

For Immediate Release  
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## **MOVING TRUCK OWNER AND EMPLOYEE FINED TOTAL OF \$11,000 FOR ENVIRONMENTAL INFRACTIONS**

**KINGSTON**—Frank Ross, the owner of a moving truck, and Jason Howe, an employee of Frank Ross, have been fined a total of \$11,000, after pleading guilty to violations of both the *Environmental Protection Act (EPA)* and the *Ontario Water Resources Act (OWRA)*.

The Court heard that on October 19, 2004, Frank Ross's moving truck was dispatched to 165 Ontario Street, in the City of Kingston. Jason Howe was the driver and the person in charge of both the truck and the move. While parked at the location, a leak in the 150 gallon diesel tank caused fuel to spill onto the roadway and into a nearby storm water catch basin.

No action was taken by Howe to stop or abate the spill, which continued while the truck was being loaded.

Diesel fuel from the spill flowed into Confederation Basin in Lake Ontario, creating a slick on the surface between the storm water outflow and the waterfront in and around the municipal marina and the Radisson Hotel.

City of Kingston staff deployed booms to contain the spill, which had the potential to foul boats and docks in the harbour. The cleanup activities took several days and the total cost was approximately \$3,200.

Jason Howe notified Frank Ross of the spill, but neither Ross nor Howe reported it to the ministry, as is required.

Following an investigation conducted by the ministry's Investigations and Enforcement Branch, charges were laid.

Ross and Howe each pleaded guilty to one count of:

- Permitting the discharge of diesel fuel into the waters of Lake Ontario, which may have impaired the quality of the water, contrary to section 30(1) of the *OWRA*.
- Failing to notify the ministry of a discharge or escape of fuel into Lake Ontario, contrary to section 30(2) of the *OWRA*.

Howe also pleaded guilty to one count of failing to do everything practicable to prevent, eliminate and ameliorate the adverse effect of the spill, and to restore the natural environment, contrary to section 93(1) of the *EPA*.

Frank Ross was fined \$8,000, plus a victim fine surcharge, for the first count, and received a suspended sentence for the second count.

Jason Howe was fined \$3,000, plus a victim fine surcharge, for the third count, and received suspended sentences for the first and second count.

Justice of the Peace Fred Ross sentenced the defendants on August 31, 2006 in the Ontario Court of Justice in Kingston.

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