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September 26, 1988

VIA FAX

Mr. F.E. Leitch, Q.C.,
O'Connor, Leitch, Hays, Gangbar
& Sheridan,
Barristers, Solicitors, Notaries,
Suite 300, Hopedale Mall,
1515 Rebecca Street,
Oakville, Ontario,
L6L 5G8.

Dear Mr. Leitch,

Re: Halton Landfill Hearing

I received a copy of your letter dated September 22, 1988 to Osler Hoskin & Harcourt. It comes as a surprise!

If you or any of the other counsel wish to use this information, it seems to me that you will have to bring a motion to re-open the evidence.

In order for the City of Burlington to take a position on such motion, we would ask that you let us have the following information by way of interrogatories. Such requests are made completely without prejudice to our position with respect to admissibility but we believe we need to have more information before we are in a position to take a position on your motion. Could you supply the following information.

....2/.

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Telephone (416) 451-6714

50 Burnhamthorpe Rd. West, Suite 902
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1. A drawing showing exactly where the pit was and its orientation and describing the dimensions referred to in Professor Eyles' statement.
2. Who conducted the test, who dug the pit? What machinery was used? What additional test equipment was on site at the same time.
3. Information why this location was chosen? Who selected the location?
4. Information on what the purpose of the test pit was? Was this part of an overall test programme? Please provide information on the test programme. Were other test pits considered as part of the programme?
5. Who was in attendance and directed the test programme? Please produce all correspondence, memoranda and documents of any nature indicating what instructions were given and what Prof. Eyles' retainer was in connection with this programme. Also please produce whatever correspondence, reports, memoranda or documents of any nature reporting on the result of any kind whatsoever, leading up to the witness statement dated September 22nd, 1988. Also, please produce any other photographs in addition to the one produced.
6. How long was the test pit open? Were any other inspections or tests of any kind whatsoever undertaken at the same time? Were any pumping test of any nature taken in connection therewith? If so, please produce the results.
7. Also, please let us know why this information was not brought forward earlier or could not have been brought forward earlier as part of the evidence either through cross-examination or in Milton's reply. The issue was raised in cross-examination of Mr. Petrie by Mr. Estrin but no specifics were presented for Mr. Petrie's comment nor was any reply evidence sought to be adduced.

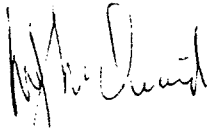
Following receipt of the above information, we will be in a position to respond to the suggestion outlined in your letter and by you in the telephone discussion this morning.

In addition, such answers would be consistent with Ms. Cronk's statement that "all relevant evidence is before the Board to assist it in reaching its decision in this matter and to avoid unfairness to any party."

We look forward to receiving the response to our requests before any motion is argued before the Board.

Yours very truly,

WEIR & FOULDS.

A handwritten signature in dark ink, appearing to read 'M.J. McQuaid', written in a cursive style.

M.J. McQuaid

MJM/wh.

c.c. Ms. E. Cronk

H.G. Hodgson
David Estrin
Stephen S. Garrod
John Tidball
T. Vigod