

The Foundation for Aggregate Studies

SUMMARY OF

A REPORT AND RECOMMENDATIONS

ON

"A POLICY FOR MINERAL AGGREGATE
RESOURCE MANAGEMENT
IN ONTARIO"

April, 1977.

I. BACKGROUND ON AGGREGATE MINING IN ONTARIO

The construction boom during the 1960's in the urban regions of Ontario, such as Toronto, Hamilton, Ottawa and Sudbury, caused a huge demand for mineral aggregates. Rural townships on the outskirts of these areas witnessed a large scale invasion by gravel operators. Hundreds of pits were opened to supply the escalating demand.

By 1971, the widespread land devastation created by these pits resulted in public pressure on the Ontario Government to impose regulations on the industry. Municipal powers to control strip mining were weak and difficult to enforce. The Government of Ontario enacted the Pits and Quarries Control Act, 1971, under the jurisdiction of the Ministry of Natural Resources. This Act called for provincial licensing and strict regulation, including rehabilitation of pits.

Municipalities and citizens who had suffered from the intense nuisance caused by the industry were relieved that the Province had entered the scene and anticipated improvements. Gradually, however, it became apparent that the new Act was not being effectively enforced by the Ministry of Natural Resources and it appeared to residents and municipalities that regulation of the industry was more in the interest of the aggregate producers than the public.

In 1974, the Ministry of Natural Resources commissioned Proctor and Redfern Limited, Consulting Engineers, to do a detailed study of mineral aggregates and to produce an inventory of available supplies for the future. The first part of the study was published in 1974 on Central Ontario, the second part on the Eastern Region was published in June, 1976, and a study of the South-Western part of the Province is expected to be made public shortly. These studies suggested that a serious shortage of aggregates might develop in as little as 7-10 years, and that all potential commercial reserves be mined before any conflicting development was permitted.

In December, 1975, the Provincial Government appointed the Central Ontario Mineral Aggregate Working Party to examine the operations of the industry, resolve local concerns and provide provincial objectives. The Working Party was chaired by Mr. George Jewett, Executive Director of the Division of Mines, a leading authority on the Ontario aggregate industry. The Working Party's recommendations were released in January, 1977. The members of this 12-person Working Party included two past Presidents of the Aggregate Producers' Association, public servants from the Ministries of Housing, TEIGA, Environment and Transportation, as well as four public/municipal representatives.

The FOUNDATION FOR AGGREGATE STUDIES (FAS) was formed in February, 1976. Initially a group of 20 municipal leaders, citizen group representatives, lawyers and environmentalists, it met to discuss the findings of the Proctor Redfern Studies, and the possible effectiveness of the Working Party, with its heavily weighted composition. It was decided that a public interest group should be formed, staff persons hired and research undertaken to establish the validity of the Proctor Redfern claims and to be in a position to rationally analyse the Working Party's findings upon release. The FAS membership now represents over 20,000 Ontario citizens and organizations.

As will be seen below, and in the FAS' detailed analysis of the Working Party's studies and the gravel industry in general, the FAS research and statistics vary significantly from those of the Working Party.

The Working Party has made 64 recommendations to the Provincial Government for incorporation into a comprehensive new act governing aggregate mining. FAS considers it vital that municipalities and concerned citizens gain a clear understanding of the facts and implications of the Working Party recommendations before any legislation is considered.

In the following few pages, the FAS has documented the Working Party's recommendations which our membership has taken strong exception to, and the changes which the FAS would urge are incorporated into a revised and strengthened Pits and Quarries Control Act.

II. THE FACTS

- . There are over 54,000 acres of licensed pits in the Central Ontario Region alone. This is more than twice the area of the City of Toronto. Many thousand additional acres of pits are located throughout the rest of Ontario.
- . The gravel industry is consuming 2,200 acres of land per year. The FAS has serious doubts whether much of this land can ever be restored to anything approaching its original agricultural, recreational, or scenic value.
- . There are currently approximately 7,000 heavy gravel trucks entering and leaving the metro Toronto Area per day. The Government Working Party forecasts the consumption to double by the year 2000 - hence the truck traffic will double to meet these deliveries.
- . While the Government Report does not seriously examine the extent of sand and gravel resources outside the populated southern regions, it does admit that identified supplies outside of those regions are abundant and more than adequate to meet Ontario's foreseeable needs.
- . The heavy trucks delivering sand and gravel to the Metropolitan Toronto area and other markets greatly accelerate the wear and tear on our highways and bridges, compared with ordinary auto traffic - resulting in much higher maintenance costs to the public purse.
- . The Government Working Party estimates the cost of rehabilitating mined pits at \$300-\$1600 per acre. They state that there are over 28,500 acres of mined-out and abandoned pits and quarries in the southern-most regions of Ontario. Based on their proposed funding of \$300,000 per year for rehabilitating these abandoned pits, it would appear that complete rehabilitation at an average of \$1,000 per acre will take 90 years to complete. The FAS believes that their cost estimate for rehabilitation will be closer to \$4,000 per acre.
- . The Government Working Party projects the annual demand for aggregates in the Central Ontario Region encompassing Toronto, at 100 million tons per year by the year 2000. This would consume additional land at the rate of 4,000-5,000 acres per year in this Region alone, and would, of course, double the present truck traffic into the urbanized areas.
- . Agriculture is only viable in a very small area of Southern Ontario within a 3,000 b.t.u. heat zone, whereas gravel can be mined in other, less sensitive areas of the Province, where solar heat is not a factor.

- Road transport for moving 50 million tons an average distance of 50 miles to the Toronto area would use 34,000,000 gallons of diesel fuel per annum -- four times the fuel needed for rail transport.
- The industry is currently being protected from normal market influences and the need to adapt to changing economic and social conditions.

III. AN ASSESSMENT OF THE WORKING PARTY'S POLICY

First and foremost, the Working Party Report recognizes that there is an abundance of mineral aggregates available in this Province. It does not recommend, however, any positive immediate remedies to the destruction of agricultural, recreational and environmentally sensitive lands in Southern Ontario, and in fact further encourages heavy extraction in the hardest hit municipalities already designated under the Pits and Quarries Control Act, 1971.

The Working Party recommends a provincial policy which suggests each municipality should bear its fair share of gravel production, however, it concentrates solely on the south central regions for that production.

The Working Party's proposed policy is based on data collected in south central Ontario - but has not explored the overall provincial picture, particularly in light of the fact that the Ontario Government is encouraging growth in other parts of the Province.

Fundamentally, whilst the Working Party report describes the problems and provides some fresh insights, it fails to propose acceptable common sense solutions. Like the Proctor and Redfern studies before it, the Working Party's report is purely an aggregate study, and disregards the total provincial land use picture. It sets its priorities on the aggregate weigh scale, not on social, agricultural and environmental land use measurements.

Despite this narrow route of concern and the dominance of the Division of Mines in formulating the recommendations, the Ontario Mineral Aggregate Working Party has made a contribution and has dispelled some previous biases manifested in the Proctor Redfern studies, which unjustifiably suggested a crisis in the gravel availability within the next 7-10 years.

We are now assured that there are huge reserves available, that the Proctor Redfern consumption forecast is unrealistic, that rehabilitation of pits and quarries is inadequate, that rail and boat haulage are viable alternatives, and that enforcement of previous legislation was ineffective under the Division of Mines of the Ministry of Natural Resources. This diagnosis is essentially correct. But the recommended Working Party remedies are inadequate, impractical and unsatisfactory.

Therefore, the FAS, whose purpose is to provide a broader Ontario viewpoint for the public, municipalities, and their government at Queen's Park, cannot accept the solutions the report proposes.

The following sections deal briefly with the Working Party's recommendations and the FAS alternatives.

IV. THE WORKING PARTY'S RECOMMENDATIONS TO THE GOVERNMENT

- A. Existing municipal powers to regulate pits and quarries under the Municipal Act and the Planning Act will be eliminated, and control and regulation of the industry exerted through a series of new boards and commissions -- with final decision-making powers effectively in the hands of the Division of Mines of the Ministry of Natural Resources, whose basic aim is to promote the industry.
- B. Municipalities and Regions will be assigned a quota or "share" of aggregates that they will be compelled to produce each year.
- C. The Municipalities and Regions will be forced to change their existing Official Plans to designate areas of commercial aggregate potential. Private land owners within these designated areas will have their development rights restricted, until such time as the gravel has been mined out by the privately-owned gravel industry, presumably for private profit.
- D. The Municipalities and Regions will then be given the rather questionable "privilege" of deciding the location of any new pits in aggregate reserve areas, and ironically will have to suffer the outrage of the residents when licences are issued for new pits.
- E. The Working Party Report implicitly supports mining out reserves in populated regions, and takes no positive steps to reduce the current and anticipated large-scale strip mining activities.
- F. The Working Party Report implicitly supports an increase in truck traffic, pending completion of "further studies" on other forms of transport such as unit trains and lake boats.
- G. The Working Party recommends the establishment of local Aggregate Advisory Committees, but does not recommend that they should have any power.
- H. The Working Party recommends the establishment of an Aggregate Review Board, but its decisions are subject to "ministerial review".
9. The Working Party recommends that the Trees Act should be amended to that Section 4 does not apply to pits and quarries.

V. THE FAS ALTERNATIVES

A. Control

- . The revised Pits and Quarries Control Act should be under the jurisdiction of the Ministry of Environment since the Division of Mines, which presently is supposed to enforce the Act has failed miserably in the task, due to its pro-industry bias.
- . The Ontario Municipal Board should hear all licence applications and re-zoning applications, and should have decision-making powers, appealable only to the Ontario Cabinet.
- . Given that there are virtually unlimited supplies of sand and gravel in Ontario, local municipalities must have the right to accept or reject open pit mining in their communities under the authority of the Planning Act and the Municipal Act.
- . The Planning Act must be amended to define aggregate mining to be a "use of land", to clarify an existing anomaly in interpretation.
- . Insofar as aggregate mining is concerned, the Ministry of Natural Resources should limit its role to mining support services.
- . Pit applications should be subject to environmental assessment requirements, similar to those under the Environmental Assessment Act, 1975.
- . The Ministry of Environment should provide technical support in the development of site plans and rehabilitation requirements.
- . Municipalities should be encouraged to pass noise by-laws for pit operations and truck noise.
- . The Ministries of Agriculture, Housing, Energy and Transportation should have input into Ministry of Environment channels when considering a pit licence.

B. Land Use

- . An Ontario Land Use Policy is essential.
- . Class I, II, III and IV foodlands should be protected from aggregate extraction.

C. Transportation

- . Rail and boat shipment should be encouraged through full compensation to municipalities for road damage and compensation to local residents for decreased property values. The producer must pay for the social and environmental costs caused by the impact of his operations on the community.
- . Energy policy should be considered in decisions to approve pit licences.
- . Licence fees for truck users should cover additional costs incurred for road maintenance and construction.
- . The Highway Act should be enforced and compensation made for injurious affection and/or nuisance.
- . Gravel trucks should be tarped at all times when carrying a load.
- . Road haulage should be phased down over a period of 5-7 years in favour of rail and water haulage from remote sites.
- . A reduced licence and transport levy should apply to pits using rail or water transportation.

D. Rehabilitation

- . The Ministry of the Environment should set standards, conduct surveys and estimate costs of rehabilitation to be paid by the operator.
- . The per ton levy should be set at twice the estimated rehabilitation cost to guarantee performance and to cover inflationary costs, with rebates available to the operator upon completion satisfactory to the Ministry.
- . All abandoned pits should be rehabilitated in less than a ten year period, and should be paid for by the producers.
- . Licence fees and/or the per ton levy, should pay for all costs direct and indirect, resulting from rehabilitation, including enforcement, planning, research and actual rehabilitation costs.
- . A portion of the per ton levy should be granted for municipal compensation to pay for social costs, loss of property values, noise, disturbance and nuisance and/or injurious affection.

E. Wayside Pits

- . Municipalities should be able to operate one or two wayside pits for local requirements, providing that strict standards are set for rehabilitation, with public input into the decision-making process regarding location and need.

F. Social Issues

- . The community must be protected from the hardship and nuisance imposed by the industry.
- . Local autonomy and community rights must be protected.
- . The renewable land resource base must be conserved.
- . Rejection of a "least cost" philosophy as the only basis for decision making is essential.
- . Damage to the social and natural environment must be minimized.
- . The industry must provide benefits to offset the social and dollar cost which it causes.
- . Pre-emptive land use for gravel is unnecessary and unacceptable.
- . Policy initiative to phase out gravel extraction in South Central Ontario and other densely populated areas of the Province must be formulated immediately.