

Halifax Regional Council
July 6, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Paul Dunphy, Director of Planning and Development Services

DATE: June 29, 2004

SUBJECT: Gateway Quarry Operation

INFORMATION REPORT

ORIGIN:

- August 14, 2003, blasting accident at Gateway Quarry on Kearney Lake Drive
- August 19, 2003, Regional Council requested a staff report regarding the blasting incident.
- June 8, 2004 Information Report responded to the questions raised by Regional Council on August 19, 2003. The report stated that staff would update Council when charges were laid.

DISCUSSION:

The Province laid charges on June 4th, 2004. The parties are summoned to appear in court on July 8, 2004. Five parties have been charged and a total of 9 charges laid. The details of the charges are provided below.

Gateway Materials Limited

Count 1: Gateway Materials Limited, being a contractor failed to take every reasonable precaution in the circumstance to ensure that blasters conducting blasting activity at the said workplace, maintained up to date records in accordance with Section 8(1) of the General Blasting Regulation, thereby committed an offense contrary to Section 8(3) of the General Blasting Regulation and 74(1)(a) of the Occupational Health & Safety Act, S.N.S. 1996, C7.

Count 2: And further, aforesaid, as the employer, on August 14, 2003, at the aforesaid location failed to ensure precautions were taken for the protection of persons and property at or near the workplace

from the hazard of flying material (rocks) resulting from the detonation of an explosive, thereby committed an offense contrary to Section 13(11) of the General Blasting Regulations and 74(1)(a) of the Occupational Health & Safety Act, S.N.S. 1996, C7.

Grant Baxter, Quarry Manager, Gateway Materials Limited

Grant Baxter, as an employee failed to take every reasonable precaution in circumstance to protect the safety of persons at or near the workplace from the hazard of flying material (rocks), resulting from the detonation of an explosive, thereby committed an offense contrary to Section 17(1)(a) of the Occupational Health & Safety Act S.N.S. 1996, C7 and 74(1)(a) of the Occupational Health & Safety Act, S.N.S. 1996, C7.

Dyno Nobel Ltd.

Count 1: Dyno Nobel Limited, as the employer failed to ensure that up to date records were kept in accordance with Section 8(1) of the General Blasting Regulation, thereby committing an offense contrary to Section 8(3) of the General Blasting Regulation, made pursuant to the Occupational Health & Safety Act S.N.S. C-7, and Section 74(1)(a) of the Nova Scotia Occupational Health & Safety Act, S.N.S. 1996, C7.

Count 2: And further, aforesaid, on August 14, 2003 failed to ensure precautions were taken for the protection of persons and property at or near the workplace from the hazard of flying material (rocks) that resulted from the detonation of an explosive, thereby committing an offense contrary to Section 13(11) of the General Blasting Regulation, made pursuant to the Occupational Health & Safety Act S.N.S. C-7, and Section 74(1)(a) of the Nova Scotia Occupational Health & Safety Act, S.N.S. 1996, C7.

Count 3: And further, aforesaid, on August 14, 2003 failed to ensure blasters and supervisors performing or directing work in a blasting area known as Blast #18 consulted sufficiently to coordinate the safety of the blast, thereby committing an offense contrary to Section 5(3)(c) of the General Blasting Regulation, made pursuant to the Occupational Health & Safety Act S.N.S. C-7, and Section 74(1)(a) of the Nova Scotia Occupational Health & Safety Act, S.N.S. 1996, C7.

Paul Purcell - Service Coordinator, Dyno Nobel Ltd

Paul Purcell, a blaster, with employees under his direct supervision failed to ensure that the preparations for the blasting activity known as Blast # 18, at the aforesaid workplace, were carried out in a manner to protect persons at or near the workplace from the hazard of flying material (rocks), thereby committing an offense contrary to Section 4 of the Nova Scotia General Blasting Regulations, made pursuant to the Nova Scotia Occupational Health & Safety Act, and Section 74(1)(a) of the Nova Scotia Occupational Health & Safety Act, S.N.S. 1996.C.7.

Gordon Fudge - Class II Blaster, Dyno Noble Ltd.

Count 1: As the principal blaster failed to record the information prescribed in Form 2 of Appendix A of the General Blasting Regulations for the blast known as Blast # 18, thereby committed an offense contrary to Section 8(1) of the General Blasting Regulations, made pursuant to the Occupational Health & Safety Act S.N.S. C-7, and Section 74(1)(a) of the Nova Scotia Occupational Health & Safety Act, S.N.S. 1996.C.7.

Count 2: Aforesaid on August 14, 2003 failed to ensure the placement of the explosive charge or the features of the blasting activity for the blast known as Blast # 18 were adequate to ensure the safety of persons at or near the workplace from the hazard of flying material (rocks), thereby committed an offense contrary to Section 5(6) of the General Blasting Regulations made pursuant to the Occupational Health & Safety Act S.N.S. C-7, and 74(1)(a) of the Nova Scotia Occupational Health & Safety Act, S.N.S. 1996.C.7.

ALTERNATIVES:

None at this time.

BUDGET IMPLICATIONS:

None

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ATTACHMENTS:

None

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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