



Ministry of the Environment, Conservation and Parks

Asphalt Company Fined \$175,000 for Environmental Protection Act Violations

December 20, 2019 1:00 P.M.

Convicted - Ingram Asphalt Inc.

Court Location - Toronto Court

Description of Offence - The convictions relate to permitting the discharge of Benzo(a)Pyrene, a contaminant that exceeded established standards, and for violating three ministry approval conditions, and for alteration of equipment without ministry approval.

Date of Offence - During various periods between December 16, 2016 and April 20, 2018.

Date of Conviction - December 4, 2019

Penalty Imposed - Ingram Asphalt Inc. was convicted of five violations under the Environmental Protection Act and was fined \$175,000.00 plus a victim fine surcharge of \$43,750 and was given 24 months to pay the fine.

Background:

- Ingram Asphalt Inc. produces asphalt road pavement at a facility located on Ingram Drive in Toronto, within an industrial area shared with various businesses, and a commercial building with residential space.
- Over the years there have been complaints regarding concerns about dust leaving the site and adversely impacting businesses and quality of life.
- With respect to the prosecution on the discharge of Benzo(a)Pyrene into the air, the company was fined \$100,000 for permitting the discharge for a specified averaging period and exceeding the acceptable levels under Section 20 (2) of Ontario Regulation 419/05 under the Environmental Protection Act, on December 11, 2017. The ministry was notified of the exceedance with reported levels in the air of 0.0000297 micrograms per cubic meter, compared to the allowable limits specified as 0.00001 micrograms per cubic meter, almost three times the allowed maximum.
- Ingram Asphalt was fined \$55,000 for three violations for non-compliance with a ministry approval for conditions outlined in the company's December 2016 approval conditions specific to addressing concerns about air pollution. Despite efforts by the ministry to bring the company into compliance it was identified that the company was non-compliant in the following areas:
 - Condition No. 1 (5) restricts the height of storage piles to be less than the height of the associated barrier walls
 - Condition No. 10 requires the installation of an opacity monitor in accordance with the requirements
 - Schedule "D" requires the company to submit a Source Testing Report in accordance with the requirements

- The company was fined \$20,000 on one violation for altering the approved equipment by failing to connect pipe and duct work from the asphalt tanks to the batch dryer, which is part of the air pollution control equipment.
- The ministry's Investigations and Enforcement Branch investigated and laid charges resulting in the conviction.

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