



EnviroNotes!

April 2010

News From the Ontario Ministry of Environment: Recent Prosecutions and Fines

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On March 2, U.S. Steel Canada Inc. (formally Stelco) pleaded guilty to one count of having caused or permitted the discharge of black particulate into Hamilton harbour from a blast furnace, contrary to section 14(1) of the *Environmental Protection Act* ("EPA"). The company was fined \$150,000 in addition to the automatic *25 per cent* victim impact surcharge.

On November 5, 2009, B.P. Canada Energy Company pleaded guilty to have caused the discharge of an odorous vapour plume which caused or was likely to cause an adverse effect, contrary to EPA section 14(1). The discharge occurred at the company's Sarnia Facility. Some local residents experienced headaches, sore throats and nausea. The company was fined \$800,000 in addition to the *25 per cent* surcharge.

Penalties for EPA section 14(1) offences are substantial. For a company on a first offence, there are minimum and maximum fines for each day the offence continues or occurs of \$25,000 and \$6,000,000, respectively. These amounts increase to \$50,000 and \$10,000,000, respectively, on a second offence, and \$100,000 and \$10,000,000, respectively, on third and subsequent offences. In addition, each fine is subject to the automatic *25 per cent* victim fine surcharge. Convicted individuals are also subject to substantial minimum and maximum fines, in addition to imprisonment of up to 5 years less a day.

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