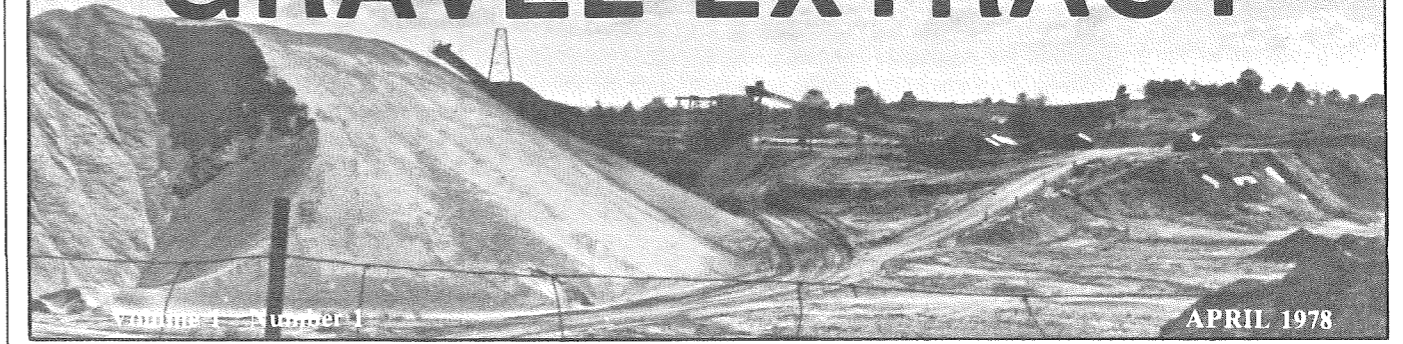


## GRAVEL EXTRACT



## CRUCIAL LEGISLATION IMMINENT

Pending pits & quarries legislation will bring sweeping changes for aggregate mining in Ontario. The new legislation will be introduced very soon, perhaps in a matter of weeks.

Frank Miller, Minister of Natural Resources in a recent address to the Annual Meeting of the Aggregate Producers Association of Ontario stated that the legislation will use as its starting point the Report of the Mineral Aggregate Working Party.

The Working Party's Report has been sharply criticized by many municipalities as depriving them of municipal control over aggregate extraction. Provincial or regional control will not be responsive to local needs and concerns.

The Association of Municipalities of Ontario has passed a Resolution rejecting the proposal to reduce municipal powers. (see "AMO Goes to Queen's Park")

The Foundation for Aggregate Studies (FAS) fears that the 64 recommendations of the Working Party Report will be adopted without revision by government. These recommendations pay lip service to local control. A close reading shows that there are advisory roles to be filled at the local level but the final decision-making powers will be taken away from the municipalities.

Under the present Pits & Quarries Control Act, the Province cannot grant a license for a pit or quarry if a municipality prohibits such an activity. However, under the Working Party Report, municipalities can be forced by the Ministry of Natural Resources (MNR) to change their by-laws and Official Plans, and make aggregate extraction a first priority land use.

The Report provides only for 'consultation' at the municipal level. FAS contends that municipalities should be able to control the aggregate industry just as they control almost every other commercial activity within their boundaries.

The Report also calls for designation of aggregate areas in order to ensure long-term supplies. Final powers of designation will be

given to MNR who can order the municipalities to make the changes it wants.

This provision and the imposition of an aggregate quota system are the targets of sharp criticism. The Ministry contends that this is being done to ensure that municipalities accept a 'fair share' of the burden of supplying gravel. However, the determination of 'fair sharing' rests ultimately with the Ministry in Toronto.

This scheme represents a massive, long-term sellout to the aggregate industry. The industry has mounted an intensive PR campaign to convince the public of these alleged gravel shortages. There is, and will be, no shortage whatever. The industry is simply seeking to protect its holdings and massive reserves close to large urban markets, rather than extending its operations into less populated and less sensitive areas.

What about the cost to the public arising from heavy gravel-truck traffic — road costs and safety costs? There have been accidents involving gravel trucks - a few of them fatal - in recent months.

In view of the major increases in fuel costs in the past two years, and in view of the need to conserve our fossil fuels and employ them wisely, should we not be looking for alternative modes of transportation? Before making policy changes based on truck transport of goods to market, the government should consider rail and boat transportation of aggregates. The latter are far more efficient, in terms of energy and cost.

Frank Miller, in his address to the Aggregate Producers Association, stated that he has a responsibility to ensure the wise management of aggregates, and to see that aggregates be made available at a reasonable price. The industry is anxious to wrest control from municipal hands because it has been hampered in the past by municipal regulation.

Little has been done to rehabilitate the existing 28,000 acres of abandoned gravel pits in southwestern Ontario. Rehabilitation costs range from \$1,000 to \$3,000 per acre. The fact

that the Report recommends an increase in rehabilitation tax from 2¢ to 8¢ per ton is commendable, but it simply isn't adequate.

The Minister referred to a few dramatic and excellent examples of rehabilitation in his speech, including Christie Pits in Toronto. These represent only a minute portion of the many mined-out pits which the industry has chosen to ignore after the aggregate profit has been extracted. Even the Royal Botanical Gardens in Hamilton, a much-heralded rehabilitation site, is the work of government rather than rehabilitation by industry.

Another key recommendation of the Working Party's Report calls for the exemption of the pits and quarries from the provisions of the Environmental Assessment Act. With George McCague as new Minister of the Environment, there is some hope that he will see that this provision is deleted from the legislation. There is no valid reason to exempt the aggregate industry from the Environmental Assessment Act. The protection of the rural environment, of prime agricultural land, and the maintenance of public health and safety necessitate the use of the Environmental Assessment Act in this situation.

The production of aggregates is accepted as essential but the overall cost to the community has been far too high in recent years. The imminent legislation could radically change the rules of the game and the powers of the players before the long-term impact of the 'new' game is understood. The 'new' game could slip quietly through Queen's Park and be written into law within a few months. That will happen, unless the players take up their positions — NOW!

## IN THIS ISSUE:

AMO Takes Concerns to Queen's Park  
Collision Course on the Escarpment  
Peel Wants Change in Pit Assessment  
Puslinch Polarized by Projects  
and much, much more . . .

## GRAVEL EXTRACT

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## COLLECTIVE WISDOM

The problems that have beset Ontario communities over the past two decades of urban development will not go away. Tens of thousands of arable acres have been rezoned for apartment and office towers, transportation corridors, industrial complexes. Housing, work places and roadways, in turn, demand aggregate materials in their construction. So pits and quarries now pockmark the rural fringes of the large urban centres.

Towns and villages have seen large-scale strip mining denude the countryside and exhaust resources without any local economic benefits. The haulage trucks, trundling like behemoths down main street, are a constant hazard. Municipal councillors face local conflicts - - there is a real need for housing, industry, better roads, increased transportation - - but there is also the real cost to agriculture, the ecology, the economy, and the community's way of life.

Municipalities, small and large, have tended to face these problems independently and in isolation. Each has seen the erosion of farmland and rural living on its own horizon. They have missed the collective cost in terms of lost land and dollars. In 1971 the Province of Ontario began to address the problems of land abuse being created by unplanned and unregulated sand and gravel operations. The legislation proved toothless. It is currently being revised.

The proposed legislation has implications far beyond the aggregate industry: a moon-scaped countryside, pit rehabilitation, and local tax benefits. The legislation would reduce local planning powers, removing the destiny of local lands from the community to the provincial resource ministry. Erosion of municipal authority is inevitable where provincial planning proceeds without the collective wisdom of local governments.

**THE GRAVEL EXTRACT** aims to collect the local wisdom; to be a forum for some 850 municipalities in Ontario. Here you can contribute the experience of your community and benefit from the experience of other Ontario communities in meeting both the needs and problems of aggregate production. With your interest, **The Gravel Extract** will be a conveyor — stockpiling information from hundreds of municipal sources. But it will be a two-way conveyor. We will keep you posted on legislative changes, court actions, and the ways in which other provinces are coping with resource and environmental problems.

The editorial board of **The Gravel Extract** seeks to reflect your collective experience. But it is dependent on municipal and community leaders to keep abreast of developments in every part of Ontario. We look forward to hearing from you.

## Flaws in Act Need Correction

There are some basic flaws in the Pits and Quarries Control Act and its administration which must be addressed if the new legislation is to meet public, government and industry expectations.

A fundamental problem is created by the overlapping jurisdictions of the Natural Resources and Environment Ministries. Resources has the power to license and inspect pit and quarry operations. Environment has prime responsibility for curbing the pollution from this industry. As one authority has put it: "Resources deals with the industry but Environment must sit up with the end product."

"The process is costly, cumbersome and sometimes ineffective," says the Resources Ministry's Mineral Aggregate Working Party. "We have concluded that this is largely due to conflicts brought about by overlapping jurisdictions."

The existing legislation has been applicable to too small a part of the province. By the end of 1976 only 278 townships had been designated under the Pits and Quarries Act. These are a third of some 850 municipalities in Ontario. Authorities have claimed that administrative problems under the present Act have made it difficult to extend the designations further.

But even in the one third of municipalities where designations have been made, enforcement of regulations has been hampered by lack of manpower. The Ministry of Natural Resources has not had nearly enough inspectors available. Some Ministry personnel claim that even those who are available have been hampered by the bureaucratic machinery that the existing Act created.

The Minister of Natural Resources stated in his address to the Aggregate Producers Association recently that the deposit for rehabilitation must be substantially increased. With actual rehabilitation costs ranging from \$1,000 to \$3,000 per acre, a charge of two cents per ton is clearly inadequate. The Minister has suggested that a rehabilitation fee of around eight cents per ton may be necessary.

Another matter of concern is the enforcement of environmental standards. The Ministry of Environment has the power to enforce the maintenance of environmental standards on pit and quarry operators and it has exercised this power. But the enforcement process goes on behind closed doors. Justice may be done, but this is not apparent to the public nor to those of the industry itself who are complying with the requirements.

## AMO TAKES CONCERN TO QUEEN'S PARK Mono Township Resolution Sparks Action

The Association of Municipalities of Ontario (AMO) is pursuing with the Ontario Government its concerted opposition to the Mineral Aggregate Working Party's recommendations that would deprive local governments of zoning, planning and regulatory powers with regard to pits and quarries.

AMO Executive Director Mac Dunbar says an AMO resolution made this clear to provincial authorities and raised the matter at its March 10th meeting of the Provincial-Municipal Liaison Committee.

An AMO Committee had initially responded favourably to the recommendations of the Ontario Mineral Aggregate Working Party as contained in its January 1977 report. But last August Mono Township passed a critical resolution. Mono Township Councillor Bob Shirley, together with Morris Gross, chairman of the Monota Taxpayers Alliance, took their resolution to the AMO General Meeting which in turn passed its own resolution in support of Mono Township's initiative.

The AMO resolution focusses municipal concern that the Province establish legislation to provide sound aggregate industry management while leaving local governments with

their traditional control of land use, environmental and resource planning. The text of the AMO resolution follows:

"Whereas the regions and municipalities of Ontario have been asked to comment on 'A Policy for Mineral Aggregate Resource Management in Ontario' which is the January 1977 Report of the Ontario Mineral Aggregate Working Party; and

Whereas the said Working Party in its recommendations number 27, 28, 29, 30 and 31, requests that 'local zoning by-laws cease to apply to the control and location of pits and quarries', that 'The Planning Act be amended to remove municipal power to prohibit pits and quarries' and, similarly that 'The Municipal Act be amended to remove the regulatory powers of Municipalities'; and

Whereas the foregoing recommendations will be replaced by a new Act to be administered by the Ministry of Natural Resources; and Whereas such unusual powers are unnecessary because abundant mineral aggregate reserves exist in less socially and environmentally sensitive areas of Ontario, as recognized in the Working Party's Report.

Therefore, the Association of Municipalities of Ontario hereby resolves:

## Pelee Plebiscite

An Ontario Municipal Board hearing will consider whether Pelee Islanders can have a referendum on the question: "Are you in favour of quarrying operations in areas designated in the Official Plan as extractive industrial - - yes or no?"

The hearing is the latest development in a long dispute between Harris Fisheries and Pelee Quarries Limited over designation of quarrying activities in Pelee Township Official Plan. The Island's 250 residents are split on the issue. Pro-quarry advocates cite employment opportunities; opposition say quarrying could damage the Island's farming and fishing economy.

A television network, CTV, recently took an informal poll of the Island community on the issue. "Members of council felt this was not a proper vote because there was no policing. Council felt that a proper poll of community views should be taken," says Pelee Township Clerk, Ms. J. Cappiello.

The Minister of Housing ordered an OMB hearing on the Pelee Official Plan, suggesting amendments that would designate portions of the Island as "environmentally protected areas." But this was not satisfactory to Harris Fisheries who are opposed to quarrying. The OMB will consider whether approval should be given to the Township by-law authorizing the referendum which will cost about \$600.

## Sault Anti-noise By-Law

Neither residents nor gravel operators have been satisfied with an anti-noise by-law passed by the City of Sault Ste. Marie last year.

The by-law was designed to curb noise from pits and quarries by banning operations after 9:00 p.m. and before 6:30 a.m., or at any time on Sundays or holidays. Fines up to \$1,000 on conviction of a violation are provided in the by-law.

Residents say the by-law is applicable only to the noisiest operations such as screening, crushing and trucking. Even these are permissible in emergency or special circumstances if written approval of the City Engineer is obtained.

Operators challenged the city's authority to limit hours, contending that noise from the pits could be controlled by enforcement of a model noise control by-law drafted by the Province. The Ontario Court of Appeal, however, has in the past upheld municipal powers to limit hours of operation.

Recently residents complained about Sunday operation of a pit. The operator agreed to stop Sunday activity when contacted by city authorities.

Copies of the Sault Ste. Marie anti-noise by-law are available from Clerk's Office, 99 Foster Drive, Sault Ste. Marie, Ontario.

1. That it rejects the recommendations of the Working Party Report which reduce or eliminate municipal powers to regulate pits and quarries. Municipalities should have the power under The Planning Act to control the opening of new pits and quarries within their boundaries, and to contain existing pits and quarries within defined boundaries;
2. That the Association of Municipalities of Ontario unanimously endorses the Working Party's recommendation number 26: "That The Planning Act be amended to define the mining of a pit or quarry as a use of land within the meaning of section 35(1) of the Planning Act";
3. That for the supply of local needs within the smaller municipality and for wayside pits for local road building and maintenance, aggregates may continue to be extracted locally, but the Province should adopt policies which will encourage aggregate mining for the needs of large urban centres, to be undertaken in more remote unpopulated parts of the Province, which have shown to be economically suitable;
4. That in recognition of the fact that the present Pits and Quarries Control Act has not been effectively enforced by the Ministry of Natural Resources, particularly with respect to rehabilitation of existing pits, it is recommended that the Province amend the Act to positively ensure the full rehabilitation of existing pits on a progressive basis, with the costs to be fully borne by the pit owners."

## Peel Region Urges Assessment Changes

A staff report prepared for Peel Regional Council has recommended changes in current methods of assessing pit and quarry properties. The recommendations have been forwarded to the Revenue Ministry's assessment division and to the Peel-Halton Assessment Office.

The Peel Region study was prompted by revenue difficulties encountered both at the regional level and by the individual municipalities. The report does not foresee assessment changes affecting the land use control of pits and quarries. But it cites incentives for better land use as well as more equitable tax return.

Changes in the present methods of assessing sand and gravel lands could create incentives for the progressive rehabilitation of pits and quarries, a reduction in the size of the mining areas, and the encouragement of farming as an interim use on resource lands held for future extraction, says the Peel report.

The study found wide variations in the classification of land for extractive purposes among the Peel Region municipalities.

## MINISTRY AND N.E.C. ON COLLISION COURSE

There are major conflicts between the plans and policies of the Niagara Escarpment Commission (NEC) and the recommendations of the Ontario Mineral Aggregate Working Party. They concern very different concepts on the extent to which mineral resources should be exploited on the Escarpment and the roles of both the Commission and the 55 local municipalities in licensing pits and quarries there.

While the Ontario Cabinet is expected to act shortly on draft legislation to implement the Working Party recommendations, the Niagara Escarpment Plan will not be in draft stage before late this year nor ready for government consideration before 1980. In these circumstances, local governments and residents must act promptly to assure that the Commission's long-term aims to protect the Escarpment are neither frustrated, nor blocked from the outset, by mineral aggregate resource legislation that makes those aims redundant.

In February, the NEC Chairman Ivor McMullin detailed the Commission's three-year study for representatives from the 55 municipalities concerned. Public meetings are now underway so that residents and officials of these municipalities of the Niagara Escarpment Planning Area can consider the proposals. The Commission has already met with the Regional Municipality of Niagara and with ratepayers' associations in Caledon and Mono Townships.

"The public will be given full opportunity to respond," says Senior Planner Doug Armstrong. "Municipalities wishing to have separate meetings with the Commission can request them. In the meantime we are meeting with groups of municipalities, sometimes five at a time."

### 'COMPATIBLE WITH ENVIRONMENT'

The Commission was established in 1973, under the Niagara Escarpment Planning and Development Act, "to provide for the maintenance of the Escarpment and land in its vicinity substantially as a continuous natural environment and to ensure that only such development occurs as is compatible with the natural environment." The Commission was empowered to prepare an Escarpment Plan to implement policies. One such policy (Section 9) is "The control of all forms of

pollution of the natural environment."

On the basis of the public response to its three year study, the Commission will prepare a Draft Plan later this year. The Plan will be subject to formal public hearings. Hearing Officers will then report back to the Commission. The NEC will then forward their plan to the Hon. Rene Brunelle, who, as Secretary for Resources Development, will present it for Cabinet consideration. When Government policy is set, it will be implemented by the Ontario Ministry of Natural Resources.

The Natural Resources Ministry is also the sponsor of the Ontario Mineral Aggregate Working Party whose report of 1977 is now up for Cabinet consideration. That report - "A policy for Mineral Aggregate Resource Management in Ontario" - includes specific provisions within the Niagara Escarpment Planning Area.

The Niagara Escarpment Commission, in its preliminary proposals, has designated 39,100 acres as "Mineral Resource Areas." This would quadruple the 12,397 acres now licensed for pits and quarries in the escarpment region. The Natural Resources Ministry, however, has identified some 300,000 acres of aggregates in the region, of which they consider 216,000 acres a high priority resource for long-term planning purposes. (See Table 1)

### CONFLICTING AIMS

The Niagara Escarpment Commission having already designated four times the licensed acreage as future Mineral Resource Areas, expressed concern that the Aggregate Working Party would earmark an effective reserve area 550 per cent greater. NEC Chairman McMullin noted that such a reserve in the Escarpment region was inconsistent with the Working Party's aim of relieving pressure on existing sources of supply. Moreover, he said it conflicted with the planning and environmental aims provided for under Section 9 of the Niagara Escarpment Planning and Development Act.

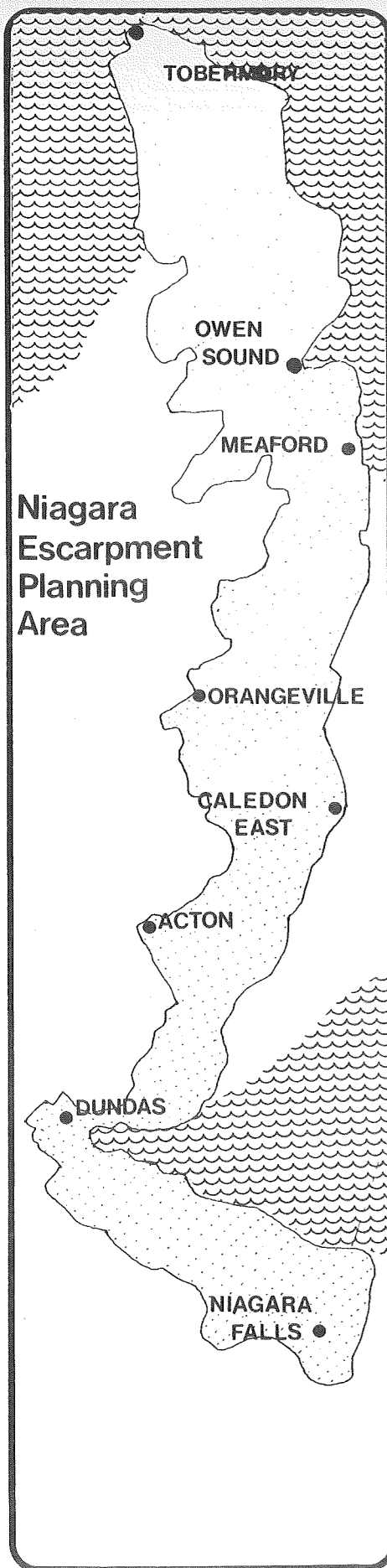
Subsequently, the Commission has had a change of heart. Its preliminary proposals, now being discussed with municipalities, endorse some expansion of existing acreage in the Niagara Planning Area while taking a contrary position in regard to Caledon and

Ministry of Natural Resources figures are:

Table 1

Niagara Escarpment Planning Area Reserves

	Total Reserves		Effective Reserves	
	Acreage 1000 acres	Tonnage Billion tons	Acreage 1000 acres	Tonnage Billion tons
Crushed stone	139.6	46.2	99.8	34.3
Sand	108.0	8.7	82.4	6.8
Gravel	54.1	5.1	34.3	3.4
Total	301.7	60.0	216.5	44.5



Niagara Escarpment Planning Area

## Collision Course on Escarpment

Mono Townships where it calls for the phasing out of the majority of open pit mining within a year after the Plan is approved.

The NEC has proposed a licensing procedure that stresses municipal control. Pit and quarry or mine operators would submit applications for licensing to a municipal or county council who would have first opportunity to approve, reject or defer the license. While an applicant could appeal a local decision to the Minister of Natural Resources, the Minister would not normally issue new licenses without the approval of the local municipal council.

Under the Ministry's Aggregate Working Party plan, the municipal councils would be forced to earmark adequate acreage for pits and quarries, but the licensing control would be put directly into the Ministry's hands. The responsibility for determining the location of the mining area would be left with the regional or county council.

### NEC WANT PRECEDENCE

In outlining its plans and policies, the Niagara Escarpment Commission is explicit that they should take precedence over any revised pits and quarries legislation. "Where there is a conflict between any provisions of the Pits and Quarries Control Act as may be amended from time to time . . . and any provisions of these (NEC) policies, the provisions of these policies shall prevail."

These conflicting approaches are particularly significant because the Ministry's Working Party Report specifically notes "that the Niagara Escarpment Commission is being treated throughout this report as if it were equivalent to a regional or county council. If the Government decides to maintain the NEC, after its plan has been approved, then authority would be delegated to the Commission to decide on whether a license should be issued or not - if it incorporates mineral aggregate extraction areas with supporting policies in its plan. This would mean that regions or counties lying partly within the Escarpment Planning Area would only be responsible for mineral aggregates outside this (Escarpment) area."

Throughout Ontario under the proposed Pits and Quarries Control Act amendments, an application to open a new pit or quarry would be submitted directly to the Ministry of Natural Resources who, in turn, would advise the regional or county council, or - in the Niagara Escarpment Area - the NEC.

The Working Party recommends: "In the Niagara Escarpment Planning Area, an application for a license under the new Act would not be accepted until the applicant has received a development control permit from the NEC. When the Ministry has received the application with all details, information and reports, it would be submitted to the regional or county council or the Niagara Escarpment Commission."

There are townships within the Escarpment planning area with approved Official Plans that have not incorporated mineral extractive areas. They must ask themselves the

question which the Resources Working Party has raised: what if the government decides not to maintain the Niagara Escarpment Commission once its plan has been approved? **If NEC Phased Out?**

If the NEC was phased out after its plan was accepted, there is no assurance that the NEC's stringent licensing or pit and quarry rehabilitation proposals would necessarily be implemented by the Ministry of Natural Resources. The Niagara planning area municipalities would be stuck with much enlarged extractive areas without authority to either control or license the pits and quarries. This is certainly one matter that should be clarified during the current discussions of the NEC report and satisfactorily resolved before the public hearings on the NEC draft plan are concluded.

Frank Miller told the annual meeting of the Aggregate Producers Association of Ontario in March: "I expect to be able to present this (draft legislation) to the Cabinet Committee for Resources Development very soon." That draft legislation incorporates the provisions that specifically rely on a Niagara Escarpment Commission and its plans and policies for the Niagara Escarpment Planning Area.

How can Cabinet Resources Development Committee meaningfully consider the Pits and Quarries legislation as it relates to the sensitive Niagara Escarpment and the 55 municipalities within that planning area when the Niagara Escarpment Commission's draft plan will not be a reality this year?

The Niagara Escarpment Commission, while accepting the need for aggregate materials from its planning region, has shown that it understands the problems of mineral aggregate extraction; that it appreciates the impact of pits, quarries and mining on so ecologically sensitive a region; that it is sympathetic to the problems of many small municipalities within this planning area. The NEC has proposed explicit licensing procedures and valid rehabilitation plans that would allow local planning and land use control by the local governments concerned.

What happens if the Niagara Escarpment Commission is disbanded when its Plan has been approved and implemented? The Working Party has, itself, raised this question. Vulnerable local municipalities within the Escarpment region must, indeed, demand answers.

The Ontario Government has said that "aggregate production is by its very nature disruptive to the natural environment." The Niagara Escarpment Commission has found the Escarpment region particularly sensitive to disruption. The Mineral Aggregate Working Party reports that billions of tons of aggregates are available from much less environmentally and socially sensitive areas. Under these circumstances the Commission may well consider whether all aggregate operations should be phased out within the Niagara Escarpment region except for wayside pits and quarries for local needs.

## U.S. IS TOUGH ON STRIP MINING

Tough new reclamation standards for coal strip mining have been established in the United States with a new bill, "The Surface Mining Control and Reclamation Act."

Speaking to a FAS researcher in Washington D.C., the Assistant Director of the Office of Surface Mining Reclamation and Enforcement, Paul Reeves, said that the same standards may be applied to sand, gravel and oil-shale. "The White House Council on Environmental Quality is presently drafting recommendations regarding the application of this act to other surface mining operations. Their recommendations are due a year from now." Mr. Reeves indicated that he expected sand and gravel standards to be "just as controversial" as the coal strip mining bill.

The U.S. Public Law 95-87 requires mining companies to restore surface mined land to a condition that is equal in all respects to its previous use and value. Land must be graded to its original slope, soil reconstructed and native vegetative cover replaced.

U.S. mining companies are now required to pay a levy of 35 cents per ton on surface mined coal and 15 cents per ton on coal from underground mines. The fee must be paid quarterly: infractions can result in fines up to \$10,000. First payments were due January 30, 1978, and Mr. Reeves indicated that there is a 60% compliance rate from companies presently.

Strip mining on agricultural land will only be permitted if operators can prove their ability to restore the land to its previous productivity level. Farmers, ranchers, and other land owners can object to surface mining on their lands even if they do not own the mineral rights.

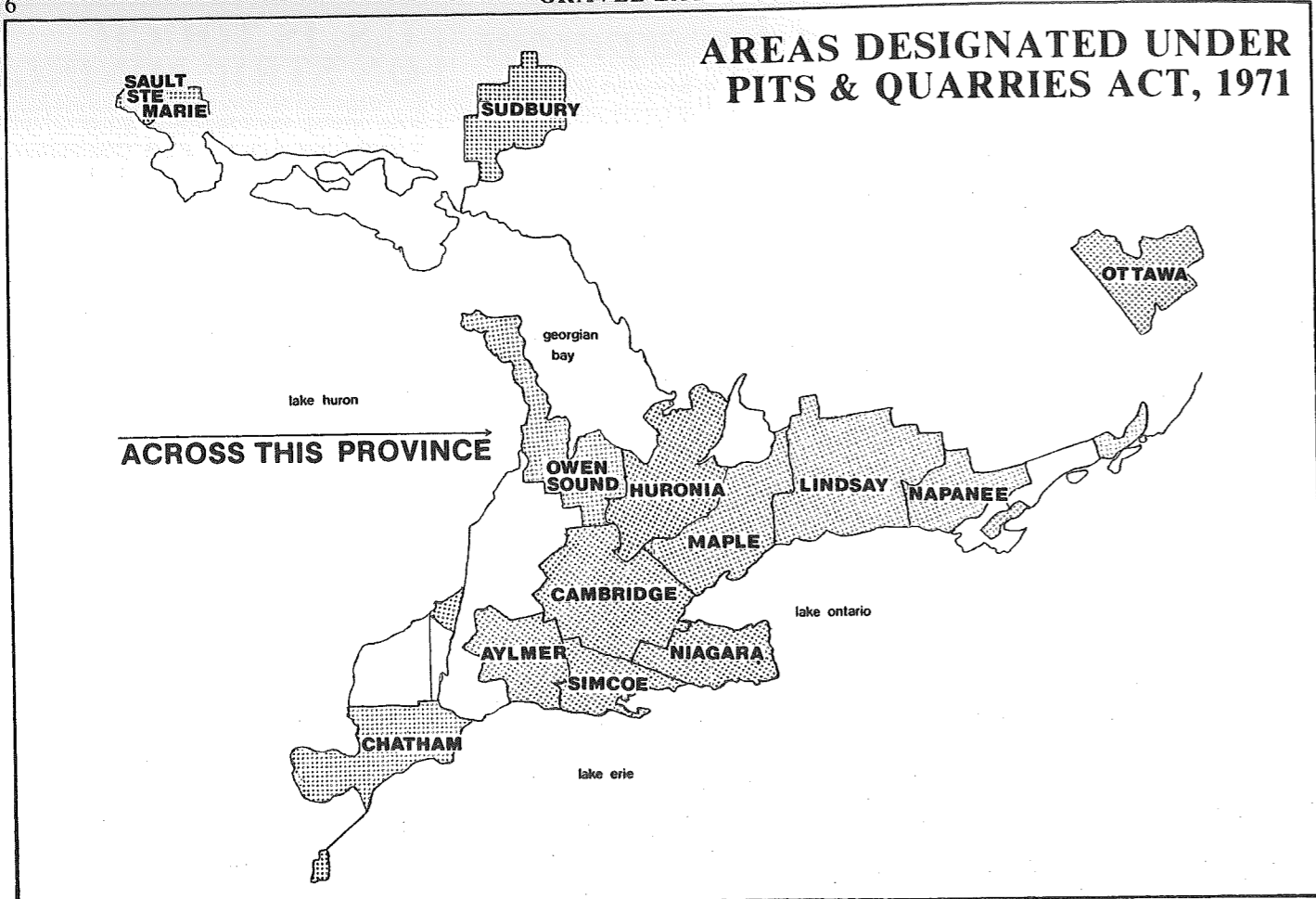
"The expansion of coal mining to meet the nation's energy needs makes even more urgent the establishment of appropriate standards to minimize damage to the environment and to productivity of the soil, and to protect the health and safety of the public", says the preamble to this U.S. Act.

It is in sharp contrast to recent comment by Ontario's newly appointed Environment Minister, George McCague. Shortly after he was named to the Environment portfolio, the new minister said the environmental controls may be too strict and may be hindering industrial growth.

## Canadian Society of Landscape Architects

At a seminar of the annual convention of the Canadian Society of Landscape Architects, recommendations were made concerning the registration of rehabilitation plans for gravel pits. It was suggested that such plans should be drawn up at the time when normal operating plans for the project were under discussion, and should form part of the consideration for the license. It was agreed that although the costs involved in converting played out pits into other types of land use are high, the value of land makes this a necessity. The social costs of aggregate extraction on the urban fringe were also a strong consideration.

## AREAS DESIGNATED UNDER PITS & QUARRIES ACT, 1971



### GREY COUNTY

Following widespread concern that the Ministry of Natural Resources has earmarked Grey County "as the gravel pit and stone quarry for the rest of Southern Ontario", and that local municipalities will lose out on revenues, Grey County Council set up a permanent sand, gravel and stone Advisory Committee last June. The county is believed to be the site of huge reserves of aggregate, and council members are concerned about the long-term economic and environmental affects of provincial plans for this resource. The purpose of the Advisory Committee will be to compile data on the extent of the aggregate sand, gravel and stone deposits in the county and to respond to Provincial policy.

### NORTH DUMFRIES RESOLVES PROBLEM

North Dumfries Township Clerk Harry Griffen reports that the problem created by gravel trucks' use of a prohibited laneway has been resolved without legal action.

The license agreement specified that right of way between the Waynco property and an adjacent farm was to be paved and used only for the movement of heavy equipment in and out of the property.

### KITCHENER

Owners of the 47-acre site, Dominion Life together with Freure Homes, have applied to

the City of Kitchener for an amendment to the zoning by-law and official plan to permit a \$15 million housing and commercial project on the site of the former Forwell Gravel Pit.

The abandoned pit has been used as a recreation area by local residents for many years. The applicants would bear full cost of preparing the site for construction of some 450 apartment units, all facing ponds on the property.

### MAPLE

900 acres of played out gravel pits are being considered for a landfill site to accommodate Metro Toronto's garbage overflow. Local residents are not pleased with this example of rehabilitation and after several months of hearings by the Environmental Assessment Board, are anxiously awaiting a decision concerning the proposals.

Ratepayers in the area are particularly concerned about water pollution, noise and traffic problems. They are generally opposed to dumping as a way of handling garbage disposal.

### LOBO TOWNSHIP

Applicants have asked Lobo Township Council in the past year to rezone and amend the Official Plan to allow gravel extraction at two locations. Huron Construction asked for rezoning of 143 acres of land west of Komoka. South Winds Development Limited requested rezoning of 140 acres south of the Village.

Since the township is not responsible for

licensing aggregate operations, Council has used planning powers to afford some measure of control. Huron Construction's rezoning application was approved subject to the company's compliance with a development agreement with Council. The Municipality has established a comprehensive system to monitor water table changes resulting from Huron's operations. The South Winds application has been deferred until further studies on water table impact are made.

Concerned that the Natural Resources Ministry has approved pit licenses without consulting them in the past, Lobo Township Council are reassured by new procedures at the provincial level to control the aggregate operations.

### BRAMPTON

Brampton's Planning Committee has hired the firm of Ecologistics Limited to assess the potential after-use of gravel pits. The analysis of the gravel pits and their possible after-use for parks and recreation purposes is considered essential information in the preparation of the Official Plan.

### NEXT ISSUE:

Tax Assessment  
Real Aggregate Demand  
Rehabilitation  
Letters to the Editor  
Provincial-Municipal Liaison Committee  
Uxbridge, Caledon, Sudbury,  
Maple and much, much more . . .

## Road, Rail Costs Need Comparing

With increasing need for fuel economy -- particularly of petroleum fuels -- in Ontario, it is time that the Ministry of Transportation and Communications took a new look at the comparative costs of road and rail haulage.

The British Ministry of Transport has in the past two years sharply criticized excessive government funding of highway construction to subsidize the trucking industry while British Railways must finance its own roadbeds.

While British geography and economy differ in many respects from Ontario conditions, the matter of relative fuel efficiencies is universal and the subsidizing of one transportation industry rather than another is as applicable here as in Britain. The British Ministry of Transport found that a diesel railway engine was several times more energy efficient than a diesel truck in terms of tons hauled per gallon of fuel consumed.

### 60-TON TRUCKS

The trucking and aggregate industries in this province reinforce each other in their influence on the Transportation and Communications Ministry. The truckers find sand and gravel a paying cargo. The 60-ton semis with pup trailers, in turn, pound the highways and municipal roads into disrepair. This, of course, creates further demands for aggregates to rebuild more roadways. More trucks are needed to haul more gravel to rebuild more roadway pounded into disrepair by more trucks, ad infinitum.

The Transportation and Communications Ministry should take a close look as well at traffic safety aspects of sand and gravel haulage in this province. Increasing numbers of 60-ton trucks are sharing highways and local roads with family cars and school buses. Much of this truck tonnage is operated by independent haulers, self-employed operators, or drivers whose pay-checks are at least partially dependent on speed and fast turnaround. There have been a number of fatal accidents in recent months involving large gravel trucks on Ontario roads. One recent mishap involved a gravel haulage vehicle and a school bus in Mono Township.

## Queenston Case Shows Complexity

The complexity of licensing sand and gravel operations in the Niagara Escarpment Planning Area is exemplified by the application of Queenston Quarries to extend their operations.

Queenston's expansion application has been opposed by Bevan Heights residents since 1964. Last August, the applicant and owner of Queenston's Quarries, Steetley Industries, asked that the Niagara Escarpment Commission (NEC) process its application for a Development Control Permit rather than wait another four years for Master Plan approval.

The Queenston Quarries extension is designated on the NEC Plan as included in the

## Puslinch Polarized by Projects

Public attitudes pro and con aggregate operations have been polarized in Puslinch Township by issues involving a Provincial project, a Planning Board action and an expansion bid by a limestone quarry operator.

Township residents have filed a complaint with the Ontario Ombudsman in regard to a joint demonstration project by the Ministries of Natural Resources and Transportation and Communications on crown lands. The project involves mining some 200,000 tons of gravel on government lands previously used for recreational purposes.

The project team has assured that the gravel operations will be adequately screened from public view and that a unique rehabilitation program has been designed for the project. Provincial authorities have proposed that a committee to monitor the project operations include a Township representative.

Local residents were particularly provoked, however, because the Province has waived an assessment study and hearings under the environmental impact assessment and hearings under the Environmental Assessment Act. They contend that the seven-phase program is a major undertaking to which the Environmental Assessment Act provisions are directly applicable.

The planning board issue was first raised last year when a local resident took court action to dispute Puslinch Township's contribution to the Guelph and Suburban Planning Board. The action was based on the complainant's allegations that the Planning Board had acted improperly in establishing an Official Plan which would designate a large area for extractive purposes.

The presiding judge confirmed the complainant's contention that the Official Plan had been substantially changed from that shown at local public meetings. If the changes had been properly brought to public attention, the judge said, opponents would have had the opportunity to take the matter to the Ontario Municipal Board. He did not uphold allegations that there was conflict of interest nor that the Board had failed to comply with Planning Act requirements.

A third case for discussion in Puslinch

Commission's preliminary proposals and a NEC Senior Planner says it is probable that they will get the Development Control Permit and subsequently a license.

Bevan Heights residents have been successful in having an Ontario Municipal Board hearing deferred pending the establishment of the Master Plan. Steetley Industries will make their application at least two years prior to the Plan's approval and before public comment has been received.

Niagara Region Planning Department are further beset by the fact that the Queenston Quarry expansion involves rezoning agricultural land to industrial classification.

Township concerns the recent proposal of Steetley Industries to expand limestone quarrying on Gore Concession. Steetley is asking to be licensed to remove 900,000 tons annually from a 280 acre site. Company spokesmen contend that only 30 to 40 acres of the property would be mined at one time.

Residents had asked for an environmental impact study but the Ministry of Environment has advised that such studies under the Environmental Assessment Act are not required where the project is a non-government undertaking. Although no rezoning is involved, residents are seeking an Ontario Municipal Board hearing.

Residents have circulated a petition in opposition to the limestone expansion project and Puslinch Township Clerk has forwarded resident objections to the Ministry of Natural Resources. Ministry of Environment personnel have inspected the proposed site and evaluated the proposal.

## Ernestown Township Passes Own Tough Licensing By-law

Ernestown Township, a rural Lennox and Addington municipality northeast of Kingston has passed a municipal by-law regulating pits and quarries which it says is tougher than the provincial Pits and Quarries Control Act. The township had requested the Ministry of Natural Resources to designate it under the Act. After five years of Provincial inaction, the Municipality decided to take its own steps to prevent unregulated pits and quarries.

Township Clerk-Treasurer R. Blakely quoted the Ministry as advising that it did not have the manpower to police any more areas than those already designated under the Act. Ernestown Township's by-law is more stringent and more effectively implemented than aggregate control in Kingston which is officially designated under the Pits and Quarries Control Act, the Clerk-Treasurer says.

Ernestown's by-law controls slopes, sides and setbacks. To obtain a license, an operator must submit a site plan showing location of workings, phases of operation, total holdings and a plan for progressive rehabilitation of the property. The operator must complete the rehabilitation of a licensed area before he can proceed to the next phase of development.

Clerk-Treasurer Blakely says that while some gravel companies are good corporate citizens, "We had a case where an operator of a sand pit was working it 30 feet deep and 10 feet from the side of a municipal road. Pretty soon the road would have caved in and there would have been no compensation to the municipality." The Planning Act would not have applied, Ernestown Township was told, because sand and gravel extraction is not a "use of land" and consequently is beyond municipal control.

Licensing control of sand and gravel operations is essential to a municipality, he says.



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