

O'CONNOR, LEITCH, HAYS, GANGBAR & SHERIDAN**BARRISTERS, SOLICITORS, NOTARIES**

TERRANCE P. O'CONNOR, O.C.
FREDERICK E. LEITCH, O.C.
THOMAS C. HAYS
LARRY S. GANGBAR
JANIS G. SHERIDAN
JANE M. M. OHLKE
CAROLYN CROWE WORTHINGTON
JUDITH ALEXANDER
PATRICIA E. ANDERSON

TELEPHONE
(416) 827-1110
TELEX 06-982378
TELECOPIER
(416) 827-1998

SUITE 300-HOPEDALE MALL
1818 REBECCA STREET
OAKVILLE, ONTARIO
CANADA L6L 5G8

September 28, 1988.

Weir & Foulds
Barristers & Solicitors
1600 Exchange Tower
2 First Canadian Place
P.O. Box 480
Toronto, Ontario
M5X 1J5

ATTENTION: M. J. McQuaid, O.C.

Dear Mr. McQuaid:

Re: Halton Landfill Hearing

You requested information by way of interrogatories in your letter of September 26, received by us by FAX at 3:17 p.m. September 26, 1988.

I will deal with your numbered paragraphs, Page 2, in the same sequence as follows:

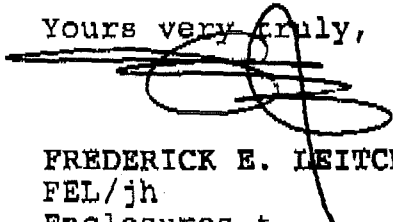
1. I am enclosing a copy of a freehand document entitled "Plan sketch of test pit, Site "D"". The sketch is not to scale but shows various dimensions and the approximate location of the test pit in relation to First Line and certain physical features of Site "D".
2. The test pit was under the supervision of David Charlesworth. The pit was dug using a backhoe. No additional test equipment was on site with the exception of hand tools.
3. Permission was obtained from Mr. and Mrs. Martin, the owners of the land. The location was chosen for its ease of access from First Line. David Charlesworth selected the location.
4. The purpose of the test pit was to view the subsurface conditions in the fill area of proposed Site "D". The pit was not part of an overall test program but was a discrete

*what
purpose
test pit.
-disprove
-transmit
→ we're making
careful logging*

-2-

- stand alone test. No other test pits were considered as part of any program.
5. Over a two day period various persons were in attendance including David Charlesworth, Janet Haynes and Dr. Nicholas Eyles. David Charlesworth directed the test program. Instructions in respect of the test pit were all oral. Professor Eyles was not retained by the Town of Milton. He was in attendance at the invitation of Dr. Charlesworth. Dr. Charlesworth and Professor Eyles were working together for the Region of Peel in respect of its search for a new landfill and the investigations in Peel dealt with Halton Till. There is no correspondence, there are no reports, memoranda or documents reporting on the result of any kind whatsoever save and except the plan sketch which we have included and the attached field notes dated April 7, 1988 and entitled "Memo to File re test pit Site "D"". There are some other photographs of the pit which we will produce to you prior to the commencement of the motion.
 6. The test pit excavation commenced at 11:50 a.m., Wednesday, April 6, 1988 and was fully open at 5:00 p.m. on Wednesday, April 6, 1988. No other inspections or tests of any kind whatsoever were undertaken at the same time. No pumping test of any nature was taken in connection with the test pit and accordingly, there are no pumping test results. There were no other investigations of any kind conducted by the Town of Milton. The test pit was closed commencing 3:30 p.m. Thursday, April 7, 1988.
 7. This is not an appropriate interrogatory. It is a matter for submissions in respect of the motion and we will make our submissions on the motion.

Yours very truly,



FREDERICK E. LEITCH, Q.C.

FEL/jh

Enclosures.t

c.c. H. G. Hodgson

E. A. Cronk

David Estrin

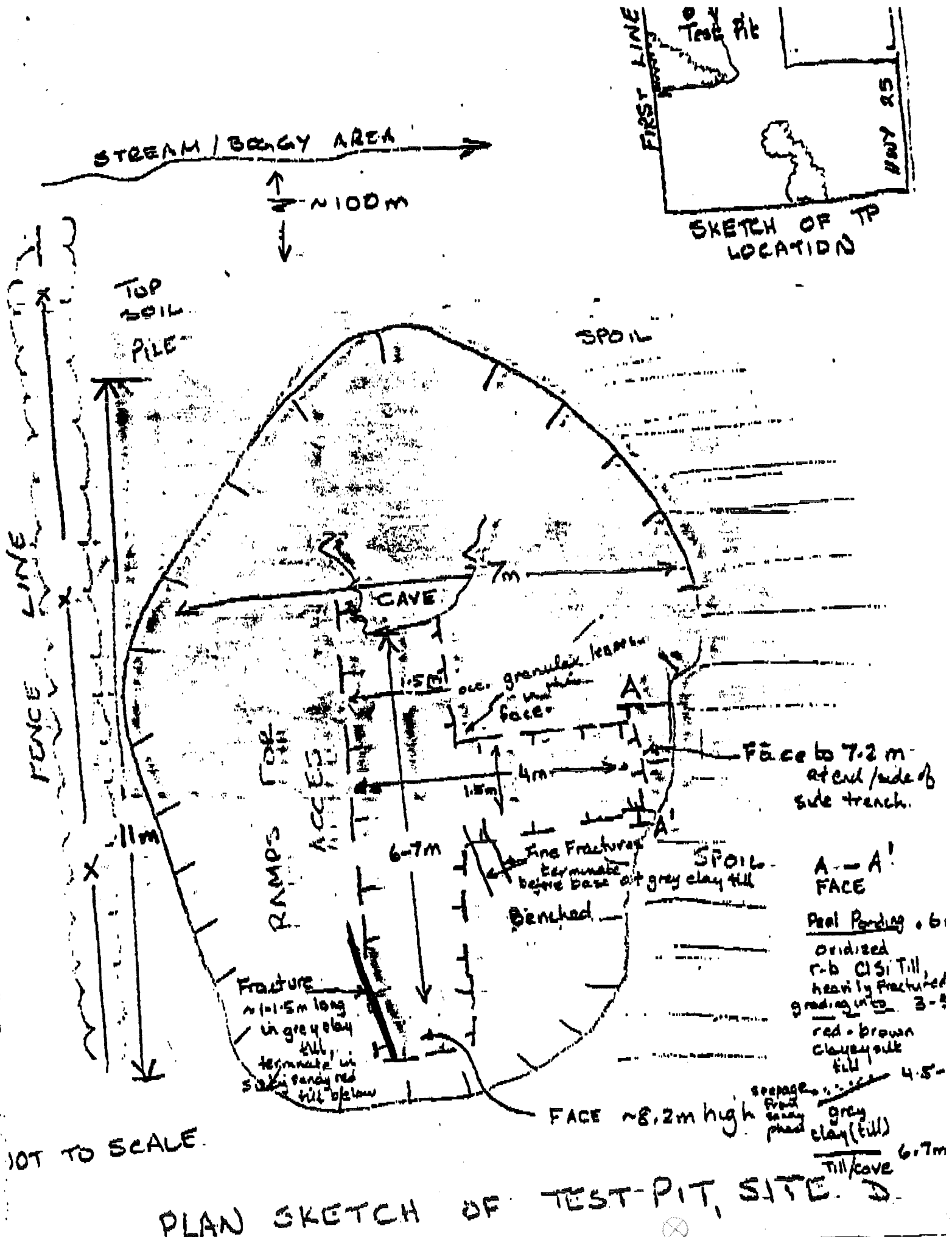
Stephen S. Garrod

John Tidball

T. Vigod

Post Script:

At the time of writing this letter, Dr. Charlesworth is in England. My answers to the interrogatories are a result of previous conversations with him.



MEMO TO FILE:

April 7/88

Re: Test Pit Site D

Schedule

Wed, April 6/88 - clear, cool

Arr. 11:00am at Martin Property, First line

Backhoe Arrive 11:40am

on site and start digging 11:50am

11:50 - 12:00am backhoe operate

12:00 - 12:30am lunch

12:30 - 2:30 pm backhoe operate

2:30 - 4:30pm " broken down

4:30 - 5:00pm deepen excavation

5:00 - 6:00pm examine excavation/photograph

Thurs. April 7/88

7:00 - 12:30am backhoe on standby

12:30 - 3:30pm - examine hole in detail/backhoe deepen & widen

3:30 - 5:00pm test pit infilled/ topsoil replaced

Test Pit

located along fence row (south side), approx. 150m from First Line, just west of stream; on Martin property, central part, north quadrant of Site D

0 - 0.6m - Topsoil (sandy; Peel ponding)

0.6 - 3/3.5 m - red-brown clayey silt till; oxidized; heavily weathered; fractured; various precipitations; evidence of gleying, etc. suggests active water table zone

3/3.5 - 4.5 / 5.1m - red-brown clayey silt till; occasional fractures; some cobbles

4.5 - 5.1m - on south side silty sandy gravel phase; showed some seepage from this zone; irregular form - (lens-like); appear to run most of the length of the excavation

5.1 +/- m - 6.7/7m - grey clay till; occasional fractures; some showing brown to grey-brown colouration along fracture length; one fracture go through grey till and appear

to terminate in lower red till; this fracture definitely show brown colouration; other fractures not marked by discolouration;

6.7/7 - 8.2m red-brown sandy clayey silt till

8.2m end of test pit

Fractures

- upper 3.5-4m heavily fractured; oxidized

- below this appear that several fractures do extend; observed one fracture trending roughly north that extended down to the lower red-brown till at approx. 7 m depth; could not trace it further; observed several other fine fractures (closed prior to excavation) extending from upper red till into gray till and appearing to terminate before reaching the base of the gray till; these were not a single specific fracture that could be traced from surface but fractures that apparently extended down from the upper heavily fractured zone;

orientation - larger fracture roughly trend north; second set of fractures intersect at acute angle roughly trending north-northwest;

See also attached sketch