

Memo



Date: January 05, 2010
File: Blasting
To: City Manager
From: Steve Muenz, Development Engineering Manager
Subject: Blasting Regulations

Recommendation: THAT the City of Kelowna require blasting companies, developers and home builders to provide general information on a proposed blast prior to any occurrence of blasting

THAT the City of Kelowna authorize the Development Engineering Manager to meet with WorkSafeBC staff members to facilitate responses to concerns expressed by residents

AND THAT the enforcement of blasting regulations remain under the authority of the British Columbia Ministry of Mines, WorkSafeBC and the British Columbia Ministry of Transportation.

Background:

The following resolution was adopted by Council during the "open Session" of the regular A.M. Meeting held on Monday, July 27, 2009:

THAT Council direct staff to review the correspondence from the Regional District of Central Okanagan dated July 14, 2009:

AND THAT staff identify the pros and cons of implementing a bylaw to regulate blasting activity;

AND THAT staff identify other municipalities that have implemented a similar bylaw and report back to Council.

Currently, the City of Kelowna has no jurisdiction in the area of blasting. Blasting is governed by the British Columbia Ministry of Mines, WorkSafeBC and the British Columbia Ministry of Transport. The British Columbia Ministry of Mines is concerned with blasting techniques; WorkSafeBC is concerned with public safety, workers safety, property damage and licensing; and the British Columbia Ministry of Transport is concerned with the movement of explosives.

Of particular interest is the authority of WorkSafeBC. WorkSafeBC limits its authority to the construction site that is associated with the blasting. It does have concern with damage beyond the site but limits its enforcement to the site and resolutions to issues outside of the construction site are beyond its mandate. That is to say, if there is property damage, WorkSafeBC does not deal with the damage but it may impose penalties to the blasting operators.

As to violations, each of the governing Ministry do inspections and reply on complaints. It is through these inspections and complaints that violations are reviewed. A penalty for a violation could include fines in excess of a \$500,000 and/or jail terms. These governing bodies have the authority to invoke these fines. Again, penalties are limited to the construction site and are not related to resolution of problems beyond the construction site.

Blasting companies are responsible to ensure that a pre-blast survey is completed. The guidelines for these surveys are determined by WorkSafeBC. Blasting companies are responsible for recording Seismograph information for every blast. This information is forwarded to the manufacturer of the seismograph equipment and is analyzed and a letter is generated to indicate if the blast was within the set guidelines.

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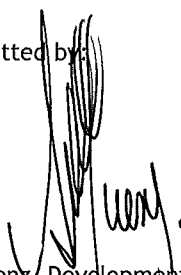
Staff contacted approximately 33 municipalities and received replies from 11 of these municipalities. In general, each of the respondents had a blasting bylaw in place. However, the bylaws rely heavily on WorkSafeBC, British Columbia Ministry of Mines and the Ministry of Transportation requirements. Individual blasting bylaws essentially reiterate these requirements. For the City of Kelowna to administer these requirements violations would be a duplication of efforts, an additional cost to the municipality and would add little or no value to the process.

The main advantage of a Municipal involvement is that the Municipality would be made aware of particulars that deal with a potential blasting occurrence and would be more of a service to the public.

Recently, City staff met with representatives of WorkSafeBC. It was agreed that there would be no added value to having the City being an additional regulatory body. However, there was agreement that the public would be best served if the City worked together with the various regulatory bodies. WorkSafeBC requires a "Notice of Project" for every blasting site. This "Notice of Project" provides all the information that is needed for a blast. WorkSafeBC has agreed to provide the City with all "Notice of Project" applications. In addition, the City, through its various application processes, will try and determine if blasting will occur on a site and if a "Notice of Project" has been filed. This is the initial step in ensuring that the City is aware of any blasting that will occur in the City.


The second objective is to expedite public concerns. WorkSafeBC and the City have jointly agreed to meet on-site with residents who have concerns. The suggested City representative is the Development Engineering Manager. This suggested process will eliminate the public concern that blasting problems and solutions are not being advanced. The intent of this approach is to educate the public, determine if there is a problem and provide a course of action to resolve the problem.

Submitted by:



S. Muenz, Development Engineering Manager

Approved for inclusion:



(the department director initials here)