

IN A SPILL BOTH THE CARRIER AND THE RECEIVER ARE POTENTIALLY TARGETS FOR PROSECUTION

By [Stanley D. Berger](#)

Two plea bargains concluded in 2017 by the Ontario Ministry of Environment and Climate Change, one on February 27 for Trimac Transportation Services Inc., and the second on November 22 for Lafarge Canada Inc. Prosecution Disposition Report (PDR) 15-10887; Investigation Enforcement Branch (IEB) file # 6785-9N7Q9U indicate that the Ontario Ministry of Environment and Climate Change regards both the operator of a truck transferring slag particulate and the owner of the storage silo where the particulate was destined, as responsible persons in control of the pollutant in the event of a spill.

Trimac had made a bulk delivery of the particulate to a facility in Niagara Falls owned and operated by Lafarge Canada Inc. Its employee, who operated the tanker truck which delivered the particulate, commenced a transfer of the particulate to Lafarge's storage silo. The particulate was accidentally released out of the top of the silo and into the natural environment. It was carried downwind where it caused material discomfort to neighbouring residences. The Facts in Support of both pleas reported that Trimac through its employee and Lafarge were "persons in control of the slag particulate immediately before the discharge." Trimac received a \$25,000 fine, while Lafarge, as a subsequent offender received a \$50,000 fine.



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