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Transcript of Hearing - Day 3

Date: April 14, 2022
Case: Reflections Park, LLC

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11 Before Hearing Examiner Lynn A. Robeson Hannan	11
12 Rockville, Maryland	12
13 Tuesday, April 14, 2022	13
14 9:33 a.m. EST	14
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1 A P P E A R A N C E S	1 P R O C E E D I N G S
2 ON BEHALF OF APPLICANT, REFLECTIONS PARK, LLC:	2 HEARING EXAMINER ROBESON-HANNAN: This is the
3 JODY KLINE, ESQUIRE	3 continuation of the case of application number CU 21-06
4 MILLER, MILLER & CANBY	4 Reflection Park Inc., a continuation of the hearings that
5 200 B Monroe Street	5 began April 12th. The Applicant requests a cemetery --
6 Rockville, Maryland 20859	6 permission to operate a cemetery at 16621 New Hampshire
7 Phone: (301) 762-5212	7 Avenue, Silver Spring, Maryland. I think -- are there any
8	8 preliminary matters?
9 TIMOTHY M. SULLIVAN, ESQ.	9 MR. KLEIN: Nothing from the Applicant.
10 BEVERIDGE & DIAMOND PC	10 HEARING EXAMINER ROBESON-HANNAN: Mr. Brown?
11 201 N. Charles Street, Suite 2210	11 MR. BROWN: None.
12 Baltimore, Maryland 2101	12 HEARING EXAMINER ROBESON-HANNAN: I did receive from
13 Phone: (410) 230-4150	13 Mr. Brown, and I think he copied all parties a copy of the
14	14 COBAR regulations that I requested yesterday as well as -- I
15 ON BEHALF OF CITIZENS IN OPPOSITION:	15 think he also included 76 -- Council Bill 7621, just for the
16 DAVID BROWN, ESQ.	16 record, and I will --
17 KNOPF & BROWN	17 MR. BROWN: Actually --
18 401 E. Jefferson Street	18 HEARING EXAMINER ROBESON-HANNAN: I'm sorry?
19 Rockville, MD 20850	19 MR. BROWN: Actually what I -- the other thing that I
20 Phone: (301) 545-6100	20 included was a summary from the zoning -- I think it's from
21	21 the zoning handbook in Baltimore County summarizing where in
22 ALSO PRESENT:	22 the RC zone cemeteries -- green burial cemeteries were and
23 GUS B. BAUMAN, ESQ.	23 were not allowed.
24 BEVERIDGE & DIAMOND	24 HEARING EXAMINER ROBESON-HANNAN: Okay. Do you have
25	25 any objection to that coming in Mr. Klein or Mr. Sullivan?

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2 (439 to 442)

<p>439</p> <p>1 MR. KLEIN: We received the material and have no 2 objections. 3 HEARING EXAMINER ROBESON-HANNAN: Okay, thank you. 4 Now, I am not going to include Mr. -- at the end of the 5 hearing I'm going to accept everything as an exhibit that in 6 our record with the exception of Mr. Desmond Brown's expert 7 report, because that wasn't filed timely. Okay. So -- I'm 8 sorry. 9 The other thing I just briefly had was -- forgive me. 10 The other thing I briefly had was Mr. Buglass from WSSC 11 emailed Nana Johnson and I last night asking whether I 12 thought he was trying to schedule a meeting for Thursday and 13 I simply -- he asked if the trial -- he thought the hearing 14 would continue to Thursday and I responded simply, no. And 15 I will put that email in the record. So I didn't get a 16 chance to do that last night, but I will put it in the 17 record. All right. 18 With that, I think that we had -- I see Dr. Linda 19 Moore. We can see you very clearly now as opposed to 20 yesterday. Would you -- are you ready to proceed with your 21 testimony? You have to unmute Dr. Moore. 22 DR. MOORE: Yes, I am. 23 HEARING EXAMINER ROBESON-HANNAN: Thank you. Please 24 raise your right hand. 25 Do you solemnly affirm under penalties of perjury that</p>	<p>441</p> <p>1 way I can keep better track. Okay. 2 Dr. Moore, the Board of Appeals remand was limited to 3 impact on the environment, whether it's ground -- so we're 4 not going to hear traffic or anything else like that. So if 5 you could keep your testimony to the remand request, that 6 would be helpful. 7 DR. MOORE: All right. I will do that. All right. So 8 for someone to give a little background for me. I'm a 9 clinical psychologist, PhD. I exclusively do clinical work 10 now, but in the earlier part of my career I did 11 neuropsychological testing of children and adults. With 12 children largely with learning disabilities and attention 13 deficit disorders and things like that. And I also work as 14 a volunteer as a commissioner on the Montgomery County 15 Commission of Common Ownership Communities, although I'm 16 here strictly as a resident now. 17 And why do I even care about this? Why am I here? So 18 I wasn't aware of the cemetery until some neighbors came and 19 contacted me, reached out for some assistance due to their 20 concerns. Hampshire Greens is a very multinational, 21 multiethnic, multiracial community. And the neighbors that 22 reached out to me were concerned because they had 23 experienced cemeteries that would be somewhat similar to 24 this in their countries of origin and did not believe they 25 should be located in a residential area and were concerned</p>
<p>440</p> <p>1 the statements you're about to make are the truth, the whole 2 truth, and nothing but the truth? 3 Thank you. Please state your name, street address, and 4 email address for the record. 5 DR. MOORE: My name is Linda Moore; M-O-O-R-E. I live 6 at 16602 Doral Hill Court. That's D, as in David, O-R-A-L- 7 Hill; H-I-L-L, Court, Ashton, Maryland 20861. And that is 8 Hampshire Greens, which is a confronting property to the 9 cemetery. And my email address, I will say it and then 10 spell it out. It's LSMoorePhd@gmail.com. It's; L, as a 11 Linda, S as in Sam, M-O-O-R-E, P as in Paul, H as in Harry, 12 D as in David, at gmail.com. 13 HEARING EXAMINER ROBESON-HANNAN: Thank you. And what 14 would you like to say? 15 DR. MOORE: All right. Well first thing -- 16 MR. KLEIN: Madam Chair, I have my hand up with -- 17 HEARING EXAMINER ROBESON-HANNAN: Oh, I'm sorry. I 18 missed it. 19 MR. KLEIN: Fine. I merely will ask if you could 20 repeat your announcement as to the parameters of the 21 testimony to be heard today so that everybody, Dr. Moore and 22 anybody else is reminded what it is we're looking for, 23 please. Thank you. 24 HEARING EXAMINER ROBESON-HANNAN: Yes. Yes. I will do 25 that. And if you could, but your hand down Mr. Klein. That</p>	<p>442</p> <p>1 about the health impacts of the cemetery. 2 I therefore started looking into it more closely and 3 the more I looked the more concerned I got. One reason 4 being that I have a grandson who started attending Camp 5 Sonshine at age 5. Camp Sonshine is one of the abutting 6 properties which also uses Ednor Park. They serve hundreds, 7 hundreds of children each summer. When I picked my grandson 8 up from camp, he was covered from head to toe in dirt with a 9 random assortment of cuts and scrapes and bumps and bruises 10 because he had such a wonderful time there. 11 Given that, some of the environmental issues became 12 more concerning for me. Yesterday Mr. Sullivan told Mr. 13 Willingheimer [sic], I think I have his name correct, 14 George, that he should listen to the testimony yesterday and 15 he believed that the end of the day his concerns would be 16 relieved. However, I find actually that I'm more concerned. 17 There are only a few green cemeteries in the country and no 18 evidence that any of them have been tested by the Applicants 19 was presented. 20 Dr. Dawson did not discuss antibiotic resistant 21 bacteria in the soil or any really antimicrobial resistant 22 organisms, which there, I understand numerous that are 23 present and which will be present at the graves or from 24 necro-leachate from corpses. Like all bacteria, antibiotic- 25 resistant bacteria will feed on nitrogen. They eat, they</p>

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3 (443 to 446)

<p>443</p> <p>1 grow, they proliferate. In addition to groundwater, surface 2 water, and soil contamination, they can migrate and be 3 carried by other bacteria, wild animals, other organisms, 4 people to other areas.</p> <p>5 This concerns me for the children at Camp Sonshine. 6 While Dr. Dawson did discuss mercury in the soil, I did not 7 hear her discuss the issue of methylation of mercury by 8 anaerobic bacteria methylated mercury is actually harmful to 9 pregnant women, lactating women, fetuses, and young children 10 in very small quantities. Mercury is also bio-accumulative. 11 That means that the longer you live, and the larger you are, 12 the more a person will accumulate the mercury in their body. 13 It's not just from fillings, but also from the fish we eat, 14 from water we consume, and the occupations that people work 15 at. All these will also increase the accumulation of 16 mercury in the body.</p> <p>17 Let's see. We heard about dilution yesterday. One of 18 the biggest sources of mercury is from mercury 19 bio-accumulated in the ocean by tuna and other large fish. 20 In my mind I don't know how much more dilute something can 21 get that in the ocean, and still it's an issue. It has been 22 estimated that up to 10 percent of American women are 23 childbearing -- of childbearing age carry enough mercury in 24 their bloodstream to put a developing child at increased 25 risk of developmental problems. We also see warnings of</p>	<p>445</p> <p>1 MR. KLEIN: Objection. I don't see any relevance to 2 that in the subject matter we're discussing.</p> <p>3 HEARING EXAMINER ROBESON-HANNAN: I'm going to sustain 4 that.</p> <p>5 DR. MOORE: Well, the bottom line for me is I don't see 6 how the ordinary citizen can really represent himself in 7 this type of situation. How are our interests going to be 8 protected? Mr. Remein as testified to the environmental 9 damage our area has already suffered and the real-life 10 shortcomings of scientific modeling. Our water supply is 11 already polluted. Recent laws have prohibited the use of 12 fertilizers and pesticides on residential lawns. We should 13 not open the door. And make no mistake that given the high 14 return on investments of green cemeteries, this would be 15 more like opening a floodgate to an entirely unavoidable and 16 new source of pollution in our drinking water watersheds.</p> <p>17 The fact remains, Reflection Park is situated in a 18 drinking water watershed and residential neighborhood. The 19 plan is to bury between 8000 to over 10,000 bodies at a 20 density of 600 bodies per acre on 40 acres, assuming they 21 will not permit body stacking, which has not been 22 established. Reflection Park does not meet the criteria 23 developed by Baltimore County for location, size, or density 24 of a green cemetery.</p> <p>25 Further, under oath in July, Reflection Park stated</p>
<p>444</p> <p>1 eating tuna and large fish to pregnant and lactating women 2 due to the potential health risk to the child.</p> <p>3 Dr. Dawson also used models to predict risk. Her 4 analogy was, as I recall, of a GPS to explain the use of 5 modeling. She also mentioned that it has improved over the 6 past 10 years, basically underscoring that the quality of a 7 model is a function of the quality of the data that's 8 entered into the model. In this case a cemetery and her 9 analysis, there is no data from green cemeteries. As much 10 as the data is needed, in reality I question who's going to 11 volunteer to have their green cemetery tested to see if it's 12 polluting, which creates a problem.</p> <p>13 Weather forecasting is another example of modeling, and 14 we all know how accurate that is. However, if the weather 15 forecast is wrong, you get wet. If the modeling Dr. Dawson 16 has used is wrong, even if the probability is small, the 17 consequences to pregnant women, lactating women, and babies 18 can be catastrophic. I do not have the experience to 19 evaluate her report. However, from professional experience, 20 I'm aware of the strategies used in the opposing arguments.</p> <p>21 I'm disappointed by what appears to me to be the 22 Applicant's disregard for public health and safety. This 23 seems to me to be a David and Goliath situation. In his 24 article reported that Dr. Dawson's company was paid \$35,000 25 for the Stanford report that they mentioned yesterday.</p>	<p>446</p> <p>1 they plan a burial depth of 3-1/2 feet to 4 feet and 2 groundcover of only 18 inches to 24 inches, which does not 3 meet criteria recommended by the World Health Organization 4 and/or the Panama -- Pan American, I'm sorry, Health 5 Organization, PAHO, of burial depth of 5 to 10 feet and 6 groundcover of 3 feet or a minimum distance from wells of 7 820 feet.</p> <p>8 Personally, given my professional and personal 9 experience over the years, I find I'm more convinced by the 10 testimony of academics and volunteers. I'm now in fact more 11 concerned that I was before the hearing of the potentially 12 catastrophic consequences posed by this cemetery. And I 13 more firmly convinced it poses an unacceptable level of risk 14 to public health and welfare, especially that of pregnant 15 women, lactating women, young children, and fetuses, and 16 that it should not be approved.</p> <p>17 Thank you for your time and for allowing me to speak 18 and all the work, thought, and careful consideration that 19 has been put into this hearing.</p> <p>20 HEARING EXAMINER ROBESON-HANNAN: Thank you for your 21 testimony. Mr. Brown, she is not your witness, but you are 22 the -- going first in this hearing. Do you have any 23 questions for Dr. Moore?</p> <p>24 MR. BROWN: I have no questions other than to say thank 25 you for your testimony.</p>

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<p>447</p> <p>1 DR. MOORE: You're welcome.</p> <p>2 HEARING EXAMINER ROBESON-HANNAN: Mr. Klein or Mr.</p> <p>3 Sullivan, do you have any questions?</p> <p>4 MR. KLEIN: Madam Hearing Examiner, I would defer to</p> <p>5 Mr. Sullivan since most of Dr. Moore's comments are a little</p> <p>6 bit more scientific and technical in nature. And as you</p> <p>7 see, he is the more expertise in the subject than I do. So</p> <p>8 I will defer to Mr. Sullivan if he feels any cross-</p> <p>9 examination questions are necessary. Thank you.</p> <p>10 HEARING EXAMINER ROBESON-HANNAN: Well, I'm not taking</p> <p>11 a position on Mr. Sullivan's expertise, okay? Go ahead Mr.</p> <p>12 Sullivan.</p> <p>13 MR. SULLIVAN: I just have one question. Thank you for</p> <p>14 your time and testimony today, Dr. Moore. You had mentioned</p> <p>15 the model that Dr. Dawson discussed yesterday. It's the</p> <p>16 Csoil model that's been the EPA approved model for</p> <p>17 undertaking the type of assessment she did. Do you have any</p> <p>18 specific concerns about that model?</p> <p>19 DR. MOORE: Well, I have concerns about the quality of</p> <p>20 the data, for one thing, that goes into the model.</p> <p>21 HEARING EXAMINER ROBESON-HANNAN: I'm asking about the</p> <p>22 model itself, I'm sorry. The model itself, do you have any</p> <p>23 concerns, specific concerns about that model? Not the data</p> <p>24 inputs, but the model itself.</p> <p>25 DR. MOORE: Frankly, I'm not qualified to evaluate</p>	<p>449</p> <p>1 HEARING EXAMINER ROBESON-HANNAN: Do you see a parcel</p> <p>2 C? No?</p> <p>3 DR. MOORE: No.</p> <p>4 HEARING EXAMINER ROBESON-HANNAN: Do you see a P --</p> <p>5 DR. MOORE: Yes, keep going. Go up, up. Go up.</p> <p>6 There. Okay, yes. So that's --</p> <p>7 HEARING EXAMINER ROBESON-HANNAN: So it's marked on --</p> <p>8 go ahead.</p> <p>9 DR. MOORE: So you move up. I guess move east now. I</p> <p>10 wish there was a way I could do this. So stop. Stop. No.</p> <p>11 Okay. Go straight up. Okay. This is -- where you are</p> <p>12 right now, the little hand keeps moving. That is Ednor</p> <p>13 Park, which Camp Sonshine uses. And immediately next to</p> <p>14 that on the west side is Camp Sonshine.</p> <p>15 (Crosstalk)</p> <p>16 DR. MOORE: So that -- where your -- where the little</p> <p>17 white hand is right now --</p> <p>18 HEARING EXAMINER ROBESON-HANNAN: Okay. Just is -- I'm</p> <p>19 pointing to a kind of green area west of Ednor -- or, I'm</p> <p>20 sorry. Yeah, west of Ednor --</p> <p>21 DR. MOORE: That's Ednor Park.</p> <p>22 HEARING EXAMINER ROBESON-HANNAN: Okay. So is Camp</p> <p>23 Sonshine on this exhibit?</p> <p>24 DR. MOORE: Yes. So first thing, Camp Sonshine uses</p> <p>25 Ednor Park and it's right next to it. So if you bring the</p>
<p>448</p> <p>1 that. And I don't have the money to get another</p> <p>2 hydrogeologist to give me an opinion on it.</p> <p>3 MR. SULLIVAN: Thank you. I have no further questions.</p> <p>4 HEARING EXAMINER ROBESON-HANNAN: I've got -- I did</p> <p>5 have a question. Dr. Moore, I'm going to show you what's</p> <p>6 marked as Exhibit 12, which is the vicinity map. Do you see</p> <p>7 that? Is Camp Sonshine on this map?</p> <p>8 DR. MOORE: Yes.</p> <p>9 HEARING EXAMINER ROBESON-HANNAN: Can you describe --</p> <p>10 and you can't say here, here, and here because the</p> <p>11 transcript doesn't know what it is, that is. But if north</p> <p>12 is up --</p> <p>13 DR. MOORE: Yes, north, northwest. So you see the</p> <p>14 first -- it's interesting, the shape of the cemetery</p> <p>15 property, I've heard it described as many different things</p> <p>16 of the last two days. I refer to it as a flag stem plot.</p> <p>17 HEARING EXAMINER ROBESON-HANNAN: Yeah.</p> <p>18 DR. MOORE: So at the -- on the flag part in the most</p> <p>19 left corner.</p> <p>20 HEARING EXAMINER ROBESON-HANNAN: Okay. Left is --</p> <p>21 DR. MOORE: Yeah, go back down, from what I'm seeing</p> <p>22 now. If you can, pull the image down. So northwest.</p> <p>23 HEARING EXAMINER ROBESON-HANNAN: Okay. So it's</p> <p>24 northwest. Would it be this --</p> <p>25 DR. MOORE: No.</p>	<p>450</p> <p>1 hand back down, straight down, go straight down right now.</p> <p>2 Okay. It's really -- okay. Move to the left. Keep going.</p> <p>3 So you're still on -- stop. All right. That is Camp</p> <p>4 Sonshine, that corner where you just moved. Stop, yeah. So</p> <p>5 that is --</p> <p>6 HEARING EXAMINER ROBESON-HANNAN: So that's marked -- I</p> <p>7 just need -- I'm just trying to identify it for the record.</p> <p>8 And that's marked as parcel -- okay. I'm trying to read it.</p> <p>9 Parcel D. Hold on. Parcel D, -- Living Word -- or parcel</p> <p>10 D.</p> <p>11 DR. MOORE: Yeah, it's held --</p> <p>12 HEARING EXAMINER ROBESON-HANNAN: It's part of this</p> <p>13 parcel D.</p> <p>14 DR. MOORE: It's held at the Living Word Christian</p> <p>15 church.</p> <p>16 HEARING EXAMINER ROBESON-HANNAN: Okay.</p> <p>17 DR. MOORE: Okay.</p> <p>18 HEARING EXAMINER ROBESON-HANNAN: Gotcha.</p> <p>19 DR. MOORE: So they use both their property and the</p> <p>20 Ednor Park property. And that -- actually that corner that</p> <p>21 you were just at, that's where -- that part of the property,</p> <p>22 or that area where the camp is, when I would pick my</p> <p>23 grandson up when he was in the five-year-old program, he is</p> <p>24 a little older now, that's what they would have the younger</p> <p>25 kids actually, over in that area.</p>

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<p>451</p> <p>1 HEARING EXAMINER ROBESON-HANNAN: Okay. I just wanted 2 to orient for the record where Camp Sonshine is. 3 DR. MOORE: Okay. 4 HEARING EXAMINER ROBESON-HANNAN: Do the parties have 5 any questions based on my question? 6 MR. SULLIVAN: I do, Madam Hearing Examiner. 7 (Inaudible). 8 HEARING EXAMINER ROBESON-HANNAN: I'm sorry. I can 9 understand you. You do not? 10 MR. SULLIVAN: I do. 11 HEARING EXAMINER ROBESON-HANNAN: Oh, okay. Go ahead. 12 MR. SULLIVAN: And I would ask if you could, to go to 13 Exhibit 97 that we discussed at length yesterday. And I 14 would pull up Exhibit G which is at page 51 of 141 of the 15 PDF. 16 HEARING EXAMINER ROBESON-HANNAN: Okay. Just a second. 17 MR. SULLIVAN: Right there. And I would ask -- 18 HEARING EXAMINER ROBESON-HANNAN: Okay. Go ahead. 19 MR. SULLIVAN: Yeah, thank you. Dr. Moore, can you -- 20 on this map can you -- 21 And can we maybe increase it a little bit? 22 So Dr. Moore, on this map can you identify where Camp 23 Sonshine is? 24 DR. MOORE: Sure. Well again, it's a little -- I mean, 25 if you look at the lot or at the flag, and you know, it's</p>	<p>453</p> <p>1 Dr. Dawson had determined when she created this 2 potentiometric map. It appears to me that -- 3 DR. MOORE: (Inaudible) groundwater. 4 MR. SULLIVAN: Yeah. It appears to me that Ednor Park 5 or Camp Sonshine is -- if it were surface water, we would 6 call it upstream. But with groundwater we would call it up 7 gradient from the proposed cemetery location. Would you 8 agree with that? 9 DR. MOORE: Well actually, if you go to Figure E -- 10 MR. SULLIVAN: Well based -- 11 DR. MOORE: If you -- 12 MR. SULLIVAN: On this map right now. We can go to -- 13 weekend -- I'm talking about this map here. 14 DR. MOORE: Yeah, this -- no. As far as I can see, 15 this map is not showing elevations. Because one of the 16 things that happened that I noticed yesterday -- 17 MR. SULLIVAN: I'm sorry -- 18 (Crosstalk) 19 DR. MOORE: Was that it actually went down. I thought 20 it was higher. 21 MR. SULLIVAN: I'm asking about this figure. This 22 figure shows that Ednor Park and Camp Sonshine would be up 23 gradient of the groundwater flow that Dr. Dawson determined 24 in this figure, correct? 25 DR. MOORE: No. I don't see how that shows that. I</p>
<p>452</p> <p>1 the bottom being the pole of the flag and the top part being 2 the flag, right? And you go to the -- let's see -- the 3 first corner on the left of the extended out flag part. 4 MR. SULLIVAN: Is it near where that circle is right 5 there? Or the oval? Not a circle. The oval right there? 6 DR. MOORE: Yup. So (inaudible). All right. So it 7 abuts -- 8 HEARING EXAMINER ROBESON-HANNAN: (Inaudible) 9 interrupt. Just stop. The oval that is being referred to 10 is near a marking called 480, just for the record. Go 11 ahead. 12 DR. MOORE: Yes. So on the -- so along the red line, 13 north of the red line is -- you know, up until -- I guess 14 approximately where that TP-14 might be. 15 MR. SULLIVAN: Okay. Do you recall the discussion of 16 this figure yesterday? 17 DR. MOORE: Was that a borehole or -- 18 MR. SULLIVAN: Well, the figure itself is -- 19 DR. MOORE: Oh, yeah. In terms of the flow of water? 20 MR. SULLIVAN: The groundwater to -- 21 DR. MOORE: Underground water, yes. 22 MR. SULLIVAN: All right. So is it -- the blue lines 23 are showing the groundwater flow, correct? 24 DR. MOORE: Correct. 25 MR. SULLIVAN: The direction of groundwater flow that</p>	<p>454</p> <p>1 mean, it's just showing the underground water flow. And I 2 don't know the direction of the things that essentially sort 3 of go from Northwestern to Northeast. 4 MR. SULLIVAN: So I'm just trying -- 5 DR. MOORE: -- the blue lines. 6 MR. SULLIVAN: Do you see a line where it says, it 7 looks like SB-1 coming off of the oval that we discussed 8 that is near a marking that says 480? Do you see that? 9 There is a line that goes across the screen. 10 DR. MOORE: Yes. 11 MR. SULLIVAN: Do you see that? 12 DR. MOORE: Yes. 13 MR. SULLIVAN: And do you see -- if you follow that 14 line to the east, right near marking that says TP-25. And 15 there appears to be an arrow there. Do you see that? 16 DR. MOORE: I do see that. 17 MR. SULLIVAN: So then does this figure not represent 18 that from SP-1 across to SP-25, the groundwater in that area 19 flows -- 20 DR. MOORE: Well, what are the other -- what are the 21 lines that transect it represent? 22 MR. SULLIVAN: That's what I'm saying. That line there 23 with the arrow on it is showing the direction of groundwater 24 flow. 25 DR. MOORE: Under groundwater flow.</p>

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6 (455 to 458)

<p style="text-align: right;">455</p> <p>1 MR. SULLIVAN: Yes. Yes, under groundwater flow, 2 correct. Yes, do you see that? 3 DR. MOORE: But are you saying though -- are you also 4 saying that none of this property, this flow goes into the 5 underground, into that stream that is north? 6 HEARING EXAMINER ROBESON-HANNAN: You must stop. 7 MR. SULLIVAN: I just lost the picture. 8 HEARING EXAMINER ROBESON-HANNAN: Now I -- you -- this 9 is a -- I don't know if this is Microsoft Teams or what, but 10 I just -- this happens too much. So both of you -- 11 DR. MOORE: (Inaudible). 12 HEARING EXAMINER ROBESON-HANNAN: Both of you stop. 13 Now, because I can't run the hearing if you continue to talk 14 like that, over me asking you to stop. 15 Mr. Sullivan, you are stating facts without a question. 16 MR. SULLIVAN: I will stop. 17 HEARING EXAMINER ROBESON-HANNAN: And it's been a while 18 since I said stop. Both parties please, when I try to 19 interrupt, I'm not going to raise my hand. Take a deep 20 breath and let me interrupt. I wanted to stop Mr. Sullivan 21 because he was essentially testifying without a -- there was 22 a question there. 23 So Mr. Sullivan, I apologize for interrupting. I know 24 this is important to everybody. 25 I apologize for interrupting to you too, Dr. Moore.</p>	<p style="text-align: right;">457</p> <p>1 under groundwater flow. 2 MR. SULLIVAN: Okay, thank you. And then there is 3 another line that is north of that, it looks like on the 4 figure. And I'm going to try to orient that to you where 5 there is a dot that says TP-14. And then this line appears 6 to be curved a bit, and ends where there is a point where 7 the cursor is right now. And that would be up near, it 8 looks like one of the Ednor tributaries. Do you see that? 9 DR. MOORE: Yes. 10 MR. SULLIVAN: Okay. Do you have an understanding of 11 what that line means? 12 DR. MOORE: Yes. Underground water flow. 13 MR. SULLIVAN: Okay. Thank you. And then, can we 14 scroll so we can see the -- Madam Hearing Examiner, to see 15 the key at the bottom of this? 16 And so do you see Dr. Moore, down at the bottom in the 17 legend, there's a marking that says future burial locations; 18 do you see that? 19 DR. MOORE: Yes. 20 MR. SULLIVAN: And do you see that there's a light pink 21 shading next to it? 22 DR. MOORE: Yes. 23 MR. SULLIVAN: Okay. And so -- now if we can just pick 24 the legend out and go back so we can see the whole property? 25 Thank you.</p>
<p style="text-align: right;">456</p> <p>1 Now please, if I try to jump in, please stop. Mr. 2 Sullivan, if you can remember your question after that, can 3 you say it in the form of a question? 4 MR. SULLIVAN: It was -- I -- what I was -- thank you 5 Madam Hearing Examiner. I was trying to ensure that we were 6 looking at the same line before asking the question. And 7 now I can't see the figure right now. So it's hard to know. 8 Okay, there we go. 9 HEARING EXAMINER ROBESON-HANNAN: You should be able to 10 see it now. 11 MR. SULLIVAN: Yes, thank you. So I'm just trying -- I 12 was trying to orient us to ensure that we were looking at 13 the same line I was looking at. And that line begins at -- 14 near where there is a marking, SP-1 and appears to go to 15 where there is a marking that says TP-25. And I was going 16 as Dr. Moore if she sees that line. 17 So Dr. Moore, do you see that line? 18 DR. MOORE: Yes. 19 MR. SULLIVAN: And do you see the arrow on that -- what 20 appears to be an arrow on that line just above the marking 21 that says TP-25? 22 DR. MOORE: Yes. 23 MR. SULLIVAN: Okay. So do you have any understanding 24 as to what that line means? 25 DR. MOORE: That that is referring to, at that place,</p>	<p style="text-align: right;">458</p> <p>1 Do you see where those light pink shadings are on 2 the -- within the proposed boundary of the cemetery? 3 DR. MOORE: Yes. 4 MR. SULLIVAN: Okay. And do you see that the pink 5 shadings -- do you see any pink shadings at the corner of 6 the property -- do you see any pink shadings adjacent to 7 Ednor Park? 8 DR. MOORE: Adjacent to Ednor Park, yes. 9 MR. SULLIVAN: Where is that? Can you show us on the 10 figure where you can see that? 11 DR. MOORE: Well, let me describe it. Do you see where 12 TP-20 is? 13 MR. SULLIVAN: Yes. 14 DR. MOORE: All right. And then, you know, immediately 15 to the left there is, I don't know we'll call it a little 16 foot of the pink shading? 17 MR. SULLIVAN: Okay. That's -- 18 DR. MOORE: And then -- 19 MR. SULLIVAN: Go ahead. 20 DR. MOORE: -- just on the other side of the red line 21 is Ednor Park. 22 MR. SULLIVAN: Okay. And the proposed shading it 23 doesn't touch the red line though, does it? The property 24 boundary? 25 DR. MOORE: No.</p>

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7 (459 to 462)

<p>459</p> <p>1 MR. SULLIVAN: So it's fair to say that it's set back 2 some distance from the property boundary, correct? 3 DR. MOORE: Some distance, uh-huh. 4 MR. SULLIVAN: Thank you. I have no further questions. 5 HEARING EXAMINER ROBESON-HANNAN: Mr. Brown, do you 6 have any questions based on those questions? 7 MR. BROWN: No questions. 8 HEARING EXAMINER ROBESON-HANNAN: Okay. Dr. Moore, 9 thank you very much for your participation. And you can be 10 excused as a witness, but you're welcome to stay on for the 11 rest of the hearing. 12 DR. MOORE: Thank you for the opportunities. 13 HEARING EXAMINER ROBESON-HANNAN: All right. Now, can 14 we -- does anyone have anything else? Is there anyone in 15 the -- on this hearing that would like to testify? That 16 hasn't -- not represented by Mr. Brown or Mr. Kline? 17 Okay. Seeing none, hearing none, cleanup matters. 18 What I'm planning to do is refer this to WSSC and DEP. 19 I will get any questions -- I have to absorb some of the 20 testimony, but it's -- I'm going to get the questions out 21 very quickly to WSSC and DEP. I will give them three weeks 22 unless they disagree with that or they need more time. Is 23 there any other -- are there any other wrap-up matters? 24 MR. BROWN: Ms. Robson, you asked me yesterday whether 25 or not we had any rebuttal witnesses and I said I would</p>	<p>461</p> <p>1 a lot of doctors in this case. I apologize. Mr. Brown, why 2 don't you go ahead? 3 MR. BROWN: Thank you, Hearing Examiner Robeson. I 4 want to start with a little bit of an off-script aside and 5 relate a story to you. 6 When I was first retained on this matter my clients 7 were concerned about whether I should, in addition, to 8 asking for a remand ask that the matter be assigned to 9 another hearing examiner. They were concerned that you 10 might have a closed mind about this on account of the fact 11 that you had already issued a ruling on this. I told them 12 that that is a very legitimate concern because in my 13 experience it's sometimes difficult for government 14 officials, once they have pronounced something to open their 15 mind up to possible change. 16 But I also told them that I had really no worries about 17 that concern in this particular case, with this particular 18 hearing examiner. And, in fact, I told them that my 19 preference would be that it stay with her because some other 20 hearing examiner might feel obliged to give undue deference 21 to her earlier opinion on this matter without giving it a 22 fresh look. 23 I'm very happy to say that I feel that my clients 24 concern has been -- their initial concern was completely 25 unfounded by the way that you have conducted this hearing in</p>
<p>460</p> <p>1 answer that question as well as the question about closing 2 argument this morning. 3 HEARING EXAMINER ROBESON-HANNAN: Yes, that's correct. 4 MR. KLINE: I conferred with my clients. We have no 5 rebuttal witnesses. 6 HEARING EXAMINER ROBESON-HANNAN: Okay. 7 MR. KLINE: However, I do want to report to you that, 8 notwithstanding the long length of this hearing, we have 9 prepared a short closing argument that I would like to 10 deliver this morning. My guess would be it's going to run 11 somewhere in the neighborhood of 10 minutes. 12 HEARING EXAMINER ROBESON-HANNAN: That's fine. What is 13 10 minutes in 3 days? 14 MR. BROWN: There you go. 15 HEARING EXAMINER ROBESON-HANNAN: Mr. Kline, do you 16 have a closing argument that you would like to give? Or Mr. 17 Sullivan? 18 MR. KLINE: The answer would be yes, we'll reserve that 19 right. I guess I would like to hear what Mr. Brown has to 20 say first. But we, yesterday, thought maybe it was 21 exhaustive factor yesterday. But I think we will reserve 22 that right, and I can think you can assume we probably will 23 want to say something. 24 HEARING EXAMINER ROBESON-HANNAN: All right. Anything 25 else? Okay. Hearing nothing, or none, Dr. Brown -- there's</p>	<p>462</p> <p>1 a fair and open matter. And not only has that been great 2 for the public confidence in the process, but also 3 vindicated my advice to my clients so we're very thankful 4 for that. And with that, I would like to go on to briefly 5 explain to you why with a fresh look at this case you should 6 conclude that the application should be denied. 7 You've heard a lot of technical, scientific testimony 8 in this case. From the Applicants' side you have well- 9 orchestrated presentations by paid experts who know how to 10 ably present a story of minimized risks that their clients' 11 intended activity presents to the health, safety, and 12 welfare of the nearby citizenry. And they did quite a job 13 of that. 14 My clients had barely had the resources to recruit 15 witnesses on a volunteer basis to counter this. Those 16 witnesses had to be genuinely concerned enough to volunteer 17 their time, which they did for the entire day we presented 18 our case, and for months before that. In presentation 19 points the Applicants scored better than we did, and 20 certainly some concerns you might have had about locating a 21 green burial cemetery this close to the Rocky Gorge 22 Reservoir were addressed. 23 In particular, the Applicant demonstrated that their 24 computer modeling showed that perhaps much of the leachate 25 from the green burial bodies would be absorbed, or</p>

<p style="text-align: right;">463</p> <p>1 neutralized, in the soil before it got to the surface 2 streams and the Rocky Gorge Reservoir. Reasonable minds can 3 differ, and we did differ, on whether the inputs to that 4 computer model were really as conservative as they claim. 5 But perhaps those were not dispositive issues. 6 But you also heard, in detail, about the new rules of 7 the road for green and natural cemeteries in Baltimore 8 County, a place whose climate, soil, water, and land 9 development in many places is similar to this, the Cloverly 10 area of Montgomery County. We did this, not to claim that 11 this case should be controlled by Baltimore County zoning 12 regulations, but primarily to underscore the seriousness 13 with which a nearby sister county in Maryland is taking up 14 the question of where green burial cemeteries should be 15 located. 16 We think if you look at those new regulations you will 17 come away convinced that all else equal, this application 18 will almost certainly be denied if the land at issue here 19 were located in Baltimore County. But of course, we're not 20 in Baltimore County, we are in Montgomery County. And the 21 Baltimore County rules do not directly apply. 22 What does apply in Montgomery County is a much less 23 specific, yet all encompassing provision applicable to 24 cemeteries of any type. Section 59.3.5.4.8.2(a) states for 25 cemeteries, quote; the proposed location must be compatible</p>	<p style="text-align: right;">465</p> <p>1 County provision as a shorthand description of your 2 authority, if not obligation, to take into account the same 3 public health and safety considerations that Baltimore 4 County has addressed with greater precision. 5 Now, let me turn to the substance of that issue. We 6 ask you to carefully consider first and foremost, the 7 secondhand therapies both inorganic chemotherapies and 8 hormone therapies described by Dr. O'Keefe and Dr. 9 Mallowney. They testified that many of these agents are 10 very dangerous even in microscopic amounts, do not readily 11 biodegrade in the ground, cannot be removed by water 12 treatment plants, will be taken downhill by gravity, have 13 long half-lives, some extending to multiple months, and 14 survived to affect innocent, unsuspecting people including 15 children, infants, and fetuses still in their mother's wombs 16 with devastating consequences. 17 Some of these chemicals are toxic enough in small 18 quantities that they are not allowed in trash headed to a 19 landfill. Yet burying bodies containing them in the ground 20 is exactly what a green cemetery does in a non-trivial 21 number of cadavers. Baltimore County recognizes that this 22 can be done in some locations but not all. The same is true 23 in Montgomery County. 24 Now, the Applicants' witnesses argued that few bodies 25 laden with these drugs and secondhand therapies, they seem</p>
<p style="text-align: right;">464</p> <p>1 with adjacent land uses and will not adversely affect the 2 public health, safety, and welfare of the inhabitants of the 3 area. 4 This statutory language is somewhat open ended when it 5 comes to deciding what constitutes an adverse effect on 6 public health and safety to the local inhabitants. The one 7 thing about the wording of this provision is unmistakably 8 clear. It is up to the Applicant to demonstrate that there 9 is no adverse effect. It is not up to concerned inhabitants 10 of the area to demonstrate that there is an absence of an 11 adverse effect, or that there is an adverse effect. 12 I submit that the sensible way for you to administer 13 this provision is, in the first instance, to accept an 14 applicant's generalized presentation of compliance in the 15 absence of some cogent evidence presented in the course of 16 the case by the inhabitants of the area that there would be 17 a public health or safety problem. PWPA certainly has met 18 any obligation it had to present a cogent issue of public 19 health and safety in this case. 20 At that point, the burden shifts back to the Applicant 21 to demonstrate that there is no adverse effect on public 22 health and safety. In other words, unless and until 23 Montgomery County spells out in greater detail, like 24 Baltimore County has done, what is necessary for an adequate 25 showing of no adverse effect you should use the Montgomery</p>	<p style="text-align: right;">466</p> <p>1 to accept 2 percent as a percentage, will get into the 2 cemetery. And of those few which do, very little will 3 escape the 4 to 6 feet of dirt below the graves. This 4 ignores the testimony of our witnesses that these drugs and 5 chemicals do not readily biodegrade along their journey from 6 grave to reservoir whatever the time it takes. 7 In the same vein, the Applicants' witnesses fault our 8 experts for failing to do a site specific analysis 9 documenting their concerns. Well, it's true, they did not 10 do this sort of computer model that Dr. Dawson did, but they 11 did know this about the site; it was uphill from the Rocky 12 Gorge Reservoir, less than 2 miles away on land that 13 includes streams that drain directly into the reservoir. 14 More detailed information about soil conditions, depth 15 of groundwater, and the like, would surely affect the 16 calculations on how long it would take for toxic, non- 17 biodegradable chemicals to reach the reservoir. But the 18 time of such arrival is simply irrelevant. Sooner or later, 19 these chemicals will reach the drinking water supply. 20 So the Applicant has a convenient backup argument. If 21 any of these chemicals do actually enter the \$5 billion -- 22 I'm sorry, 5 billion gallon Rocky Gorge Reservoir, the size 23 of that body of water will safely dilute it. This is 24 asserted, not demonstrated. In the end, you should ask 25 yourself, if this green burial cemetery in this location is</p>

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9 (467 to 470)

<p style="text-align: right;">467</p> <p>1 as risk-free as the Applicant would like you to believe, why 2 has Baltimore County concluded that green burial cemeteries 3 so proximate to a major public drinking water supply would, 4 literally, never get under the ground? The Applicant and 5 that the application should be denied. 6 Finally, I have to make a point or two about something 7 I am very reluctant to mention, for fear it will sound like 8 a concession to application approval. We are, by no means, 9 conceding, but I would be remiss if I did not address what 10 needs to be done if you nevertheless decide to approve the 11 application. 12 First, the removal and replanting of trees in the 13 actual burial areas should be closely regulated for the 14 foreseeable future of the cemetery so as to continuously 15 maximize the forest cover. Once forest cover is removed so 16 that new gravesites can be developed, then, upon fulfilling 17 that purpose they should be reforested with diverse 18 hardwoods at a scale comparable to the Applicant's original 19 submission to the Planning Board. 20 You can see the scope of forest devastation allowed by 21 the Planning Board; over 25 acres in sheet L-8.01 of the 22 approved preliminary forest conservation plan. But the 23 landscape plan sheet L-2.04 shows how and where the new 24 hardwoods are to be interspersed with the gravesites. It is 25 critical that this aspect of future cemetery operations be</p>	<p style="text-align: right;">469</p> <p>1 reservoir, and the Patuxent watershed. And for three days, 2 well, 2-1/2 days I guess you would say, that's what we have 3 clearly dug into. And I have been leaving this building 4 every night telling people I'm getting a graduate course in 5 water contamination and microbiology at the level we're 6 dealing with. 7 So there's no question that the remand precipitated a 8 level of science and research that I've never had in a 9 zoning case before. So I think it's absolutely clear that 10 you have before you the evidence you need in order to make a 11 decision as compared to Dr. Morris's feeling that our 12 decision didn't have that foundation. What you had is, in 13 our case, Dr. Dawson and Dr. Pleyas giving you both reports, 14 twice I might add, twice. And then how many, maybe seven or 15 eight hours of testimony in what I thought were just 16 fantastically detailed and thorough, and analyzed based on 17 solid, professional standards and advice. 18 So what you ended up with were expert reports and 19 testimony that were, and I will stress the same term that 20 Mr. Brown used, site specific. They were based on the 21 evidence in the quote, industry, if you could use that 22 phrase, or the science itself. They were site specific and 23 they were thoroughly discussed and presented scientific 24 assessments about what happens when the human body basically 25 deteriorates through the process.</p>
<p style="text-align: right;">468</p> <p>1 addressed here and now, in the proper form for it to be 2 spelled out. The second point, given that the approval 3 would place great faith, we say undue faith, in the 4 Applicants' Computer modeling, there should be an on-going 5 reality check. Monitoring wells should be placed and 6 operated within, and around the cemetery to provide 7 continuous evidence of the presence or absence of bio 8 contamination, or cytotoxic hormonal pollutants. 9 Thanks very much. 10 HEARING EXAMINER ROBESON-HANNAN: Mr. Brown, I'm just 11 writing that last point. 12 Mr. Kline, or Mr. Sullivan, do you have a closing 13 point? 14 MR. KLINE: I would like to make some comments, and I 15 guess I would like to ask for the luxury of having Mr. 16 Sullivan maybe address some of the more technical, 17 scientific should I not be able to accurately address them; 18 if you don't mind? 19 HEARING EXAMINER ROBESON-HANNAN: No, that's fine. 20 MR. KLINE: Thank you very much. Because I think -- 21 you know my style and basically that is, you know, for three 22 days I have been living with this opinion of the Board of 23 Appeals basically directing us to what we should be 24 studying, and it's relevant that our study is to be on the 25 potential impact of necro-leachate on the groundwater, the</p>	<p style="text-align: right;">470</p> <p>1 We tried to emphasize that you did have information, on 2 the other side, although I might classify it as more scare 3 information that it was technically supportive -- 4 supportable. But they were blanket generalizations that 5 that basically said, if any microbe that gets a mile or two 6 away to the reservoir is potentially fatal. And we have a 7 tremendous amount of testimony explaining why that is one, 8 not possible because of the transmission or the 9 transmissivity, and then secondly, the dilution factor as 10 well. 11 But it was, nevertheless, from my point of view, and I 12 hope from yours as well very compelling, very well based 13 scientific evidence, confirming that the record shows an 14 overwhelming amount of evidence that there would be no 15 adverse impact by Reflection Park on the water features in 16 the surrounding area. 17 I keep hearing that Baltimore County should be a mentor 18 for Montgomery County, or at least a lesson for us. But 19 when you take a look at the materials that we submitted to 20 you about Montgomery County -- I'm sorry, Baltimore County, 21 when you take a look at what's the purpose clause of the RC4 22 zone, it's basically to protect the water reservoirs. Do 23 you know how -- the only way you can get classified as an 24 RC4 property in Baltimore County? It's to be located within 25 200 feet of the reservoir itself.</p>

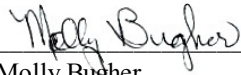
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10 (471 to 474)

<p style="text-align: right;">471</p> <p>1 That doesn't happen in this situation. We are at least 2 1.7 miles away, and depending on different parts of the 3 reservoir, even greater. So what Baltimore County thought, 4 in part, was important. And what they defined as being 5 proximate was within 200 feet of the reservoir, and we are 6 nowhere close to that. And you heard all the evidence about 7 what happens from the moment whenever the necro-leachate is 8 leaving the body until it gets to a water form what happens 9 in that timeframe, both in terms of elimination and 10 dilution. 11 So I would say that with regard to the evidence it was 12 conclusively and compellingly demonstrated through very 13 strong scientific evidence that the proposal will have no 14 effect, adverse effect, on the water features in the 15 surrounding area. 16 Mr. Remein said that he was impressed by the level of 17 effort on both sides of trying to basically address the 18 issues to solve the problem. And I believe as it relates to 19 what Mr. Brown basically commented, in terms of additional 20 conditions that you should be considering, as we indicated 21 yesterday, the Applicant is prepared through the process he 22 has yet to go through to work with the community to come up 23 with solutions to be able to deliver what they view as being 24 the appropriate -- well, not the appropriate, what they want 25 their -- what their mission is to accomplish and what they</p>	<p style="text-align: right;">473</p> <p>1 thing that you think should be addressed before I adjourn 2 the hearing? 3 MR. KLINE: I'm sorry, have we moved for entry of all 4 the documents into the record so everything is incorporated? 5 HEARING EXAMINER ROBESON-HANNAN: Thank you, Mr. Kline. 6 Yes, I will accept everything in the record except for the 7 statement -- or the submission by Dr. Desmond Brown. And 8 that will be excluded. 9 MR. BROWN: I think, but I am not completely positive 10 that you have -- you may or may not have legible copies of 11 the two documents that are referred to at the close of my 12 argument. They are part of the full-size documents that are 13 in the Planning Board development activity website. But 14 they -- you know it's very difficult to download them on a 15 computer and read them legibly, but I would just like to 16 request that those two documents the Applicant provide 17 legible copies of them for the record. 18 HEARING EXAMINER ROBESON-HANNAN: Which are the two 19 documents you're speaking of? 20 MR. BROWN: One of them is sheet L-8.01 from the 21 preliminary conservation -- preliminary forest conservation 22 plan package, and the other one is sheet L-2 from the 23 landscape plan, L-2.04. 24 HEARING EXAMINER ROBESON-HANNAN: Well, they may be in 25 the -- if you can just hold on, they may already be in the</p>
<p style="text-align: right;">472</p> <p>1 want this to look like, and function, and have no adverse 2 environment impact. 3 So you, in the end, you have an overwhelming body of 4 evidence, site specific with great detail on this subject 5 that overwhelms anything that you've heard to the contrary 6 in terms of what might happen on a speculative basis. So 7 that having been said, that concludes my comments. Maybe 8 Mr. Sullivan would like to say something about the more 9 scientific related matters. 10 HEARING EXAMINER ROBESON-HANNAN: Mr. Sullivan? 11 MR. SULLIVAN: I think Mr. Kline covered things pretty 12 well, and I don't really have anything to add to that. I 13 think you might be pleased to hear that. 14 HEARING EXAMINER ROBESON-HANNAN: Okay. Since the -- 15 in the order of proceeding, Mr. Brown, do you have any 16 rebuttal closing statements? 17 MR. BROWN: I would just ask that you take a close look 18 at the Baltimore County regulations and decide for yourself 19 whether or not this is a comparable situation to those where 20 burial cemeteries of this type are not allowed. That's all. 21 HEARING EXAMINER ROBESON-HANNAN: All right. I want to 22 say thank you to all the parties, all of them for their time 23 and effort and education and presentations. It is an 24 important issue and I appreciate everyone's time. Okay. So 25 now, we get to -- are we at the final -- is there any other</p>	<p style="text-align: right;">474</p> <p>1 record. 2 MR. BROWN: That's what I'm hoping. 3 HEARING EXAMINER ROBESON-HANNAN: I have to move to a 4 different -- I apologize, my Adobe Pro is -- 5 MR. KLINE: If they do exist they would be Exhibit 38, 6 which was amended plans, I don't have a date for that. I 7 see -- 8 HEARING EXAMINER ROBESON-HANNAN: I -- yeah, I'm 9 familiar with that. So let me -- 10 MR. KLINE: So 38-Q is the landscape west, L-2.02. And 11 38-I is the overall FCP, L-8.01. 12 HEARING EXAMINER ROBESON-HANNAN: Right. 13 MR. KLINE: So the materials are in the record, Mr. 14 Brown. 15 MR. BROWN: Thank you. 16 HEARING EXAMINER ROBESON-HANNAN: And I do see them. 17 So they are in the record. 18 Anything else? 19 MR. BROWN: Appreciate it. 20 HEARING EXAMINER ROBESON-HANNAN: All right. Hearing 21 nothing -- 22 MR. KLINE: Thank you for your patience. 23 HEARING EXAMINER ROBESON-HANNAN: -- I'm going to 24 adjourn this hearing. And leave the record open. I will 25 be -- you will be copied on every communication with DEP and</p>

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<p style="text-align: right;">475</p> <p>1 WSSC and all of the parties will be copied so you're fully 2 aware of the communication. And I did have this very short 3 response to whether Mr. Buglass -- someday I have to learn 4 how to pronounce that. I told him I did not think this 5 would go into tomorrow. So I will put that in the record 6 with copies to the parties. 7 So we're going to leave the record open. Right now, I 8 will try and get any questions I have out by Friday, all 9 right, which would be the 15th. And that means that I'm 10 going to ask WSS -- the two government agencies whether they 11 are able to respond by May 6th. 12 Now, do the parties wish to have time to respond to the 13 two government agencies recommendations? 14 MR. KLINE: The answer is yes, we should. We did 15 before although when -- the first time around there were no 16 comments at all, but we would like to reserve the 17 opportunity to respond. 18 HEARING EXAMINER ROBESON-HANNAN: I understand. We did 19 do that last time. 20 MR. KLINE: All right. 21 HEARING EXAMINER ROBESON-HANNAN: Mr. Brown, do you 22 feel the same? 23 MR. BROWN: Anytime Mr. Klein is given an opportunity 24 to respond, I would like one. 25 HEARING EXAMINER ROBESON-HANNAN: Okay. So how long do</p>	<p style="text-align: right;">477</p> <p>1 other than thank you for your patience and your endurance. 2 HEARING EXAMINER ROBESON-HANNAN: Well, we all endured. 3 So Mr. Brown, any further -- anything else? 4 MR. BROWN: No. We look forward to your fresh 5 appraisal of the record. 6 HEARING EXAMINER ROBESON-HANNAN: It will be fresh. 7 There's a lot to chew on, on this one. 8 Okay. I do appreciate your presentations and I will -- 9 with that I'm going to adjourn the hearing and leave the 10 record open as described. All right. Thank you. 11 (The recording was concluded 10:38 a.m.) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">476</p> <p>1 you think you need to respond? 2 MR. KLINE: Well, we'll all be sitting on the edge of 3 our chairs waiting to get this, so I would say a week would 4 be more than adequate. 5 HEARING EXAMINER ROBESON-HANNAN: Mr. Brown, that would 6 be 5/13. 7 MR. BROWN: That's fine. 8 HEARING EXAMINER ROBESON-HANNAN: Okay. So we will 9 hopefully close the record -- and I do want to make one 10 thing clear to everyone, the record is not open right now 11 for additional comments or testimony from outside. The only 12 thing the record is open for is to receive the transcript 13 which should be coming beginning from April -- 10 days from 14 April 12th. So it's open to receive the transcript. It's 15 open only to receive agency comments and responses to the 16 agency comments. 17 But it's not open for other reasons and we will not 18 accept submissions -- any submissions relating to traffic or 19 even environmental things. This was the time to get that in 20 there, and we did have -- I do want to thank the citizens 21 that came and so it will only be open for the limited 22 purpose of receiving the transcript, receiving the agency 23 comments, and receiving the responses to the agency 24 comments. All right. 25 MR. KLINE: No. No further comments from the Applicant</p>	<p style="text-align: right;">478</p> <p>1 CERTIFICATE OF TRANSCRIBER 2 I, Molly Bugher, do hereby certify that the foregoing 3 transcript is a true and correct record of the recorded 4 proceedings; that said proceedings were transcribed to the 5 best of my ability from the audio recording as provided; and 6 that I am neither counsel for, related to, nor employed by 7 and of the parties to this case and have no interest, 8 financial or otherwise, in its outcome. 9 10 11  12 _____ 13 Molly Bugher 14 Date: April 25, 2022 15 16 17 18 19 20 21 22 23 24 25</p>

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