

Bittle.

And Now, to-wit, Saturday, February 23, 1974, beginning at 9:30 A.M., EDST, the trial in the above-captioned matter was continued before the Honorable Charles F. Greevy, President Judge, and a Jury, in Court Room No. 1, at the Lycoming County Court House, Williamsport, Penna., at which time and place the following proceedings were had:

By The Court:

Mr. Ertel.

By Mr. Ertel:

Richard Bittle.

By Mr. Pierro:

I want an offer, your Honor.

By The Court:

Talk to Mr. Ertel there a moment.

(Conference between Mr. Ertel and Mr. Pierro.).

By Mr. Pierro:

All right, your Honor.

RICHARD L. BITTLE, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Ertel:

Q. State your full name?

A. Richard L. Bittle.

Q. Your occupation?

A. I am hired by the State Department of Environmental Resources.

I am presently with the Division of Solid Waste Management. I had been at the time with the Department of Water Quality Management Division.

Q. At the time, you are talking about October 19th?

A. Right.

Q. At that particular day, did you have the occasion to be in company with somebody else in the Sylvan Dell Area?

A. I was with Ken Walizer, my Field Supervisor.

Q. Where did you go on that day?

A. We left the Office a little after 2:00, I would say about quarter of two in the afternoon, and we had stopped at the Dairy Queen in South Williamsport and got a milk shake and then we went on down to Sylvan Dell. We were checking the Atlantic Oil Terminal down there, and I had a case against them for discharge of oil into the river, and I wanted to make a sketch of their Terminal area there.

Q. How did you approach the Atlantic-Richfield tanks down there?

A. We had, we had driven all of the way down to the end of Sylvan Dell and I wanted to get back off of the road, I didn't want to be, I didn't want to drive up into the Terminal, I just wanted to make a sketch of the area, so we were trying to find a place to pull off of the road. We had pulled up this dirt road between the, there is a road between the cornfields there, pulled about three-quarters of the way up there and parked and walked on up and made a sketch of the Terminal.

Q. What kind of vehicle were you driving?

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A. International Scout.

Q. What kind of tires did it have, as far as winter or summer treads?

A. They were a winter, mud, snow tire on all four wheels.

Q. Was that a fairly new vehicle?

A. Yes, it was a '73.

Q. Now, I show you what is marked as Commonwealth's Exhibit No. 27 and ask you to identify approximately where you marked?

A. Yes, approximately where, like a depression here in the cornfield, or cut out area, we parked right about there in the dirt road.

Q. Was there anything unusual in that area at that time?

A. No, Sir, not that we noticed. Well, the road was kind of bumpy, going up in there, but as far as this area here was not cut out at that time.

Q. In other words, there was standing corn at that point?

A. Right, Sir.

Q. Did the other chap get out of the car at all?

A. No, Sir, he did.

Q. How long were you there, can you tell us approximately?

A. I would say between 10 to 15 minutes we were in that road.

Q. All right, and then what time did you leave that vicinity, can you tell us approximately?

A. I would say it would not have been after 3:30, it would

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have been before that because we had gone up Montgomery Pike, checked another place out, and we were back to the office by 4:00.

Q. Now, that vehicle that you had driven up that road, did you have the occasion to turn that over to Corporal Houser of the Pennsylvania State Police?

A. Yes, I did.

Q. How long did he have it, do you know?

A. He had the vehicle one day. They had removed the tires from it, they kept those at the Crime Lab. at Harrisburg, that is what I understood anyway. They were returned about two weeks ago.

Q. Were they the same tires that were on that vehicle when you were driving it?

A. Yes, Sir, they were.

Q. No further questions.

By Mr. Fierro:

I have no questions.

(Excused from witness stand.)

KENNETH A. WALIZER, being duly sworn according to law, testified as follows:

DIRECT EXAMINATION

By Mr. Fierro:

I assume that he is going to say precisely the same thing, I will stipulate to it, unless you have something else to offer?