

## **MAL-MAL ENTERPRISES INC. FINED \$40,000 FOR ONTARIO WATER RESOURCES ACT VIOLATION**

**KITCHENER**—Mal-Mal Enterprises Inc. has been fined \$40,000, plus a victim fine surcharge, after pleading guilty to one count of discharging diesel fuel into a watercourse.

Mal-Mal Enterprises Inc. operates a grounds-keeping service under the Clintar Groundskeeping Services trademark, from a property on McIntyre Drive in Kitchener. An above-ground fuel tank is located on the property, and diesel fuel is pumped from the tank to other receptacles.

The Court heard that on August 2, 2005, a Mal-Mal employee left the pump unattended, as fuel was being transferred to a tank mounted on the back of a company pick-up truck. Sometime later, a second employee found the fuel overflowing from the tank on the pick-up truck, onto the bed of the truck, and ultimately onto the surface of the company parking lot. The pump was turned off, but approximately 50 litres of diesel fuel had spilled by that time.

The two employees drained the spilled diesel fuel from the bed of the truck into a storm-water catch basin, and used degreaser and a power washer to clean the parking lot. The resulting mix of water, degreaser and fuel also drained into the catch basin and flowed into the City of Kitchener's storm sewer system and ultimately ran into Strasburg Creek.

Following the discharge, City of Kitchener officials found a large number of dead fish in the creek. The creek is part of the Huron Natural area—a provincially designated Class 1 wetland. The discharge of the diesel fuel contaminant compromised the environmental integrity of the area.

The City of Kitchener Works Department responded to contain the spill and assess the incident. A clean-up was then undertaken by the City and a private environmental company. The City of Kitchener's costs for their portion of the clean-up were recovered from Mal-Mal Enterprises Inc.

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

Mal-Mal Enterprises Inc. pleaded guilty to one count of discharging diesel fuel into a watercourse and impairing water quality, contrary to section 30(1) of the *Ontario Water Resources Act*. The company was fined \$40,000.

Justice of the Peace James Ziegler sentenced the defendant on July 17, 2006, in the Ontario Court of Justice in Kitchener.

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