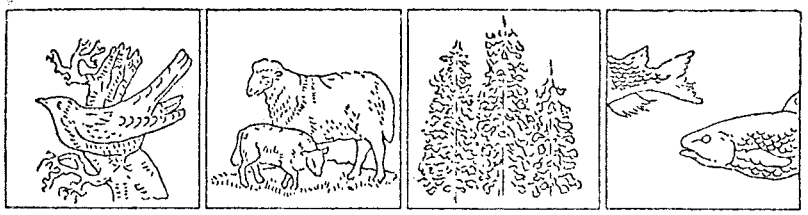

THE CONSERVATION COUNCIL OF ONTARIO
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BRIEF TO THE MINISTRY OF NATURAL RESOURCES ON ONTARIO'S PROPOSED AGGREGATES ACT

This Council has long been concerned about mineral aggregate extraction in Ontario and submitted an extensive brief to the Minister of Natural Resources on the Mineral Aggregate Study for the Central Ontario Planning Region in 1975. Members of this Council have also served on the Government of Ontario's Mineral Aggregate Working Party established shortly thereafter. Our comments here are based to a considerable extent on those prepared by the Canadian Environmental Law Association, one of the Council's thirty-seven Member Associations. Whereas our thinking on the aggregate issue is basically similar, as is evident in this brief, our comments are of a less detailed and comprehensive nature than you will be receiving from the Canadian Environmental Law Association. However, this brief reflects a unity of thought shared by CELA, this Council and its broad membership.

The Conservation Council's concerns cover the wide range of environmental impacts associated with pits and quarries operations and include:

1. the noise and dust they generate.
2. the potential damage they can cause to water tables and wells.
3. the safety hazard and blight on the landscape abandoned sites can produce, and
4. the conflict that sand and gravel deposits often being found under prime agricultural land or sensitive natural areas can generate.

This Council recognizes the need for new aggregate supplies which will be required in the future even if conservation measures are effective in slowing the growth in demand for these materials. Consequently, we were gratified by the Government's action in introducing Bill 127, The Aggregates Act. We believe the Bill includes several positive provisions, namely:

(i) a fund to pay for rehabilitation of abandoned pits and quarries
(ii) progressive rehabilitation incentives
(iii) greater involvement by regional government
(iv) increased inspection
(v) more thorough and regular review of operations
(vi) more stringent site plan requirements, and
(vii) higher fines for offences.

The Council, however, is apprehensive that this new Act will in practice contain many of the same deficiencies of the present Pits and Quarries Control Act by repeating the pattern of vagueness, ambiguity, lack of public participation and wide Provincial discretionary powers. We concur in the Mineral Aggregate Working Party's conclusion that the Provincial Government has lacked credibility because of i) its failure to enforce the Act, ii) weaknesses in the Act itself, and iii) lack of rehabilitation. The Ministry of the Environment is apparently given no role in assessing new proposals, leaving little hope for protection of social and environmental amenities.

We therefore offer the following comments which we hope will be constructive:

1. Since the Aggregates Act does not spell out the regulations and policies which will implement it, we recommend that, before second reading of Bill 127 and prior to the committee of the Legislature considering the Bill, these regulations and policies and the public's reaction to them, be made available. All regulations and changes thereto should be subject to public scrutiny and discussion before they are made final.

2. The Act should include a statement indicating the necessity for conserving mineral aggregate resources and for keeping this in mind when implementing the Act. The stated purposes of the Act should be extended to include assurance of the protection of the environment and provision of a right of relief from decisions and activities that do not protect the environment or ensure rehabilitation of areas affected by pits and quarries.

3. All classes of applicant for a license or permit should be required to provide evidence of the public interest to be served and the need to be fulfilled by the operation proposed as well as a comprehensive rehabilitation plan.

4. No license or permit should be issued in the case of an operation contravening an official plan or zoning bylaw or having a significant negative environmental impact without submitting the proposal to the regulations of the Environmental Assessment Act.

5. License fees, rehabilitation security deposits and approval processes should be the same for operations on Crown land and on private land.

6. The Act should state the minimum sum to be required as rehabilitation security and recognizing that actual rehabilitation costs may vary from site to site and be subject to inflation, the Act should provide that the actual rehabilitation payment will be based on the actual cost of rehabilitation.

7. The term "abandoned" in Section 33 should be defined. The definition should include pits and quarries abandoned both before and after the Act comes into force and should not be limited to "unlicensed" pits and quarries or those without permits. The abandoned pits and quarries rehabilitation fund should be available to rehabilitate both existing pits and those abandoned in the future. Licensed or permitted pits and

quarries which are abandoned in future, with an insufficient sum in the operator's rehabilitation security account to adequately rehabilitate, and where the additional sum needed cannot be recovered by court action from the licensee or permittee, should also be completely rehabilitated.

8. The rehabilitation fund should be available for rehabilitation of abandoned pits and quarries and to compensate anyone harmed as a result of an abandoned pit or quarry. Decisions regarding appropriation from this fund should be open to appeal.

9. The Act should state that every licensee or permittee must stockpile substantially all the topsoil on his site, ensure it is protected from wind drift or erosion and replace it in accordance with the requirements of the site plan.

10. The public should be given the absolute right of private prosecution under the Act and not only with the consent of the Minister.

11. The Act should require provision for more (sufficient) staff to carry out effective and consistent enforcement of regulations.

12. Local municipalities should be given the right to impose and enforce more stringent standards if so desired.

September 26, 1979