MR. FAVO: Can I have one clarification, too?

12 Did we just say that it wouldn't measure below 40,  
13 so 40 was our bottom number on anything?

14 That would kind of align with some of the these  
15 numbers, too.

16 MR. WILLIAMS: Right. It doesn't record below 40,  
17 because that is about one percent of the — less than one  
18 percent of the OSHA-permissible limit.

19

20 BY MR. FERGUSON:

21 Q. So, if there were time periods which the noise  
22 level was below 40, you would have nothing for that, is  
23 that correct?

24 A. Correct. It would record that as 40.

25 Q. You testified that, according to ANSI, the

1 guidelines for sound in residential areas is 55 dBA, is  
2 that correct?

3 A. That is as close as I can interpret the standard  
4 that was referenced by Oakmont Borough.

5 Q. But that is just a daytime standard, isn't it?

6 A. I believe they, in general terms, would expect it  
7 to be lower at night. But the document that I read did not  
8 specify that.

9 It specified averaging nighttime levels over nine-hour  
10 intervals and the daytime over 15 hours.

11 Q. So, would it be correct to say that, if ANSI has a  
12 standard for the hours — a specific standard for the hours  
13 between 10:00 p.m. and 7:00 a.m., you don't know what it  
14 is?

15 A. Correct.

16 Q. And the opinion that you rendered with regard to  
17 the potential impact of the Folino concrete plant on the  
18 residential areas does not take into consideration a  
19 nighttime ANSI standard, because you don't know what that  
20 is, is that correct?

21 A. I don't think there is one.

22 Q. And would you agree that, with regard to  
23 considering the impact of a land use on residential areas,  
24 that the impact in the nighttime would be of paramount  
25 importance?

1 A. Well, it likely would, sure.

2 Q. But you don't have any opinion as to whether or  
3 not this plant, between the hours of 5:00 a.m. and  
4 7:00 a.m., would violate any established ANSI standard, is  
5 that correct?

6 A. Do I have an opinion?

7 Q. Yes.

8 A. My opinion is that it would not.

9 Q. Based on what ANSI standard?

10 Maybe you didn't get that part of my question. My  
11 question was whether it would violate any established ANSI  
12 standard which applies to the hours between 5:00 a.m. and  
13 7:00 a.m.

14 A. I do not believe ANSI has a specific standard for  
15 that period of time.

16 Q. Nor one which can be derived from ANSI, correct?

17 A. Are you familiar with any?

18 Q. Well —

19 A. I am not supposed to question you.

20 Q. No, I am not. But I think Mr. Thornton might be.

21 A. I would like to hear it.

22 Q. You were describing the source and the remote  
23 location as considerations in determining the impact of  
24 sound.

25 Do you recall that testimony?

1 A. Yes.

2 Q. In this instance, Mr. Baculik did not include the  
3 closest residence as a remote location point of  
4 measurement, would you agree with that?

5 A. Yes. I don't know if he was even aware that those  
6 residences were there.

7 Q. Were you aware that the residences were there?

8 A. No.

9 Q. Why is it that you were not aware that the  
10 residences were there?

11 Had you not seen this site?

12 A. I have driven through the site a number of times.  
13 I am not familiar with every residence in the place.

14 I did not drive back into the woods to see what was  
15 down there.

16 Q. Did you drive in the vicinity of the proposed  
17 plant prior to coming up with your strategy for determining  
18 the impact of sound?

19 A. Yes.

20 Q. Did anyone make you aware of Oakmont's ordinance,  
21 which discusses noise impact, before you designed your  
22 strategy?

23 A. I read a document, apparently that was written by  
24 the Oakmont Borough, that said we will be consistent with  
25 ANSI standards.

1 Q. Do you recall the measurement requirement for  
2 determining compliance with the Borough of Oakmont's noise  
3 standard?

4 A. No. I did not see any of that in the literature  
5 that I read.

6 Q. Let me show you that standard. I am going to give  
7 you page 20585 of the borough ordinance. This is section  
8 205-105A.

9 I will just give you a moment to read that please, and  
10 let me know when you are done.

11 \_\_\_\_\_  
12 (Witness doing as requested)

13 \_\_\_\_\_  
14 MR. WILLIAMS: Yes, this is the same thing that I  
15 read.

16 \_\_\_\_\_  
17 BY MR. FERGUSON:  
18 Q. Do you see the point from which measurement is to  
19 be made?

20 That is, what is the remote location from which  
21 measurement is to be made?

22 A. From the closest residence and conforming to  
23 standards prescribed by ANSI.

24 Yes, that is what it says.

25 Q. From the closest residence?

1 A. Yes.

2 Q. And you will agree that none of the measurement  
3 points on Exhibit No. 18 are from the closest residence?

4 A. No.

5 Q. What is a qualified consultant, in your mind, to  
6 measure sound?

7 What would be the qualifications of a qualified  
8 consultant to measure sound?

9 A. Anyone that knows how to turn on the dosimeter  
10 essentially and write down the numbers.

11 Q. And you can buy a dosimeter at Radio Shack, can't  
12 you?

13 A. Well, I have never seen one there, but I don't see  
14 why you couldn't.

15 Q. So, basically, anybody that could turn that on  
16 would be qualified to make these sound measurements?

17 A. Yes.

18 Q. Did you assist Mr. Baculik in selecting the remote  
19 locations where the dosimeters would be placed?

20 A. No, I did not assist him. My only input was to  
21 locate sound at locations that might be representative of  
22 noises that might be — where we could measure  
23 representative noise for that area.

24 Q. Okay.

25 A. Just judging from that map, if one projected the

1 noise level to those other sites, you would probably still  
2 be below 55.

3 Q. Probably?

4 \_\_\_\_\_

5 (Witness nodding head)

6 \_\_\_\_\_

7 BY MS. DODGE:

8 Q. Let's get your reasoning behind that a little  
9 bit.

10 Would you agree that, without the factor of distance,  
11 then the effect of the noise levels is incalculable — if  
12 you don't know the distance from which the source of the  
13 noise is measured, that the effect of that noise is  
14 incalculable?

15 A. No. You would have to measure it.

16 Q. As a matter of fact, the distance, as you  
17 demonstrated on Exhibit No. 20 — and that is this  
18 document?

19 A. Yes.

20 Q. It demonstrates just how critically important  
21 knowing the distance from the source to the remote location  
22 is in calculating sound levels?

23 A. It is very critical for close distances. If you  
24 get beyond 1,000 feet or so, is it trivial.

25 Q. Really?

1           A.     Yes.  If you get below 30 or so, it takes another  
2 2,000 feet to reduce by six decibels.

3           If you go a couple hundred feet away, you may not even  
4 get your measurement.

5           Q.     Is that right?

6           A.     Yes.

7           Q.     So sound measurement, at 1,000 feet, is just  
8 generally negligible?

9           A.     It depends on how loud the source was.

10          Q.     How loud of a source?

11          A.     You don't hear any planes taking off from the  
12 airport, do you?  We are too far away.

13          But once you are beyond 1,000 feet, probably you would  
14 need something around 130, 140 decibels.

15          Q.     Mr. Baculik — he didn't measure any of these  
16 sounds at one foot from the source, did he?

17          A.     No.  It wasn't a critical issue because, if we had  
18 — we were interested in comparing noise where we were  
19 measuring it with noise at the remote source, where we were  
20 measuring it.  It didn't matter if it was a foot away or 10  
21 feet away.

22          This same formula applies if you are measuring at —  
23 if one foot was measured, assigned at the edge of the  
24 property, or if it was one foot from the front loader.

25          Q.     Let's test your theory, okay?

1           This Exhibit No. 20 presumes or starts with a  
2 90-decibel level measuring at one foot, correct?

3           A.     Yes.  But the one foot is used because you can't  
4 calculate numbers on a log scale below one foot.

5           You would have negative numbers.

6           Q.     All right.

7           A.     The logarithm of zero is one.

8           Q.     But we don't really care, because we all agree  
9 that Mr. Baculik did not measure anything at a foot anyway,  
10 right?

11           We don't care if you can't calculate it at six inches,  
12 because he didn't measure anything at six inches, right?

13           A.     No.

14           Q.     Now, let's look at this again.  I hope you can do  
15 this in your head.

16           Let's assume that Mr. Baculik measured the 90-decibel  
17 noise level in Ohio at a distance of 32 feet.

18           So, if it was 90 decibels at 32 feet, what would it be  
19 — what would the decibel level be at 64 feet?

20           A.     It would be six decibels less.

21           Q.     Eighty-four, right?

22           A.     Yes, that would be it.

23           Q.     And then, if he measured the 90-decibel level at  
24 32 feet, if we were to go 120 feet away, it would be 78  
25 decibels, wouldn't it?

1 A. Yes.

2 Q. And just one more, if you don't mind.

3 If he measured the 90-decibel level at 32 feet, if we  
4 went 236 feet away, it would still be 72 decibels, wouldn't  
5 it?

6 A. Yes, that is correct. But if he were measuring 90  
7 at 32 feet, the source would have had to have been 120  
8 decibels.

9 And if we plugged in 120 decibels here, we would get  
10 the same series, the same progression.

11 Q. All we know is that he measured a sound level of  
12 about 90 decibels at that site.

13 But what we do know is that none of those measurements  
14 were taken at a distance of one foot?

15 A. Yeah. The point I am making is that that is not  
16 even part of the condition here.

17 What we are saying is, we measured noises at one  
18 point, and we measured noises at another point. And we  
19 were trying to see if there was a correlation between those  
20 two points.

21 Q. That is a different subject. That is this,  
22 right?

23 A. Yes.

24 Q. I am not talking about this.

25 A. That is the same subject.

1 Q. So, tell me if this isn't true.

2 Let's just assume for a minute that Mr. Baculik took a  
3 90-decibel measurement at 32 feet from one of the sources  
4 in Ohio.

5 And let's assume that Mr. Parsons' house is located  
6 236 feet from the Folino plant and that the Folino plant is  
7 going to produce the same amount of sound.

8 Wouldn't it then be true that, barring any barriers  
9 between the sound, because you didn't take those into  
10 consideration in your opinion, that the decibel level would  
11 be at about 72 at Mr. Parsons' property, isn't that  
12 correct?

13 A. If that is the scenario.

14 Q. It is hypothetical.

15 A. Yes, very much so.

16 Q. But the one thing that is not hypothetical is that  
17 we know that Mr. Baculik didn't measure any sound at one  
18 feet?

19 A. No. It wasn't necessary to do that to satisfy the  
20 objectives that he was trying to satisfy.

21 Q. You testified that, in your opinion, looking at  
22 Exhibit No. 18, as you looked at that, there was no  
23 correlation between source noise and background noise,  
24 isn't that correct?

25 No correlation between source noise, which I presume

1 is noise coming from the Folino property, and the  
2 background noise, do you recall that?

3 A. I didn't mention the term background.

4 Q. You are probably right.

5 A. I said residential noise.

6 Q. I will stand corrected.

7 But you agree that there is no correlation between  
8 that, that is your testimony?

9 A. No distinct correlation, correct.

10 Q. So what are you saying is that, as the Folino  
11 property is today — which does not have a concrete batch  
12 plant — that that property, without the concrete batch  
13 plant, is not contributing significantly to the noise of  
14 the residential neighborhood, is that your testimony?

15 A. Yes.

16 Q. And because you did not measure the noise of a  
17 concrete batch plant at the Folino site, because there  
18 isn't one, Exhibit No. 18 doesn't inform us as to the noise  
19 impact of the proposed concrete batch plant on the  
20 residential neighborhood?

21 A. No. Obviously, it was wasn't meant to directly  
22 duplicate the noise levels of the concrete plant.

23 It was designed to illustrate that the noise existing  
24 there is not impacting it.

25 And, if it is in the same range, it would not have

1 impacted it either.

2 Q. That is your opinion, right?

3 A. No. That is a fact.

4 Q. And how have you quantified that fact?

5 A. If you have those noises that we measured, if they

6 are the same noises that are there when the concrete plant

7 is operated, you would absolutely expect the noise

8 transmission to be the same.

9 Q. And that is based upon the premise that — of the  
10 measurement at the plant in Ohio that was done at a  
11 distance of one foot?

12 A. No. It isn't based on that premise at all. It is  
13 based on the noise — wherever he took that measurement, if  
14 you began measuring distance from that point, it would be  
15 the same as the noise that we measured.

16 It would be diminished, according to this formula.

17 Q. It wouldn't diminish according to this decibel  
18 level, it would diminish by the formula represented by this  
19 chart, right?

20 A. Yes.

21 Q. And it would not diminish by this decibel level,  
22 because we all know, he didn't measure anything from one  
23 foot, right?

24 It is just a formula representing on Exhibit No. 20?

25 A. If you plug in the number one where four feet is

1 indicated, okay?

2 Q. Yes.

3 A. And you do consider that to be one foot and the  
4 eight foot would be two feet, 16 would be four, the levels  
5 would be whatever — in this case, they would be 18  
6 decibels higher at each point, not because the noise wasn't  
7 measured at one foot, but because the noise is closer to  
8 the remote location that you are concerned about.

9 Q. And so the other inference that you can make from  
10 this is that, if you measure the source at 90 decibels from  
11 a distance of 32 feet, then you can infer from that, that  
12 the noise at one foot is much louder?

13 A. Well, sure.

14 Q. Okay.

15 A. That is the only thing that you can infer there.

16 Q. But you don't know — isn't it true that you  
17 simply don't know what the decibel level will be on the  
18 properties of Mrs. Cameron, Dr. Basaron, Mr. Parsons or  
19 Mr. Rider, because, number one, you don't know the distance  
20 from which Mr. Baculik measured the noise emanating from  
21 the Ohio plant, and you don't know the distance from the  
22 Folino plant to any of the those residences, isn't that  
23 right?

24 A. No. We have made some estimations, but I don't  
25 want to —

1 Q. Do you want to give us one?

2 A. Well, I think we estimate the distance as 400 or  
3 500 feet to the residence that we measured, or more. And  
4 that is a guess.

5 MR. FERGUSON: Is there any reason why you — I  
6 don't have any further questions.

7 MR. WILLIAMS: Thank you.

8 MR. GALLAGHER: Ms. Dodge?

9

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10 REDIRECT EXAMINATION

11 BY MS. DODGE:

12 Q. Mr. Williams, the data that we see on Exhibit  
13 No. 18, which are the various noise levels on the Folino  
14 property and other areas, could we use that data to project  
15 to any distance in order to use your formula to calculate  
16 what that dosimeter reading would be at that location?

17 In other words, with that base, knowing the distance,  
18 we can do the calculation.

19 A. We can calculate it exactly with the formula. It  
20 doesn't have to be double the distance or anything like  
21 that.

22 MS. DODGE: Nothing further. Thank you.

23 MR. FERGUSON: Nothing further.

24 MR. GALLAGHER: Council, any questions?

25 MR. FEDERICI: I am going to ask one question, if

1 I may.

2           If we would presume a noise source and the  
3 distance from that source are relatively the same elevation  
4 — may I presume that that could be the basis for this  
5 example chart in Exhibit No. 20 — can there be any  
6 adjustment or variance to this example if that distance  
7 from a noise source is either elevated higher than the  
8 noise source or elevated lower than the noise source?

9           Could that condition have any bearing on this type  
10 of formulation?

11           MR. WILLIAMS: Only in that it alters the  
12 distance.

13           For example, this aerial photograph shows the  
14 plain distances — the direct distance. It doesn't know  
15 that there is a 45-degree slope there.

16           If you measured the same distance on one leg of a  
17 triangle, going this way, if you have a 25-percent slope,  
18 it would be the square of two times — it would be 1.4  
19 times as far as up the hill as it would be if that were on  
20 level property.

21           MR. FAVO: So you are saying, if you did a GPS  
22 from site number two up to the closest house, and it was  
23 250 feet, you would have to go 1.4 times that?

24           MR. WILLIAMS: Well, if it is a 45-degree slope.  
25 You would have to calculate what the angle of the rise is,

1 and you get that linear distance walking up that hill, as  
2 opposed to going on a level surface.

3 But that is the only difference you would expect  
4 to see, with respect to distance, is if the distance is  
5 different.

6 MR. FEDERICI: I wasn't sure if, in my own mind,  
7 something like that could have what I will term an  
8 amphitheater effect from the noise source to a distance  
9 from the noise.

10 Apparently not.

11 MR. FAVO: Was the distance measured from the site  
12 down to what I would call the corner house on Commons  
13 Drive?

14 I mean, I can easily understand how you might not  
15 have known about the houses up on the hill, but did you  
16 measure the distance down to that house there?

17 MR. WILLIAMS: Did we or can we?

18 MR. FAVO: Did you?

19 MR. WILLIAMS: No.

20 MR. GALLAGHER: Any other questions?

21 MR. BLAND: Again, it is a slightly different  
22 subject, but this time-weighted average thing, so I  
23 understand it, if I am measuring sound over the course of  
24 night — an eight-hour period from whatever you said, 10:00  
25 to 5:00, whatever the period is — and I get one loud

1 sound, a sonic boom or something, and if it occurs over a  
2 period of seconds, but it is averaged over a long period of  
3 time —

4 MR. WILLIAMS: The contribution to the average  
5 would be relatively small, because it is weighted in  
6 according to the time that it occurred.

7 MR. BLAND: Well, that is my concern. So, I mean,  
8 if we are evaluating this case upon an average, and you  
9 have one sound that wakes everybody up, but we don't know  
10 that, you are telling us an average — oh, this is a time-  
11 weighted average or such and such — we don't necessarily  
12 know that, in the middle of the night, there was some big  
13 crash?

14 MR. WILLIAMS: No. I wouldn't even — if you had  
15 a rifle shot in an eight-hour period right near your house,  
16 it probably wouldn't even show up on the time-weighted  
17 average, because the time isn't long enough.

18 MR. BLAND: That is what I was trying to say. So  
19 in all these things that use numbers like this, there is no  
20 way to discern if there are disturbances that happen?

21 MR. WILLIAMS: The industry standard discusses  
22 this — very loud impact noises — and it goes into  
23 discussions regarding those.

24 But the standard that — the methodology that we  
25 were using was based on noises that do not vary

1   tremendously.

2                   We know that there aren't any instantaneous loud  
3 noises from the site that we are looking at, nor are there  
4 very many instantaneous loud noises in the residential  
5 area.

6                   Most of the noise from the residential area is  
7 apparently from automotive traffic. And that residential  
8 area is quite noisy. Is it not a quiet neighborhood,  
9 possibly because there is an uphill terrain there.

10                  The cars and trucks make more noise going up that  
11 hill, is all I can guess, because the noise is relatively  
12 high, even when there is no activity at the site, unless  
13 there are other sources.

14                  MR. FAVO: But if you are saying that, and if you  
15 take the Lucca Lane column, and it is 46 and 40 is your  
16 base, I would not consider that noisy, from what you told  
17 me.

18                  MR. WILLIAMS: Well, 46 is still 46. No, that is  
19 not noisy. But there is a lot that are above 46.

20                  MR. FAVO: No, I know that. I just took the low  
21 one, because you are working off of the base of 40,  
22 correct?

23                  MR. WILLIAMS: Yes. And it is usually not as much  
24 value to go below 40, because you would hardly hear it. I  
25 mean, that is whisper range.

1 MR. GALLAGHER: Do we have any other questions?  
2 Does anybody from the audience have any questions for  
3 Mr. Williams?

4 \_\_\_\_\_  
5 (No response)

6 \_\_\_\_\_

7 MR. GALLAGHER: Thank you.

8 MR. WILLIAMS: Thank you.

9 MR. GALLAGHER: I don't think we entered all of  
10 the exhibits into the record.

11 Mr. Ferguson, do you have any objection to Exhibit  
12 Nos. 17 through 20?

13 MR. FERGUSON: No, I don't.

14 MR. GALLAGHER: I believe you have a couple more  
15 witnesses.

16 MS. NOBLE: Well, actually, we have just one more.  
17 In the interest of brevity — and I know it is getting late  
18 and with the weather, so we are going to be relatively  
19 quick with this witness. So, if the council doesn't mind  
20 if —

21 MR. GALLAGHER: I just meant, after I deal with  
22 this, you still have another witness, correct?

23 MS. NOBLE: Yes.

24 MR. GALLAGHER: We will go on with this witness,  
25 but as far as scheduling the next hearing, I know we

1 discussed this off the record earlier, we are coming up on  
2 a certain time period with which to finish your case,  
3 Ms. Dodge, but we are also coming up on the holidays and  
4 everything else.

5           If you do not finish your case, do you have any  
6 objection to another hearing after 100 days?

7           MS. DODGE: No.

8           MR. GALLAGHER: Mr. Ferguson?

9           MR. FERGUSON: No, I don't.

10          MR. GALLAGHER: Okay. Thank you.

11          MR. FERGUSON: Can I ask — this is just  
12 housekeeping — is this witness a sound witness?

13          MS. NOBLE: No.

14          MR. FERGUSON: The reason why I ask is I — and  
15 Ms. Dodge has every right to present her case in the order  
16 that she wants — but because I do have a sound witness, I  
17 am not proposing that he testify tonight, but I was going  
18 to at least ask council to consider whether council thinks  
19 it would be useful to hear Mr. Thornton's testimony on  
20 sound sort of while we're on the subject.

21                 I understand that it would not be tonight. But  
22 rather than getting off into other topics and coming back  
23 to sound, because it wouldn't be fresh in our minds by the  
24 next hearing, I suppose.

25                 Maybe it doesn't make a difference. But we would

1 offer him out of order while we are sort of on that subject  
2 of sound.

3 It is up to council.

4 MR. GALLAGHER: Would you have any objection?

5 MS. DODGE: We would prefer to put our entire case  
6 in, because there will be other elements that will be mixed  
7 in that may or may not be relevant to noise.

8 So, to take him out of order, if there were  
9 scheduling concerns or something like that, I think that  
10 would be a different issue.

11 But just to take him out of order because we are  
12 still on the same subject, I don't think —

13 MR. GALLAGHER: Well, how many more witnesses do  
14 you have?

15 MS. DODGE: Two.

16 MR. GALLAGHER: I don't think it would be a  
17 problem.

18 MR. FERGUSON: It is not really that important  
19 anymore, because if it were 7:30 and we were done with  
20 sound, it might be a nice idea.

21 But we are talking about a hearing which would be  
22 weeks from now, so I will just withdraw the suggestion.

23 MR. GALLAGHER: Thank you, Mr. Ferguson.

24 MR. FERGUSON: Sure.

25 MS. NOBLE: I am going to call Chuck Wooster.



1           A.     Approximately 24 years.

2           Q.     And how long have you worked for David Wooster and  
3 Associates, Inc.?

4           A.     Forever.

5           Q.     It feels like that sometimes, doesn't it?

6           A.     Since I could see over the dashboard of a car.

7 No — full-time since 1983.

8           Q.     And could you just enlighten the board about your  
9 educational background?

10          A.     I have a civil engineering degree from  
11 Pennsylvania State University.

12                 And I am a registered professional engineer in  
13 Pennsylvania, Ohio and West Virginia.

14                 And I am a certified professional traffic operations  
15 engineer.

16          Q.     And could you tell the board initially how you  
17 became affiliated with Tony Folino and HHI Trucking?

18          A.     I was contacted in April of '07 by a Mary Anna  
19 Babich, I believe was her name, asking whether —  
20 explaining what was being proposed, asking whether my  
21 opinion of a traffic impact analysis would be necessary,  
22 based on my experience with the requirements of the  
23 Pennsylvania Department of Transportation.

24          Q.     And just along that subject, I would like to show  
25 you — and I believe we're at Exhibit No. 21, is that

1 correct?

2 MR. GALLAGHER: That is correct.

3

4

(Exhibit No. 21

5

was marked for identification)

6

7 BY MS. NOBLE:

8

Q. I would like to show you what I have marked as

9

Exhibit No. 21. And this is a letter dated April 6th,

10

2006.

11

Do you recognize this document?

12

A. Yes.

13

Q. What is it?

14

A. That is the letter that I wrote to Ms. Mary Anna

15

Babich, wherein I gave my opinion that, based on the

16

information that she provided me on the operation, the

17

proposed HHI ready-mixed concrete plant, that I didn't feel

18

an impact traffic analysis would be necessary. I doubted

19

it would have any significant traffic impact.

20

Q. Why did you come to that conclusion?

21

A. Pennsylvania Department of Transportation has

22

general criteria for the preparation of an impact

23

analysis.

24

They have generally three — if a site is expected to

25

generate 3,000 trips per day, a trip would be something

1 that either enters or exits.

2 So something that enters and then exits a round trip,  
3 or actually two trips —

4 Q. I don't mean to interrupt.

5 Just so the record is clear, a trip is actually  
6 measured to or from, not in a round-trip sense?

7 A. That is correct.

8 Q. Coming and going?

9 A. That is correct. And the Department of  
10 Transportation recognizes that a development that  
11 generates, again, 3,000 or more trips a day for and during  
12 the peak hours, it would generate 100 or more trips coming  
13 or going.

14 Q. I don't mean to interrupt again.

15 But just so the record is clear, there are two, I  
16 guess, standards for a traffic impact study to be  
17 performed.

18 Number one, the proposed facility needs to generate  
19 3,000 trips a day, or you need to generate 100 trips in a  
20 peak hour, is that correct?

21 A. Yes.

22 Q. And could you explain what a peak operating hour  
23 is?

24 A. Generally, the department looks at them as the  
25 peak hour of adjacent street traffic, which would be the

1 morning peak street traffic hour or the evening peak street  
2 traffic hour — you would recognize them as rush hours,  
3 morning rush hour, evening rush hour — or it could be the  
4 peak hour of site activity.

5 For instance, a church, which might generate on a  
6 Sunday, not during the morning or evening rush hour.

7 So any one of those three peak hours —

8 Q. Would mandate a traffic study be performed?

9 A. — would suggest that a traffic study be  
10 performed.

11 And then PennDot always keeps the little third one,  
12 just in case they ever want one. So that is their third  
13 criteria.

14 MR. FAVO: What is the third criteria?

15 MR. WOOSTER: If they ever want one. They leave a  
16 little opening, just in case they decide they want one.

17 They have two criteria, and then they say, but if  
18 we want one, you will do one.

19

20 BY MS. NOBLE:

21 Q. So based on your letter and based on the  
22 information that you received from HHI Trucking, you  
23 determined that a traffic impact study was not necessary,  
24 is that correct?

25 A. That is correct.

1 Q. Do you know if the borough's engineer ever had a  
2 chance to look at this letter?

3 A. I do not.

4 Q. I am going to show you what has been marked and  
5 this is previously in the record as Exhibit B24.

6 Now, this a letter from the borough's engineer, and it  
7 appears to be addressing your April 6th, 2007 letter.

8 I am going to give you a second to look at that.

9

10 (Witness examining document)

11

12 BY MS. NOBLE:

13 Q. Now, Mr. Wooster, if you can look at the last  
14 paragraph of that letter, which is the borough's engineer's  
15 conclusion about the traffic impact of the proposed  
16 development, would you read that out loud?

17 A. Number seven?

18 Q. Yes.

19 A. We would agree with the Wooster letter that the  
20 traffic most likely will not be concentrated around the  
21 weekday peak hour periods.

22 This fact, together with the relatively low vehicle  
23 volume, should not pose capacity concerns in the area, with  
24 the exception of cement trucks, which are loaded, trying to  
25 enter the traffic stream at such locations as the

1 unsignalized intersection of Plum at Allegheny River  
2 Boulevard during busy times.

3 Q. Now, based on this letter — I know you said that  
4 it was your opinion that a traffic study was not  
5 necessary.

6 A. Correct.

7 Q. Did you, however, do a traffic study?

8 A. Yes, I did.

9 Q. When did you do a traffic study?

10 A. In October of '07.

11 Q. And what facilitated you doing this study?

12 A. You did.

13 Q. And why did we ask you to do a traffic study?

14 A. You said, if I recall correctly, there was a  
15 mention of someone within the borough saying that maybe we  
16 need a traffic study.

17 Q. So you did a traffic study?

18 A. Correct.

19 Q. And could you summarize how the traffic study was  
20 performed?

21 A. We looked at one study intersection. We looked at  
22 the intersection of Plum Street and Dark Hollow Road.

23 We collected traffic volume data during the morning  
24 and evening peak street traffic hours.

25 We got the counts from 7:00 a.m. to 9:00 a.m. and from

1 4:00 p.m. to 6:00 p.m. on a typical weekday.

2 Q. And just to interrupt you again — why did you  
3 decide to actually study this intersection?

4 A. Because it was the adjacent intersection where all  
5 of the traffic entering and exiting the facility would go  
6 to first — the most likely to be impacted.

7 Q. What does PennDOT require as the requirements of a  
8 traffic study on intersections that might be studied — for  
9 instance, what is their standard?

10 A. They would pick site driveway locations and then  
11 the adjacent intersections like this.

12 Q. And so you said you did count data.

13 Can you explain what count data consists of?

14 A. You stick somebody there and count all of the  
15 traffic, which way it is turning.

16 Literally, they perform what is called a manual turn  
17 movement count, where someone actually sits and watches  
18 traffic through the intersection and identifies all the  
19 vehicles that turn, the direction of travel, by class of  
20 vehicle.

21 We identify whether they are trucks or passenger  
22 vehicles. We identify pedestrian volume, if any.

23 We calculate this traffic or — and I lost my  
24 vocabulary.

25 We collect the traffic volume every 15 minutes. We

1 tabulate — there is my word — we tabulate every 15  
2 minutes.

3 So if you are counting from 7:00 a.m. to 9:00 a.m., it  
4 is from 7:00 to 7:15 and 7:15 to 7:30.

5 So we are trying to identify the highest concentration  
6 of traffic within a 15-minute time frame. So it may be  
7 from 7:30 to 8:30 or 7:45 to 8:45.

8 Q. And these are during the peak hours, correct?

9 A. That is correct.

10 Q. Could you summarize exactly what the data that you  
11 collected entailed?

12 A. Well, stepping back, we also did what are called  
13 ATR counts — automatic traffic recorders. Those are the  
14 hoses across the road that people see, that people drive  
15 over.

16 The purpose of putting those was to, one, confirm the  
17 peak hours.

18 We also wanted to identify — we put those along Dark  
19 Hollow Road, immediately to the north of Plum — trying to  
20 identify what the speed of vehicles was on the road, as  
21 well as the classification of vehicles.

22 The traffic counters that we use are sophisticated  
23 enough to actually identify, through hose spacings, what  
24 the class of the vehicles were.

25 So we wanted to identify how much truck traffic was

1 already on the road, because we understood that there was  
2 some — kind of an industrial area already.

3 So we confirmed some of the truck percentages, as well  
4 as the speed of traffic on that road.

5 Q. Okay.

6 A. We performed some traffic impact analyses,  
7 identification of existing traffic volume conditions.

8 And then we did what is called trip generation, which  
9 is, we are trying to anticipate what the traffic that would  
10 be generated by the site would represent.

11 We had been given a great deal of information  
12 regarding — there are four delivery vehicles. They are  
13 expected to load four or five times a day. And all of this  
14 was — it yielded pretty low numbers.

15 We went to a reference — a piece of reference  
16 material called the Institute of Transportation Engineers'  
17 Trip Generation Manual. It is the traffic engineering  
18 standard for identifying trips associated with certain land  
19 uses.

20 There is nothing in that book that says concrete  
21 manufacturing plant, but there is a manufacturing  
22 classification.

23 We thought, for the purposes of being kind of the  
24 worst-case scenario, a little bit more conservative, we  
25 would assume that this site represented 3.2 acres of

1 manufacturing.

2 So it gave us a little higher trip generation rate  
3 than what we would have calculated, given the information  
4 we had regarding specific employees, number of trucks and  
5 things like that.

6 Q. And your calculations, going to and from the  
7 facility, did they also include the employees, for  
8 instance, coming to work in the morning, correct?

9 A. That would already be included in there, correct.  
10 So we used the higher of those two numbers, which, again,  
11 was the ITE trip generation rate, called Land Use Code 140  
12 for manufacturing, assuming acreage, because we don't have  
13 a building and size necessarily.

14 We came up with, anticipating 24 trips during the  
15 morning peak hour and 27 trips during the evening peak  
16 hour.

17 We take those trips, and based off of the  
18 distributions that we identified through the existing  
19 intersection, distributed that new traffic, superimposed it  
20 on top and analyzed it.

21 The analysis portion consists of what we call an  
22 intersection capacity analysis.

23 Q. If you could reference what page you are referring  
24 to right now?

25 A. Well, kind of all of them.

1           We gave an executive summary. Page one is an  
2 introduction.

3           We talked about the study area, the existing  
4 conditions. We talked about the roadway, itself.

5           We took photographs of the roadway. They are also in  
6 the report.

7           We talked about the data that we collected, turning  
8 movement counts, automatic traffic report counts.

9           We requested accident data from the Pennsylvania  
10 Department of Transportation. That accident data has not  
11 yet been received.

12           We grew traffic volume conditions — meaning, typical  
13 PennDOT studies, you look at an opening day condition and  
14 then you look at an opening day, plus 10 years.

15           We contacted the Southwestern Pennsylvania Commission  
16 to identify background traffic growth rate. They gave us  
17 eight-tenths of a percent per year.

18           We grew our traffic to represent 2018 conditions.

19           Q.     Just so we are clear, the report not only would  
20 take into account the proposed facility if it stayed open  
21 to 2008, but it also projects 10 years into the future —  
22 2018, 2019 — to see how these intersections would be  
23 functioning at that time as well?

24           A.     That is correct. It was 2018. So then we  
25 generated traffic. I explained how we did that.

1 Distributed. I explained how we did that.

2 We did what are called capacity analysis. Much like a  
3 gallon jug, you can only put a gallon of water in a gallon  
4 jug. You can only put so many cars through an  
5 intersection.

6 We did these capacity analyses, consistent with the  
7 industry standard. It uses what is called the highway  
8 capacity manual methodology. It is a software program that  
9 gives the results in terms of levels of service — level of  
10 service A being — like a report card grade, A is good, F  
11 is failure.

12 The existing intersection operates at the level of  
13 service A, which is very good levels of service.

14 Q. So they currently operate at level A, is that  
15 correct?

16 A. Yes. And I will be very specific. They operate  
17 at times as A-minuses. That is kind of important. But  
18 they are still A's.

19 Q. And the worst is F, I suppose?

20 A. The worst is failure, correct.

21 In terms of delay, anything greater than about 50  
22 seconds of average delay represents level of service F.  
23 And there is a range for each of the letter grades.

24 So we analyzed opening year conditions without us and  
25 with us. We analyzed the forecasted 2018 conditions

1 without us and with the development. And the levels of  
2 service stayed essentially the same.

3 There is a degradation from A to B. The reason for  
4 that is, again, those levels of service are very serious  
5 A-minuses.

6 In fact, one of them is at the threshold of 10  
7 seconds. So if it goes to 10.1 seconds, it goes to a B.

8 Q. So, you are saying, in 2018, that intersection may  
9 operate as a B?

10 A. It will operate as a B, with development, in 2008,  
11 by adding those vehicles, which, again were somewhat  
12 conservatively estimated.

13 But it goes from that A-minus to the B-plus.

14 Q. But in your estimation, in your professional  
15 opinion, what does the service level B entail?

16 A. It is still very good levels of service. It  
17 really represents no significant impact.

18 The other thing that we did, we checked the  
19 intersection of Plum and Dark Hollow to make sure that it  
20 did not satisfy criteria for consideration of traffic  
21 signal control. In our opinion, it does not.

22 We also looked to see whether the intersection of Plum  
23 Street and Dark Hollow satisfied PennDot and what is called  
24 AASHTO — American Association of State Highway and  
25 Transportation Officials — kind of the federal guidelines

1 that PennDot refers to the criteria for determining the  
2 need for an auxiliary turn lane.

3 The turn lane requirements were not satisfied either.

4 Q. So, just so the record is clear, that basically  
5 means that there is no need to actually implement an  
6 additional signal or turning lane?

7 A. Correct. Either under existing conditions or  
8 forecasted conditions with the development.

9 Based on that, we concluded that the site development  
10 will have no significant impact on the traffic conditions  
11 within the boundaries of the site.

12 MS. NOBLE: I have no further questions.

13 MR. GALLAGHER: Mr. Ferguson?

14 MR. KENNEDY: Did you have any study or did you  
15 look at the impact that the weight of the vehicle might  
16 have on the existing road?

17 MR. WOOSTER: We did not do structural capacity  
18 analysis of the existing facility.

19 MR. KENNEDY: Did you not think that was important  
20 to understand the total picture?

21 MR. WOOSTER: With regard to traffic impact, no.  
22 With regard to structural impact, one of the things that we  
23 also identified is that you already have heavy vehicles on  
24 that road.

25 So, if your roadway was not adequately

1 constructed, you would be seeing failures now.

2           And what we were looking at is kind of the delta  
3 between what is being proposed vehicle-wise and what is  
4 already there.

5           With the ATR data, we did identify that there is  
6 tri-axle trucks and other trucks already on the road.

7           But, no, we did not do a structural capacity  
8 analysis to determine whether the pavement design would  
9 have to change as a result of the additional vehicles.

10           MR. KENNEDY: Did you drive the road, yourself?

11           MR. WOOSTER: Yes, sir.

12           MR. KENNEDY: And you didn't see the deterioration  
13 that has come there from different sources, like erosion  
14 and the —

15           MR. WOOSTER: I saw pavement deterioration. I did  
16 not see any direct evidence of what I would call  
17 structural —

18           MR. KENNEDY: There is a gaping cage along the one  
19 side there, along the creek bank.

20           MR. WOOSTER: Creek erosion, correct. I have seen  
21 the condition of the roadway, but none of that appeared to  
22 be a direct result of structural capability of the roadway  
23 surface.

24           There is environments around. You have slopes.  
25 You have water erosion. But that wouldn't necessarily be

1 as a result of pavement failure.

2 MR. FAVO: But did any of your guidelines address  
3 the width and what the proper width would be for this type  
4 of usage?

5 I mean, to me, this road is 20 feet wide and maybe  
6 even less in a couple places.

7 MR. WOOSTER: Correct.

8 MR. FAVO: And our alleyways in this community are  
9 required to be 20, and they don't have cement mixers  
10 running down them.

11 MR. WOOSTER: Right. We recognize that the  
12 roadway has got portions of inadequate width.

13 Again, what we were comparing was the traffic  
14 volume increase for —

15 MR. FAVO: I know you did volume increase.

16 My question was, are there any guidelines that  
17 says, if you are below 20 feet, you really shouldn't have  
18 cement mixers and tri-axles on it?

19 MR. WOOSTER: There are guidelines that would  
20 recommend lane widths, yes.

21 Again, what we were looking at, you have an  
22 existing roadway with very little traffic on it, consisting  
23 of a lot of truck traffic currently. Is adding the  
24 anticipated volume and classification of vehicles to this  
25 road going to significantly change the character of that

1 roadway?

2 And, in our opinion, it was no.

3 MR. FAVO: When you go to page 11 of your  
4 pictures — and I know they are not marked, you have to  
5 count them out on Appendix A — you have a nice photo there  
6 that has a very large truck.

7 MR. WOOSTER: Yes.

8 MR. FAVO: So you are saying that your analysis  
9 doesn't say anything about the safety for people traveling  
10 on this road when these types of trucks are increased by up  
11 to 50 times per day?

12 MR. WOOSTER: Increased by over 50 times per day?

13 MR. FAVO: Where it says four or five trucks, four  
14 or five times a day, whatever your figures are on there.

15 And I know this isn't a cement mixer, but I would  
16 think that a cement mixer would kind of have the same type  
17 of girth that that photo has.

18 It is Appendix A.

19 MR. WOOSTER: I am still — I don't know what you  
20 mean by, we are going to increase the truck traffic by 50  
21 times a day.

22 Is there a 500 percent increase or a 5,000  
23 percentage increase of traffic?

24 MR. FAVO: Well, no. You are saying you are going  
25 to have four or five mixers going — well, what are your

1 figures on the number of trips due to the plant?

2 MR. WOOSTER: Again, we overestimated, based on  
3 manufacturing — 24 trips in the morning and 27 trips in  
4 the evening.

5 So it would be 12 or 13 coming and going in the  
6 morning and 12 or 13 coming and going in the evening, in an  
7 hour.

8 MR. FAVO: So I misspoke when I said 50. You are  
9 saying trips back and forth, but I was just saying trip as  
10 one or the other.

11 MR. WOOSTER: Right.

12 MR. FAVO: Okay. Sorry about that.

13 When you look at that photo and you look at what  
14 we are up against on that road — and residential people do  
15 use this road —

16 MR. WOOSTER: Yes.

17 MR. FAVO: I mean, if you took your Explorer,  
18 which I assume that is your Explorer in the other picture  
19 there, do you think you could get by that truck?

20 MR. WOOSTER: The way he drove it, no.

21 MR. FAVO: Even if he was a much better driver  
22 than me, do you think you could get by it?

23 MR. WOOSTER: Well, again depending on what is  
24 being driven there, with the roadway — if the roadway was  
25 14 feet wide, again, he has got no opposition.

1           If the road had considerably higher volume, and  
2 then we were adding a significant number of vehicles to it  
3 to significantly increase the potential for conflict, then  
4 I would say, yes. I would have made a recommendation that  
5 the roadway should be widened.

6           The question is, should the roadway be widened as  
7 a result of just this development? No.

8           Should the roadway be widened? I would love to  
9 see it widened. It should be 24 feet, is what I would like  
10 to see it, ideally.

11           But is this the straw that breaks the camel's  
12 back? No.

13           MR. BLAND: Along those same lines, did you say  
14 earlier that your study came to the conclusion that the  
15 intersection between Plum and Allegheny River Boulevard was

16 —

17           MR. WOOSTER: We did not analyze the intersection  
18 of Plum and Allegheny River Boulevard.

19           MR. BLAND: Dark Hollow Road.

20           MR. WOOSTER: We analyzed the intersection of Dark  
21 Hollow Road.

22           MR. BLAND: That is the one that you felt did not  
23 warrant signalization?

24           MR. WOOSTER: That is correct, yes.

25           MR. BLAND: But you didn't go any further?

1 MR. WOOSTER: No. The reason is, typically, we  
2 would look — if we had considerable volume going towards  
3 another intersection, we would look at that.

4 But with these volumes being so relatively low, we  
5 did not.

6 MR. BLAND: You were also then, based on that  
7 study, assuming that the traffic flow will not go through  
8 the Commons?

9 MR. WOOSTER: That is correct.

10 MR. BLAND: It will always go —

11 MR. WOOSTER: We brought 100 percent of it out.

12 MR. BLAND: Is that because that is how it will go  
13 or is that —

14 MR. WOOSTER: We are assuming that that is how it  
15 would go.

16 MR. BLAND: Okay.

17 MR. GALLAGHER: Mr. Ferguson?

18

19 CROSS-EXAMINATION

20 BY MR. FERGUSON:

21 Q. In your report, in the executive summary, it says  
22 that Wooster obtained specific information regarding trip  
23 generation for the proposed concrete plant via a telephone  
24 conversation with a representative for the developer?

25 A. Correct.

1 Q. Who are the representatives with whom you spoke?

2 A. That would be Mary Anna Babich, was the first  
3 person we spoke to. And then subsequently we spoke with  
4 Ms. Noble.

5 Q. And Ms. Babich was an attorney representing the  
6 developer?

7 A. No. I believe Ms. Babich is an employee of CSC.

8 Q. You didn't speak to anybody who was employed by  
9 Mr. Folino?

10 A. That is correct.

11 Q. I am looking at Exhibit No. 21, which is your  
12 letter dated April 6th.

13 Would it be correct to say that you did not take into  
14 consideration daily deliveries of materials?

15 A. No.

16 Q. That would not be correct?

17 A. That would not be correct.

18 Q. You are presuming the daily delivery of the  
19 aggregate materials?

20 A. Our understanding is that there are daily  
21 deliveries of materials, that there are currently tri-axle  
22 trucks that service that site today and that those tri-axle  
23 trucks, instead of returning to the site empty, would be  
24 used on a return visit back to the site to pick up  
25 aggregate, therefore, not increasing the number of delivery

1 trips of aggregate to the site via tri-axle.

2 There would be additional trips associated with the  
3 tractor-trailer delivery of the PCC — the Portland cement  
4 concrete — and that that would be roughly, I believe, a  
5 once-a-week type of delivery.

6 So, again, it wouldn't impact the daily peak hour  
7 traffic volumes significantly.

8 So, yes, we did take it into account. That was our  
9 understanding.

10 Q. I want to concentrate just on the tri-axle  
11 deliveries of the aggregate materials.

12 You said that there are already tri-axles which are  
13 servicing the site.

14 What you do mean by servicing the site?

15 A. My understanding is that the topsoil business is  
16 serviced by tri-axle trucks.

17 Q. In other words, topsoil is taken from the site now  
18 and delivered off-site?

19 A. Yes.

20 Q. And once it is delivered, the trucks come back  
21 empty?

22 A. My understanding is that, if they come back empty  
23 instead, they will be directed to haul aggregate.

24 Q. Do you know whether or not these tri-axles make —  
25 how many tri-axles are there now servicing the site?

1 A. I do not know that specific number.

2 Q. Wouldn't that —

3 A. We could look — I don't want to anticipate your  
4 question. Go ahead and ask the question. I know what it  
5 is.

6 Q. You have done this once or twice?

7 A. I have done this once, at least.

8 Q. So you don't know how many tri-axle trucks there  
9 are, but do you know whether the tri-axle trucks make more  
10 than one run in a day?

11 A. My understanding is that they do.

12 Q. And that understanding is from what source?

13 A. From my conversations with Ms. Noble and  
14 Ms. Babich.

15 Q. Isn't that a very critical piece of information,  
16 as to how many tri-axle trucks there are making multiple  
17 trips each day?

18 A. Not if those same vehicles making the same trips  
19 come back loaded with aggregate, because there is no  
20 additional volume. We already counted them when we  
21 counted.

22 If they came back empty, now they come back full, it  
23 is irrelevant whether they were full or empty. They are  
24 still the same vehicle.

25 If what I was told is indeed the case, it wouldn't

1 have added any additional traffic, based on aggregate  
2 deliveries.

3           However, as we stated in the report, I essentially, at  
4 the end of day, disregarded that and said, if we took a  
5 3.2-acre manufacturing site, I generated 24 trips in  
6 the a.m. and 27 trips in the p.m., which were higher than  
7 the numbers I was going to generate, based on the  
8 information that I was given.

9           Q.     We will get to the manufacturing plant issue in a  
10 minute.

11           Do you have any idea as to whether or not a tri-axle  
12 which is carrying topsoil in the morning, whether there is  
13 any issue associated with them filling a tri-axle, which  
14 was previously carrying topsoil, now with aggregate that  
15 would go into concrete?

16           Do you know whether that is an issue, that is from  
17 mixing topsoil into aggregate that will go into the  
18 concrete?

19           A.     I am not aware of it.

20           Q.     Do you know whether or not the tri-axle — whether  
21 the tri-axles have to be washed out somewhere before  
22 putting aggregate —

23           A.     Not aware.

24           Q.     Why did you select a manufacturing land use to  
25 evaluate potential traffic from a concrete batch plant?

1           A.     To be honest with you, because they manufacture  
2 concrete.

3           It was literally just used as a — not necessarily  
4 arbitrary, because it is manufacturing. I took that  
5 manufacturing, because it allowed me a — it provided me —  
6 the I.T. manual provided me with an independent variable of  
7 acreage, which was advantageous, because I didn't know a  
8 building size.

9           I simply took it as acreage, and it gave me a more  
10 conservative number than I was going to calculate if I  
11 didn't use it. So I used manufacturing.

12          Q.     Have you ever performed a traffic study using the  
13 manufacturing designation for land use previously?

14          A.     Sure.

15          Q.     You have done thousands and thousands of traffic  
16 reports, haven't you?

17          A.     More than one.

18          Q.     Can you tell us some of the examples of the land  
19 uses to which you applied the manufacturing use in the  
20 past?

21          A.     No. I can't remember. I have used manufacturing  
22 in — I couldn't tell you a specific one. Maybe in a few  
23 minutes, one will register.

24          Q.     You have done a few?

25          A.     Yes. But the answer is, no, I simply couldn't

1 tell you.

2 Q. Now, this is also not the first time in your  
3 career that you have faced a situation of providing a  
4 traffic study for a land use which may not squarely fall  
5 within any of the land uses to select from.

6 In which case, isn't it the preferred course to then  
7 do an actual study which will provide you with actual  
8 numbers?

9 And I realize that this plant isn't open, but isn't  
10 that really the protocol whenever that is possible?

11 A. Not necessarily.

12 Q. Isn't it one of the alternatives?

13 A. It is certainly an alternative.

14 Q. Did anyone make you aware of the nearly identical  
15 plants both in Tarentum and Petersburg, Ohio?

16 A. No.

17 Q. If you had known that there were nearly identical  
18 plants at those locations, would that have been useful to  
19 you in determining the actual traffic count generated by  
20 the proposed plant, as well as whether or not the  
21 manufacturing designation bears any resemblance to a  
22 concrete plant?

23 A. If I had the time to have identified — if I was  
24 aware of the site in Tarentum, if it was the same site, had  
25 I had time, that would have been one that I would have

1 probably gone and counted that.

2 Q. Well, you prepared this summary letter in April of  
3 '07?

4 A. Correct.

5 Q. Is there any reason why, between April of '07 and  
6 today, that you wouldn't have had time to evaluate either  
7 of those sites?

8 A. Yes. There is a reason. Because in April of '07,  
9 they asked me my opinion, and I gave it to them really  
10 quickly.

11 I didn't hear from them again until this October, when  
12 they said that they were going to need the study anyway.

13 So it was off of my radar completely until I heard  
14 from them again.

15 And I actually had a fairly short window in order to  
16 prepare this report and bring it for the last meeting, but  
17 I didn't get an opportunity to testify.

18 And, subsequently, I did not go back and think I  
19 needed to change that, nor would it have changed my  
20 opinion.

21 I am sticking to the results of my report.

22 Q. How do you know that, if you don't know what the  
23 counts are at a nearly identical plant?

24 A. Again, the information that was provided to me  
25 regarding the operation of this plant is accurate. And the

1 trips that I used for peak hour pass are significantly  
2 higher, and that, based on my experience, I would  
3 anticipate that, if I would go to the other concrete plant  
4 — probably not today, because they are probably not  
5 pouring as much concrete as they were in July — that I  
6 would find similar data.

7 Q. Did you take into consideration New London Lane?

8 It isn't mentioned, at least in your letter of April  
9 of '07. And I, frankly, haven't had time to read you whole  
10 report yet.

11 A. Did I take into account, in the study, that  
12 intersection?

13 Q. Yes.

14 A. No, we did not.

15 Q. Did you otherwise take it into account?

16 A. No. Well, it is taken into account, if traffic  
17 volumes that are using that road are using Dark Hollow Road  
18 from the intersection of Plum Street, the answer is, yes,  
19 we did take it into account. We would have counted them in  
20 the background traffic.

21 Q. But you don't know whether there will be  
22 degradation of the intersection of Dark Hollow Road and  
23 New London?

24 A. I can give an opinion, based on the volumes of  
25 Dark Hollow Road.

1           That intersection operates at level of service A. And  
2 this volume, because we are not sending anything toward  
3 that, essentially, would operate at the same level of  
4 service.

5           Q.     Is that an opinion based on not having studied  
6 that intersection?

7           A.     That is based, if the volume that is on Dark  
8 Hollow Road, when I look at the volumes on Dark Hollow Road  
9 in peak hours, they are — the existing volumes on Dark  
10 Hollow Road and in the existing conditions — coming out of  
11 Dark Hollow Road in morning peak hour, there is 34 vehicles  
12 coming out. And going in, there is 20. So that is 54  
13 vehicles.

14           In the evening, there are 20 coming out and 40 going  
15 in. That is 60 vehicles.

16           The intersection at Plum Street — Plum Street's  
17 volumes are 200—something in one direction, 177 in the  
18 other direction. So you have got 300 to 400 vehicles. And  
19 that intersection currently operates at level of  
20 service A.

21           So if I am analyzing an intersection that has got 50  
22 and 60 cars on it, I am fairly confident, based on my  
23 experience, that it operates at a level of service A.

24           So the need to do any additional analysis would be not  
25 necessary.

1 Q. How many trips did you assume that a concrete  
2 mixer truck would make?

3 A. Once again, we did not assume concrete mixer  
4 trucks making trips.

5 We assumed a volume — total volume — 24 vehicles  
6 generated by the site morning peak hour — in one hour —  
7 and 27 in the evening peak hour.

8 When you look through our report and we describe the  
9 number of vehicle that could be expected to make trips,  
10 four vehicles are expected in the peak demand period,  
11 summer months. Those are four delivery vehicles.

12 Those four concrete trucks are —

13 Q. You are reading from what?

14 A. Page ii or page three. They are both similar.

15 Q. Go ahead.

16 A. My understanding is four delivery vehicles. Those  
17 four delivery vehicles are going to make four to five  
18 deliveries per day. That is per day.

19 That is 20 trips a day. We were using 24 trips in one  
20 peak hour.

21 So, if you assumed that, again, the hours of operation  
22 are maybe from 5:00 until 7:00 — 5:00 a.m. until 7:00 p.m.  
23 is one of the things I think I heard tonight testified to  
24 — I am trying to find the morning peak street traffic  
25 hours just between 7:00 a.m. and 9:00 a.m.

1           The employees have probably already driven to the  
2 site, been in their vehicles, loaded and left.

3           I don't know who else, besides aggregate vehicles,  
4 which are already on the road, which is what has been told  
5 me, the one or two vehicles of deliveries for Portland  
6 cement concrete, whether there is a trailer there that  
7 could receive a UPS delivery — but, as you can see, we are  
8 talking about probably a handful of trips in one hour.

9           I analyzed 24 in one hour and 27 in one hour, which I  
10 thought, and still think to this moment, is being very  
11 conservative, based on what I understand the operation of  
12 this plant to be.

13           MR. FERGUSON: I don't have any other questions.

14           MS. NOBLE: No further questions.

15           MR. GALLAGHER: Thank you.

16           We are going to continue the hearing. We will  
17 send notice out.

18           Thank you very much.

19

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(Meeting concluded at 10:55 p.m.)

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1 Commonwealth of Pennsylvania )

2 County of Allegheny )

3 I, Aaron M. Wawrzyniak, Freelance Court Reporter-  
4 Notary Public, in and for the Commonwealth of Pennsylvania,  
5 do hereby certify that the foregoing hearing was taken at  
6 the time and place stated herein; and that said meeting was  
7 recorded stenographically by me and then reduced to  
8 typewriting under my direction, and constitutes a true  
9 record of the statements given by said speakers.

10 I further certify that I'm not a relative,  
11 employee or attorney of any of the parties, or a relative  
12 or employee of either council, and that I'm in no way  
13 interested directly or indirectly in this action.

14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 and affixed my seal of office this \_\_\_\_\_ day of  
16 \_\_\_\_\_, 2007.

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Aaron M. Wawrzyniak,

Freelance Court Reporter-Notary Publi