

Ministry of the  
Environment

Ministère de  
l'Environnement

For Immediate Release  
September 20, 2006

## **JERRY MACLEAN AND SON AUTOMOTIVE LIMITED FINED \$36,000 FOR ONTARIO WATER RESOURCES ACT VIOLATION**

**GODERICH**—Jerry MacLean and Son Automotive Limited was fined \$36,000 today, plus a victim fine surcharge, after pleading guilty to a violation of the *Ontario Water Resources Act (OWRA)*.

Jerry MacLean and Son Automotive is located at 110 Main Street North, in the Municipality of South Huron. The business is co-owned by Jerry and Gary MacLean.

The Court heard that a 1,500 U.S. gallon capacity tank is kept on site for the storage of sodium hypochlorite solution—a swimming pool disinfectant. On April 18, 2005, sometime between midnight and 7am, the tank fell over and an estimated 4,690 litres of sodium hypochlorite solution spilled out. The tank was not surrounded by a secondary containment structure to control leaks or spills.

The solution flowed into two catch basins on the property, and from there entered a municipal storm sewer, and ultimately discharged into the Ausable River. The spill was estimated to have caused the deaths of thousands of fish and other aquatic life for a distance of approximately 5.1 kilometres downstream of the entry point.

Following an investigation conducted by the Ministry of the Environment's (MOE's) Investigations and Enforcement Branch, a charge was laid

Jerry MacLean and Son Automotive pleaded guilty to one count of permitting the discharge of a contaminant into a watercourse that impaired water quality, contrary to section 30(1) of the *OWRA*. The company was fined \$36,000 for the offence.

The Court was told that, immediately upon learning of the spill, Gary MacLean notified the Ausable Bayfield Conservation Authority and asked for guidance on handling the situation. The Conservation Authority contacted MOE, and MacLean co-operated fully with ministry personnel.

The Court was also told that MacLean organized a fish cleanup with a local high school biology class and staff of the Conservation Authority. Jerry MacLean and Son Automotive Limited paid the approximately \$970 costs of the cleanup.

The company also paid for a reference study conducted by Conservation Authority. The study was completed at a cost of approximately \$11,500. Further to that the company made an additional donation of \$5,000 to assist in any follow-up studies that may be required.

Justice of the Peace Robert Gay sentenced Gary Maclean and Son Automotive on September 20, 2006 in the Ontario Court of Justice in Goderich.

-30-

Contacts:

John Steele

Communications Branch

(416) 314-6666

*Disponible en français*

[www.ene.gov.on.ca](http://www.ene.gov.on.ca)