

LEVELTON
Engineering Solutions

APPENDIX C

MoEI POSITION IN GRAVEL OPERATION APPROVAL

Future Direction

The Ministry of Employment and Investment, Energy and Minerals Division continually seeks to improve the regulation of the aggregate industry. The ministry is implementing an eight point strategy for change focusing on:

- Industry and Public Consultation
- Permitting Roles
- Policies and Procedures
- Forecasting Aggregate Demand
- Aggregates and Regional Growth Strategies
- Review of the Health, Safety and Reclamation Code for Mines in B.C.
- Monitoring for Compliance
- Reclamation Securities

For More Information

For more information on how the aggregate industry is regulated, phone or write to the Ministry of Employment and Investment, Energy and Minerals Division office nearest you:

Vancouver
Box 5000
Vancouver, B.C.
V6J 2N0
(604) 847-7383

Prince George
1990 22nd Ave
Prince George, B.C.
V2N 3A1
(604) 565-6125

Kamloops
Suite 200
985 Airport Dr.
Kamloops, B.C.
V2B 7W8
(604) 828-4566

Nanaimo
Shenton Bldg. Rm 1A
3411 Shenton Rd.
Nanaimo, B.C.
V9T 2H1
(604) 751-7240

Victoria
4th Floor
1810 Blanshard St.
Victoria, B.C.
(604) 952-0462
V8V 1X4

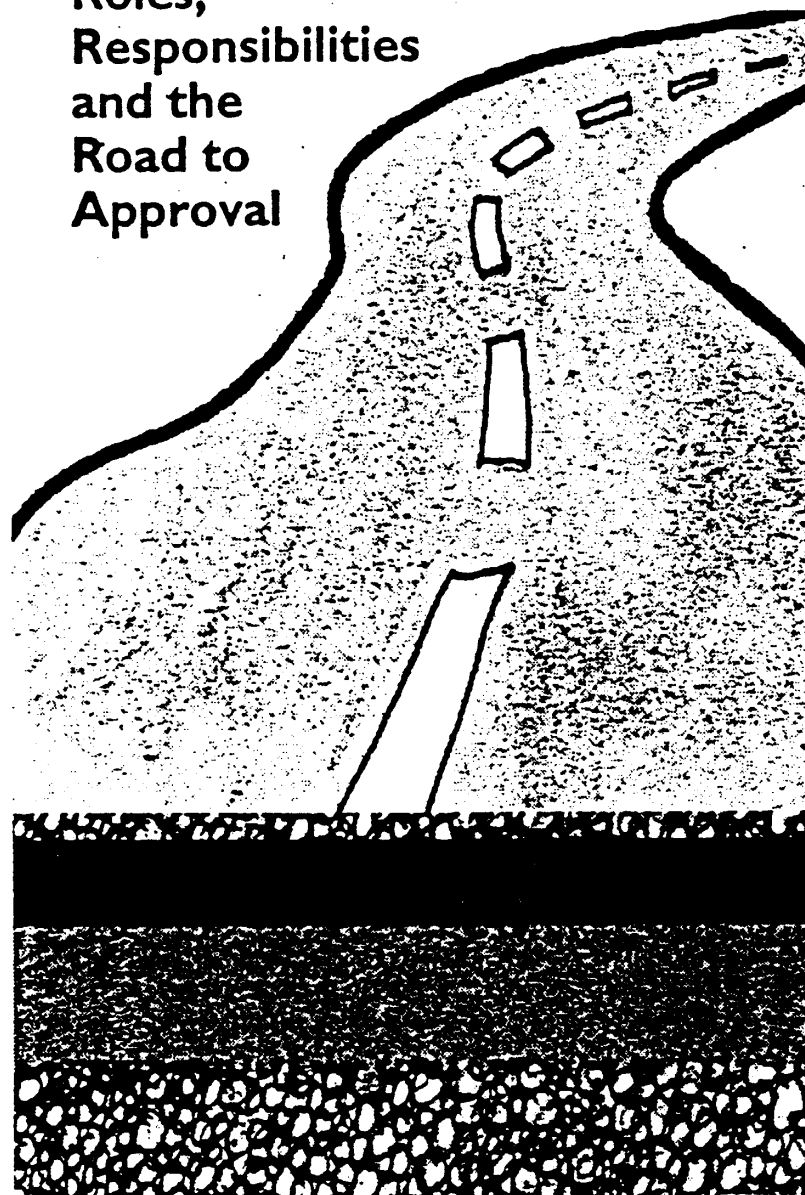
Cranbrook
2nd flr.
100 Cranbrook St. N.
Cranbrook, B.C.
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Sand & Gravel Operations



In Your Community

Roles, Responsibilities and the Road to Approval



Ministry of Employment and Investment
Energy and Minerals Division

Aggregates and You

British Columbia's aggregate industry produces \$170 million worth of sand, gravel and crushed stone annually for use in everything from skyscrapers to sidewalks. Even though aggregate operations may not seem to "fit" with the communities and lifestyles springing up around them, aggregate products are increasingly in demand.

Understanding who has the authority to regulate the industry and how the public can become involved will help communities and local governments appreciate how aggregate operations come to exist in, and be part of, their communities.

Industry Regulation

An aggregate operator must obtain tenures, permits and approvals from various government agencies before work can begin. These describe "where" and "how" a pit or quarry may operate.

The "Where to Mine" Decision

Under the *Land Act*, the **Ministry of Environment, Lands and Parks (MELP)** grants tenures to mine aggregate on Crown land. Such tenures are not required for aggregate operations on private lands.

A pit or quarry proposed on land designated as an agricultural land reserve or forest land reserve requires approval from the **Agricultural Land Commission** or **Forest Land Commission**, respectively. These commissions require the site be reclaimed in a way that maintains or enhances pre-development agricultural or forestry capability.

The *Municipal Act* allows local governments to designate land uses through **official community plans**. These plans are required to include information on sand and gravel deposits which may result in:

- continued accessibility of local aggregates;
- building of public facilities at a reasonable cost; and
- compatibility between future operations and other land uses.

However, local governments cannot regulate Crown land and sand and gravel extraction is not considered a "land use" amenable to local planning.

The primary tool of local governments in determining where aggregate operations may or may not occur is a **soil removal bylaw**. Such bylaws provide local government some regulatory authority over aggregate operators by requiring them to obtain a **soil removal permit**. A bylaw prohibiting soil removal in any part of a municipality must be approved by the Minister of Municipal Affairs and Housing, and the Minister of Employment and Investment.

The "How to Mine" Decision

The **Ministry of Employment and Investment (MEI)** is the primary agency regulating the "how to" of aggregate operations. Before issuing a *Mines Act* permit, the Chief Inspector of Mines must ensure the operator has thoroughly addressed the following:

- public and worker health and safety
- environmental impacts of the operation
- efficient extraction of the aggregate resource
- reclamation of the land and watercourses

A *Mines Act* permit can only contain operating conditions that are consistent with the *Mines Act*. The Chief Inspector's decision cannot be constrained by local policies regarding scenic areas or lifestyle, land-use conflicts or local zoning.

Soil removal bylaws of local governments can regulate as well as prohibit aggregate mining. For example, community concerns about noise levels, hours of operation and safety may be addressed in these bylaws. A bylaw regulating soil removal must be approved by the Minister of Municipal Affairs and Housing. While soil removal bylaw regulations often overlap with *Mines Act* regulations, the two permits are obtained under separate permitting processes.

MELP regulates aggregate operations by issuing **water and waste management permits**. Both MELP and the federal **Department of Fisheries and Oceans** review applications to ensure the protection of fish and fish habitat.

Permit Application

Deciding whether a *Mines Act* permit should be issued begins with the submission of an application which:

- details the proposed work;
- describes the operation;
- outlines the area to be disturbed;
- describes the local environment;
- identifies present land uses; and
- details a program for the protection and reclamation of the land and watercourses

If an application is incomplete or contains major health, safety or environmental concerns, it will be returned to the applicant for revisions.

Government Referral

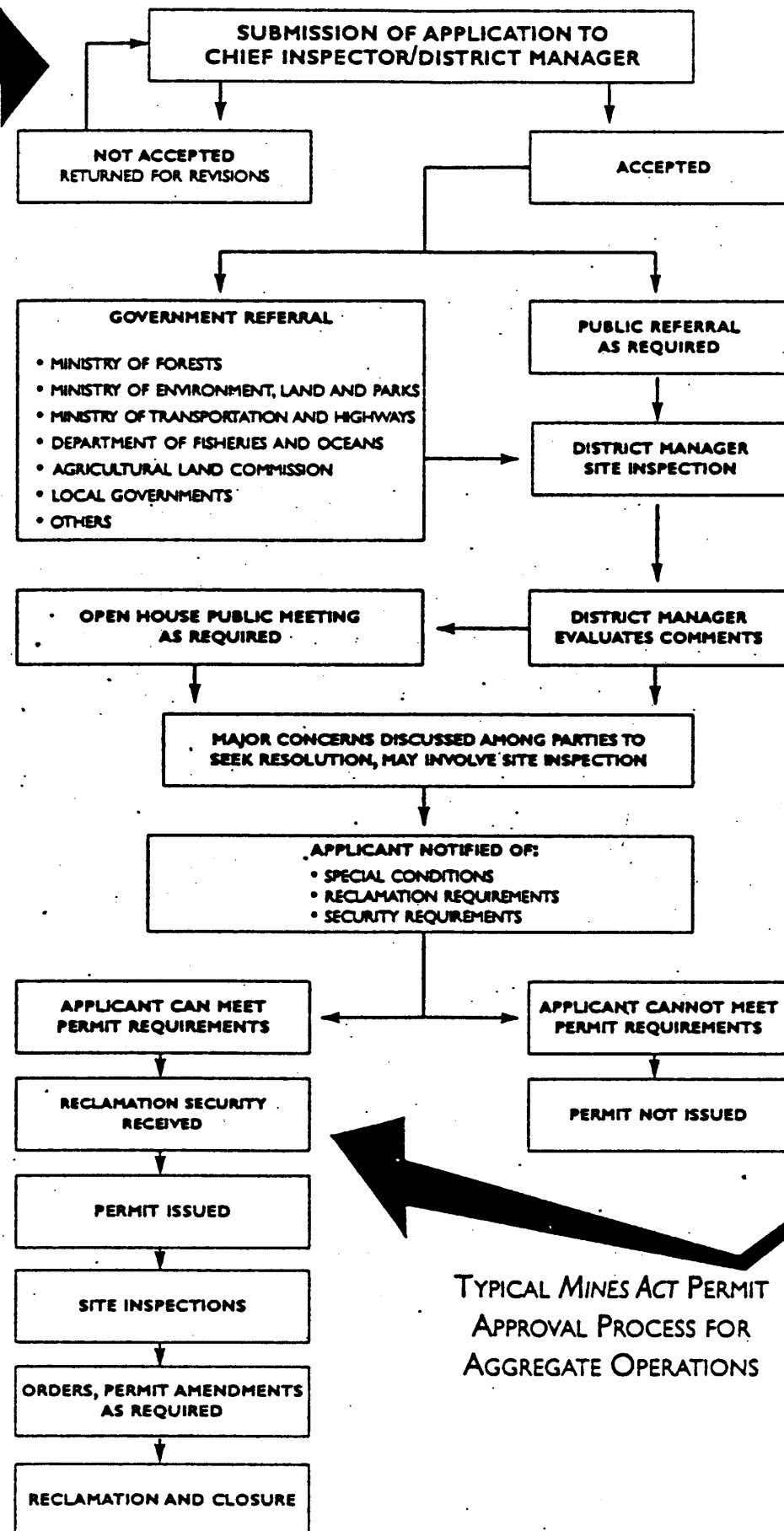
If an application is forwarded to the appropriate agencies for review and comment. Comments are made regarding the project's potential impacts, how they might be reduced and what permits or approvals will be required to run the operation. Permits address the technical questions of "how to" operate a pit or quarry.

Agencies typically have 30 days to respond to an application referral.

When issues cannot be resolved, the legal responsibility to decide whether or not to issue a *Mines Act* permit rests with the Chief Inspector. Since demands of the marketplace may result in an operation's production rate to vary over time, a permit is usually tied to a mine plan rather than a specific period of time.

Site Inspection

Once an operation is permitted and in production, MEI ensures that the operator is in compliance with the permit by conducting site inspections on a regular basis. Large or sensitive sites are inspected more frequently than small or especially well managed sites.



TYPICAL MINES ACT PERMIT APPROVAL PROCESS FOR AGGREGATE OPERATIONS

Operators not in compliance when an inspector visits will be ordered to comply or be required to stop operations. Amendments to the permit may be considered if inspections indicate circumstances regarding the operation have changed.

Public Involvement

MEI may require applicants to place a notice in local newspapers announcing their proposal and seeking public comment. The public has 30 days from the last day the notice was posted to provide written comments to the Chief Inspector.

If there are major concerns, the Chief Inspector may require:

- an open house or public meeting be held;
- a site inspection with agency staff (in certain instances, with local officials or stakeholders); and
- further discussions to seek resolution on major concerns.

If the Chief Inspector considers that the applicant has not addressed reasonable concerns regarding the health, safety and environmental impacts of the project, the permit may be denied.

Site Reclamation

Pit and quarry operators are required to post security as a condition of their permits to ensure that the mine sites will be reclaimed in an acceptable manner upon completion of mining. The Chief Inspector has the discretion under the *Mines Act* to determine the amount of the security. A *Mines Act* permit is not issued until the security is deposited with MEI. A security deposit is returned to the operator after satisfactory reclamation has taken place.