

Dear Sir/ Madam

I am asking that the City Council **NOT** give approval for the City Corporate Officer to issue a Development Permit for a gravel pit at 274 & 322 Westside road File # 3060-20, DP 2015-09

Reasons:-

The crystalline silica dust a Class 1 carcinogen which will come from the crushing of silica gravel from the gravel pit. It is a major health concern!

The City has the power under both the Public Health Act and the Community Charter to act when something threatens human health:

Public Health Act

Role of local government

Ref. the Public Health Act Division 6

83 (1) A local government must do all of the following:

- (a) if the local government becomes aware of a health hazard or health impediment within its jurisdiction, take an action required by a regulation made under section 120 (1)
 - (a) *[regulations respecting local governments]*, or, if no regulation applies, either
- (i) report the health hazard or health impediment to a health officer, or
- (ii) take an action the local government has authority to take under this or another enactment to respond to the health hazard or health impediment;

- (b) provide health officers with information the health officers require to exercise their powers and perform their duties under this Act;
 - (c) consider advice or other information provided to the local government by a health officer.
- (2) A local government must
- (a) designate one of its members, or an officer or employee of the local government, as the local government liaison for the purposes of this section, and
 - (b) send notice of the designation to the regional health board having authority over the geographic area in which the local government is located.
- (3) A local government may
- (a) request a medical health officer to issue an order, under this Act, in respect of a health hazard, and
 - (b) if the medical health officer refuses to issue the order or to issue the order as requested, request the provincial health officer to review the decision of the medical health officer.
- (4) Following a review under subsection (3), the provincial health officer may
- (a) refer the matter back to the medical health officer, with or without directions, or
 - (b) make any order that, in the opinion of the provincial health officer, is appropriate in the circumstances.

Community Charter [SBC 2003]

Part 2 — Municipal Purposes and Powers

Division 1 — Purposes and Fundamental Powers

Fundamental powers

- 8** (1) A municipality has the capacity, rights, powers and privileges of a natural person of full capacity.
- (2) A municipality may provide any service that the council considers necessary or desirable, and may do this directly or through another public authority or another person or organization.
- (3) A council may, by bylaw, regulate, prohibit and impose requirements in relation to the following:
- (g) the health, safety or protection of persons or property in relation to matters referred to in section 63 [*protection of persons and property*];
 - (h) the protection and enhancement of the well-being of its community in relation to the matters referred to in section 64 [*nuisances, disturbances and other objectionable situations*];
 - (i) public health;
 - (j) protection of the natural environment;
 - (m) the removal of soil and the deposit of soil or other material.

Nuisances, disturbances and other objectionable situations

64 The authority of a council under section 8 (3)

(h) [*spheres of authority — nuisances disturbances and other objectionable situations*] may be exercised in relation to the following:

(a) nuisances;

(b) noise, vibration, odour, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public;

(c) the emission of smoke, dust, gas, sparks, ash, soot, cinders, fumes or other effluvia that is liable to foul or contaminate the atmosphere;

The land which designated Urban Reserve is for the future growth of Revelstoke, by allowing a 20 acre gravel pit 45 feet deep will have no future use (Other than a landfill).

The Destruction of 20 acres of a 40 year old forest inside city limits should not be allowed and does not conform to the OCP plan or Revelstoke's Integrated Community Sustainability Plan

The proposed gravel pit is only 500 meters from the Columbia park sub division, School and Golf course, it is adjacent to Interoutes 45 acre gravel pit which has been a major concern regarding noise and dust for the past 5 years and this gravel pit will be no different so there will be more noise and Crystalline Silica a Class 1 carcinogen dust blowing over the Columbia park subdivision.

Section 5 of the staff report from Dean Strachan states **Financial Implications :-**

There are no known financial implications arising from this recommendation. This may not be the case when a class action is taken against the city for recommending and giving the support and approval of a known source of a Class 1 carcinogen to impact the health of its citizens.

The Management plan for the Revelstoke Sand and gravel application contains many errors.

Some of the permit conditions of Interoutes gravel pit which is adjacent to this proposed pit state:-

The mine permit states . :- Dust originating from the mine site shall be controlled at the source. Dust shall not be allowed to impact adjacent private properties. This has yet to be enforced by the Ministry of Mines in 5 years.

In the Licence of Occupation from FLNR Crown Lands Paragraph 4.1 Section (e) states

“Not commit any wilful or voluntary waste, spoil or destruction on the Land or do Anything on the Land that may be or become a nuisance to an owner or occupier of land in the vicinity of the Land”

FLNR will not enforce this condition as they say it is up to the mine operator to be self-compliant.

I have written to the Okanagan property Assessment Office about this gravel pit close to our homes asking for a reduction in property assessment values due to the noise and associated health risks of being constantly covered with a class 1 carcinogen Crystalline Silica dust, analysis shows that the dust is 78% crystalline silica dust . The reduction in property values of homes to a gravel pit or mine (which this is classed as) in other areas effected by similar mining is a 30-40% reduction in value of homes in a 1 km radius, 15-20% reduction in value of homes in a 1 km to 2 km radius and 5% reduction in value of homes in a 2 km to 3 km radius. If my appeal is successful it will have an impact on the values of all properties north of the trans-Canada highway.

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