

INFORMATION

Ontario New Democrats **NDP** Nouveau Parti Démocratique

NDP Caucus
Queen's Park
Toronto, Ontario
(416) 965-3311



FOR IMMEDIATE RELEASE:

February 27, 1980.

Statement by Mel Swart, NDP MPP-Welland-Thorold, Odoardo Di Santo, NDP MPP-Downsview, Tony Grande, NDP MPP-Oakwood, and Bud Wildman, NDP MPP-Algoma, on Bill 127 - An Act to Amend the Pits and Quarries Act.

The aggregate industry (sand, gravel and crushed rock) is amongst the largest and fastest growing in the primary sector of the Ontario economy.

Approximately 140,000 acres are licensed under the present Pits and Quarries Act and this figure will increase dramatically as a result of the government's proposal to bring all aggregate resource areas under the Act. At present, some 2,200 acres of land is "consumed" by the industry each year, much of it within the prime agricultural classification.

Yet even with its size, there is little control on the industry, and individuals and municipalities lack a meaningful role in making aggregate producers accountable. Proof of this is a recent study which looked at 258 individual sites within 5 counties/regions and concluded that 56% of the extraction area had received no rehabilitation effort.

The government's own Ontario Mineral Aggregate Working Party concluded in its report of December 1976, "that the government has lacked credibility in performance to date as a result of i) a failure of enforcement, ii) weaknesses in the Act, iii) little evidence of rehabilitation to date".

Given this state of affairs, we in the NDP do not believe that Bill 127 provides a new framework in which one can be reasonably

confident that the present problems will be effectively addressed.

Specifically, Bill 127 is lacking in that it:

- leaves almost total discretion to the Minister while at the same time limiting the rights of citizens in several key ways, including sections:
 1. allowing the Minister to deny citizens the right to object a license before the OMB if he thinks their case lacks merit;
 2. denying the common law right to private prosecution without Ministerial approval.
- weakens existing protection for the protection of the environment;
- includes no mention of the need to preserve prime agricultural land;
- removes existing protection for unique ecologic resources such as the Niagara Escarpment;
- strips the OMB of its decision-making power by reducing it to an advisory body to the Minister;
- allows the Act to apply to only those parts of the province designated by the Minister;
- contains very weak provisions and inadequate funding with respect to the rehabilitation of worked out pits and quarries.

With the above weaknesses in mind, the ONDP has decided to put forward a large number of amendments to Bill 127 in the hope that the most glaring of its inadequacies can be removed.

The key amendments to be tabled include:

- a statement of objectives, giving high priority to the preservation of prime agricultural land, the protection of the environment and unique ecologic sites, defining the intent to rehabilitate, and clearly stating the central role to be accorded municipalities and individuals in licensing and regulation of the industry.
- expansion of the site plan requirements to include an environmental impact assessment and detailed rehabilitation plans.
- a complete overhaul of the licensing procedure in order to strengthen the role of the OMB, municipalities and individuals.
- a reorganization of rehabilitation provisions by relating fees to the estimated costs of rehabilitating each site, subject to a minimum levy of 8 cents per tonne.

3/.....

- the creation of a Hearing Fund to assist individuals wishing to participate in licensing and regulatory procedures.
- added restrictions on wayside pits and quarries.
- application of the Act to all of Ontario.
- removal of special provisions for Crown Aggregate Permits.
- removal of restrictions on individual right to prosecute.
- removal of Minister's power to relieve licensees from compliance with provisions of Act.
- an amendment to ensure the public safety in the vicinity of pits and quarries and abandoned pits and quarries.

-30-

opeiu:343

For further information:
965-7714.