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SUBMISSIONS

of the

CANADIAN ENVIRONMENTAL LAW ASSOCIATION

to the

STANDING COMMITTEE ON RESOURCES DEVELOPMENT

ON

BILL 127, THE AGGREGATES ACT, 1979

by

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I. INTRODUCTION

The Canadian Environmental Law Association (CELA) is a non-profit organization established in 1970 to use existing laws to protect the environment and to advocate where necessary appropriate environmental law reforms.

Since 1970 CELA has run a law advisory clinic for people with environmental problems and has from time to time been involved in cases respecting pits and quarries both before the Supreme Court of Ontario and the Ontario Municipal Board. Both in 1974 and 1978 CELA published a citizen's law advisory handbook which included a chapter on pits and quarries. A sister organization, the Canadian Environmental Law Research Foundation (CELRF) has undertaken in the last ten years studies for the federal government, the International Joint Commission and the Queen's University Centre for Resource Studies on the subject of extractive operations, including pits and quarries. Appendices 2 and 3 of the material before you include recent publications by CELA/CELRF on the subject of Bill 127. Appendix 1 of the material before you is a rewriting of Bill 127 undertaken by the CELA Committee on Legislation and Law Reform and the Foundation for Aggregate Studies (FAS), a group that has previously appeared before your committee on the subject of Bill 127.

II. THE NATURE OF THE ENVIRONMENTAL PROBLEM POSED BY PITS AND QUARRIES

As I am sure this committee is aware, environmental and social problems from pit and quarry operations can include:

- loss in first instance of valuable forest[1] and farmland[2], including topsoil and subsequent loss from inadequate rehabilitation;

- noise[3], dust[4], and wind erosion[1] from operations and related truck traffic;
- damage to water tables and wells from excavations and blasting;[5]
- stream pollution and damage from erosion and sedimentation arising from site operations in too close proximity to water courses;[5,6,7]
- safety hazards, including drownings;[8]
- damage to land slated for incorporation into provincial parks;[9]
- damage to areas believed to be habitat for endangered species of flora and fauna;[10]
- damage to unique archeological and geological formations;[11] and
- surface and groundwater contamination where the method of rehabilitation is to fill the site with garbage.[1] Methods of engineering such sites to prevent groundwater pollution from garbage, (for example, the use of liners and purge wells) may result in the lowering of water tables.[12]

III. WHY EXISTING LAW IS FAILING US

The present Pits and Quarries Control Act[13] was passed in 1971 with the intention of providing rules and regulations which would accelerate rehabilitation and minimize the environmental impact of pits and quarries, while still ensuring a steady supply of aggregate. The consensus appears to be that the Act has been a rather spectacular failure. The current legislative structure, and in particular the Pits and Quarries Control Act, has generated considerable conflict between:

- neighbours and gravel pit operators;[14]
- neighbours of pits and quarries and the Minister of Natural Resources over license issuance;[15]
- municipalities and pit and quarry operators over municipal by-law contravention;[16] and
- ratepayers and municipal councils where lack of notice and public input have been claimed on potential land designation for extractive purposes.[17]

As I'm sure the committee is aware, a provincial working party, established in 1975 to advise the Ontario government on mineral aggregate policy, reported, among other things, that the government has lacked credibility because of:

- a failure of enforcement;
- weaknesses in the Act; and
- little evidence of rehabilitation achieved to date.[18]

The Working Party also noted that the Act has not applied to the whole province but only to designated areas. It argued that if a new Act is to be credible it must be more widely applied and that in its opinion the licensing of pits and quarries is the most effective means of controlling the operation and rehabilitation of any aggregate extractive site.[19] If the Working Party is correct about the importance of licensing then we would submit that the environmental and related problems associated with pits and quarries have potentially been even more substantial and widespread than we have been told precisely because of the small number of pits covered by the Act relative to the estimated total number of such sites in the province.

The committee will recall that during the testimony of the Ontario Road Builders Association, a representative of the Ministry in response to a question from Mr.Miller regarding how many pits are in the province, responded that the Ministry doesn't know, but in the designated areas there are approximately 1600.[20] If the committee would now look at the Table[21] on page 4 of my brief you will see that it outlines Ministry licensing of pits and quarries for approximately 95% of all such operations in the province. (The Figure[22] on page 5 of my brief shows the geographic area covered by each Ministry administrative region.) The committee will see that I have provided some estimates accurate to January 1977 on the number of pits and quarries in the province relative to the number covered under the existing Act. The committee will see that at the beginning of 1977 roughly one-third were covered by the Act and roughly two-thirds were not. Looking at some of the individual administrative regions themselves, in for example, the southwestern region, approximately 43% of the pits and quarries in the region were not covered by the Act. In the eastern region, the figure was

Table 10

ONTARIO MINISTRY OF NATURAL RESOURCES
LICENSING
OF
PITS AND QUARRIES*

Region**	# of pits and quarries	# of pits and quarries licenced under Pits and Quarries Act[a]	# of pits and quarries not licenced under Pits and Quarries Act	# of pits and quarries licenced under local law in areas not designated under Pits and Quarries Act Non-Crown lands	# of pits and quarries licenced under the Mining Act. Crown lands
Central	830	782[b]	48[d]	N.A.	1
North Central	1000	0	1000	50	900
Eastern	1000	290	710	N.A.	N.A.
North Eastern	320	25[c]	295	N.A.	295
South-western	700	400	300	N.A.	N.A.
Northern	540-590	0	540-590	N.A.	190
TOTAL	4390-4440	1497	2893-2943		

* All figures are estimates based on information provided by MNR Regions where approximately 95% of all pits and quarries are understood to be located. Two other MNR Regions (Northwestern and Algonquin) are not included in the survey. Survey accurate to January 1, 1977.

** Region refers to Ministry of Natural Resources Regional Offices. (See Figure 2for geographic area covered by each region).

N.A. Indicates information not available or applicable.

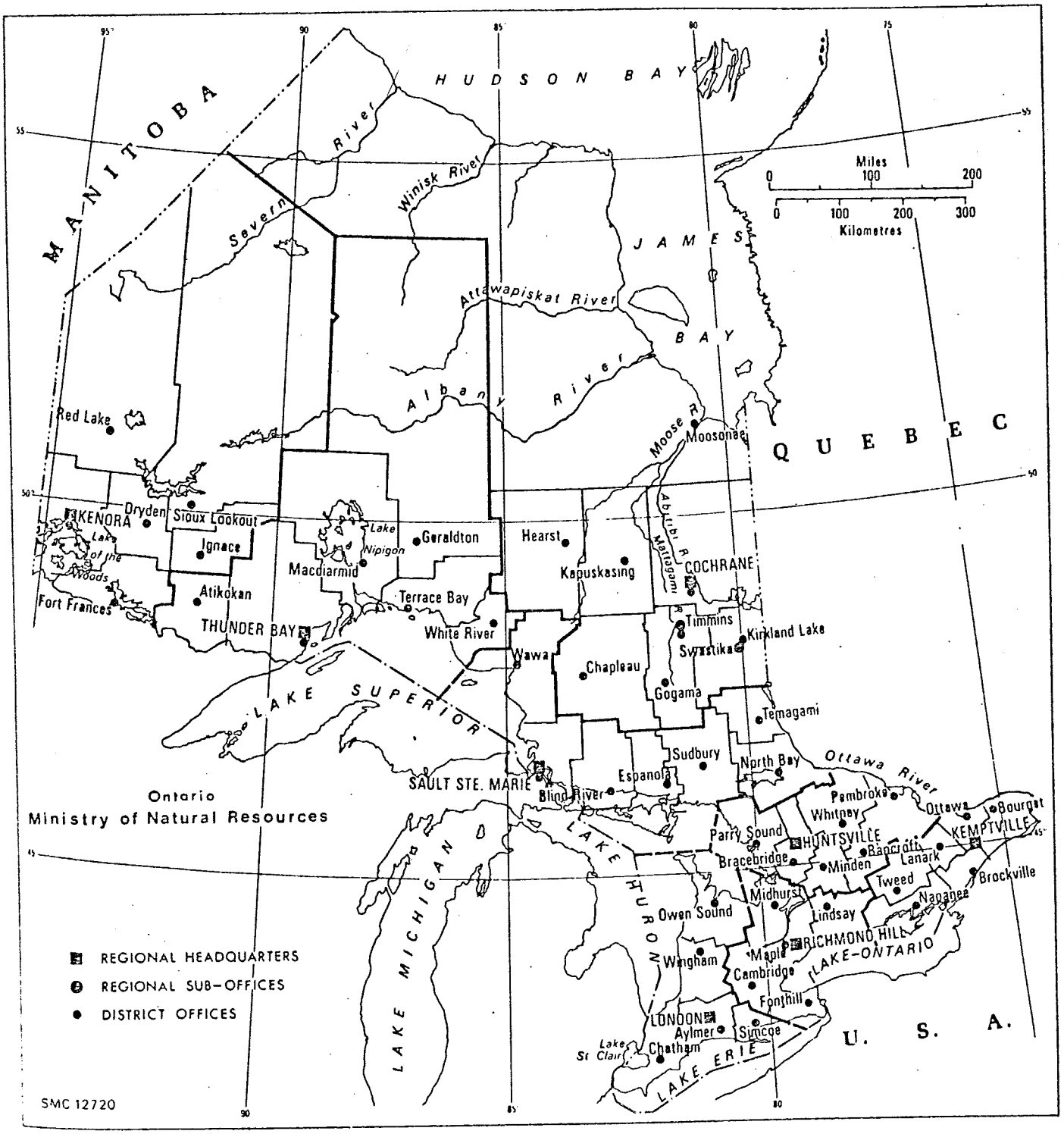
a In such Pits and Quarries Act designated areas, local licences may also apply but are not tabulated here.

b 20 additional licences are pending.

c 50 additional licences are pending.

d Licences for these operations are pending under the Pits and Quarries Control Act.

FIGURE 2


MANITOBA
HUDSON BAY
JAMES BAY
QUEBEC
Severn River
Winisk River
Attawapiskat River
Albany River
Moose R.
Red Lake
Moosonee
Dryden
Sioux Lookout
KENORA
Lake of the Woods
Fort Frances
Ignace
Lake Nipigon
Geraldton
Hearst
Kapuskasing
Abitibi R.
Matagami
COCHRANE
Macdiarmid
Atikokan
Terrace Bay
THUNDER BAY
White River
Timmins
Kirkland Lake
Swastika
Wawa
Chapleau
Gogama
Temagami
LAKE SUPERIOR
Sudbury
North Bay
Ottawa River
SAULT STE. MARIE
Blind River
Espanola
Pembroke
Whitney
Ottawa
Bourget
KEMPTVILLE
Parry Sound
HUNTSVILLE
Bracebridge
Minden
Bancroft
Lanark
Brockville
Tweed
Midhurst
Napanee
Lindsay
Owen Sound
LAKE HURON
LAKE MICHIGAN
Wingham
Maple
RICHMOND HILL
LAKE ONTARIO
Cambridge
Fonthill
LONDON
Aylmer
Simcoe
Lake St Clair
Chatham
LAKE ERIE
U. S. A.
Miles
0 100 200
0 100 200 300
Kilometres
Ontario
Ministry of Natural Resources
REGIONAL HEADQUARTERS
REGIONAL SUB-OFFICES
DISTRICT OFFICES
SMC 12720

approximately 70%, and in the north central and northern regions the figure was 100%.

We would submit that the present state of affairs both where the Act applies and where it doesn't apply is unsatisfactory. The manner of operation, the location and the lack of rehabilitation of pits and quarries have made them a frequent and vexing source of conflicts between rate-payers' groups and aggregate producers, between municipal councils and the provincial government, and between both levels of government and their constituents. The Working Party unanimously recommended that the priority in legislation to control the extraction of mineral aggregates must ensure:

1) protection of the environment; and

2) that adequate supplies of aggregate are made available in the appropriate locations.[23]

We submit, however, that Bill 127 suffers from most of the same deficiencies the Working Party identified in the present Act and its administration.

IV. WHY BILL 127 IS INADEQUATE TO REMEDY THE PROBLEM AND RECOMMENDED DIRECTIONS FOR CHANGE

While Bill 127 has a number of positive provisions such as a fund to pay for rehabilitation of abandoned pits and quarries and higher fines for offences, it continues a typical and very unfortunate pattern in Ontario resource legislation. The Act grants the Minister broad powers to act but very few corresponding duties. Bill 127 as with most other pieces of Ontario's resource law, will have its teeth in the regulations where they are not subject to public scrutiny before they become law. Moreover, the Act perpetuates some very serious affronts to civil liberties, such as Ministerial consent to a private prosecution; obscures

if not obliterates the role of local government; and all but buries environmental protection as a serious objective. It is for these and related reasons that we have re-written Bill 127 for the consideration of the committee. I would like to briefly list and describe the key areas that we have dealt with in our version of Bill 127 and that we find either absent or unsatisfactorily dealt with by the government.

A. Environmental Information

1. Environmental Assessment

The Working Party recommended that Pits and Quarries be exempted from the provisions of the Environmental Assessment Act[24] since the new Aggregates Bill would contain equal environmental requirements to be applied to such operations.[25] Bill 127 contains no definition of "environment" let alone requirements equal to environmental assessment law. Indeed, the existing Pits and Quarries Act has better environmental provisions than Bill 127 in that the Minister has a duty to take into account the preservation of the character of the environment and the availability of natural environment for the enjoyment of the public. Mr. Coates who has given testimony before your committee advised that "nothing could be more important" to decision-making in this area than environmental assessment.[26] The Association of Municipalities of Ontario also want environmental assessment covered in this or a parallel Act.[27] If, in fact, operators are already undertaking proper environmental assessments then they can hardly be inconvenienced by a requirement in the Act that they do so.

We have included in our version of Bill 127 a definition of "environment" (s. 1d) taken from the Environmental Assessment Act and requirements for environmental assessment (s. 8(2)).

2. Rehabilitation Plan

Despite the Working Party's observation that rehabilitation requirements were frequently not identified on site plans,[23] Bill 127 continues a pattern of governmental silence as to the appropriate minimum conditions for ensuring rehabilitation. Mr. Coates advised of the problems that can arise when a law fails to spell out the requirements to be met.[28] Yet the Ontario government clings to its unconvincing arguments about requiring flexibility. The Pits and Quarries Act is a pretty flexible law as well, so flexible in fact that the Working Party concluded that there has been little evidence of rehabilitation achieved to date under that Act.

We propose a rehabilitation plan (s.8(4)).

B. Public Participation

3. Private Prosecution

Both the Pits and Quarries Control Act and Bill 127 (s. 57) provide that the public can prosecute offences only with the consent of the very Ministry whose own performance has been inadequate. This is patently unacceptable, though typical of the Ministry's crabbed interpretation of its duties to the public. (See also the Mining Act and the Beach Protection Act). The right of private prosecution is a basic protection against governmental abuse or inaction. Where private prosecutions under the environmental laws have been taken in Ontario they have been done responsibly.

Section 57 should never have been included in this Bill. It goes without saying that it should be deleted.

4. OMB as Decision-Maker

Under Bill 127 the OMB will only make recommendations , not decisions. This continues a practice under the existing Act, but runs counter to what takes place under the Planning Act where the OMB makes a decision in first instance. We submit that there are important issues of individual rights and liberties that turn on whether the OMB makes a decision or only makes a recommendation.

Where boards are vested with a statutory power of decision, Ontario law (The Statutory Powers Procedure Act) requires that certain basic procedures be provided to protect the rights of individuals. These protections include a right:

- to be present;
- to be heard;
- to have counsel at the hearing;
- to have cross-examination;
- to have a decision with reasons, made by the persons hearing the evidence.

Where boards only make recommendations, these basic procedural protections do not apply. This could lead to board practices being adopted that would result in the public losing confidence in the board and its process.

For these and related reasons we submit that the OMB should be vested with decision-making authority in first instance with subsequent appeal to Cabinet. This is currently the practice under the Planning Act. See our sections 15 and 24.

5. Public Input into Regulation Setting

Bill 127 does not authorize or permit public input into regulations to be set under this Act. Yet regulations are frequently the focus of whether or not a statute will be effective. Increasingly at the federal level and also in Ontario (See, for example, the new Occupational Health and Safety Act) statutes are requiring public input and scrutiny into regulations before they become law. Either deliberately or by unintended omission Bill 127 has not done so.

Our section 47(2) corrects this deficiency.

6. Restraining Orders

Like the situation described under "Private Prosecutions" the Minister retains for himself the sole authority to seek injunctions on any one not complying with the Act. Since the existing Pits and Quarries Act has a similar provision, one which the Minister rarely, if ever, has used, the public can have no confidence that the situation will be any different if Bill 127 becomes law.

We therefore suggest that any person also be given this authority (s.44 of our Bill). In a democratic society all persons have an interest in the enforcement of public laws. It is important to recognize that many environmental problems arising from pit and quarry operations might not have slid by government if it had felt the pressure that comes from knowing that citizens could have acted when the government, for whatever reasons, was not prepared to.[29]

It should also be noted that, like the Minister, citizens need both private prosecutions and injunctive remedies. A private prosection

may stimulate a higher public profile for those prosecuted, as well as for the relevant administrative agency. However, fines levied may frequently be an insufficient economic deterrent to the convicted. Moreover one may only obtain a fine with a private prosecution, not an injunction to stop unlawful activity. Frequently, under a private prosecution, unlawful activity continues while charges are being processed through the courts.

7. Public Review of Inspector's and Minister's Reports

Bill 127 is also silent on public review of inspector's or ministerial reports. Without such provisions it would be difficult, if not impossible, for the public to assess how effectively the Act is meeting its objectives. Moreover, without such provisions, the public's capacity to enforce the Act's requirements will be greatly diminished.

We propose such amendments (See our sections 4, 14, 20 and 34) based in part on section 216 of The Municipal Act.

8. Notice

Bill 127's notice provisions are relatively narrow and somewhat hit and miss. Our section 12 addresses the need for timely and comprehensive notice to municipalities and the public about proposed pit and quarry operations. It includes notice to those who may be on proposed truck routes as well.

9. Hearing Assistance Fund

Bill 127 is silent on funding of citizens potentially affected by pit and quarry operations. Yet a frequent complaint of citizens is the

glaring disparity between their resources and those proposing development. Under such circumstances any hearings under this Bill are likely to resemble a modern version of Christians vs. Lions.

We propose a hearing assistance fund. (See our section 16).

C. Planning

10. Removal of Planning Sections From Bill 127

Bill 127 is in reality a planning statute in the guise of a mining statute. We know of no jurisdiction, except perhaps the Yukon, where what is essentially a mining statute is to dictate future land use planning for society at large. With all due respect to the Ministry we have seen no evidence to support the argument that Ontario should become subject to overriding pits and quarries legislation.

Several committee members have asked previous witnesses if municipalities should have a veto over whether or where pits should go in their area. We think that the question you should be asking instead is whether the Ministry of Natural Resources should have a veto over Ontario's future land use planning through a mining statute, of all things. We think the answer you will come to is "no".

Bill 127 should limit itself to "operations" and not stray off into "planning". The province already has a planning statute (The Planning Act) and that is where the issue of municipal official plan and zoning versus government mining and other policy should continue to be debated and decided. If the Ministry believes it has a strong case in any particular situation then just like any other developer it should

come out of the woodwork and present its case in the public forum the OMB provides. The decisions arising out of the Planning Act, where a broad range of land use interests must vie will result in much sounder overall decisions than the public is likely to get from the tender mercies of MNR under Bill 127.

We recommend the removal of all sections with planning implications from this Bill and have done so in ours. (See, for example, ss. 27, 61, 65(5) etc.)

D. Application of Act

11. Application to Whole Province

Bill 127 will continue to apply only to designated areas of the province (s.5). Yet the industry[30,31] has argued that the failure to apply the Act across the whole province has been unfair to those in designated areas in comparison to those in undesignated areas who are not required to meet site plan, security and other costs. We agree. Even the government acknowledges the problem of operators appearing outside of designated areas[32]. It is undoubtedly the case that operators outside the designated areas are probably doing even more damage than would be the case if they were covered by a strong Act which eliminated pollution havens. The Ministry argues that it simply doesn't have the people to apply the Act to the whole province. We suggest below a way that may make designating the whole province feasible. In this light we recommend that the Act apply to the whole province.(See our s.5).

12. Appointment of Municipal Inspectors by Agreement

To make application of the Act to the whole province feasible we recommend that the Minister of Natural Resources be authorized to enter into agree-

ments with municipalities (as defined in our section 1m) for the purposes of designating inspectors under this Act. This is an approach used under Part VII of the Environmental Protection Act (rural sewage systems) where the Minister of Environment has entered into agreements with local boards of health for responsibilities similar to those outlined in our s.4. This approach, while it will involve the expenditure of some provincial funds, could also arguably be funded in part by the industry through appropriate provincial fees. This can be justified on the basis that if the industry is unhappy with unfair competition then surely it would be prepared to pay for administration to ensure that the whole province is covered by the Act to avoid what it calls "unfair competition" and what we call"pollution havens". We submit that in any event it is time the government stopped designating areas of the province where the Act is to apply and instead started designating inspectors to control the problem across the province.

E. Similarity of Control Requirements

13. Removal of Distinction Between Crown and Private Pits and Quarries

Bill 127 creates two different parts to deal with regular and crown pits and quarries (Parts II and V respectively). Review of just the site plan requirements of these two parts makes it evident that Crown pits would be less stringently controlled than regular pits. (Compare s.8 and s.35) We see no justification for this distinction and neither does the industry.[33]

We propose the elimination of Part V (except for the section on Crown royalties). Pits on Crown lands should be subject to the same requirements as private pits.

14. Removal of Distinction Between Class A and B Licenses

Bill 127 also creates two distinctions between classes of licenses based solely on tonnages. (s. 7) The site plan and certification requirements for a Class B license are considerably less stringent than for a Class A. Other witnesses have previously criticized this distinction as being of little value. A small pit can do as much or more damage depending on its location, depth of excavation and related matters.[5] The industry has itself criticized this distinction and argued that it should be deleted.[34] We agree and have done so in our bill.

15. Waysides Should Be Subject to the Same Requirements as Other Sites Except For Environmental Assessment and Hearings.

Bill 127 also creates lesser information requirements for the establishment of wayside pits and quarries.[35] (e.g. no information required respecting water table, water wells, etc.) This appears to be the case because waysides are supposed to be both temporary and small. Yet the committee has heard evidence that substantial quantities have been removed from waysides,[36] that they manage to remain open for long periods of time becoming in effect de facto permanent pits;[37,38] and that they have frequently eluded proper rehabilitation.[34] Some witnesses suggested that controls on waysides must relate to size, acreage and tonnage,[39] while others indicated that time limitations appear to be most important.[40]

Our section 26 is meant to establish that waysides should be subject to the same rehabilitation standards as any other type of pit but should not be subject to the otherwise more comprehensive provisions of the Act regarding environmental assessment, hearings and related matters. Our section 32 is meant to keep a wayside pit from becoming a long-term extractive activity not otherwise subject to the Act by placing a time

limitation on it.

16. Established Pits Should Meet Rehabilitation Requirements For the Whole Licensed Area, Not Just For the Area Remaining To Be Worked Out.

Bill 127 also establishes a rather complex series of transition sections for established pit operators already covered by the Pits and Quarries Act and for those who will subsequently be caught by Bill 127 through additional designations (ss. 64, 65). Concern has been expressed before this committee, however, that Bill 127 would appear to be silent on the question of whether established operators will be required to rehabilitate their entire sites in a proper manner, or only those portions of their sites which remain to be worked out after they become subject to Bill 127.[41] If this is a correct interpretation of the meaning of these sections then established pit and quarry operators could inflict repetitious environmental damage while new proposals would have only one chance to do so. Surely this is not the intended policy of the legislature.

Our sections 48 and 49 deal with this transition question, but limit themselves to essentially rehabilitation concerns, which if not met can have long-term adverse environmental consequences.

V. CONCLUSIONS

For the reasons outlined above, we have attached what is practically a complete re-writing of Bill 127 for the consideration of the committee. We urge you to adopt these re-written provisions.

NOTES

1. The 1000 acres known as the "Maple Pits" in the Town of Vaughan were mainly woodlot and forested area before pit and quarry operations began in the 1930's -40's. See Summary Report Landfill Proposals - Maple Pit Area. Prepared on behalf of Superior Sand, Gravel and Supplies Limited et al. March 1979. Exhibit 1, Environmental Appeal Board.

2. See, for example, "Strip Mining: The Destruction of Ontario Farmland," Gravel Extract Vol. 1 No. 4. February 1979.

3. See, for example, Reference by Minister of Natural Resources and Preston Sand and Gravel Co. (Ontario Municipal Board). OMB File No. M.7355. 29 November 1973.

4. See, for example, Reference by Minister of Natural Resources and Towland-Hewitson Construction Ltd. (Ontario Municipal Board) OMB File No. S.1438. 16 April 1973.

5. Testimony of M.E. Stephen, General Manager, Halton Region Conservation Authority to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-10. 23 January 1980. pp. R-15451, 2.

6. International Joint Commission. Pollution from Land Use Activities Reference Group. Environmental Management Strategy for the Great Lakes System. July 1978. Page 84. Extractive operations, which are defined as including pits and quarries, can be sources of local water pollution problems in lakes, streams and rivers.

7. Testimony of W. Coates, Past President, Ontario Association of Landscape Architects to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-9. 23 January 1980. pp. R-1045-2 and R-1050-1.

8. Press release by David Warner, M.P.P., Scarborough-Ellesmere, 12 July 1979. A Coroner's Jury verdict of September 26, 1978 on the drowning of Todd Rosler recommended that owners of abandoned pits and quarries be responsible for filling them in.

9. Sandbanks Provincial Park. See Ron Alexander and Larry Green, A Future for the Sandbanks. Pollution Probe and the Canadian Environmental Law Association. (1972).

10. See, for example, "Proposed Official Plan for Pelee Island will go to the OMB, "The Canadian Environmental Law Newsletter. Vol. 2 No. 3 p. 27. June 1977. In 1978 the Minister of Natural Resources issued a licence to Pelee Island Quarries Inc. despite a request by the Canadian Environmental Law Association and the Federation of Ontario Naturalists that the Minister await the result of a hearing before the Ontario Municipal Board as to the Official Plan designation of this site. The Wildlife Branch of the Ministry was also about to undertake studies to determine the extent of endangered species habitat in the vicinity.

11. See, D. Fahselt, P. Maycock, G. Winder, and C. Campbell, "The Oriskany Sandstone Outcrop and Associated Natural Features, a Unique Occurrence in Canada," Canadian Field Naturalist 93 (1) :28-40. (1979).

12. Ontario Environmental Assessment Board. Report on a Landfilling Application by Superior Sand, Gravel and Supplies Ltd. et al: Maple, Town of Vaughan. April 1978.

13. S.O. 1971, c. 96.

14. Muirhead v. Timber Brothers Sand and Gravel Ltd. et al., Unreported (July 29, 1977) S.C.O. per Rutherford, J.

15. Millar v. Ministry of Natural Resources and Preston Sand and Gravel Ltd. (1978) 7 CELR 156.

16. Township of Uxbridge v. Timber Brothers Sand and Gravel Ltd. (1975) 7 O.R. (2d) 484 (C.A.).

17. Re Starr and Township of Puslinch (No.2) (1977) 160 O.R. (2d) 316.

18. Ontario Mineral Aggregate Working Party. Report to the Minister of Natural Resources on A Policy for Mineral Aggregate Resource Management in Ontario. December 1976. p. 3.

19. Ibid. pp. 60-61.

20. Testimony of T. Foster, Senior Policy Adviser, Industrial Minerals Section, Ministry of Natural Resources before the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-10. 23 January 1980. p. R-1515-3.

21. Castrilli, J.F. Control of Water Pollution from Land Use Activities in the Canadian Great Lakes Basin; An Evaluation of Legislative, Regulatory and Administrative Programs. Prepared for Environment Canada and the International Joint Commission PLUARG Task Group A (Canada). Windsor, Ontario 1977. p. 301.

22. Ibid. p. 302.

23. Op. cit. note 18, p. 5.

24. S.O. 1975, c. 69 as amended.

25. Op. cit. note 18, pp. 55-56.

26. Op. cit. note 7, pp. R-1040-1,2.

27. Testimony of C. Millar, Chairman, Environmental Committee of the Association of Municipalities of Ontario to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-9. 23 January 1980. p. R-1150-1.

28. Op. cit. note 7, pp. R-1025-2, R-1030-1,2.

29. See, for example, Green v. Her Majesty the Queen in Right of Ontario and Lake Ontario Cement Ltd. (1973)2 O.R. 396. A citizen attempted to stop commercial sand removal from land slated for incorporation into a provincial park, arguing that the operations endangered unique sand dunes within the park boundaries. The province had leased the land for $1.00 a year to the cement company. The court held that the citizen as citizen had no "special interest" in the activity and therefore had no standing to seek a declaration from the court. In 1979 the cement company was awarded $850,000 in provincial taxpayers money by the province to compensate for the expropriation of its $1.00 a year lease. See "$850,000 Pit Expropriation Award," Gravel Extract. Vol. 2 No. 3. November 1979.

30. Testimony of B. Armstrong, Aggregate Producers Association of Ontario to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-7. 22 January 1980 pp. R-1050-2 and R-1130-1.

31. Testimony of R. Teasdale and R. Gibb, Blanchard Licensed Pit and Quarry Operators' Association to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979 Vol. R-8. 22 January 1980. pp. R-1450-2 and R-1515-2.

32. Testimony of G.A. Jewett, Executive Co-ordinator, Mineral Resources, Ontario Ministry of Natural Resources to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-8. 22 January 1980. p. R-1505-2.

33. Op. cit. note 30, p. R-1045-2.

34. Ibid. p. R-1115-2.

35. Op. cit. note 5, p. R-1555-2.

36. Testimony of A.R. Harborow, private citizen to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-12. 24 January 1980. pp. R-1140-1,2.

37. Ibid. p. R-1130-2.

38. "Wayside Pits: A Back Entrance to a Permanent Licence?" Gravel Extract. Vol. 1, No. 4. February 1979.

39. Testimony of R. Booth, Councillor and Chairman Regional Planning Committee, Halton Region to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-12. 24 January 1980. p. R-1520-1.

40. Op. cit. note 36, p. R-1150-2.

41. Testimony of A. Hackman, Foundation For Aggregate Studies to the Standing Committee on Resources Development, Legislative Assembly of Ontario on Bill 127, The Aggregates Act, 1979. Vol. R-7. 22 January 1980. p. R-1225-1.

APPENDIX I

SUGGESTED AMENDMENTS

TO

BILL 127

AN ACT TO REVISE THE PITS
AND QUARRIES
CONTROL ACT
1971

(THE AGGREGATES ACT)
(1979)

SUBMITTED BY

the
CANADIAN ENVIRONMENTAL LAW ASSOCIATION

and the
FOUNDATION FOR AGGREGATE STUDIES

FEBRUARY 1980

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BILL 127 **1979**

An Act to revise The Pits and Quarries Control Act, 1971

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpretation

(*a*) "aggregate" means consolidated or unconsolidated gravel, sand, stone, earth, clay, fill, rock, mineral, or other material that is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes;

(*b*) "Board" means the Ontario Municipal Board;

(c) "Crown aggregate" means aggregate that is the property of the Crown;

(d) "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 activities of humans or

(vi) any part or combination of the foregoing and the inter-relationships between any two or more of them;

(e) "established pit or quarry" means a pit or quarry or a wayside pit or quarry from which, in the opinion of the Minister, a substantial amount of aggregate has been excavated within the two-year period immediately before the coming into force of this Act;

(f) "final rehabilitation" means rehabilitation done in accordance with this Act, the regulations, the conditions of the licence or permit and the requirements of the site plan, after the excavation of aggregate or Crown aggregate, as the case may be, and the progressive rehabilitation, if any, have been completed;

R.S.O. 1970, c. 201

(g) "highway" has the same meaning as in *The Public Transportation and Highway Improvement Act* and includes an unopened road allowance;

(h) "inspector" means any employee of the Ministry or a municipality who is designated in writing by the Minister as an inspector for the purposes of this Act;

(i) "licence" means a licence for a pit or quarry issued under this Act;

(j) "licensee" means a person who holds a licence;

(k) "Minister" means the Minister of Natural Resources;

(l) "Ministry" means the Ministry of Natural Resources;

(m) "municipality" means, for the purpose of subsection 4 of section 4, the corporation of a county, metropolitan area, regional area, district area or a local municipality.

(n) "permit" means a permit for a wayside pit or quarry issued under this Act;

(o) "permittee" means a person who holds a permit;

(p) "pit" means land from which unconsolidated aggregate has been, is being or may be excavated, but does not include,

(i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a pit, or

(ii) a wayside pit;

(q) "prescribed" means prescribed by the regulations;

(r) "progressive rehabilitation" means rehabilitation done sequentially in accordance with this Act, the regulations, the conditions of the licence or permit and the requirements of the site plan during the period that aggregate or Crown aggregate is being excavated;

R.S.O. 1970, cc. 100, 118, 78

(s) "public authority" includes the Crown, a Crown agency within the meaning of *The Crown Agency Act*, a municipality or local board as defined in *The Municipal Affairs Act*, an authority within the meaning of *The Conservation Authorities Act*, and Ontario Hydro;

(t) "quarry" means land from which consolidated aggregate has been, is being or may be excavated, but does not include,

(i) an excavation for a building, a structure or a project of any kind that in the opinion of the Minister is not a quarry, or

(ii) a wayside quarry;

(u) "regulations" means the regulations made under this Act;

(v) "rehabilitate" means to treat land from which aggregate or Crown aggregate has been excavated so that the use or condition of the land,

(i) is restored to its former use or condition, or

(ii) is changed to another use or condition that is or will be compatible with the use of adjacent land,

and "rehabilitation" has a corresponding meaning;

(w) "site" means the land to which a licence or permit or an application therefor relates;

(x) "Treasurer" means the Treasurer of Ontario and Minister of Economics;

(y) "wayside pit or quarry" means a temporary pit or quarry opened and used by a public authority solely for the purpose of one particular public authority project or contract of road construction and not located on the road right of way, but does not include a pit or quarry.

PART I

GENERAL

Purposes of Act

2. The purposes of this Act are,

(*a*) to provide for the management of the aggregate and Crown aggregate resources of Ontario;

(*b*) to control and regulate pits and quarries and wayside pits and quarries; and

(*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. *New.*

Administration of Act

3.—(1) The Minister is responsible for the administration of this Act and the regulations.

Idem

(2) In administering this Act, the Minister may,

(*a*) conduct research related to technical matters pertaining to the aggregate industry, including the transportation of aggregates and the rehabilitation of pits and quarries;

(*b*) locate geological deposits that may yield aggregate of commercial qualities and quantities;

(*c*) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;

(*d*) collect, analyze and publish statistics related to the aggregate industry;

(*e*) conduct studies related to the uses of aggregates and the economics and operations of the aggregate industry;

(*f*) advise ministries and municipalities on planning matters related to aggregates; ~~including the preparation and approval of official plans and restricted area by-laws;~~

(*g*) conduct studies related to abandoned pits and quarries;

(*h*) conduct studies on environmental matters related to pits and quarries;

(*i*) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;

(*j*) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries; and

(*k*) employ any person to perform work in connection with any matter mentioned in this Act. *New.*

4.—(1) The Minister may designate in writing any employee of the Ministry or, subject to subsection 4, of a municipality as an inspector for the purposes of this Act. 1971, c. 96, s. 1 (*c*), *amended*.

Designation of inspectors

(2) An inspector may, for the purpose of carrying out his duties,

Powers of inspectors

(*a*) enter any land or business premises at any reasonable time;

(*b*) require the production of a licence, a permit, a record respecting aggregate or Crown aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof;

(*c*) alone, or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. 1971, c. 96, s. 13 (1), *amended*.

and

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

Review and copy of reports etc. in possession of inspector

(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.

Minister may enter into agreement with municipality

(5) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the whole or any part or parts of the area under the jurisdiction of the municipality providing for

(a) the carrying out of inspections respecting subsections 2, 3 and 4 that may be necessary or expedient for the exercise by the municipality of such powers or duties under this Act as may be specified in the agreement, and

(b) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof.

Where municipal officer may act

(6) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the inspector for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement.

Application of Act

5. This Act and the regulations apply to the whole of Ontario.

Act binds the Crown

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

PART II

PIT AND QUARRY LICENCES

Pit or quarry licence

7. No person shall open, establish or operate a pit or quarry except under the authority of a licence issued by the Minister to the licensee.

8. (1) An application for a licence to operate a pit or quarry shall be filed with the Minister and shall be accompanied by 5 copies of a site plan, which shall include, Contents of application

(2) An Environmental Assessment. An environmental assessment shall include; Environmental Assessment

(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 contained 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. A field plan shall include; Field plan

(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;

(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.

(3a) The field plan for an application in respect of a pit or quarry producing less than 10,000 cubic yards per year may be in a short form prescribed by the regulations in lieu of the form required by subsection 2. Shortform of field plan

(4) A Rehabilitation Plan. A complete and detailed plan for the rehabilitation of the environment affected. Each plan shall include the following: Rehabilitation Plan

(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;

(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 to the area affected. If conditions do not permit the planting of 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.

(5) Every application for a licence shall include an explanatory note and a summary of the site plan.

(6) The information required under subsections 1, 2, 3 and 4 shall be at a scale of 1:2000, 1:5000 or in any particular case at such other scale as the Minister may approve. Idem

9. Every site plan accompanying an application for a licence shall be certified by a professional engineer who is a member of the Association of Professional Engineers of the Province of Ontario, an Ontario land surveyor, who is a member of the Association of Ontario Land Surveyors, a landscape architect who is a member of the Ontario Association of Landscape Architects, or any other qualified person approved in writing by the Minister that the site plan has been prepared by him. *New.*

Certification

10. (1) No licence 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 and subsection 3 of section 15 does not apply.

(3) An applicant for a licence shall furnish information in a manner satisfactory to the Minister showing that the location of the land described in the site plan accompanying the application complies with any relevant restricted area by-law, or official plan, but if the Minister is of the opinion that doubt exists as to whether or not there is compliance, he may require the applicant to refer the matter to the Supreme Court for a declaratory judgement on the matter. *New.*

Compliance with restricted area by-laws

11. (1) The Minister, or the Board after a hearing, shall refuse to issue a licence to operate a pit or quarry where the site plan does not comply with this Act or the regulations or where the operation of the pit or quarry would be against the interest of the public taking into account, Grounds for refusal to issue a licence

(a) the preservation of the character of the environment;

(b) the availability of natural environment for the enjoyment of the public and future generations thereof;

(c) the need, if any, for restricting excessively large total pit or quarry output in the locality;

(d) the main haulage routes to and from the site and the traffic density there on;

(e) any possible effect on the water table or surface drainage pattern;

(f) the nature and location of other land uses that could be affected by the pit or quarry operation;

(g) the character, location and size of nearby communities and the effect of the operation thereon;

(h) the existence of conditions leading to soil erosion and siltation which will not be prevented by procedures or alternatives as outlined in section 8(4)(e);

(i) the rehabilitation of the site;

(j) the estimated cost of transporting the aggregate to the project as compared with that of any alternative source of supply;

(k) any comments or other information provided by the municipalities in which the site is located.

12. The applicant for a pit or quarry licence shall give public notice at the time of the filing of an application, of his intent to operate a pit or quarry, and its proposed location to: Notice

(1) every occupant and registered owner of property within two thousand (2,000) feet of the boundaries of the property of the proposed pit or quarry operation;

(2) all households, as enumerated on the latest assessment rolls, that are on the proposed local truck routes and alternative routes up to the first limited or restricted access highway as defined in the Public Transportation and Highway Improvement Act;

(3) the clerk of every municipality where the proposed pit or quarry is to be located, and every municipality abutting such municipality(s);

(4) the public, by

(a) publishing the notice in all newspapers published in and circulated through the municipalities described under subsection 3 once per week for three weeks immediately following the filing of the application and,

(b) posting the notice in a conspicuous place at or near the site of the proposed pit or quarry operation;

(5) such information to be included in the notice shall conform to regulations issued by the Minister under this Act.

(6) All notices required to be given are sufficiently given if sent by ordinary pre-paid mail.

13. Where an application for a licence has been submitted to the Minister, the Minister shall, within 120 days, cause a review of the site plan to be prepared. Minister's review

14. (1) The applicant shall provide copies of the site plan, summary and explanatory note at reasonable cost to each person who submits a written request to the applicant. Applicant to provide copies of plan etc.

(2) The Minister shall make sufficient copies of his review to provide a copy at reasonable cost to each person who submits a written request to the Minister.

Minister to provide copies of review

(3) The applicant shall lodge at the time of his application, and any person may inspect, the site plan at the Minister's office, the head office of the applicant, the regional or district of the Ministry nearest the site of the proposed pit or quarry operation, the clerk's office of the municipality where the proposed pit or quarry is to be located and; the public library of every municipality where the proposed pit or quarry is to be located.

(4) The Minister shall lodge his review, and any person may inspect the Minister's review of the site plan at either the Minister's office, the regional or district office of the Ministry nearest the site of the proposed pit or quarry operation, the clerk's office of the municipality where the proposed pit or quarry is to be located and; the public library of every municipality where the proposed pit or quarry is to be located.

15. (1) Any person may at any time make written submissions to the Minister concerning the proposed pit or quarry operation and may request that the Minister refer the matter to the Board.

Any person to make submissions

(2) The Minister shall not make a decision respecting a licence for 30 days following the lodging of his review.

(3) The Minister may, and if a request is received by the Minister, the Minister shall, unless such request is not made in good faith or is frivolous or is made only for the purpose of delay, refer the matter to the Board for a decision.

(4) If no request for a referral to the Board is made, the Minister shall, after the expiry of the 30 day period referred to in subsection 2, make a decision.

(5) The decision of the Minister or the Board shall contain terms and conditions and such terms and conditions shall be consistent with the purposes of this Act and the applicant's site plan.

(6) Where, under *The Planning Act*, an application for an amendment to any relevant restricted area by-law or official plan is before the Board for a hearing and an application under this Act is referred to the Board under subsection 3 the Board may consider these matters at one hearing. *New.*

What Board may consider at hearing R.S.O. 1970, c. 349

16. (1) The Minister shall establish a fund to be known as the Pit and Quarry Hearing Assistance Fund. Hearing fund

(2) In addition to any fees required from pit and quarry applicants as specified in the Act or regulations every pit and quarry applicant shall pay into the Pit and Quarry Hearing Assistance Fund a sum to be set under the regulations.

(3) Where a person may be affected, directly or indirectly by a proposed pit or quarry operation, financial assistance shall be made available to such person from the Hearing Assistance Fund, where it can be shown, to the Minister's satisfaction, that such person does not have sufficient financial resources to enable him to be adequately represented in the hearing, and will require such assistance to be able to do so.

(4) The Funds provided pursuant to subsection 3 shall be available for all legal fees and disbursements, conduct money and necessary witness fees for expert witnesses and relevant reports and studies for the person entitled to assistance. Nothing in this section shall prevent or prejudice an application for financial assistance under the Legal Aid Act, R.S.O. 1970, c. 239 as amended, or any other special or general Act of the Legislative Assembly of Ontario.

(5) In the event that the amount is not adequate for the purposes of this section, the Minister may increase the amount to be paid out of the Fund to a level equal to reasonable costs.

(6) If several persons having identical or substantially similar interests apply for assistance from the Fund with regard to the same pit or quarry application, the Minister or the Board shall have the discretion to issue one sum to all such persons.

(7) Any power the Minister possesses under subsection 3 may be delegated to the Board.

Minister to issue licence

17. (1) Once the Minister or the Board has made a decision, the Minister shall issue the licence containing the terms and conditions contained in the decision consistent with the purposes of this Act.

(2) Notwithstanding subsection 1, no licence shall take effect and the operator shall not proceed with any part of his operation that is the subject of the licence until all appeals under this Act have been exhausted.

Changes of conditions

(3) The Minister may at any time add a condition to a licence or rescind or vary a condition of a licence.

(4) Where the Minister has issued a licence, he shall serve a copy of it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

Copies to municipalities

18. —(1) Every licensee shall pay to the Treasurer on or before the 15th day of March in each year his annual licence fee for the previous year calculated in accordance with the regulations and, if it is not so paid, the Minister may revoke the licence.

Annual licence fees

(2) When a licence is revoked under subsection 1, subsections 1 to 5 of section 23 do not apply.

No notice or hearing

(3) The prescribed percentage of the total of the annual licence fees shall be disbursed to such municipalities and in such amounts and manner as are prescribed.

Disbursal of annual licence fees

(4) The prescribed percentage of the total of the annual licence fees shall be set apart as a fund for the purposes mentioned in subsection 2 of section 34. *New.*

Rehabilitation of abandoned pits and quarries

19. Every licensee shall operate his pit or quarry in accordance with this Act, the regulations, the conditions of his licence, the requirements of his site plan. and any applicable municipal by-laws.

Duties of licensees

20. —(1) The Minister at least once a year shall,

Annual inspection and review

(*a*) inspect each site;

(*b*) review each site plan and the conditions of each licence; and

(c) prepare a report,

for the purpose of assessing the licensee's compliance with this Act, the regulations, the conditions of the licence and the requirements of the site plan. 1971, c. 96, s. 7 (1), *amended.*

(2) For the purpose of each fifth review under subsection 1, the Minister shall request in writing the council of the regional municipality or county, as the case may be, and the council of the local municipality in which each pit or quarry is located to send to him within forty-five days after receiving the request their comments respecting each pit or quarry.

Municipal comments every five years

(3) Where a site plan is served upon the Minister under subsection 5 of section 48, each fifth year for the purpose of subsection 2 shall be calculated from the year in which such service is made upon the Minister. *New.*

Idem

(4) Any person, at all reasonable hours, may review and copy at nominal cost any report arising from sub-sections 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.

Review of Minister's reports

21. —(1) Upon being satisfied that a licensee's annual fee and his rehabilitation security are not in arrears and that his rehabilitation work has been done in accordance with this Act, the regulations, the conditions of his licence and the requirements of his site plan, the Minister may accept the surrender of his licence.

Surrender of licences

(2) Where any sum remains in the former licensee's rehabilitation security account when the Minister accepts the surrender of his licence, the sum so remaining shall be paid by the Treasurer to the former licensee. *New.*

Disposition of surplus rehabilitation moneys

22. One year after a sole licensee dies, his licence expires unless within that period his personal representative applies to the Minister to allow him to operate the pit or quarry for such period as in the opinion of the Minister, having regard to the circumstances of the particular case, is sufficient to allow the personal representative to dispose of the pit or quarry and, if the pit or quarry is not disposed of within that period, or within such further period as the Minister may allow, the Minister shall revoke the licence. *New.*

Death of licensee

23. (1) The Minister may revoke a licence for any contravention of this Act, the regulations, the conditions of the licence or the requirements of the site plan. 1971, c. 96, s. 7 (2), *amended.*

Revocation of licences

(2) Where the Minister has,

Notice to licensee

(*a*) refused to issue a licence and the application has not been referred to the Board for a hearing under section 15;

(b) revoked a licence;

(c) required a site plan to be amended; or

(d) after the issue of a licence, added a condition to a licence or rescinded or varied a condition of a licence,

he shall serve forthwith notice thereof including the reasons therefor upon the applicant or licensee, and upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located.

Time of taking effect

(3) Any action of the Minister under subsection 2 is effective as soon as the notice mentioned in that subsection is served upon the applicant or licensee and, notwithstanding that the applicant or licensee requires a hearing by the Board, remains effective until the Minister takes action after considering the report of the Board.

Notice requiring a hearing

(4) The notice under subsection 2 shall inform the applicant or licensee that he is entitled to a hearing by the Board if he serves, within thirty days after the notice under subsection 2 is served upon him, the Minister with notice that he requires a hearing.

Hearing

(5) Where the applicant or licensee serves the Minister with notice under subsection 4, the Minister shall refer the matter to the Board for a hearing. 1971, c. 96, s. 8, *amended*.

Hearing by Board

24. —(1) Where a matter is referred to the Board under section 15 or 23 the Board shall hold a hearing and the applicant or licensee, the Minister and such other persons as the Board specifies shall be parties to the proceeding.

Procedure

R.S.O. 1970, c. 323

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under *The Ontario Municipal Board Act*.

Decision of Board

(3) The Board shall, at the conclusion of a hearing under this section, make a decision as 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.

(4) When under this Act the Minister has referred a matter to the Board, the matter may be taken back from the Board by the Minister at any time prior to a decision in respect thereof having been made by the Board, provided however that where a matter has been referred to the Board pursuant to the request of any person the matter shall not be taken back from the Board by the Minister except on the further request of such person and with concurrence of all other persons, if any, who had requested that the matter be referred to the Board.

Resumption by Minister of matter referred to Board

25. —(1) The Minister may suspend a licence for any period of time, not exceeding three months, for any contravention of this Act, the regulations, the conditions of the licence or the requirements of the site plan, effective as soon as the notice mentioned in subsection 2 is served upon the licensee. 1971, c. 96, s. 8 (4), *amended*.

Suspension of licences

(2) Where the Minister has suspended a licence, he shall serve notice thereof, including the reasons therefor, upon the licensee and upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located.

Notice of suspension

(3) The notice mentioned in subsection 2 shall, in addition to the particulars mentioned therein, notify the licensee of the period of the suspension, of the action he must take or desist from taking before the suspension will be removed, that the suspension will be removed as soon as he has complied with the notice to the satisfaction of the Minister, and that if he does not comply with the notice within the period of the suspension, the Minister may revoke the licence.

Further particulars of notice

(4) Where a licensee whose licence has been suspended has not taken the required remedial action within the period of the suspension, the Minister may exercise his power under subsection 1 of section 23 and revoke the licence, in which case subsections 2 to 5 of that section apply. *New*.

Revocation

PART III

WAYSIDE PIT AND QUARRY PERMITS

Permits for wayside pits and quarries

26. (1) No Person shall open, establish or operate a wayside pit or wayside quarry except under the authority of a permit issued by the Minister to the permittee.

Idem

(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.

Additional information

(3) The Minister may require an applicant for a wayside pit or quarry permit to furnish him with additional information in such form and manner as he considers necessary and, until the information is furnished to his satisfaction, he may refuse to consider the application further.

Copies to municipalities

(4) When the Minister is satisfied that an application for a wayside pit or quarry permit and the documents accompanying it comply with this Act and the regulations, he shall serve a copy of it and the documents accompanying it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New*.

27. The field and rehabilitation plans accompanying an application for a wayside pit or quarry permit shall be prepared pursuant to section 9 and shall show the public authority that is a party to the contract and the number of the project.

Grounds for refusal to issue a permit

28. The Minister shall refuse to issue a permit to operate a wayside pit or quarry where the field and rehabilitation plans do not comply with this Act or the regulations or where, in his opinion, the operation of the wayside pit or quarry would be

against the interest of the public taking into account subsections 1(a)-(k) of section 11.

29. Where the Minister has issued a wayside pit or quarry permit, he shall serve a copy of it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

Copies to municipalities

30. Every wayside pit or quarry permittee shall operate his wayside pit or quarry in accordance with this Act, the regulations, the conditions of his permit, the requirements of his field and rehabilitation plans and any applicable municipal by-laws.

Duties of permittees

31. The Minister may at any time add a condition to a wayside pit or quarry permit or rescind or vary any condition of such a permit. *New.*

Variation of conditions

32. A permit issued under this section expires on the completion of the project or contract or eighteen months after its issue, whichever occurs first. Rehabilitation must be completed within six months of the permittee's cessation of extractive activities. No further wayside pit permits shall be issued for that site or any part thereof. If a permittee wishes to continue to use such site or any part thereof after the expiration of the eighteen month period stated in the wayside pit permit, such site or any part thereof shall be treated as a new pit or quarry subject to the general provisions of this Act.

Expiration

33. The Minister may, at any time, suspend or revoke a wayside pit or quarry permit for any contravention of this Act, the regulations, the conditions of the permit or the requirements of the site plan ~~or any applicable municipal by-laws~~

Suspension and revocation

PART IV

ABANDONED PITS AND QUARRIES

34. —(1) Where both before and after the coming into force of this Act, there is unrehabilitated land arising from pit or quarry operations that have ceased to operate or are unlicensed, the Minister may,

Abandoned pits and quarries

(*a*) after receiving the consent of the person assessed for the land on which the pit or quarry is located; and

(*b*) after consultation with the regional municipality or county, as the case may be, and the local municipality in which the pit or quarry is located,

declare the pit or quarry to be abandoned for the purposes of subsection 2.

(2) The Minister may disburse any part of the fund mentioned in subsection 4 of section 18 for,

Disbursal of fund

(*a*) pre-program surveys or studies respecting the rehabilitation of abandoned pits and quarries; or

(*b*) the rehabilitation of abandoned pits and quarries. *New*.

Minister to report

(3) The Minister shall, for each site reviewed under subsection 1, and in addition to any surveys or studies referred to in subsection 2, prepare a report which shall state,

(a) the reasons for declaring the pit or quarry to be abandoned;

(b) the reasons for not declaring the pit or quarry to be abandoned;

(c) the type of land use the area was prior to pit or quarry use and the type of land the area is to be rehabilitated to where a pit or quarry has been declared abandoned;

(d) the anticipated and actual costs of rehabilitation per acre where a pit or quarry has been declared abandoned;

(e) the results and effectiveness of rehabilitation measures undertaken;

and such other matters as the Minister considers necessary or advisable to carry out the intent and purpose of this Act.

Review of Minister's surveys, reports etc.

(4) Any person, at all reasonable hours, may review and copy at nominal cost any surveys, studies, reports or other materials arising from subsections 1, 2 and 3 and the Minister or his designate within a reasonable time shall furnish copies of such surveys, studies, reports or materials or extracts therefrom as requested upon payment of the requisite fee.

PART V

CROWN LANDS

Royalties

35. —(1) The Minister shall determine the royalty per tonne that each licensee must pay under subsection 2, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the Crown aggregate and its intended use.

Royalties to be paid

(2) Every licensee shall pay a royalty to the Treasurer on or before the tenth day of the month immediately following the month in which the Crown aggregate is removed from the site at the rate per tonne determined under subsection 1 multiplied by the number of tonnes removed.

Security

(3) The Minister may require a licensee to give security of the prescribed kind and in an amount or amounts determined by the Minister for the payment of any sum that is due or that may become due under subsection 2.

Recovery of royalties in default

(4) Where a person defaults in the payment of a royalty under subsection 2, the amount thereof may be recovered by the Crown from any security given under subsection 3 or as a debt due in any court of competent jurisdiction. *New.*

PART VI

REHABILITATION

Duty to rehabilitate site

36. Every licensee and every permittee shall rehabilitate his site in accordance with this Act, the regulations, the conditions of his licence or permit and the requirements of his site plan to the satisfaction of the Minister.

37. —(1) Every licensee shall pay to the Treasurer on or before the 15th day of March in each year a sum calculated by multiplying the number of tonnes excavated from his site in the previous year by a prescribed rate per tonne of aggregate as security for the rehabilitation of the site.

Rehabilitation security payments by licensees

(2) The prescribed rate per tonne shall be based upon the licensee's statement of his estimated cost of fulfilling his rehabilitation plan during the course of his operation, inspection of the application and other documents submitted, information obtained from the public hearing or the submissions of any person or party to a hearing, if any, inspection of the environment to be affected, and such other criteria as may be relevant, including the proposed land use and the additional cost to the province which may be entailed by being required to bring personnel or equipment to the site after abandonment by the licensee, in excess of the cost to the licensee of performing the necessary work during the course of his pit or quarry operations.

(3) In addition to subsections 1 and 2, every licensee shall maintain on deposit with the Treasurer such additional security in such amount and form as is prescribed by the regulations.

38. Every person who applies for a permit for a wayside pit or quarry shall before the permit is issued pay to the Treasurer a sum calculated by multiplying the maximum number of tonnes that the permit authorizes by the prescribed rate per tonne of aggregate as security for the rehabilitation of the site. *New.*

Rehabilitation security payments by wayside pit permittees

39. —(1) Sums paid by a licensee, or a wayside pit or quarry permittee under section 37 or 38 shall be held in an account in his name and shall be paid out in accordance with this Part.

Rehabilitation security accounts

(2) Sums paid by a licensee ~~or Crown aggregate permittee~~ under section 37) shall earn interest at the prescribed rate. Interest payable

(3) Interest earned under subsection 2 shall be deemed to form part of the rehabilitation security. *New.* Interest deemed security

40. (1) As the licensee or permittee completes each separate step of the approved rehabilitation plan, he shall report said completion to the Ministry and request the release of that portion of the security which relates to the completed portion of the rehabilitation plan. Upon the receipt of such notification and request the Minister shall cause the site to be inspected, and if he finds that the work has been performed in a proper and workmanlike manner and is in compliance with the approved rehabilitation plan and with the law applicable, he shall release that portion of the security, provided, however, that the Minister shall withhold an amount equivalent to five per cent of said amount for a period of five years from the completion date of said work, as a contingency allowance for the reimbursement of the province of any cost encountered due to after-discovered faulty or negligent work of the licensee or permittee.

(2) The Minister shall determine the amount of the refund mentioned in subsection 1, but in no case shall the amount of the refund reduce the amount remaining in the rehabilitation security account of the licensee or ~~Crown aggregate~~ permittee to less than the prescribed minimum per hectare requiring rehabilitation. *New.* Amount

subject to subsection 1,

(3) ~~58.~~ Where a licensee or permittee has submitted proof to the satisfaction of the Minister that he has performed his final rehabilitation work in accordance with this Act, the regulations, the conditions of his licence or permit and the requirements of his site plan, the Treasurer shall refund to him the total sum to his credit in his rehabilitation security account. *New.* Refunds when rehabilitation work fully performed

41. ~~54~~.—(1) Where a licence or permit is revoked or a permit expires and the rehabilitation work has not been performed in accordance with this Act, the regulations, the conditions of the licence or permit, and the requirements of the site plan to the satisfaction of the Minister, the Minister may enter upon the site and perform such rehabilitation work as he considers necessary. *New.*

When rehabilitation work not performed

(2) The cost of rehabilitation work performed by the Minister under subsection 1 is a debt due to the Crown by the former licensee or permittee and shall be paid by the Treasurer out of the former licensee's or permittee's rehabilitation security account into the Consolidated Revenue Fund. 1971, c. 96, s. 11, *amended.*

Recovery of cost

Subject to subsection 1 of section 40

(3) Where any sum remains to the credit of the former licensee or permittee in his rehabilitation security account after the cost of rehabilitation work performed by the Minister under subsection 1 has been paid out under subsection 2, the sum so remaining shall be paid by the Treasurer to the former licensee or permittee.

Disposition of surplus

(4) Where the sum to the credit of the former licensee or permittee in his rehabilitation security account is insufficient to defray the cost of rehabilitation work performed by the Minister under subsection 1, the amount of the deficiency is a debt due to the Crown by the former licensee or permittee and is recoverable by the Crown in any court of competent jurisdiction. *New.*

Recovery of deficiency

PART VII

OFFENCES AND PENALTIES

42. ~~55~~.—(1) Every person who operates a pit or quarry without a licence is guilty of an offence. 1971, c. 96, s. 4 (1), *amended.*

No operation of pit without licence

(2) Every person who operates a wayside pit or quarry ~~or Crown aggregate pit or quarry~~ without a permit is guilty of an offence. 1971, c. 96, s. 12 (1), *amended.*

No operation of wayside pit ~~or Crown aggregate pit~~ without permit

(3) Every licensee who contravenes any condition of his licence or any requirement of his site plan is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended.*

Contravention of licence or site plan

(4) Every permittee who contravenes any condition of his permit or any requirement of his site plan is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended.*

Contravention of permit or site plan

(5) Every person who contravenes any provision of this Act or the regulations is guilty of an offence. 1971, c. 96, s. 18 (1), *part, amended.*

Contravention of Act or regulations

(6) Every person who hinders or obstructs an inspector in the performance of his duties or furnishes him with false information or refuses to furnish him with information is guilty of an offence. 1971, c. 96, s. 13 (2), *amended.*

Obstruction of inspectors

43. ~~56.~~—(1) Every person who commits an offence under subsection 1 or 2 of section 42 is liable on summary conviction to a fine of not less than $1,000 and not more than $5,000 for each day on which the offence occurs or continues. Penalty

(2) Every person who commits an offence under subsection 3, 4, 5 or 6 of section 42 is liable on summary conviction to a fine of not less than $200 and not more than $5,000 for each day on which the offence occurs or continues. 1971, c. 96, s. 18 (1), *amended*. Idem

PART VIII

MISCELLANEOUS

44. ~~58.~~ Where it appears ~~to the Minister~~ 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*. Restraining orders

45. ~~59.~~—(1) Any notice required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom service is to be made at the last address for service appearing on the records of the Ministry. Service of notices

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, and for cause beyond his control, receive the notice until a later date. 1971, c. 96, s. 16, *amended*. Idem

46. ~~60.~~—(1) The provisions of this Act and the regulations are in addition to and not in substitution for the provisions of Part IX of *The Mining Act* or any provisions substituted therefor at any time. Conflicts

R.S.O. 1970, c. 274

(2) In the event of any conflict between any provision of this Act or the regulations and any provision of Part IX of *The Mining Act* or any provision substituted therefor at any time, the provision of this Act prevails. 1971, c. 96, s. 17, *amended*. Idem

47. (1) ~~62.~~ The Lieutenant Governor in Council may make regulations, Regulations

(*a*) respecting the management of the aggregate and Crown aggregate resources of Ontario;

(*b*) prescribing material as aggregate;

(*c*) prescribing material that is the property of the Crown as Crown aggregate;

(*d*) prescribing duties of inspectors;

(*e*) prescribing or providing for the calculation of fees and providing for the payment thereof;

(*f*) prescribing the percentage of the total of the annual licence fees that shall be disbursed to municipalities, prescribing the amounts and manner of such disbursements and prescribing the municipalities to which such disbursements shall be made;

(ff) prescribing the percentage, rate and sum to be paid into the hearing assistance fund;

(*g*) prescribing the percentage of the total of the annual licence fees that shall be set apart as a fund and disbursed for the purposes mentioned in subsection 2 of section 34;

(*h*) respecting the control, management and operation of pits and quarries, wayside pits and quarries, and Crown aggregate pits and quarries;

(*i*) prescribing the minimum royalty for Crown aggregate and providing for the payment thereof;

(*j*) prescribing kinds of security for the purposes of subsection 3 of section 35;

(*k*) governing the rehabilitation of pits and quarries, and wayside pits and quarries; ~~and Crown aggregate pits and quarries~~;

(*l*) respecting the form, terms and conditions of rehabilitation security, ~~prescribing a rate per tonne of aggregate or Crown aggregate~~ for the purpose of calculating rehabilitation security, prescribing maximum and minimum amounts per hectare of rehabilitation security for pits and quarries, and ~~wayside~~ pits and quarries ~~and Crown aggregate pits and quarries~~, prescribing the rate of interest payable thereon and providing for refunds from rehabilitation security accounts;

(*m*) requiring and providing for the records and information that must be kept and returns that must be made by licensees and permittees;

(*n*) prescribing forms for the purposes of this Act and providing for their use; and

(o) (~~p~~) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. 1971, c. 96, s. 19 (1), *amended*.

(2) No regulations made under this Act shall come into force until, Idem

(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 regulation if a person makes a written request to the Minister for such a hearing within 60 days of the publication of the proposed regulation in the Ontario Gazette.

48. ~~64~~ 53.—(1) Notwithstanding section ~~XX~~, *The Pits and Quarries Control Act, 1971* and the regulations thereunder continue to apply to every pit or quarry for which an operator is licensed under that Act for six months after this Act comes into force except where the licence expires under subsection 2. Pits and quarries licensed under 1971, c. 96

(2) During the first three months of the six-month period mentioned in subsection 1, an application for a licence under this Act accompanied by the prescribed fee may be made by a licensee under *The Pits and Quarries Control Act, 1971* in respect of his pit or quarry and, if an application is not so made, the licence under *The Pits and Quarries Control Act, 1971* expires at the end of such three-month period. Application for a licence under this Act

(3) The site that is the subject of an application under subsection 2 must be the same site for which the licensee is licensed under *The Pits and Quarries Control Act, 1971*. Same site for which operator is licensed

(4) Within the six-month period mentioned in subsection 1 and provided the applicant has paid fees and deposited rehabilitation security as required under *The Pits and Quarries Control Act, 1971*, the Minister shall issue a licence under this Act in respect of every application under subsection 2 even if the requirements of section 8 has not been met and whether or not any relevant restricted area by-law is complied with, and as soon as a licence is issued under this Act for a pit or quarry to which this section applies, the licence under *The Pits and Quarries Control Act, 1971* expires and that Act and the regulations thereunder cease to apply, but the site plan under that Act continues in effect until superseded by a field and rehabilitation plan under this Act. Licence to be issued

When new site plan requirements to be met

(5) The copies of the field and rehabilitation plans referred to in section 8 must be served upon the Minister within six months after the licensee has been served with a demand therefor by the Minister or within three years after this Act comes into force, whichever occurs first.

(6) Clauses (a) through (h) of subsection 2 of section 8, sections 12 and 15 do not apply to applications made under subsection 2 of this section.

Rehabilitation security

1971, c. 96

(7) Where a licence is issued under this section, all security and interest on deposit or security payable at a future time, as the case may be, under *The Pits and Quarries Control Act, 1971* shall be deemed to be rehabilitation security on deposit or payable as provided under this Act.

Credit for rehabilitation under 1971, c. 96

(8) Where a licence is issued under this section, any rehabilitation that has been carried out in respect of a pit or quarry for which an operator is licensed under *The Pits and Quarries Control Act, 1971* and for which the operator has not received credit under that Act before this Act comes into force shall be deemed to be rehabilitation done for the purpose of this Act.

Subsisting permit under 1971, c. 96 continues in force

(9) Notwithstanding section 53, every permit issued under *The Pits and Quarries Control Act, 1971* that is subsisting when this Act comes into force continues in force as though this Act had not been passed until the expiration of its term. *New.*

(10) Established pit and quarry operators shall be required to meet the requirements of subsections 3 and 4 of section 8 of this Act. They shall further be required to submit this information on the part of their site which remains to be worked as well as on the whole of their site operations that have been worked prior to the coming into force of this Act. Established pit and quarry operators shall meet security deposit, fees and other levy requirements as outlined in this Act except that any existing deposits shall accrue to the benefit of the operator under this Act as partial fulfillment of his rehabilitation obligations.

49. ~~65~~.—(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.

(2) Where the requirements of section 8(3) and (4) but not section 10(3) are complied with during the six-month period next following the coming into force of this Act, a licence for an established pit or quarry must be issued or refused during the twelve-month period following the coming into force of this Act, notwithstanding subsection 1.

Right to operate for limited period without licence

(3) Notwithstanding subsection 1 of section 55, a person who applies for a licence during the six-month period next following the coming into force of this Act may operate his established pit or quarry without a licence until the licence is either issued or refused or the twelve-month period following the coming into force of this Act.

(4) Notwithstanding subsection 1, sections 12 and 15 do not apply where an application for a licence for an established pit or quarry is made during the two-year period next following the date of the coming into force of this Act.

Person deemed licensee from date of designation

(5) ~~(6)~~ For the purposes of this Act and the regulations, where a person has been issued a licence for an established pit or quarry he shall be deemed to be a licensee from the date of the coming into force of this Act.

(6) Established pit and quarry operators shall be required to meet the requirements of subsections 3 and 4 of section 8 of this Act. They shall further be required to submit this information on the part of their site which remains to be worked as well as on the whole of their site operations that have been worked prior to the coming into force of this Act. Established pit and quarry operators shall meet security deposit, fees and other levy requirements as outlined in this Act except that any existing deposits shall accrue to the benefit of the operator under this Act as partial fulfillment of his rehabilitation obligations.

Application under 1971, c. 96 deemed application under this Act

50. ~~66~~.—(1) Where an application for a licence to operate a pit or quarry has been made under *The Pits and Quarries Control Act, 1971* but no licence has been issued or refused by the Minister under that Act before this Act comes into force, the application shall be deemed to be an application made under this Act if the applicant has, before this Act comes into force, complied with all the requirements of that Act respecting the application, in which case the applicant shall comply with the requirements of sections 8(3) and (4) and section 10(3) of this Act within six months after this Act comes into force.

(2) Where in the opinion of the Minister the applicant fails to comply with the requirements of subsection 1, the Minister may refuse to consider the application further.

Minister may refuse to consider application

(3) Where an applicant complies with the requirements of subsection 1, a hearing pending before the Board or in respect of which the Board has not reported to the Minister respecting a matter referred to it under *The Pits and Quarries Control Act, 1971* shall be deemed to be a hearing for the purposes of this Act. *New*.

Hearing before the Board

51. 67. Part VII of *The Mining Act* or any provision substituted therefor at any time does not apply in any part of Ontario to which this Act applies. *New*.

R.S.O. 1970, c. 274, Part VII, not applicable

52. 68.—(1) Every quarry permit issued under Part VII of *The Mining Act* that is subsisting when this Act comes into force continues in force as though this Act had not been passed until the expiration of its term.

Quarry permits

Idem

53. 69. *The Pits and Quarries Control Act, 1971*, being chapter 96 and section 29 of *The Metric Conversion Statute Law Amendment Act, 1978*, being chapter 87, are repealed.

1971, c. 96; 1978, c. 87, s. 29, repealed

54. 70. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

55. 71. The short title of this Act is *The Aggregates Act, 1979*.

Short title