

EVENT #6**Hydro Salvage Pit Run Delhi Township Road 6.****Cross Examination Page 894 #1 Anderson (Transcript #5 and #10)**

Q. Now can you help me? Did you use if I recall the Hydro easement subgrade material on the East Quarterline?

A. Yes we did.

Q. Did you use that same material in connection with the Delhi Arena Parking Lot?

A. The Hydro subgrade material?

Q. Yes.

A. No.

Q. No? And did you use it on Township Road 6?

A. No.

Cross Examination Page. 923 #2 (Transcript #10 & #15)

Q. Now Windham Road No.6. was also constructed using Nichols Material in 1992?

A. Yes.

Q. And am I not correct that there was a, the Hydro Pit Run that was put down there?

A. No. I don't believe there was a Hydro Pit Run put down there.

Q. Was there any kind of subgrade material hauled to the site?

A. That isn't my recollection, no. I thought we had just used completely Granular A on that.

Anderson in Chief describes Construction Methods for the East Quarterline and Township Road #6.**Page 847 #3 and Page 848 #4****Page 847 (Transcript #15 - 30)**

Q. Okay and can you give us a little bit of what you would have told him? (Mr. Katona)

A. I had told him essentially as I had related earlier as to the construction there in 92 that we had pulverized the road, put down a filter media, corrected the vertical deficiencies with a select subgrade material (Hydro) and then provided a Granular road base of 300 millimetres of Granular A from Nichols Gravel pit source and double surface treated it.

Page 848 (Transcript #20 to #30)

Q. Now with respect to the next site, Delhi Township Road Six. Once again you took Mr. Katona to the project site?

A. Yes.

Q. And did you give him any information about the initial construction, the reconstruction and source of material?

A. Yes. I went through that scenario of having placed some of Nichols Granular A leaving it for approximately two years or one and three quarter years, subsequently covering it with a Granular A from G.M.C. material and then double surface treating it.

Comment:

- You will note that Anderson makes no comment whatsoever in respect to using any select subgrade Hydro material on this particular project, on Road 6.

In dispute with these statements, See letter dated 10/26/96 from Mr. and Mrs. Walker #5 and letter dated October 27th, 1996 from Mr. And Mrs. Waugh #6 residents on Road 6.

Also find witness statement #7 from former Delhi Township truck driver at the time, Mr. Les Kovacs confirming the use of Hydro Pit Run on Township Road 6 in 1992.

D. Anderson - Cr-ex.

that had been the only variable in our-, in work that we had done.

Q. Now can you help me? Did you use if I recall the hydro easement subgrade material on the East Quarter Line?

A. Yes we did.

Q. Did you use that same material in connection with the Delhi parking lot?

A. The hydro subgrade material?

Q. Yes.

A. No.

Q. No? And did you use it on Township Road 6?

A. No.

Q. Now I gather that this was, these problems were unusual in your couple of years at the township at that time?

A. We had constructed a number of roads since I'd, or reconstructed a number of roads since I had been at Delhi and the failures that we saw in those projects were certainly unique to what our, my experience had been to date with Delhi in the performance of the roads we reconstructed.

Q. All right. And if I may go back to my first question, I think you may have answered it by implication. You had not done any geotechnical testing then or ever with respect to either East Quarter Line road or the Delhi arena parking lot?

A. No we haven't.

Q. All right and at p. 4 second paragraph I gather your, well actually the first paragraph suggests that this has to do with the 1993 test strip on East Quarter

Q. But in any event you made the decision not to conduct any kind of an independent investigation as to which of those causes may have been the reason for the road problems that you saw on East Quarter Line.

5 A. What do you mean by independent...

Q. You didn't hire a consultant or do any testing.

A. No we didn't hire a consultant. We based it on our own observations and when the stone is cracking it's fairly obvious.

* 10 Q. Now Windham road number 6 was also constructed using Nichols' materials in 1992?

A. Yes.

Q. And am I not correct that there was a, the hydro pit run that was put down there?

* 15 A. No I don't believe there was a hydro pit run put down there.

Q. Was there any kind of a subgrade material hauled to the site?

A. That isn't my recollection, no. I thought we had just used completely granular A on that.

20 Q. And I think that, did I understand you to make a, indicate that there was some complaints about, in 1992 there was just the gravel surface put down and the subsequent year it was hard surface if I can use that phrase.

25 A. Well it wasn't the subsequent year. We...

Q. Two years later?

A. It would have been two years later yeah.

Q. Right.

30 A. We put the gravel down in '92 and it was double surface treated in '94.

DPC
SUR RD 6.
AGI

5 A. I was the public works superintendent for the Township of Delhi. The subdivision was constructed while I was in that position. We would have been the approval body of the drawings and specifications for the project.

Q. The next site is Highway 3 from Dalton Road to approximately Scott Street. Once again you would have taken Mr. Katona to that site?

A. I did take him to that site, yes.

10 Q. And did, you didn't have any personal involvement in that particular project?

A. No I did not.

Q. Were you able to give him any information about the construction or the source of materials?

15 A. No I was not able to provide much information on that. I had no direct knowledge of the project, only what had been conveyed through other letters and things like that.

20 Q. Site six, Windham East Quarter Line road Delhi, we've talked about that in some detail and you've explained to us the road construction on that particular project. I take it that you took Mr. Katona to that site as well?

A. Yes I did.

Q. And did you identify for him the two different projects, '93 and '92?

25 A. Yes I did.

Q. And did you also provide him with information about construction and source of material?

A. Yes I did.

30 Q. Okay. And can you give us a little bit of the detail of what you would have told him?

5 A. I had told him essentially as I had related earlier as to the construction there in '92 that we had pulverized the road, put down a filter media, corrected the vertical deficiencies with a select subgrade material and then provided a granular road base of 300 millimetres of granular A from Nichols' pit source and double surface treated it.

Q. That was 1982-, or 1992?

A. '92, yes.

10 Q. And did you also explain the 1993 construction?

A. I then explained what we had done in '93 and the process we had went through in 1993 to try and isolate the problem that we had had.

15 Q. Okay. And did you tell him anything about the sources of materials on those two projects?

A. Yes I did.

Q. Okay. The same information that you had given the court today?

A. Yes.

* 20 Q. Now with respect to the next site, Delhi Township Road six. Once again you took Mr. Katona to the project site?

A. Yes.

* 25 Q. And did you give him any information about the initial construction, the reconstruction and source of material?

30 A. Yes. I went through that scenario of having placed some of Nichols' granular A leaving it for approximately two years or one and three-quarter years, subsequently covering it with a granular A from G.M.C. materials and then double surface treating it.

10-26-96

Nichols Gravel Ltd.
Box 172 Delhi Ont.

K.L. & D.J. Walker
R.R.#3 Part Lot 5 Con.6
Vanessa Ont.

To Whom it may concern:

We moved to R.R.#3 Vanessa Delhi Township Road 6 in Oct./91. The road at that time east of the Quarter line Rd. was made up of gravel base and was maintained from time to time by a road grader. Although dusty, the road was well maintained. The problems began in the fall of 1992, to the best of our recollection, when work was started to upgrade the gravel portion of the road. Delhi Township workers proceeded to truck in material that to an untrained eye appeared to have been removed from a farmers field mixed with a tarp like material and placed on the road in the worst possible location near the swamp.

At this time, we contacted the Township office to express our concern regarding the material being placed on the road and the apparent inferior nature in which this road was being prepared for tar and gravel completion. We were informed that the cause of the mess was due to substandard material. Then again to our best recollection, numerous truckloads of gravel were brought in on top of this soupy mess.

The work stopped as winter approached. With the change in season, the road became impassible. Ruts as deep as nine to twelve inches impaired school bus travel on the road at this time as well as our own use of this road. Until the road was improved, we used Concession 7 to reach Highway 24.

The following spring, it was clear that a new approach to surface preparation was carried out, and the mixture of field/sand/tarp material as well as the gravel was either removed or improved as well as new gravel brought in and the poorest area by the swamp was properly raised and prepared for tar and gravel.

It was clear to us as only users of roads, that once inferior material was discovered, work should have been halted immediately and engineers brought back in to evaluate the material and source of this initial mucky mess prior to application of proper gravel.

Sincerely



K.L. & D.J. Walker



Oct. 27, 1996

To Whom it may concern:

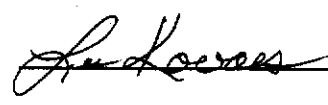
As residents of RR#3 Vanessa we recall when our road was being rebuilt. The roadbed materials used appeared to be soil mixed with small amounts of gravel, comingled with sheets of black fibreglass. When the materials became wet the surface became very sloppy and led to hazardous road conditions. This situation continued for a period of weeks as unseccessful attempts were made to grade the water from the surface.

Bill and Cynthia Waugh

STATEMENT OF LES KOVACS

As a former employee of the Township of Delhi, I recall the road reconstruction on Windham Road 6 in the fall of 1992. Aggregate was loaded at the Windham Road 7 pit and taken to Windham Road 6 and used in the reconstruction of the road. This aggregate contained cloth material that was used on past Hydro construction projects. The reason I recall this job is because one of the older senior employees, Bill Thompson, had lost his licence for impaired driving. He had to work out in the rain during the miserable, cold, fall weather. Bill had to pull the bits and pieces of cloth from the loads. The loads were then leveled by a grader. Bill continued to pull pieces of cloth as the grader constantly made passes. My job for this reconstruction was to drive the dump truck and spread the load of aggregate.

Dated: April 8th, 2001

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