Media Release – Site Alteration Permit/Agreement for 1140 Regional Highway 47 (Greenbank Airways)

On Monday, May 4, 2015 at 10:00am, Mayor Rowett and the Township Council will hold a Special Meeting of Council to consider items of a time sensitive and legal nature including the borehole sampling report conducted by Golder Associates Ltd. for 1140 Regional Highway 47 (Greenbank Airways).

As many of our residents know, the original Site Alteration Agreement for Greenbank Airways expired on March 31, 2015 and the owner of the airport applied for a fill permit extension. Before considering the request for the new fill permit, Council wanted a clear and independent understanding of the current state of the fill quality at the Greenbank site. The Site Alteration Agreement dated September 12, 2012 stipulated that the fill had to meet Table 2 standards as per Ministry of the Environment Regulations. In order to best understand the current condition of the Greenbank site, Council authorized Golder Associates Ltd. to conduct random bore hole sampling on March 12, 2015 and the results are in. The Golder report indicates that that 22 of 45 soil samples submitted for testing, representing 12 out of 16 borehole locations, exceeded the Table 2 standards.

At this point, the Township has provided both the owner of the Greenbank Airport and the Ministry of the Environment with the Golder report and test results. In addition, the Township has advised the owner of the Greenbank Airport that no new fill may be brought on to the property and that any attempt to do so will be countered with legal action. The Township has retained the law firm of Loopstra Nixon LLP to represent its interest in this matter and to determine what legal options are available.

As per the terms of Site Alteration Agreement, the owner of the Greenbank Airport has been given 7 days to respond. They are to address the following issues:

- A proposed remediation plan to remove all prohibited materials and contaminated soils;
- A groundwater investigation to determine if any contamination has or may affect the groundwater; and

- A surface water investigation to determine if any contaminated surface water has or will migrate off site.

The Township has received written responses to the concerns raised by the Golder report from legal counsel to the owner of the Greenbank Airport and the environmental consultant retained by the owner. The Township is evaluating these responses and is consulting with its own environmental consultant and legal counsel to determine what further steps need to be taken and how to respond.

While the Township of Scugog has no jurisdiction over airport undertakings, it does have the power to regulate fill to ensure there are no adverse impacts from such commercial fill undertakings. This municipal power has been upheld by recent court decisions, including a previous decision involving the Township of Scugog.

Mayor Rowett has stated: “Since site alteration activities, including commercial fill operations of the scale encountered here, are not directly regulated by the Ministry of the Environment, the Township must ensure that all land owners fully comply with their contractual and environmental obligations.”

Further comment from the Township is available by contacting Mayor Rowett at (905) 985-7346.