



# LOOPSTRA NIXON LLP

BARRISTERS AND SOLICITORS

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May 27, 2015

## VIA EMAIL

MILLER THOMSON LLP  
Barristers and Solicitors  
60 Columbia Way  
Suite 600  
Markham, Ontario  
L3R 0C9

Attention: *John Tidball*

Dear Mr. Tidball:

### Re: **Greenbank Airport – Site Remediation**

We acknowledge receipt of your letter dated May 20, 2015, and the proposed remediation plan provided by DLS Group dated May 20, 2015. We obtained instructions from Township council and respond as follows:

1. **Annual Groundwater Monitoring Reports**

The annual groundwater monitoring reports provided to date appear to satisfy the reporting requirements of the SAA. The Township will require the Owner to continue to provide groundwater monitoring reports as required by the SAA, and reserves the right to require additional testing, monitoring and reporting.

2. **Groundwater Investigation**

The Owner is required to conduct a groundwater investigation to develop an understanding of the geological and hydrogeological conditions at the Site, and evaluate the groundwater pathway between contaminated fill materials and potable water receptors in the area surrounding the site, as indicated in the Loopstra Nixon LLP letter dated April 23, 2015.

3. **Surface Water**

The Owner is required to conduct a surface water investigation as indicated in the Loopstra Nixon LLP letter dated April 23, 2015, particularly with respect to peak flow sampling.



4. **Remediation Plan**

The remediation plan dated May 20, 2015 prepared by DLS is incomplete. The Township requires the Owner to address all of the issues enumerated in the attached Golder comments dated May 24, 2015 to the satisfaction of the Township.

5. **New Site Alteration Permit**

The request for a new site alteration permit is pre-mature. In accordance with council resolution #15-249, no further fill shall be permitted onsite until the remediation has been completed and verified by the Township's staff and consultants. In any event, the information submitted for a new Site Alteration Permit does not meet the requirements as set out in Site Alteration By-law 52-10 (as amended). In particular we would point out that the previous information provided with respect to the expired permit is no longer relevant due to the substantive changes in the overall proposal and the addition of the "Hill Farm Property".

6. **Fill heights and limits**

The Owner has failed to abide by the fill heights and limits as proposed by the original fill application and SAA. The Owner shall forthwith remove all fill in contravention of the approved fill plan both as to location and height. The fact that the adjoining Hill Farm Property has been acquired by the Owner does not alter this requirement. The SAA was based on the existing property limits at the time, including a detailed analysis of the impacts from the fill application on adjoining properties. No analysis has been conducted to determine the effects of fill outside of the approved limits or at elevations in excess of the elevations as shown on the approved plans.

7. **Revised Aerodrome Proposal**

The Township has been provided with an amended aerodrome development plan which encroaches on an area not permitted to be used for an aerodrome, and for which no approvals have been given at the local, regional or federal levels. The Township will not permit further site alteration until it is satisfied that the revised aerodrome proposal is fully compliant with all regulatory approvals and that a site alteration permit has been issued for the revised proposal in accordance with all current requirements of the Township.

8. **Existing Quantities**

The Owner was required to pay a fee for every cubic meter of fill imported to the site. In December, 2014, WSP has reported that its survey shows 1,010,373 cubic meters of imported fill. It has not indicated how this information was obtained, and when the property was surveyed to arrive at this conclusion. Even if the quantities reported by WSP are accurate as of December 1, 2014, we know that additional quantities were brought on site for 4 additional months until March 31, 2015. The Township has



requested copies of the WSP report and baseline information to verify these quantities. The Owner has not responded to this request. The Township does not accept the reconciliation as of December 2014 provided by the Owner using correction factors. The Township, as an interim step, requires a reconciliation and payment of all fees based on 1,010,373 cubic meters, reserving its right to further verification and adjustment for the actual quantities brought on site.

The Township disputes the statement that the Township has received in excess of \$1,100,000 in fees since the start of the filling. In fact, the Township has collected \$800,539 as of December 31, 2014, and has collected 3 additional monthly payments of \$20,000 for a total of \$860,539.

9. **Deputation to Council**

You have requested an opportunity to make a deputation to council. We understand that the Township Clerk has responded to this request.

10. **Next Meeting**

We confirm that the second meeting prescribed by section 20 of the SAA will take place at the Township on June 1, 2015 at 9:30 am.

Yours very truly,

LOOPSTRA NIXON LLP

Per:

C. M. Loopstra

*CML/krs*

Encl.

cc. Mayor Rowett  
C. Harris  
G. Smith  
E. Hood