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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 and 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 used 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 2 for geographic area covered by each region).

N.A. Indicates information not available or applicable.

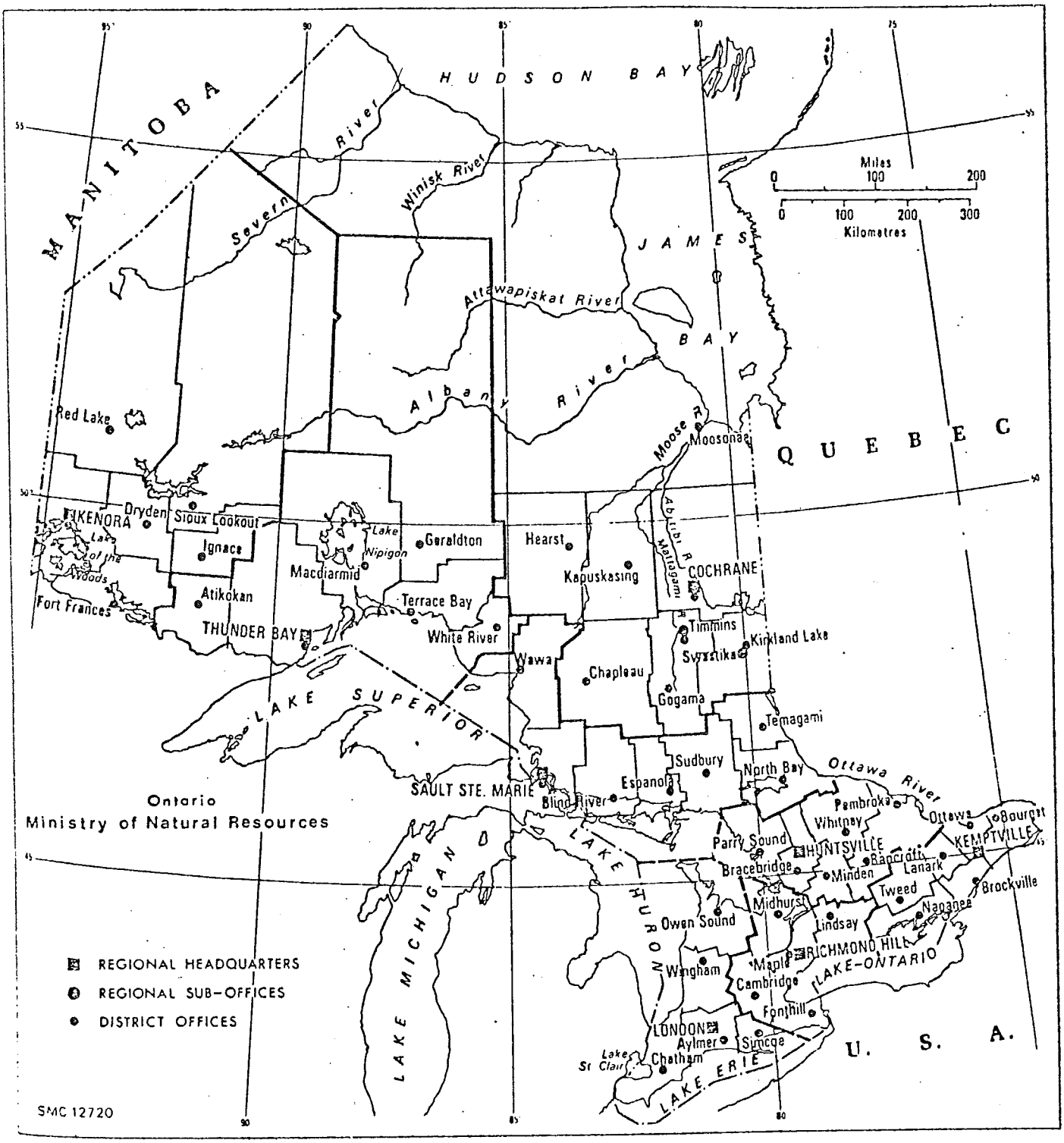
a In such Pits and Quarries Act designated areas, local licences may also apply but are not tabulated here.

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
Severn River
Winisk River
JAMES BAY
Attawapiskat River
Albany River
QUEBEC
Red Lake
Moose R.
Moosonee
Miles
0 100 200
0 100 200 300
Kilometres
Dryden
Sioux Lookout
IKENORA
Lake of the Woods
Ignace
Lake Nipigon
Geraldton
Hearst
Abitibi R.
Matagami
COCHRANE
Macdiarmid
Kapuskasing
Fort Frances
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
Espanola
Blind River
Pembroke
Whitney
Ottawa
Bourget
KEMPTVILLE
Parry Sound
HUNTSVILLE
Rapid
Lanark
Bracebridge
Minden
Tweed
Brockville
Midhurst
Napanee
Owen Sound
Lindsay
RICHMOND HILL
LAKE ONTARIO
Wingham
Maple
Cambridge
Fonthill
LONDON
Aylmer
Simcoe
Lake St Clair
Chatham
LAKE ERIE
U. S. A.
LAKE MICHIGAN
LAKE HURON
REGIONAL HEADQUARTERS
REGIONAL SUB-OFFICES
DISTRICT OFFICES
Ontario
Ministry of Natural Resources
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. since they are capable of doing the same kind of damage.

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. Thank you.

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.