

The Foundation for Aggregate Studies

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NEWS BULLETINTHE AGGREGATES ACT, BILL 127 - LAST CHANCE FOR CHANGE

Municipalities, individuals, associations and public interest groups should know that the Aggregates Act, Bill 127, has passed second reading in the Ontario Legislature and is scheduled to go to the Standing Resources Development Committee for detailed review on January 22nd, 1980. A submission to the Committee is the last opportunity for members of the public and municipal officials to influence the contents of the Bill.

Almost 200 parties responded to first reading of the Bill, and the same attention is required now. The proposed legislation was intended to counteract the serious inadequacies of the existing Pits and Quarries Control Act, but on many crucial points it has simply failed to meet this objective. In fact, the new Act will effectively kill local control, wherever there is a crunch. Your submission to the Committee is therefore most important and urgent.

As usual, there is a shortage of preparation time and no guarantee that the Committee's schedule will allow for all interested parties to appear before it, so if you wish to make a verbal or written presentation it is of particular importance that you forward your submission to the Committee Clerk immediately:

Mr. Graham White, Committee Clerk,
Room 110, Clerk of the House,
Main Legislature Building,
Queen's Park,
Toronto, Ontario, M7A 1A2 Tel.: (416) 965-1406

Below, we have listed some of the major problems in Bill 127 and some proposed solutions. We ask that you consider these points in preparing your submission. The Foundation will be happy to provide further information upon request.

This is a particularly important time for all of us concerned with the gravel industry in Ontario, and we urge your support and participation. If you cannot attend, please write the Clerk and advise of your concerns.

BILL 127: Some Problems and Solutions

The main problem is that Bill 127 is an act to establish regulatory power within the Ministry of Natural Resources' bureaucracy at the same time removing the residual powers of municipalities and individuals. Below are nine main points addressing the problems, and five solutions.

1. The Ministry of Natural Resources has the power to compel municipalities to designate gravel resource areas in their Official Plans, or order an amendment to an existing Official Plan to permit pits and quarries. This is a complete turnaround in Government policy, and whenever there is a crunch, the municipalities lose control. The only people to profit will be the gravel industry.
2. The Minister would have the power to impose on reluctant municipalities a "quota" for gravel production, and he also may impose licencing of new pits if municipalities do not meet their "quota" from existing sources. We must retain a much greater degree of local control.
3. The Bill in itself does not regulate the industry, and provides the authority and decision making powers to lie with the bureaucracy. It is a mere skeleton to be fleshed out after Royal Assent by regulations which are not subject to public input before becoming law.
4. The Minister has sweeping powers to: decide who is entitled to a hearing; issue a licence without the right to appeal the decision; and disallow the power of private prosecution.
5. Bill 127 completely avoids preservation of agricultural land and provides no environmental or social safeguards.
6. Truck haulage of aggregates will increase on local roads, close to urban fringes.
7. The policing and support of the industry are combined within the same Ministry - rather like a fox guarding the chicken coop.
8. The Niagara Escarpment and other ecologically sensitive areas are not adequately protected from mining.
9. Licence and rehabilitation fees, while higher, are totally inadequate to pay for road damage, rehabilitation of abandoned pits and ensuring proper rehabilitation of existing pits.

The Solutions

1. The licencing of pits must be regulated in a fair and equitable manner to the satisfaction of the public and protection of their environment.
2. Dispersal of pits must be encouraged and populated sensitive areas and good farmland must be preserved. Modern unit train technology makes this feasible.
3. Rehabilitation of presently mined pits must be ensured. Abandoned pits must be reclaimed in a reasonable period of time - by means of a deposit set high enough to ensure that an operator rehabilitates his pit.
4. The Ministry of the Environment should be the agency to set standards and control rehabilitation and licencing, not the Ministry of Natural Resources.
5. Licences should only be issued if the municipality wants the pit, if the pit conforms with the Official Plan and after the Ministry of the Environment has reviewed the social and environmental impact of the pit.