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# The Sun

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## First, clean the house

The largest smudge over B.C.'s environment is the legislation and administration which is supposed to keep it clean.

Recent events have helped demonstrate the utter confusion of the province's anti-pollution laws, and the darkness in which the administrators of those laws have been operating.

A clean-up is essential because a number of large projects are proposed which will have a profound effect on the environment.

A prime example of both confusion and evasiveness is the handling by the Pollution Control Board of an application to dump wastes from the Sunro Mine into the ocean off Jordan River.

The board had turned down this application. The company said it was appealing. To whom? "Mainly (Premier) Bennett," a spokesman said. The board then reversed its decision, despite objections from officials of the health and recreation departments, and granted a pollution permit to the mine operators, who had already sunk more than \$300,000 into their venture.

The board gave no reasons for its change of mind. It made no public announcement. Finally, a spokesman said the decision had been based on new information from the company. The company now denies that it submitted any new information. Who is telling the truth?

Whatever the answer, the board is at least guilty of inexcusable arrogance in denying the public its right to know its own business.

An explanation is due for other reasons. The board's conduct conflicts with the pledge of its responsible minister, Ray Williston, after another highly unsatisfactory decision earlier, granting Utah Mines a pollution permit. Utah had built a case on its extensive premature investment and Mr. Williston said such a situation would not be allowed in the future.

Both the Pollution Control Board and Mr. Williston were guilty of extreme furtiveness recently in attempting to suppress a board report on pollution in the forest industry. This report, of extreme importance to all British Columbians, was based on public hearings held almost a year ago. And although it was sent to those who had participated in the hearings, Mr. Williston and the board not only refused to make copies public but became indignant when the newspapers published the information, obtained from other sources.

There is, in fact, no requirement in the Pollution Control Act for publication of any findings or decisions of the Pollution Control Board. The director of the board, William Venables, is granted complete power "to determine his own procedure." Clearly he does not interpret this as licence to make public any of the board's business.

Nor is there provision in the act for appeal to an independent body against the board's decisions. Appeals are directed to the board itself, a remarkable exercise in self-judgment, and an amendment passed in 1970 actually forbids any action by the courts to review a board decision "save for excess or want of jurisdiction."

The matter of jurisdiction is, in itself, extremely confusing. This was demonstrated when Kaiser Resources was found to be polluting streams by its coal-mining techniques in the Kootenays. At first the director of the Pollution Control Board claimed he was powerless because the company had not received a permit.

But what is already happening at the Kaiser mines is only the beginning. At least two new strip-mining ventures are planned in the Kootenays, and a third in the Peace River area. The most disturbing proposal would relocate five miles of the Elk River so that a predominantly U.S. syndicate could strip-mine the riverbed. The company involved holds 17,000 acres in the Elk River Valley.

If it had been assumed that the province's new coal-mining law, enacted in 1969, would provide adequate public protection against pollution, the Kaiser experience has already proved otherwise. It has also proved the inadequacy of the Pollution Control Act.

What is clearly needed is an over-all environmental agency, setting rules, ensuring that they are met, and providing an avenue of appeal to the public. It should be an agency, too, that maintains a close liaison with the public and informs people of what is going on.

Such an agency could have been created at the last session of the legislature. In fact, the government gave the impression that it was doing so through the Environment and Land Use Act. The act established a committee of cabinet ministers whose duty is to "establish and recommend programs designed to foster increased public concern and awareness of the environment"; to ensure that environmental protection is "fully considered" in land use and resource development; to inquire into any matter pertaining to the environment or land use and to make recommendations to the rest of the cabinet on any environmental matter it chooses.

This committee, according to the legislation, may—only may—also hold public inquiries if it wishes and it may also hire anyone to do necessary technical work.

But nowhere in this act is there any provision for compulsory referral to the committee of major development projects, nor any mechanism for public appeals.

So far as can be determined, the committee, consisting of five cabinet ministers, has not examined a single project or problem since it was established. But then there is no provision for it to inform the public of its activities. As with the Pollution Control Board, the Environment and Land Use Committee "may determine its own procedure."

If it is supposed to be a self-starter, then it is time the committee started something. A review of Pollution Control Board decisions is one worthwhile project. A special inquiry into the Kootenay strip-mining projects also demands high priority.

The vagueness of legislation is one way to excuse inaction. But it can also be used as a mandate to set up the procedures, rules and public rights which are so conspicuously absent at present. This is what the committee must do.