RED HILL VALLEY PARKWAY INQUIRY

AFFIDAVIT OF LUDOMIR UZAROWSKI
(affirmed on April 8, 2022)

I, LUDOMIR UZAROWSKI, of the City of Mississauga, in the Province of Ontario,

MAKE OATH AND SAY:

1. The evidence provided in this affidavit relates to the events and documents described in RHVPI Overview Document #3, at paragraph 127.

2. On August 21, 2007, at 7:13 AM, I received an email from Jeremy Rose attaching 32 asphalt test results for SMA and SP12.5 FC2 samples, in relation to the Red Hill Valley Parkway project. Of the 32 attached results, 22 results are labelled as SMA samples in the document title and the description of the mix type therein (GOL0003093 attaching GOL0003095, GOL0003096, GOL0003097, GOL0003098, GOL0003099, GOL0003100, GOL0003101, GOL0003102, GOL0003103, GOL0003104, GOL0003105, GOL0003106, GOL0003107, GOL0003108, GOL0003109, GOL0003110, GOL0003111, GOL0003112, GOL0003113, GOL0003114, GOL0003115, GOL0003116) and 10 results are labelled as SP12.5 FC2 samples (GOL0003094, GOL0003117, GOL0003118, GOL0003119, GOL0003120, GOL0003121 GOL0003122, GOL0003123, GOL0003124, GOL0003125).

3. At 3:15 PM that day, I forwarded Mr. Rose's email and the 32 test results to Andro Delos Reyes (GOL0003093; GOL0003092; GOL0001676). I then proceeded to review the test results. Following my review of the results, I emailed Mr. Delos Reyes, with a copy to John Watkins, at 3:45 and 3:56 PM. In my emails, I wrote that "9 out of 28 SMA

samples [were] rejectable" and that "[t]here are a number of errors and samples marked as SMA are definitely SP 12.5 FC2." (GOL0002030).

4. Through the course of this Inquiry, I have re-reviewed the above-noted correspondence and the 32 test results I received from Mr. Rose on August 21, 2007. Based on my review, I am satisfied of the following:

(a) 4 of the 22 SMA samples are mislabelled. The mislabelled results actually pertain to SP12.5 FC2 samples, not SMA. The mislabelled SMA test results are those found at: GOL0003113, GOL0003114, GOL0003115, and GOL0003116.

(b) Of the correctly labelled samples (those being the 18 SMA samples and the 10 SP12.5 FC2 samples), 4 SMA samples and 1 SP12.5 FC2 sample have aggregate gradation results in the rejectable range on one sieve. The rejectable SMA samples are those found at: GOL0003095, GOL0003096, GOL0003097, and GOL0003109. The rejectable SP12.5 FC2 sample is that found at: GOL0003118.

5. I do not remember which 28 results I was referring to in my 3:45 PM email to Mr. Delos Reyes and Mr. Watkins when I wrote that "9 out of 28 SMA samples are rejectable" (GOL0002030). I infer, based on my present review of the results and the mislabelling discrepancies noted above, that the 9 rejectable samples referred to therein are:

(a) The 4 samples that are labelled as SMA, but are, in fact, SP12.5 FC2 (described above in paragraph 4(a)); and

(b) The 5 SMA and SP12.5 FC2 samples that have rejectable aggregate gradation on one sieve (described above in paragraph 4(b)).

6. During the course of this Inquiry, Golder has collected and reviewed the test results for the asphalt samples obtained during the RHVP paving. Accounting for the mislabelled results, Golder has identified a total of 30 SMA test results for samples received between July 17, 2007 and August 14, 2007 (which includes the samples discussed internally between myself and my colleagues on August 21, 2007). The results of the test results are as follows:

(a) 8 SMA test results are acceptable on all sieves. These are the test results found at: GOL0000080, GOL000082, GOL0003101, GOL0003102, GOL0003104, GOL0003110, GOL0003111, and GOL0003112.

(b) 12 SMA test results contain a mix of acceptable and borderline aggregate gradation. These are the test results found at: GOL0000072, GOL0000073, GOL0000078, GOL0000083, GOL0003098, GOL0003099, GOL0003100, GOL0003103, GOL0003105, GOL0003106, GOL0003107, and GOL0003108.

(c) 10 SMA test results are rejectable on a single sieve (0.075 mm, 4.75 mm, or 9.5 mm). Of these 10 results, 3 results are also borderline on one sieve. These are the test results found at: GOL0000074, GOL0000075, GOL0000076, GOL0000077, GOL0000079, GOL0000081, GOL0003095, GOL0003096, GOL0003097, and GOL0003109.

7. In my opinion, the SMA test results are good overall. As it pertains to the 10 SMA results that were rejectable on a single sieve, I do not believe that I would have recommended rejection of the entire paved area that these samples represented, although I do not have a specific recollection of doing so. I base my present belief on two reasons: first, the impact of gradation outside the envelope on one sieve would not be significant and second, asphalt removal and replacement would create new cold joints that could have negative impact on pavement performance and could be technically difficult.

8. When reviewing test results, the first step in Golder's practice is to verify the test reports and confirm the accuracy of the results. Following this, I advise the client of the results, and the implication of those results. If necessary, I discuss any next steps or accommodations with the client and the contract administrator. It is Golder's practice to provide clients with a summary of test results, which includes information about any mislabelled results.

9. I expect that Golder's practices were followed in respect of the RHVP samples. To the best of my knowledge, I believe that the findings of the test results were reported to the client, the City of Hamilton, and the contract administrator, Philips Engineering, by way of an Excel spreadsheet, likely by Mr. Delos Reyes. However, I am not able to independently verify this belief, as Golder has not been able to locate any correspondence in which the test results were transmitted to Hamilton or Philips Engineering.

10. I make this affidavit for use in the Red Hill Valley Parkway Inquiry.

Affirmed remotely by Ludomir Uzarowski of the City of Mississauga, in the Province of Ontario, before me in the City of Toronto in the Province of Ontario, this 8th day of April, 2022, in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely

Ludomir Uzarowski

Commissioner for Taking Affidavits
Nivedhya Ramaswamy