

Liberal

BILL 127

An Act to Revise The Pits and Quarries
Control Act, 1971.

Motion to be moved in Committee

Section 1(ea)

I MOVE that Clause e of Section 1 of the Bill be amended by adding thereto the following clause:

- (ea) "environment" includes;
- (i) air, land, water
 - (ii) humans, plant and animal life,
 - (iii) the social, economic and cultural conditions that influence the life of humans or a community,
 - (iv) any building, structure, machine or other device or thing made by humans,
 - (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activity of humans, or,
 - (vi) any part or combination of the foregoing and the inter-relationships between any two or more of them.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 1(1)

I MOVE that Clause i of Section 1 of the Bill be struck out
and the following substituted therefore:

- (i) "inspector" means any employee of the Ministry or a municipality who is designated in writing by the Minister as an inspector for the purpose of this Act.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 2(c)

I MOVE that Clause c of Section 2 of the Bill be struck out and the following substituted therefore:

- (c) to provide for the protection of the environment and to require the rehabilitation of the land from which aggregate or Crown aggregate has been excavated.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 3(2)(f)

I MOVE that Clause f of subsection 2 of Section 3 of the Bill
be struck out and the following substituted therefore:

- (f) advise Ministries and municipalities on planning matters related to aggregates.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 4(1)

I MOVE that subsection 1 of Section 4 of the Bill be struck out and the following substituted therefore:

- (1) The Minister may designate in writing any employee of the Ministry or, of a municipality as an inspector for the purpose of this Act.
1971, c.96, s.1(c), amended.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 4

I MOVE that Section 4 of the Bill be amended by adding thereto the following subsections:

(3) An inspector shall prepare a written report following each visit, which shall include any observed violations of the Act, regulations, site plan, licence or permit.

(4) Any person, at all reasonable hours, may review and copy at nominal cost, an inspector's report in the possession or under the control of the inspector arising from subsections 2 and 3, and the inspector within a reasonable time shall furnish copies of them or extracts therefrom as requested upon payment of the requisite fee.

Review and copy
of reports etc.,
in possession of
inspector.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 5

I MOVE that Section 5 of the Bill be deleted.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 6

I MOVE that Section 6 of the Bill be struck out and the following substituted therefore:

6. This Act binds the Crown and its agents. New.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 8(1)

I MOVE that subsection 1 of Section 8 of the Bill be struck out and the following substituted therefore:

Environmental
Assessment.

- (1) The site plan accompanying an application for a Class A license shall include:
 - (a) an environmental assessment
 - (b) a field plan
 - (c) a rehabilitation plan

- (2) An environmental assessment shall include:
 - (a) a description of the need for the pit or quarry operation, the persons it is likely to benefit, the persons it is likely to harm and the period of time over which the impact is likely to occur;
 - (b) a description of the proposed ultimate consumer(s) of the product;
 - (c) a description of the proposed pit or quarry operation adequate to permit a careful prediction of its environmental impact;
 - (d) an account of the environmental impact which will be caused or that might reasonably be caused if the proposed pit or quarry operation is implemented, including a discussion of their significance and irreversibility;
 - (e) a description of measures available to minimize, mitigate or remedy the environmental impact;
 - (f) an account of the extent to which energy will be consumed and non-renewable resources will be used for the transportation of the product;

(g) an account of the alternative methods of carrying out the pit or quarry operation including a discussion of their environmental impacts, significance and irreversibility;

(h) an account of the alternative transportation modes and routes and the traffic density thereon;

(i) a description of the tendency, if any, of the proposed operation and related activities including transportation to induce or encourage industrialization, urbanization or related changes in the area or region;

(j) a qualitative and quantitative account of the degree of uncertainty in any description of the environmental impact of the proposed pit or quarry operation, alternative methods and alternative transportation modes or routes.

(3) A field plan shall include;

(a) the location, true shape, topography, contours, dimensions, acreage and description of the lands set aside for the purposes of the pit or quarry;

(b) the use of all land and the location and use of all buildings and structures lying within a distance of 500 feet of any of the boundaries of the lands set aside for the purposes of the pit or quarry;

(c) the location, height, dimensions and use of all buildings or structures existing or proposed to be erected on the lands set aside;

(d) existing and anticipated final grades of excavations, contours where necessary and excavation set backs;

(e) the sequence or direction of operation;

(f) all entrances and exits;

(g) as far as possible ultimate pit development, existing, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, tree screening and earth berming, progressive and ultimate rehabilitation and, where possible, intended use and ownership of the land after the extraction operations have ceased;

Bill 127

Motion to be moved in Committee
(continued)

(h) cross-sections where necessary to show geology, progressive pit development and ultimate rehabilitation;

(i) the location of fences and any significant natural features, including rivers, lakes or streams;

(j) the water table and any existing and proposed drainage facilities on the site;

(k) the location of water wells within 150 metres of the site;

(l) the maximum depth of excavation and whether it is intended to excavate below the water table; and

(m) such other information as the Minister may require or as is prescribed by the regulations.

Shortform of
field plan.

(4) The field plan for an application for a Class B licence may be in a short form prescribed by the regulations in lieu of the form required by subsection 2.

Rehabilitation
Plan

(5) A complete and detailed plan for the rehabilitation of the environment affected shall include the following:

(a) a statement of the current official plan designation, the current zoning and the zoning prior to the commencement of the pit or quarry operations and if not stated under subsection 2 a description of the environment of the area affected or likely to be affected;

(b) the use which is proposed to be made of the land following rehabilitation;

(c) the manner in which topsoil and subsoil will be conserved and restored. If conditions do not permit the conservation and restoration of all or part of the topsoil and subsoil, a full explanation of said conditions must be given, and alternative procedures proposed;

Bill 127

Motion to be moved in Committee
(continued)

- (d) where the proposed land use so requires, the manner in which compaction of the soil will be accomplished;
 - (e) a complete planting program providing for the planting of trees, grasses, legumes or shrubs, or a combination thereof as best calculated to permanently restore vegetation on all or part of the area affected, and if such conditions pose an actual or potential threat of soil erosion or siltation, then alternate procedures must be proposed to prevent the threat of soil erosion or siltation;
 - (f) a detailed timetable for the accomplishment of each step in the rehabilitation plan including progressive rehabilitation, and the operator's estimate of the cost of each such step and the total cost to him of the rehabilitation program.
- (6) Every application for a licence shall include an explanatory note and a summary of the site plan.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 9

I MOVE that Section 9 of the Bill be struck out and the following substituted therefore:

- (1) No license shall be issued in respect of a pit or quarry where the location is in contravention of an official plan or by-law of the municipality in which it is located.
- (2) Where a local municipality does not have an official plan or by-law governing the location of pits and quarries, the Minister shall give the municipal council notice of the filing of the application and if the council objects to the location of the pit or quarry within forty-five days after receiving the notice, the Minister shall not issue the licence.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 17(1)

I MOVE that subsection 1 of Section 17 of the Bill be amended
by adding thereto the following clause:

(c) prepare a report.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 17

I MOVE that Section 17 of the Bill be amended by adding thereto the following subsection:

Review of
Minister's
reports.

(4) Any person, at all reasonable hours, may review and copy at nominal cost any report arising from subsections 1 and 2 and the Minister or his designate within a reasonable time shall furnish copies of such report or extracts therefrom as requested upon payment of the requisite fee.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 22(3)

I MOVE that subsection 3 of Section 22 of the Bill be struck out and the following substituted therefore:

(3) The Board shall, at the conclusion of a hearing under this section, make a decision as to ^{to} the issue or revocation of the licence to which the hearing relates, as the case may be, and shall send a copy of its decision to each party to the proceedings and the Minister.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 24(2)

I MOVE that subsection 2 of Section 24 of the Bill be struck out and the following substituted therefore:

(2) Every application for a wayside pit or quarry permit to excavate aggregate shall be accompanied by five copies of the field plan and rehabilitation plan required under section 8 and the prescribed application fee.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 27

I MOVE that Section 27 be deleted.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 35(1)

I MOVE that subsection 1 of Section 35 of the Bill be struck out and the following substituted therefore:

(1) Every application for a Crown aggregate permit to excavate aggregate shall be accompanied by five copies of a site plan required under section 8 and the prescribed application fee.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 57

I MOVE that section 57 of the Bill be deleted.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 58

I MOVE that section 58 of the Bill be struck out and the following substituted therefore:

58. Where it appears that any person does not comply or intend to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance, the Minister or any person may apply to the Supreme Court for an order directing such person to comply with such provision, and upon the application the court may make such order as the court considers proper. 1971, c.96, s.15, amended.

Restrain-
g Orders.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 61

I MOVE that section 61 of the Bill be deleted.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 62

I MOVE that section 62 of the Bill be amended by adding thereto the following subsection:

- (2) No regulations made under this Act shall come into force until,
 - (a) notice of the proposed regulation has been given by publishing the proposed regulation in the Ontario Gazette, and
 - (b) a hearing has been held by the Minister or his designate to consider the regulations if a person makes a written request to the Minister for such a hearing within days of the publication of the proposed regulations in the Ontario Gazette.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 65(1)

I MOVE that subsection 1 of Section 65 of the Bill be struck out and the following substituted therefore:

- (1) When this Act comes into force, all the provisions of this Act and the regulations apply to every established pit and quarry in Ontario.

BILL 127

An Act to Revise The Pits and Quarries

Control Act, 1971

Motion to be moved in Committee

Section 65(5)

I MOVE that subsection 5 of Section 65 of the Bill be deleted.