

IDP

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 1

I MOVE that clause a of section 1 of the Bill
be deleted and the following substituted therefor:

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

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Section 1

I MOVE that clause c of section 1 of the Bill
be deleted.

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Section 1

I MOVE that clause d of section 1 of the Bill
be deleted and the following substituted therefor:

(d) "Crown aggregate" means aggregate that is
the property of the Crown.

An Act to revise
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MR.

Section 1

I MOVE that clause e of section 1 of the Bill
be deleted.

2ND

Draft

only

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 1

I MOVE that section 1 of the Bill be amended
by adding thereto the following clause:

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

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Section 1

I MOVE that clause f of section 1 of the Bill
be deleted and the following substituted therefor:

- (f) "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.

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Section 1

I MOVE that clause i of section 1 of the Bill
be deleted and the following substituted therefor:

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

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Section 1

I MOVE that clause z of section 1 of the Bill
be deleted and the following substituted therefor:

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

OK.

BILL 127

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MR.

Section 2

I MOVE that clause b of section 2 of the Bill be deleted and the following substituted therefor:

✓ (b) to control and regulate pits and quarries and wayside pits and quarries.

✓ I FURTHER MOVE that clause c of the said section 2 be amended by inserting at the end thereof "and".

I FURTHER MOVE that the said section 2 be amended by adding thereto the following clause:

✓ c? (d) to provide for the protection of the environment with respect to the operation of pits and quarries and wayside pits and quarries.

removes }
way-side pit }
roadway agg pit }
distinctions }

protection of }
environment re }
p+q's. }

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Section 2

I MOVE that section 2 of the Bill be amended by adding thereto the following subsection:

(2) The objectives of this Act are,

- ✓ (a) to provide for the adequate production of aggregate to meet the demand for aggregate in Ontario while adhering to the ^(purposes and) objectives contained in this section;
- ✓ (b) to preserve unique ecologic and historic areas;
- ✓ (c) to minimize the harmful impact of aggregate excavation on the environment;
- ✓ (d) to ensure the rehabilitation of lands subject to extractive operations in order to provide for their return to optimum future use;
- ✓ (e) to provide for the rehabilitation of abandoned pits and quarries;
- ✓ (f) to preserve agricultural land resources in Ontario, especially special crop lands and lands designated as Class 1, 2 or 3 land under the Canada Land Survey;

"as set out in"

check
Special
Crop land
with Mel.

✓ (g) to take into consideration the official plan policies of municipalities concerning the aggregate industry;

(h) to encourage municipalities and individuals to actively participate in all procedures with respect to the licensing and regulation of pits and quarries; and

✓ (i) to protect the public safety in the vicinity of all pits and quarries.

→ Dave
Warner
Amendment

1 ?
is this important

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Section 3

I MOVE that clause f of subsection 2 of section 3 of the Bill be amended by striking out "including the preparation and approval of official plans and restricted area by-laws" in the second and third lines.

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Section 4

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

(3) An inspector shall prepare a written report after each inspection made under this section and the inspector shall set out in the report a description of any observed contraventions of the Act, regulations, site plan, licence or permit.

(4) Any person may, during normal business hours, review and copy, at a nominal cost, the report of an inspector made under subsection 3.

inspection reports



public access

Dave will be changing this -

Note: Dave thinks we need to develop a uniform sect. dealing with access ^{to} and provisions of copies.

2 aspects

- 1) right of inspection
- 2) right to copies at reasonable cost.

note: modelled on sec. of Min. Act

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Section 4a

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

4a.-(1) 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 of the area under the
jurisdiction of the municipality providing for,

(a) the carrying out of inspections for
the purposes of this Act; and

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

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

(2) Where the Minister and a municipality have entered
into an agreement under this section, ~~the municipality~~
~~an~~ an 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.

Agreement
with
municipality

Where
provincial
officer
may act

✓
Dave thinks
this subsection
is unnecessary
& confusing.

from EPA

note this is modelled
in part on Env. Prot. Act.
sec. 61 a

O.K.

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MR. _____

✓ Section 5

I MOVE that section 5 of the Bill be deleted.

O.K.

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Section 6

I MOVE that section 6 of the Bill be deleted
and the following substituted therefor:

- ✓ 6. This Act binds the Crown and its agents.

?

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MOTION TO BE MOVED IN COMMITTEE

MR. _____

Section 6a

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

✓ 6a. 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.

Note: this is the same as
4(1) of existing Act.

Dave suggests

maybe belong in defn of "operating" or operates.

insoperative

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MR. _____

Section 7

I MOVE that sections 7 and 8 of the Bill be deleted and the following substituted therefor:

7.- (1) Any person may apply to the Minister in the prescribed form for a licence to operate a pit or quarry and the application for a licence shall be accompanied by five copies of a site plan and the prescribed application fee.

added

(2) A site plan shall consist of an environmental assessment, a field plan and a rehabilitation plan.

(3) An environmental assessment ^{*contained*} included in a site plan shall ~~contain~~ *include*

(a) a statement indicating the need for the pit or quarry, the persons the pit or quarry is likely to benefit or harm and the period of time during which the impact of the pit or quarry is likely to occur;

(b) a statement ^{*(and users)*} indicating the intended or anticipated purchasers of the aggregate;

(c) a description ~~of the nature of the proposed pit or quarry operation in sufficient detail to permit a proper assessment of its environmental impact;~~

Is this too vague ???

- (d) an assessment of the environmental impact that will likely be caused if the proposed pit or quarry operation is undertaken;
- (e) a description of the measures available to mitigate or remedy any adverse environmental impact arising from the pit or quarry operation;
- (f) an account of the extent to which energy will be consumed and non-renewable resources will be used for the purposes of transporting the aggregate;
- (g) a description of any alternative methods of carrying out the pit or quarry operation including an assessment of the environmental impact of each method;
- (h) a statement indicating the alternative routes over which the aggregate may be transported and the traffic density on each route;
- (i) a description of the extent to which the proposed pit or quarry operation is likely to encourage or discourage urban or industrial development in the vicinity of the pit or quarry;
- (j) a quantitative and qualitative estimate of the degree of uncertainty associated with any description or assessment contained in the environmental assessment.
- (4) A field plan included in a site plan shall contain,
- (a) the location, true shape, topography, contours, dimensions, hectarage 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 150 metres of any of the boundaries of the lands set aside for the purposes of the pit or quarry;

focus only on transport??

- ✓ (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 excavation, 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, progressive and ultimate road plan, any water diversion or storage, location of stockpiles for stripping and products, tree screening and 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.
- (5) A rehabilitation plan included in a site plan shall include,
- ✓ (a) a description of any official plan designation and restricted area by-law applicable to the site;

- ✓ (b) the use which is proposed to be made of the site following rehabilitation;
- (c) the manner in which topsoil and subsoil will be conserved and restored unless the condition of the site does not permit the conservation and restoration of all or part of the topsoil and subsoil, in which case a description of that condition shall be provided;
- ✓ (d) where the proposed land use so requires, the manner in which compaction of the soil will be undertaken;
- (e) a planting program providing for the planting of trees, grasses, legumes or shrubs designed to permanently restore vegetation to the site unless the condition of the site does not permit the planting of vegetation, in which case an alternative program shall be proposed designed to prevent soil erosion and siltation;
- ✓ (f) a detailed timetable for the completion of each step in the rehabilitation plan including progressive rehabilitation;
- ✓ (g) an estimate of the cost of the rehabilitation program including the cost of each step in the program.

✓ (6) The information contained in maps in the site plan shall be at a scale of 1:2000, 1:5000 or in any particular case at such other scale as the Minister may approve.

(7) The Minister may require an applicant for a licence 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.

(8) 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 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. ~~AAAA~~

Added by Dave

this is in the Bill only for Class A licenses

O.K.

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Section 9

✓

I MOVE that section 9 of the Bill be deleted.

O.K.

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MR. _____

Section 10

I MOVE that section 10 of the Bill be deleted
and the following substituted therefor:

*denys license
unless it complies*

10.-(1) A licence shall not be issued in respect
of a pit or quarry if the location of the
land described in the site plan accompanying
the application does not comply with an
official plan or restricted area by-law
applicable to the land.

*this is
in the govt
bill*

(2) 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
official plan or restricted area by-law, 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 judgment
on the matter. New.

O.K.

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MR.

Section 11

I MOVE that section 11 of the Bill be deleted
and the following substituted therefor:

11. The Minister, in making a review of a
site plan under section 12b shall have
regard to,

*the things
to be contained
in review*

- ✓ (a) the preservation of the character of the environment;
- ✓ (b) the availability of the environment for the enjoyment of the public and future generations;
- ✓ (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 thereon;
- ✓ (e) any possible effects on ground and surface water patterns;
- ✓ (f) the nature and location of other land uses that could be affected by the pit and quarry operation;
- ✓ (g) the character, location and size of nearby communities and the effect of the operation thereon;

ref. to 12(b)

Note:
if passed maybe

- ✓ (h) the existence of conditions leading to soil erosion and siltation;
- ✓ (i) the rehabilitation of the site;
- ✓ (j) the estimated cost of transporting the aggregate to the project where the aggregate is to be used as compared with the cost of transporting aggregate from other sources of supply; and
- ✓ (k) any comments or other information provided by the municipalities in which the site is located.

O.K.

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MR. _____

Section 12

I MOVE that section 12 of the Bill be deleted
and the following substituted therefor:

12.-(1) Upon the filing of an application for
a licence with the Minister, the applicant
shall give notice of his intent to operate
a pit or quarry and the proposed site of
the operation to,

Notification
Review
Referral to OMB

- ✓ (a) every occupant and registered
owner of land within 700 metres
of the proposed site;
- ✓ (b) every occupant and registered
owner of land that abuts a
proposed transportation route
for the site between the site
and the first limited or restricted
access highway, as defined in
The Public Transportation and
Highway Improvement Act;
- ✓ (c) the clerk of every municipality
in which the proposed site is
located and every municipality
abutting such municipality.

✓ (2) The applicant shall cause notice of his
application in the prescribed form to be
published once each week for three
successive weeks in a newspaper having
general circulation in the municipality
in which the site is located and in
municipalities abutting that municipality
and the applicant shall also post the notice
in a conspicuous place at or near the site of
the proposed pit or quarry operation.

?
the sect. 59 in govt
bill

✓ (3) A notice required to be given under this section is sufficiently given if sent by ordinary prepaid mail.

— saved
rec.
deletion

Where copies
are to be
made
available

12a.-(1) At least one copy of the site plan shall be lodged by the applicant in the office of the Minister, the regional or district office of the Ministry nearest the proposed site, the office of the clerk of ~~the~~ ^{each} municipality in which the proposed site is located and the main public library of that municipality and kept by the applicant at the head office of the applicant and the copies shall be available for public inspection during office hours.

✓ (2) The applicant shall provide a copy of the site plan at reasonable cost to any person who submits a written request for a copy to the applicant.

Formal
review
access by
minister

✓ 12b.-(1) The Minister shall, within 120 days after the day on which an application for a licence is submitted, cause a review of the site plan to be prepared.

✓ (2) At least one copy of the review shall be kept in the office of the Minister and lodged in the regional or district office of the Ministry nearest the proposed site, the office of the clerk of the municipality in which the proposed site is located and the main public library of the municipality and the copies shall be available for public inspection during office hours.

✓ (3) The Minister shall provide a copy of the review at reasonable cost to any person who submits a written request to the Minister.

no decision
for 30 days

✓ (4) The Minister shall not make a decision respecting an application for a licence within thirty days after a review has been lodged under subsection 2.

objections

✓ (5) Any person may serve upon the Minister, before the Minister decides whether to issue a licence, a notice that he objects to the issue of the licence applied for and the reasons therefor and may, in the notice, request a hearing of the application before the Board.

referral to
OMB

✓ (6) Upon receipt of a request under subsection 5, the Minister shall refer the application to the Board for a decision unless the Minister is of the opinion that the request is not made in good faith or is frivolous or is made only for the purpose of delay.

✓ (7) The Minister may, on his own motion, refer an application and the objections, if any, to the Board for a hearing and decision.

Combined
hearings
re bylaw +
license

✓ (8) 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, the Board may consider the matters at one hearing.

?

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An Act to revise
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MR. _____

Section 12c

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

- Hearing Assistance Fund*
- ✓ 12c.- (1) The Minister shall establish a fund to be known as the Pit and Quarry Hearing Assistance Fund.
 - ✓ (2) Every applicant for a licence shall pay into the fund an amount prescribed in the regulations.
 - ✓ (3) Upon application, the Minister may order that assistance be provided to a person where the Minister is of the opinion that the person may likely be affected, directly or indirectly, by a proposed pit or quarry operation and the person does not have sufficient financial resources to be able to be adequately represented at the hearing.
 - ? (4) Any assistance provided under subsection 3 shall pay for all legal fees and disbursements, conduct money and witness fees for expert witnesses and copies of reports and studies considered at the hearing.
 - ✓ (5) If an initial award from the fund is not sufficient to cover the reasonable costs of a person, the Minister may award further assistance from the fund to the person.

- ✓ (6) Where more than one person having identical or substantially similar interests apply for assistance from the fund in respect of the same application, the Minister may award one amount to all such persons.
- ✓ (7) The powers of the Minister under this section may be delegated to the Board.
- ✓ (8) Nothing in this section shall affect an application for financial assistance under The Legal Aid Act or any other law of Ontario.

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

MOTION TO BE MOVED IN COMMITTEE

MR. _____

Section 13

I MOVE that section 13 of the Bill be deleted
and the following substituted therefor:

- 13.-(1) Where no request is made to refer the application to the Board, the Minister may, after the expiry of the thirty-day period, decide whether to issue the licence.
- (2) The Minister or the Board may decide to issue the licence subject to such conditions as are consistent with the purposes and objectives of this Act and the applicant's site plan and the Minister shall issue the licence containing the conditions set out in the decision.
- (3) No licence shall take effect until all appeals under this Act have been completed.
- (4) The Minister may ~~at any time~~ add a condition to a licence or rescind or vary a condition of a licence. (insert 21(a))
- (5) 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.

Proceed to issue if no objection

maybe needs have notification period plus appeal.

Note re sec 21

of B127
- may have to put all powers of min
to transfer licenses
- amend "
- amend site plans
in amend to 21 -> req notice and referral if objection.

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MR.

Section 14

I MOVE that section 14 of the Bill be amended
by adding thereto the following subsection:

- minimum required* ✓ (5) The prescribed annual licence fee in any year shall be at least six cents per tonne of aggregate excavated during the previous year.

(3)

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MR.

Section 15

I MOVE that section 15 of the Bill be deleted
and the following substituted therefor:

15. 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 relevant
municipal by-laws.

Du es
of
licensees

BILL 127

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MOTION TO BE MOVED IN COMMITTEE

MR.

Section 17

I MOVE that subsection 1 of section 17 of the Bill be amended by adding at the end thereof, "and the Minister shall prepare a report upon the completion of each inspection and review".

sub-section
report ✓

I FURTHER MOVE that the said section 17 be amended by adding thereto the following subsection:

- (4) Any person, during normal business hours, may review and copy a report referred to in subsection 1 and the Minister or a designate, upon request, shall provide a copy of or extracts from such a report upon payment of the required fee.

public
access

An Act to revise
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MOTION TO BE MOVED IN COMMITTEE

MR.

Section 21

I MOVE that section 21 of the Bill be deleted
and the following substituted therefor:

21.-(1) Where Minister proposes,

- (a) to refuse to issue a licence;
- (b) to refuse to consent to the transfer of a licence;
- (c) to revoke a licence;
- (d) to add a condition to a licence or rescind or vary a condition of a licence; or
- (e) to require a site plan to be amended,

he shall serve notice of the proposal together with written 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 and shall cause notice of his proposal to be published in two successive issues of a newspaper having general circulation in the locality in which the site is located.

- (2) Where the Minister proposes to revoke a licence, the Minister may, where the Minister considers it to be necessary in the public interest, by order temporarily suspend the licence and the order shall take effect immediately and where a hearing is required expires thirty days from the date of the notice requiring the hearing unless the hearing is commenced in which case the Board may extend the time of expiration until the hearing is concluded.

Notice
of
proposal to

refuse, revoke,
and a condition ✓

Interim
suspension

+ the
order ✓

Notice
requiring
a hearing

(3) The notice under subsection 1 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 is served upon him, the Minister with notice that he requires a hearing and the Minister shall thereupon refer the proposal to the Board for a hearing.

Notice of
objection

(4) Any person may serve upon the Minister, within thirty days after publication of the notice has been completed, a notice that he objects to the proposal and that he requests a hearing on ~~of~~ the proposal before the Board and the Minister, upon receipt of the request, shall refer the proposal to the Board for a hearing unless the Minister is of the opinion that the request is not made in good faith or is frivolous or is made only for the purpose of delay.

Powers of
Minister
where no
hearing

(5) Where a hearing is not required under subsections 4 or 5, the Minister may carry out the proposal stated in the notice.

O.F.

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MOTION TO BE MOVED IN COMMITTEE

MR.

Section 22

re: appeals
to cabinet

I MOVE that subsection 2 of section 22 of the Bill be amended by striking out "except that section 94 of the Act does not apply" in the third and fourth lines.

I FURTHER MOVE that subsection 3 of the said section 22 be deleted and the following substituted therefor:

Decision of Board

- ✓ (3) The Board shall, at the conclusion of a hearing under this section, make a decision on the matter to which the hearing relates and shall send a copy of the decision to each party to the proceedings and to the Minister.

I FURTHER MOVE that subsections 4 and 5 of the said section 22 be deleted.

removes
min. disgression

O.K.

BILL 127

An Act to revise
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MOTION TO BE MOVED IN COMMITTEE

MR.

re: Part III Wayside Pits + Quarries

Section 24

I MOVE that subsection 1 of section 24 of the Bill be deleted and the following substituted therefor:

Permit required

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

I FURTHER MOVE that subsection 2 of the said section 24 be deleted and the following substituted therefor:

Application for permit

- ✓ (2) Any public authority that has a project that requires aggregate or any person who has a contract with a public authority for such a project may apply to the Minister in the prescribed form for a wayside pit or quarry permit and every application for a permit to excavate aggregate shall be accompanied by five copies of a field plan and rehabilitation plan and the prescribed application fee.

Field and rehabilitation plans

- ✓ (2a) The field plan and rehabilitation plan accompanying an application for a wayside pit or quarry shall be prepared in accordance with section and, where the applicant is a person who has a contract with a public authority, shall indicate the public authority that is a party to the contract and the number of the project.

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MR.

Section 25

I MOVE that section 25 of the Bill be deleted.

BILL 127

An Act to revise
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MOTION TO BE MOVED IN COMMITTEE

MR.

Section 26

I MOVE that section 26 of the Bill be deleted.

BILL 127

An Act to revise
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MOTION TO BE MOVED IN COMMITTEE

MR.

Section 27

I MOVE that section 27 of the Bill be amended
by deleting subsection 2 and substituting in lieu
thereof:

Grounds
for
refusal

*shall refuse ✓
if field & rehab
do not comply
or if operation not
in public interest*

- (2) The Minister shall refuse to issue a
wayside pit and quarry permit where
the field plan or the rehabilitation
plan does not comply with this Act or
the regulations, or where, in the
opinion of the Minister, the operation
of the wayside pit or quarry would not
be in the public interest.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section ²⁹
30

I MOVE that section ²⁹~~30~~ of the Bill be deleted
and the following substituted therefor:

Duties of
pit owners

29 ~~30~~. Every wayside pit or quarry permittee shall
✓ operate his pit or quarry in accordance
with this Act, the regulations, the conditions
of his permit, the requirements of the field
and rehabilitation plans and any applicable
municipal by-laws.

+ mun. by-laws

?

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 31

I MOVE that section 31 of the Bill be deleted
and the following substituted therefor:

Expiration
of permits

? 31.-(1) A wayside pit or quarry permit expires
on the completion of the project or contract
in respect of which it was issued or eighteen
months after its date of issue, whichever occurs
first. + or when the tonnage extracted reaches a total of

Rehabilitation
year.

? (2) The rehabilitation of a wayside pit or quarry
shall be completed in accordance with the
rehabilitation plan within twelve months of
the day on which the permit expires unless
another wayside pit or quarry permit is issued
for the wayside pit or quarry within the twelve-
month period. 20,000 tonnes

no "side door"

O.K.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 32

I MOVE that section 32 of the Bill be deleted
and the following substituted therefor:

- ✓ 32. 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, the requirements of the field and rehabilitation plans and any applicable municipal by-law.

OK

BILL 127

note: this amendment
est. the principle of
royalties on
Crown aggregate.

An Act to revise

The Pits and Quarries Control Act, 1971

MOTION TO BE MOVED IN COMMITTEE

MR.

Part V

I MOVE that Part V of the Bill be deleted and the following substituted therefor:

PART V

Crown Lands

Royalties

minimum
established in
principle ✓

34.-(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.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Part IV Abandoned Pits and Quarries

Section 33

I MOVE that subsection 1 of section 33 of the
Bill be deleted and the following substituted therefor:

(1) Where there is unrehabilitated land
resulting from pit or quarry operations
that have ceased to operate or are un-
licensed, either before or after the
coming into force of this Act, the
Minister may,

- before or after
this act passed* ✓
- (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.

I FURTHER MOVE that the said section 33 be amended
by adding thereto the following subsections:

- Minister's
report*
- (3) The Minister shall, for each pit or quarry
considered by the Minister under subsection 1,
prepare a report containing,

- (a) the reasons for declaring or not declaring, as the case may be, the pit or quarry to be abandoned;
- (b) A description of the use to which the land was put before the land was used for the purposes of a pit or quarry and, where the pit or quarry has been declared abandoned, a description of the use to which the land will be put when rehabilitation has been completed;
- (c) where the pit or quarry has been declared abandoned, an estimate of the anticipated and actual costs of rehabilitation per acre;
- (d) an assessment of the results and effectiveness of rehabilitation measures undertaken; and
- (e) any other information that the Minister considers advisable.

"to be" or "that have been" ?

Access to surveys, reports, etc.

- (4) Any person, during office hours, may review and copy, at nominal cost, any survey, study, report or other material prepared for the purposes of subsections 1, 2, and 3, and, upon request, the Minister shall cause a copy of the survey, study, report or other material or extracts therefrom, as requested, upon payment of the required fee.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

Rehabilitation

MR.

Section 46

I MOVE that section 46 of the Bill be deleted.

remove
exemption
of crown ✓

O.K.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 47

J I MOVE that subsection 2 of section 47 of the
Bill be deleted.

(12)

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 48

I MOVE that subsection 2 of section 48 of the
Bill be deleted and the following substituted therefor:

Basis of
prescribed
rate

- ✓ (2) The prescribed rate per tonne shall be based upon the estimated cost of rehabilitation of the licensee's statement.

Additional
deposit

- ✓ (3) Every licensee shall maintain on deposit with the Treasurer such additional security in such amount and form as is prescribed by the regulations.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 50

✓ I MOVE that section 50 of the Bill be deleted.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 51

I MOVE that subsection 1 of section 51 of the Bill
be deleted and the following substituted therefor:

- ✓ (1) Sums paid by a licensee or a permittee
under sections 48 or 49 shall be held
in an account in his name and shall be
paid out in accordance with this Part.

✓ I FURTHER MOVE that subsection 2 of section 51 be
amended by striking out "or Crown aggregate permittee"
in the first line.

OK.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 52

I MOVE that subsection 1 of section 52 of the Bill
be deleted and the following substituted therefor:

Refunds

- ✓ (1) When the licensee or permittee completes a stage of the approved rehabilitation plan, the licensee or permittee may request the release of that portion of the security that relates to the completed stage of the rehabilitation plan.

Holdback

5%

- ✓ (1a) Upon receipt of a request under subsection 1, the Minister shall cause the site to be inspected and, where he finds that the work has been completed in a good and workmanlike manner and is in compliance with the approved rehabilitation plan, the Minister may release the portion of the security except for an amount equal to 5 per cent of the amount of the portion, which amount the Ministry may withhold for a period of five years from the completion date of the work as a contingency allowance to pay the cost due to faulty or negligent work of the licensee or permittee.

✓ I FURTHER MOVE that subsection 2 of the said section 52 be amended by striking out "Crown aggregate" in the fourth line.

C.7.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 55

J I MOVE that subsection 2 of section 55 of the Bill be amended by striking out "or Crown aggregate pit or quarry" in the first and second lines.

0.4

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 57

I MOVE that section 57 of the Bill be deleted.

re: private
prosecution

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 58

I MOVE that section 58 of the Bill be deleted and
the following substituted therefor:

58. The Minister or any person may apply to the Supreme Court for an order directing any person to comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such noncompliance and upon the application, the court may make such order as the court considers proper.

1' min. or
any person can
apply

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 61

✓ I MOVE that section 61 of the Bill be deleted.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 62

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

re-hearing
fund

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

I FURTHER MOVE that clause k of the said section 62
be deleted and the following substituted therefor:

(~~k~~) governing the rehabilitation of pits
and quarries and wayside pits and
quarries.

AND I FURTHER MOVE that clause l of the said section 62
be deleted and the following substituted therefor:

(~~l~~) respecting the form, terms and conditions
of rehabilitation security, prescribing
maximum and minimum amounts per hectare
of rehabilitation security for pits and
quarries and wayside pits and quarries,
prescribing the rate of interest payable
thereon and providing for refunds from
rehabilitation security accounts.

AND I FURTHER MOVE that clause o of the said
section 62 be deleted.

U.K.

BILL 127

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

MOTION TO BE MOVED IN COMMITTEE

MR.

Section 63

I MOVE that section 63 of the Bill be deleted.

*deletes
Minister's
right to grant
relief*