

COMPLIMENTARY

COPY

GRAVEL EXTRACT

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REHABILITATION: A VITAL PART OF THE PLANNING PROCESS

Rehabilitate: "To restore to good condition; regenerate or make over in an improved form." —The College Dictionary

When a municipal council votes on an application to open a new pit or quarry, it must consider not only the effect of the extractive operation, but what to do with a huge hole in the ground. If the land is suitable and not environmentally or socially sensitive, and satisfies environmental requirements, then mining can go ahead. The specific land use called for in the rehabilitation plans must conform to the same requirements.

Rehabilitation of pits and quarries should involve more than building a berm or planting a few scraggly trees to screen off the view of the mess inside. It should at least "restore to a good condition" if not "make over in an improved form". It is important to think of rehabilitation not as an activity separate from mining, but as a part of the total process. This means that the planning process must encompass efficient operation of the pit right through to final rehabilitation.

Two criteria must be met in good rehabilitation:

1. Restoration of a landscape that is in character with the area.
2. Creation of a condition that relates to and supports future land uses beneficial to the community.

Licensing of pits and quarries should be granted only when a plan for rehabilitation which meets these criteria is approved and suitable guarantees are deposited with the municipality.

In order that the rehabilitation plan can address these criteria, it is necessary that

future optimum uses of the land be determined. This is the responsibility of the land owner and the municipality. Future uses could be in one of the following categories:

- a) restoration of a previous land use e.g. grazing land, reforestation.
- b) new land uses of commercial benefit to the private sector e.g. residential, industrial uses.
- c) new land use of benefit to the public sector e.g. public recreation, institutional uses.

Since large areas of land are involved,

EXTRACT SUCCESS

The publication of the Foundation for Aggregate Studies' *Gravel Extract* has met with tremendous success. The *Extract* provides municipalities, regions, local implementors and government agencies, along with concerned organizations and citizens, with up-to-date information on the gravel scene in Ontario.

FAS, a non-profit organization based in Toronto, is the only group of its kind in Canada. Assisting residents and councils in planning decisions, it has worked for almost three years to bring about sound planning for pit and quarry development in Ontario. Too frequently, municipal councils make planning decisions related to pits and quarries in isolation. Information is now reaching them relating to supply, demand, projections, by-laws of other jurisdictions, and precedent-setting law cases through the FAS's unique Municipal Advisory Service.

Your comments and news are warmly welcomed. Write for the FAS objectives, and list of publications.

which are becoming increasingly valuable, it is only prudent that every effort be made to gain the maximum benefit from the land. A developer who keeps an after-mining use in mind which can be beneficial to himself and the community will be anxious to rehabilitate in the most expeditious manner possible. It therefore behooves the community, whenever possible, to licence pits where there is potential for a higher and better after-use. To destroy a beautiful forest for gravel extraction, where it makes good planning sense to provide future residential uses, may be justifiable, even prudent, but to allow the forest to be destroyed where it would end up as wasteland barely able to sustain grass is folly. It is extremely important therefore that all the future aggregate sources in the community be located in areas having real potential for higher and better uses, as well as being appropriately located in terms of access and compatibility with surrounding land uses.

Municipalities should require detailed site plans showing stages of extraction and rehabilitation, including a detailed cost breakdown for each operation required to restore the land.

Thought should be given to granting 5-year extraction licences, with renewal dependent upon rehabilitation of the previously mined area. A bond for 100% of the estimated rehabilitation cost would be deposited with the municipality, to be returned when work is completed.

It may even be possible to reduce levies imposed on the operator where his rehabilitation produces direct benefits to the community beyond normal rehabilitation.

COLLECTIVE WISDOM

MNR THREATENS TOTAL EROSION OF MUNICIPAL CONTROL

The next sitting of the Provincial Legislative Assembly promises to be a particularly crucial time for all those concerned with the wise management of aggregate resources, as the Government is expected to be tabling a new Pits and Quarries Act.

While the Foundation for Aggregate Studies (FAS) supports many of the policy initiatives, it is extremely concerned that other policy proposals will erode the powers of local government and thus affect individual property rights. FAS further considers that it is now that we should be protecting our prime agricultural land, not when it is too late.

INDUSTRIAL PROTECTION

The proposed legislation gives the Minister of Natural Resources overriding powers over location, size, duration and rehabilitation plans for new pits and quarries. A municipality will be required to provide its so-called "fair share" of aggregates for the public good. If it fails to meet an annual quota, it is liable to be ordered by the Ministry to amend its Official Plan or by-laws to permit the opening of new pits to meet its quota. This requirement appears to FAS to be an incredible example of special privilege in rural areas already devastated by gravel operations. Surely the gravel industry is being singled out for special consideration so long as quotas for private industry can be imposed on an unwilling municipality. FAS supports the free enterprise of the individual but only so long as it does not reduce the freedom or impose injury upon other citizens.

AGGREGATE SUPPLY EXCEEDS DEMAND

A basic assumption of the Provincial Government is that there is going to be a scarcity of aggregates within another ten years or so. FAS, on the other hand, maintains that this is a myth concocted by the interested industry, and that, on the contrary, supply greatly exceeds demand. FAS feels that a non-existent problem has been suggested, and that unnecessarily high quotas will therefore be imposed on municipalities. A situation is arising where other vital industries (agriculture is one example) will need protection from the gravel industry. 2,200 acres a year are currently being devoured, most on Class I-IV farmland. There is only a finite amount of prime farmland left in Southern Ontario.

TRANSPORTATION SURVEY NEEDED

It is generally accepted that transportation costs are the major factor affecting the market price of aggregates. The proposed legislation suggests that gravel be extracted near to urban market centres in order to minimize costs. FAS however, maintains that transportation costs, energy impacts, social and environmental impacts have not been adequately examined. FAS advocates serious consideration of unit train and boat haulage, which although capital intensive involve low per mile energy costs, and unlike road haulage, are free of public subsidy and nuisance. If unit trains or boats were utilized, extraction could take place in less densely populated, less sensitive areas of the Province. Prime agricultural land would thus be protected for future generations.

FAS AIMS FOR JUST LEGISLATION

FAS would like to see stronger regulations to make the aggregate industry responsible for complete rehabilitation of pits and quarries, for the maintenance of roads damaged by its trucks, and for compensation of injuriously affected neighbours.

In August the FAS Board met with the then Minister of Natural Resources, Honourable Frank Miller, in order to discuss the proposed legislation and to cite FAS's objections, and to propose a more just and equitable solution to the gravel problem. FAS is continuing the dialogue with the new Minister of Natural Resources, Honourable James Auld. All MPP's are being contacted in FAS's continued efforts to see a more sensible and rational use of land in Ontario. FAS feels very strongly that the policies of the proposed legislation should be further reviewed and amended.

Reader Notes Demand

I read with interest your article on aggregate demand (*Gravel Extract*, Vol. 1, No. 2). At about the same time I also received Canada Cement's Annual Report, 1977.

I assume that annual consumption of cement and of construction aggregates in Canada are both closely related to the overall level of construction. The Report of the Ontario Mineral Aggregate Working Party (December, 1976) indicates a growth pattern from the years 1975 to 2000 from approximately 15 tons per capita to almost 30 tons of aggregates.

This forecast seems to be contrary to real consumption patterns of cement as outlined in the Canada Cement document.

For example, cement consumption in Canada for 1975, 1976 and 1977 has shown a continual decline from a high in 1974 of approximately 9.5-million tons. The consumption patterns for the Province of Ontario since 1973 have also reflected declines. 41% of Canada's cement consumption in 1973 was accredited to Ontario, in 1975 — 37% and in 1977 — 36%.

Since aggregates are primarily used with cement to make concrete, these figures certainly do not tally with the Ontario Mineral Aggregate Working Party's study, which suggested a somewhat dramatic rise in aggregate consumption from 1975 to 1977 and onward to the year 2000.

Sincerely,

John Alexander
R.R. #2
Caledon, Ontario

IN THIS ISSUE:

| | |
|---|---|
| Rehabilitation and Planning | 1 |
| Collective Wisdom (Editorial) | 2 |
| Across this Province | 3 |
| (News Brief) | |
| B.C. Bylaw | 6 |
| Trucker's Payscales | 7 |
| Planning Hindrance | 8 |

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MUNICIPAL NEWS ACROSS THIS PROVINCE

HALTON HILLS

Lavish rehabilitation plans put forward in May have failed to convince Speyside residents and Halton Hills Town Council that they should trade the nuisance of a 600-acre quarry for the benefits of having a Conservation Authority park 35 years from now. Standard Aggregates Limited had wanted to remove 145 million tons of dolomite from a site at Speyside, after which the quarry was to be converted into a park and donated to the Halton Region Conservation Authority. The future park would have included two lakes covering a total of 400 acres, camping and picnic areas. In mid-August Halton Hills Council refused to designate the site for extraction, and recommended that the Niagara Escarpment Commission do the same.

Standard Aggregates had quarried the site in 1960-62, removing 80,000 tons, when declining market conditions forced work to stop. The operators were ready to resume in 1970, but the site had not been designated for extraction. This summer's application by the company was to have a designation and zoning by-law approved, prerequisites to a licence application.

Leo Giergon, property manager for Standard Aggregates Limited, gave the company's reasons why the quarry should be approved: "It would create local jobs and create work for independent truckers". He warned of a "2.4 billion ton per year aggregate demand by the year 2001", pointing out that there are "only 750 million tons of licenced reserves at present". The company requested that Council at least designate the site for extraction, to preserve its resources for future use.

Council heard complaints from Speyside residents opposed to the plan, who urged that existing quarries be mined out before new ones go into operation. Residents' spokesman, Jim Sheldon, said his group felt that there were enough quarries in the area already, and that his group was particularly concerned about truck noise and frequency. They had calculated that the additional traffic from this operation would increase the trucks on Highway 25 to one every 12 seconds. Residents also feared adverse effects on the watershed of 16-mile Creek, resulting in lowered well levels and sewage problems for Milton.

In consideration of these complaints, Council refused the extractive designation.

'Extract researchers have found Standard's projections are too high and do not match those of commonly acceptable forecasts.

LOBO TOWNSHIP (MIDDLESEX COUNTY)

The June drowning of a 17-year-old boy in a quarry near Komoka (Lobo Township, Middlesex County) has resulted in a coroner's jury recommendation in July that the Province establish a committee to study methods of reducing the danger around pits and quarries. The jury also urged that the public be made aware of the danger involved in the unauthorized use of pits and quarries; that operators report all acts of trespass to the police; and that the inspection clauses in the *Pits and Quarries Control Act* be reviewed to determine their adequacy.

This is the third time that pits and quarries have been the scene of drownings this summer.

Coalition Formed Over Niagara Escarpment

In response to the government's recent cutbacks in the Niagara Escarpment Planning Area, the Coalition on the Niagara Escarpment (CONE) was formed in June, 1978.

FAS is represented on CONE to assist in protection of the Escarpment from pit and quarry operations in sensitive areas. Pits and quarries have for many years been the source of resident complaints and complicate zoning on the Escarpment, as there are many levels of approval necessary before permits can be issued — e.g. municipal, regional, and the Niagara Escarpment Commission.

The CONE, with the support of FAS, the Federation of Ontario Naturalists, the Canadian Environmental Law Association, and many other leading environmental groups, will work to enforce government policy over pits and quarries, Bruce Trail preservation, and conservation of the sensitive scarp area.

ELIZABETHTOWN TOWNSHIP

Residents of Tincap, northeast of Brockville, and Elizabethtown Council, are awaiting an Ontario Municipal Board (OMB) hearing tentatively set for October, on a zoning by-law which will disallow blasting at a former sand pit now being operated as a quarry by the Dodge Construction Company.

Council had been asked by residents near the site to halt the blasting. They were unsure about the legality of Zoning By-Law 1712, which had been approved by Council, but not yet by the OMB. Township Solicitor John Henderson had to declare a conflict of interest and was unable to tell residents and Council whether the by-law could be enforced in its present form. The Township is not covered by the *Pits and Quarries Control Act*, so there are no restrictions on blasting save those in zoning by-laws.

The Township will wait for the OMB hearing, rather than try to enforce the new by-law. The quarry operators have filed an objection to the by-law, requesting an amendment to allow blasting. They take the position that their blasting is legal until the OMB rules against it.

SUDBURY

Blasting at a Black Lake Road gravel pit operated by the Rintila Construction Company, on the evening of July 17, sent a 4 inch rock through the roof of a nearby home. The rock flew 850 feet from the blast site to the house roof.

The Ministry of Labour—Mining Health and Safety Branch, investigating the accident, attributed it to failure to follow exact blasting procedures. The investigator had all employees review the correct procedures. The company will also pay for damages to the house.

A Ministry of Labour spokesman told FAS that the inspector will return several more times to make sure that the blasting is being done properly. "The inspector's powers are fairly broad. If he finds that the blasting is still unsafe, after this warning, he can impose heavy fines at his discretion or even close down the operation".

UXBRIDGE — UPDATE

Since the article in the *Gravel Extract*, (July 1978, Vol. 1 No. 2) "Uxbridge Rejects Regan's Carrot", the Council of the Township of Uxbridge has reversed its decision and plans are currently underway to allow a new 500-acre pit in Uxbridge Township. An agreement between the proponent, Regan and Council is currently being drafted to compensate the Township. Regan has offered Uxbridge 6.5¢ per ton extracted until the new provincial legislation is enacted. If passed this fall, Regan's agreement for compensation becomes null and void.

Residents are outraged at this new scheme, claiming that the Township is already over-licensed, with some 5000 acres of pits, and are packing each Council meeting to raise objections.

Regional Councillor Herrema stated that while Council had rejected other pits recently applied for, this agreement would bring needed revenue to the Township coffers.

FAS will keep a close watch as this story unfolds. With the municipal election coming up in November, residents have threatened to unseat the four pro-pit councillors. If the agreement is signed with Regan before the election, and an anti-pit council installed which overturns it, Regan could sue the Township for substantial damages.

LINCOLN QUARRY REHABILITATION

Two municipally-owned abandoned quarries on the Niagara Escarpment, 180 acres in area, will be rehabilitated as a park at little or no cost to the Town of Lincoln. The plans, not completed at this time, call for rehabilitation to begin next spring and proceed in a series of one-year stages. The idea was initiated by the District Office of the Ministry of Natural Resources (MNR), and will proceed with donations of time, labour and money from Wintario, the MNR, the Aggregate Producers Association of Ontario and William Coates Limited, landscape architects.

The goal of the MNR is to provide an example to other municipalities of how quarries can be rehabilitated. At present the site is being surveyed to determine its exact boundaries. The land is partly wooded, but also includes a dry refuse dump which must be covered.

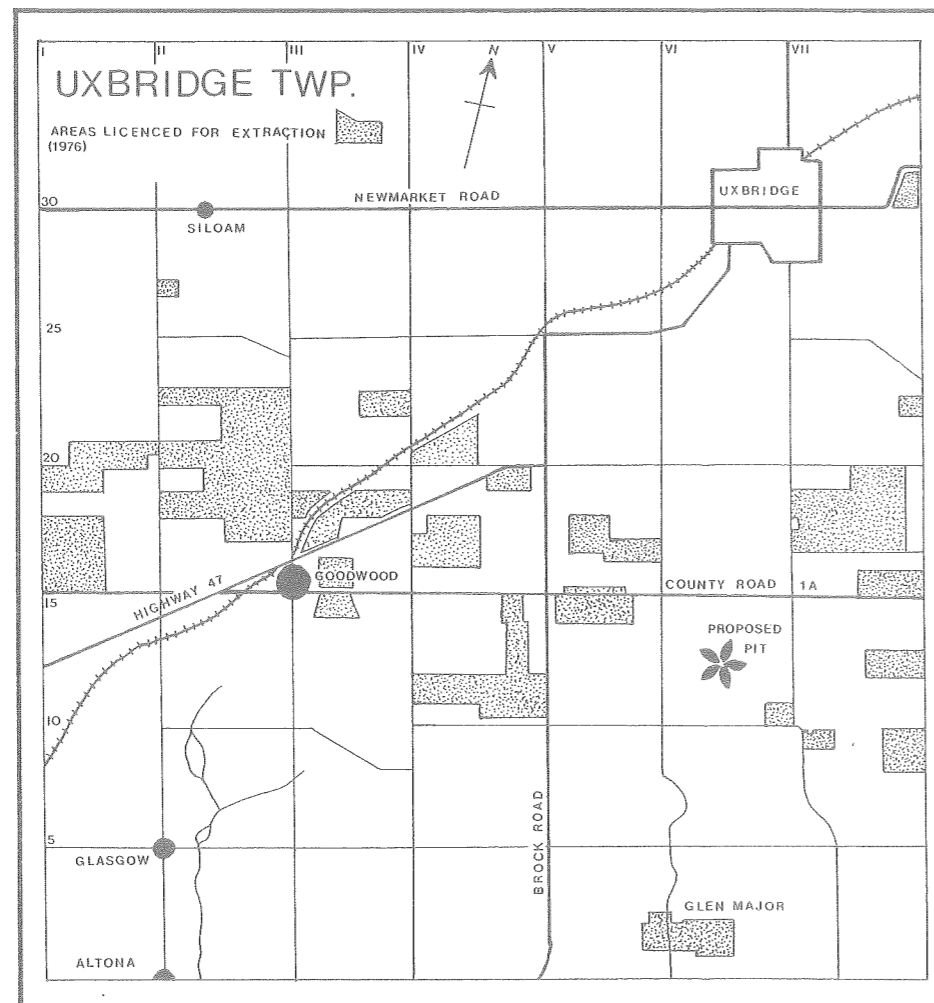
When the MNR fieldwork is concluded, planning will begin between the Town and

the landscape architects. A Town of Lincoln Works Department spokesman explained that the master plan will be finalized this winter. "Lincoln Parks and Recreation Committee will decide what facilities they want and administer the completed park. The only advance decision is that the Bruce Trail will be maintained".

Expected donations and contributions to the project include a Wintario grant for one-third of the cost, machinery and labour from local aggregate producers, fieldwork and trees from the MNR, and two-thirds of the landscape architects' work.

The Niagara Escarpment Commission is very pleased with the proposal and is expected to approve the final plan as soon as it is completed.

'Editorial Comment: Once again the public purse is paying for rehabilitation, when it is clearly the operators' responsibility and should be paid for out of profits.



NORTH DUMFRIES LEVY HINGES ON NEW ACT

An attempt by North Dumfries Township to impose a 5¢ per ton levy on the expansion of a pit owned by Waynco Limited was denied in late July by the Ministry of Natural Resources (MNR). Dale Scott, of the Cambridge District Office, MNR, pointed out that the Ministry must treat all operators alike and not set special restrictions on just one. Council had hoped that this would be the first of many to pay this levy, rather than an isolated case.

The levy request, which was forwarded to the MNR at the end of June, was designed to make up some of the funds otherwise lost through low taxes on the pit and surrounding properties. "At a gravel operation, only the portion worked during the year can be taxed, no matter how large the entire site is" said Clerk J. Butt.

The request was sparked by successful assessment appeals on eight properties near the Waynco Limited pit. A group of neighbours, annoyed by gravel truck traffic, had asked that their property taxes be lowered. The Clerk warned that this may set a Province-wide precedent for property owners near pit and quarry operations.

Council did not protest the MNR decision, as they were assured by the Ministry that the new pit and quarry legislation will allow municipalities to receive a portion of licence fees. Council will wait for the legislation before considering further action.

NELLES CORNERS (REGION OF HALDIMAND-NORFOLK)

A July Ontario Municipal Board (OMB) decision has given King Paving Limited approval to quarry 453 acres of a unique geological and ecological site near Nelles Corners, Region of Haldimand-Norfolk. The Ministry of Natural Resources has issued a licence for the removal of one million tons per year from the quarry, on the condition that 47 acres of the Oriskany Sandstone formation and the rare ecosystem developed on it be preserved as a study area.

The OMB decision marked the end of a 5-year battle between King Paving Limited and quarry opponents. The major objections came from scientists concerned with preserving what they felt was an important study site, and from residents of nearby Clanbrassil who were concerned over the effects of heavy truck traffic on their rural community. The quarry proposal was backed, however, by the Region of Haldimand-Norfolk, which had zoned the site for extraction two years ago.

The only bright spot for the quarry opponents is the 47-acre study area. This is a sufficient area for geological studies, but, says Diane Fahselt, a University of Western Ontario plant scientist, "it is impossible to preserve the ecosystem—animals as well as plants—on an area that small."

HALTON HILLS — TRUCKS

Unable to find a legal way of restricting truck traffic on 17 Sideroad to and from the Indusmin Limited quarry, Halton Hills Council has appealed to the operators to restrain the independent truckers. Indusmin Limited agreed in mid-August to post notices and send letters to the drivers requesting them to avoid 17 Sideroad unless they are making local deliveries.

Faced with frequent complaints from residents concerning truck speed, excessive dust, and children's safety, Council had originally considered implementing a by-law and permit system disallowing trucks with southern destinations, diverting them to Highway 25. Mr. Ballinger of the Halton Hills Engineering Department said that the legality of such a law is very doubtful, since Council is in effect discriminating against certain trucks using the road, based on their destination.

"The Engineering Department will carry out unannounced traffic counts in October, to assess the drivers' compliance with the agreement. The proposed by-law will be left in abeyance until April, 1979," he said. "The police have also been asked to give priority to traffic control on 17 Sideroad".

IN B.C. "WE JUST SHUT THEM DOWN"

Extractive operations can be shut down if they do not comply with municipal regulations, thanks to the tough gravel pit by-law in the District of Matsqui, British Columbia. Matsqui, located forty miles east of Vancouver in the Fraser Valley, exercises strict control over the extractive industry at its twenty-five active pits. Ontario municipalities, constrained by the *Municipal Act*, cannot impose fines or shut down operations that violate their by-laws without seeking injunctions and going through lengthy and costly court actions.

Matsqui By-Law 1617, originally passed in 1960 (last revision, July 1978) requires a permit which must be renewed every year, for the removal of any amount over 300 tons of topsoil, sand, gravel, or rock. An environmental impact study must accompany each permit application. Once an application is accepted, the municipality may impose levies for road maintenance over and above the levies for rehabilitation. The by-law requires high security deposits, sets out strict rehabilitation standards, and gives the municipality the power to close down any operation not complying with the specified conditions.

Unlike Ontario, in B.C. the Province concerns itself with the broad management policy, while the municipalities have regulatory powers to control day-to-day operations, licencing and rehabilitation of pits and quarries.

The municipality levies a fee of 15¢ per ton of material removed. Ken Stinson of the Matsqui Development Department explained the use of the levy: "It is used for the opening, upgrading and repairing of roads used by the gravel trucks, ensuring the safety of intersections, and the twice-yearly aerial surveys of pits and quarries to ensure that they are meeting our regulations. These costs are covered by the half million dollars which we collect annually from this levy".

Permits

Permit applications require a detailed site plan drawn to a scale of 1:1000 or larger, with 3 foot contour intervals. Locations of all future buildings, access roads, fences and buffer zones must be plotted, as must projected stages of excavation and rehabilitation. The

property in question, allowing extraction. An application can be refused by the municipality if the proposal does not meet satisfactory engineering standards or if there would be, in their judgment, adverse effects on adjacent property, roads or watercourses. No provision is made in the by-law for operators to appeal the municipality's ruling.

Operating Conditions

Once a permit is issued, the pit or quarry operator must comply with a number of operating conditions. The most important are these: excavations cannot be so deep that water will not drain into public drainage facilities or natural watercourses; all damage to adjacent drains, roads, property or watercourses must be repaired; streams and drains must not be polluted, nor may they receive extra sediment above that already carried; excavation areas must be fenced and surrounded by a 23 foot buffer strip.

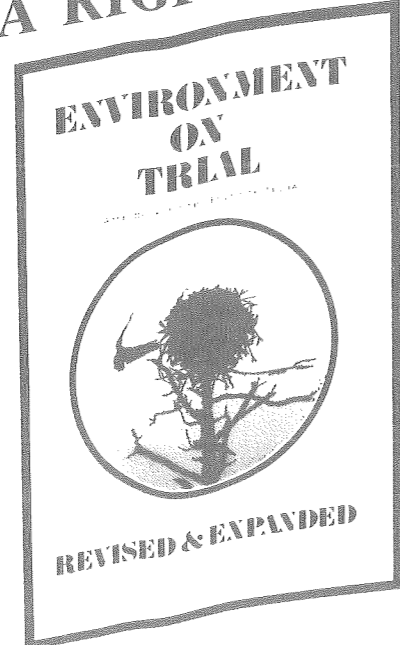
The by-law imposes stringent rehabilitation regulations. An irrevocable letter of credit is required from an operator before work can commence. A security deposit of \$2,000 for the first acre and \$1,200 for each subsequent acre held by the municipality

provides a guarantee that satisfactory rehabilitation will be carried out. An operator is allowed to work on only two to five acres of land at one time. Only when that is properly rehabilitated can he extract from a further two to five acres. A condition of rehabilitation is that all top soil removed be stored and when operations cease be replaced according to the agreed contours. All exposed surfaces must be covered with grass or other suitable plants at that time. In order for the security deposit to be returned, all restoration must be completed within six months of the expiration of the permit.

Penalties

By-Law 1617 gives the District of Matsqui effective control over the extractive industry. If any of the conditions are being violated, the District has the legal power to cancel the permit and shut down the operation completely. Violations also result in forfeiture of the security deposit, and operators are liable to a summary conviction and payment of fines. According to Mr. Stinson, however, "violations do not occur often as the operators appreciate that they too benefit from such aspects as properly maintained roads".

ENVIRONMENTAL PROTECTION: A RIGHT OR A PRIVILEGE?



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TRUCKER'S PAYSCALES ENCOURAGE RECKLESS DRIVING

Fully-loaded dump trucks speeding down narrow rural sideroads — this is one of local residents' major concerns whenever a new pit is proposed. Why do drivers seem to drive so fast? The answer can be seen in an appreciation of the way that most drivers are paid.

Self-employed truckers, owning their vehicles, are paid a certain rate per ton of load per mile hauled. The same is true for all drivers working on Ministry of Transportation and Communications (MTC) contracts. It is easy to see the incentive to break the speed limits under this scheme. The sooner a haul is completed, the sooner another load can be taken, and every mile hauled means more money.

The MTC publishes standard pay rates per ton mile which are used on their con-

tract work. For example, the driver of a tandem axle dump truck would be paid \$20.63 for a 25 ton load over a 5 mile distance. There is no payment for loading or unloading time, and no payment for driving the empty truck back to the pit.

Every expense incurred while operating a truck — maintenance, fuel, insurance, licence fees — must be borne by the truck owner. All this plus his profit must come out of the payment per ton mile. It must also be borne in mind that most drivers can only find work from April to November and must earn their living for the entire year in that period.

The situation is worsened by the scores of operators who will not pay MTC rates to the independent truckers. They know that there is not enough work to employ all the drivers and they can therefore afford to un-

dercut the MTC by as much as 50% and still get trucks and drivers.

Not all drivers are paid per ton per mile. Pit and quarry operators who own their own truck fleets generally pay hourly wages, as do established haulage companies. It is the vast number of independent, self-employed truckers who are indirectly encouraged to break traffic laws to make their living.

While a knowledge of the pay scheme under which independent truckers must operate allows an understanding of the reasons behind much of the dangerous dump-truck driving that occurs on Ontario's roads, it cannot excuse it. Accidents cannot be condoned. The pay scheme for independent truckers must be drastically overhauled.

BRACEBRIDGE

Residents of Macauley, near Bracebridge, will definitely not have a quarry in their backyards, after worries this summer that Mario Orlando, of Welland, planned to quarry 35 acres near their homes. Bracebridge Planning Committee approved a rezoning application to change the site from Rural to M3 Industrial, after being informed that there were no objections. Nearby residents knew nothing about the proposal until they read notice of the zoning by-law approval.

The residents took their complaint to Council, stating their concerns about damage from blasting shocks (the homes are on bedrock), child safety, and possible effects on their water supply. In July, Planning Committee decided to support residents' objections to the by-law which it had earlier approved.

In August, Council received a letter from Mario Orlando advising them of his intention to drop the application. After being informed of the objections, and considering the costs involved in fighting Council, he decided not to quarry the site.



MNR STALLS LONG-RANGE PLANNING

Uncertainty in the Ministry of Natural Resources (MNR) is frustrating many municipal staffs who are trying to regulate aggregate extraction. The problem occurs in areas that are not designated under the *Pits and Quarries Control Act, 1971*. Long-range planning is hindered by the fact that no-one can find out when or where the Act will next be applied.

The Industrial Minerals Section of the MNR could not tell a FAS researcher whether *The Pits and Quarries Control Act* would be extended to cover further townships in Ontario. Citing a shortage of staff and funds, a spokesman said that they "do not know which municipalities are next in line for designation, nor when this will occur."

Two hundred and seventy-eight geographic townships are presently designated under the Act, covering much of Southern Ontario and the Regional Municipalities of Sudbury and Ottawa-Carleton. In some areas planning at the Regional or County level is complicated when only some of the townships are designated. For example, in Middlesex

County, The City of London and seven townships are designated; eight townships are not.

"When the next areas are selected," said the MNR spokesman, "they will be chosen on the basis of intensity of aggregate extraction and consumption. Urban areas such as Thunder Bay, where there is a large market for aggregates as well as a great deal of extraction, are the most likely to be designated."

Prior to designation under *The Pits and Quarries Control Act*, aggregate extraction in a municipality is subject to the *Mining Act* (if it is on Crown Land) and such local by-laws as may be in effect under *The Planning Act* and *The Municipal Act*. At present, a municipality wishing to regulate extraction is better off not being designated, as it is free to pass its own strict regulations. (See "Ernestown Township Passes Own Tough Licencing By-Law", *Gravel Extract* Vol. 1, No. 1, p. 7.) In the County of Lennox and Addington, Ernestown Township tried for five years to be designated, without success. Finally Council decided to stop waiting and for-

mulate its own regulations.

If it does not pass controlling regulations, an undesignated municipality has little protection against extraction. Under the *Mining Act*, operators on Crown Land are only required to file site plans prior to extraction when so requested by the MNR. Similarly, a security deposit is not necessarily required. Specific requirements and operating conditions are drawn up at the discretion of the MNR. The Ministry also determines payment to the Crown for material removed, again specific to each pit or quarry. The municipality receives no guarantee that rehabilitation will ever be carried out. The maximum fine for contravention of the Act is only \$1000.

The new pit and quarry legislation due this winter will replace the present *Pits and Quarries Control Act*. Whether it will be enforced only in those areas presently designated, or whether expanded to cover the entire Province, the MNR cannot or will not say. Meanwhile, each undesignated municipality will be on its own in trying to control the phenomenal rate of its land consumption.

The Gravel Extract is published quarterly as part of the Municipal Advisory Service offered by the Foundation for Aggregate Studies. Other services include:

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- *Press Clipping Service - clippings on aggregate issues from weeklies and dailies across the Province - every 2 months
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- *Critique and analysis of legislation and by-laws in other jurisdictions
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