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Greenbank airport 'not a dump site,' says airbase owner

Bob Munshaw scoffs at allegations in Scugog's \$105M countersuit

News Apr 27, 2017 by [Chris Hall](#) Port Perry Star



SCUGOG -- Councillors are pondering their next move after the Township received a report of contaminated soil at the Greenbank Airways site, located on Regional Road 47 near Greenbank. May 5, 2015 - Benjamin Priebe / Metroland

SCUGOG — Bob Munshaw just shakes his head when asked about the mountain of allegations levelled at him about his latest project — rehabilitating the Greenbank airport.


“It is not a dump site,” he stresses slowly and emphatically, “it’s an airport we’d love to be able to enhance.”

Doubts about the project, which included an original proposal to truck in 2.5 million cubic metres of soil as part of upgrades to the rural Regional Road 47 airbase, were raised as soon as the idea was pitched. But, says Munshaw, he worked out an agreement with the Scugog

administration at the time — led by former mayor Chuck Mercier — that both sides could live with.

“We spent almost two years setting up the agreement we thought would set a precedent for Ontario and Canada with checks and balances and a way to safeguard (the environment),” says Munshaw.

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Fast-forward almost five years and the project is now at a legal crossroads.

Two years ago, in the spring of 2015, borehole tests commissioned by the township turned up soil samples that exceeded acceptable levels, leading Scugog to halt soil shipments to the site and call for remediation efforts at the airbase. A year later, Scugog continued its cleanup push, issuing a Municipal Act Order requiring full remediation based on a township-approved remediation plan as well as payment of outstanding fees.

Last year also saw Munshaw launch a \$10 million lawsuit against the township because, said Munshaw, “the township was not allowing the continued importation of fill to complete its airport renovations.”

Finally, in response to that legal challenge, Scugog filed its own countersuit this March, which seeks \$105 million from Munshaw, GFL Environmental Inc. and others associated with the controversial Greenbank airport site.

In the township’s counterclaim, Scugog estimates it will cost \$100 million to remove the contaminated soil and prohibited materials from the property and then restore the airport lands.

“The people responsible, whoever they may be, have left the township with a big mess,” said Charles Loopstra, Scugog’s lawyer, last week after the countersuit was announced. “The township issued orders to conduct a cleanup and those orders were ignored and (the township doesn’t) have the money to do the cleanup themselves.”

Added Loopstra: “The township is saying that if they have to (cleanup the site), the worst-case scenario is they’ll have to spend \$105 million. That is a lot of money and there is a lot of fill there.”

Munshaw, however, scoffed at the allegations.

“That’s ridiculous to say the whole site is contaminated. That’s why we do all the prework,” he said.

Under the agreed-upon system, explained Munshaw, if any signs of contaminants were found in the soil shipments then Scugog’s mayor and councillors were to be informed and a cleanup would commence.

Unfortunately, said Munshaw, every little bit of dirt in each dump truck can’t be checked and sometimes dirty dirt slips through.

“This can happen,” he said.

It occurred three times in the past and was always cleaned up, added Munshaw.

“It was working well until the new administration (Mayor Tom Rowett and his council) and their new rules,” he continued. “It was a really good system that we had that was able to get to the ultimate goal and both sides were satisfied.

“Now that’s thrown out the window,” said Munshaw. “They changed all the rules of the game and literally shut us down.”

Among those listed in the township’s countersuit is GFL Environmental Inc., a Toronto-based environmental services company with an office in Pickering, its chief executive officer Patrick Dovigi, and the numbered company 2307880 Ontario Inc. as defendants. Also listed in the counterclaim as defendants are Munshaw and former airport manager John Packer.

In the counterclaim, Scugog acknowledged that Greenbank airport is owned by a numbered Ontario company, but alleges that GFL is the “beneficial owner” of the site.

“Certainly all the decisions were made by the GFL people,” suggested Loopstra.

In a written response to the Star regarding the lawsuit, GFL made it clear that the company has no ownership stake in the Greenbank airbase.

“The owner of the Greenbank airport site is 2307880 Ontario Inc., not GFL,” said the company in an email sent on April 24. “In 2013, GFL Excavating Corp. entered into a licence agreement with Greenbank which allows GFL to deposit fill at the airport site. GFL provided soil to the airport from its GFL soil recycling facility in Pickering in accordance with the Ministry of Environment and Climate Change approvals given to GFL and from other sites where soil was tested by a third party environmental company before its shipment to the airport site. All soil was tested twice.

“The Township of Scugog is trying to deflect attention away from the serious legal action before it by initiating a counterclaim that is both overinflated and transparently without merit.”

In an interview on Monday, Munshaw confirmed he is the owner of Greenbank Airways.

He also stressed that Scugog's lawsuit "presumes all of the fill at the airport needs to be removed, which we do not believe to be necessary."

He added that "there is no evidence that there has been any impact to groundwater from the activities on the site" and that while "the township accepted this conclusion in 2015 ... the township has decided to now call into question the testing which was competently conducted since 2012 and submitted to the township quarterly for its review throughout that period.

"We had identified and were working with the township on a few identified exceedances when they stopped allowing fill to be deposited at the site in 2015 and were in negotiations with Scugog on how to proceed when this suit was filed. We believe it is an inflammatory amount and an overstated case."

Whatever the outcome of the legal proceedings, Munshaw continues to have high hopes that work to improve the airport will one day resume.

"We certainly hope so or it'll just be one big waste of money," he said.

The decision by Scugog to push forward with a lawsuit in an effort to secure funds to clean up the airbase has garnered "kudos to council" from at least one Greenbank resident.

"They're taking on a challenging issue but an issue that needs to be taken on," said John Peever. "At the end of the day, there is an enormous pile of toxic fill and GFL knowingly placed it there and they have to face the consequences of their actions and clean up the mess."

Peever noted that concerns remain about the possibility of contaminants leeching into the water supply that feeds surrounding homes and pointed to the "visual plight" of the airport site.

"It's an enormous reminder everyday for the people of Greenbank of what's in our backyard because you can't not see it," he said.

by [Chris Hall](#)

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