

TRAPS TO AVOID: Letting Unlicensed Companies Remove & Haul Hazardous Waste



Your company is responsible for ensuring that the hazardous waste it generates is disposed of properly. One aspect of this duty is allowing only authorized hazardous waste companies with the appropriate licences or Certificates of Approval to remove and haul your waste. If you let an unlicensed company transport your waste, both your company and the hauler can get hit with environmental violations and fines.

Use of Unlicensed Waste Hauler Costs Company \$25,000

That's what happened to a construction company in Ontario. Workers cleaning up property discovered a number of old barrels that had been hidden. They moved the barrels to a fence next to private property until disposal arrangements could be made. One of the barrels released some hydrocarbon-based petroleum, which contaminated the surrounding soil and affected some trees. The neighbour found a spill of an oily substance on his property and lodged a complaint with the Ministry of the Environment. So the construction company had an excavating company remove and transport loads of contaminated soil from the property to a recycling centre. But the excavating company didn't have a valid C of A to handle and transport such waste.

The construction company pleaded guilty to violating the Ontario *Environmental Protection Act* by permitting the transportation or disposal of waste that wasn't part of an approved waste management system for which a C of A had been issued. The court fined it \$25,000. The excavating company also pleaded guilty to operating a waste management system without a C of A and was fined \$8,000 [*R. v. Tonda Construction Ltd.*].

SOLUTION: Only Use Qualified Waste Management Companies

When hiring a company to remove or transport any hazardous waste your company generates, make sure that it has all of the required licences and approvals. And make sure that it takes the waste to an authorized facility. Some jurisdictions provide lists of authorized hazardous waste shippers and facilities. For example, BC's Ministry of the Environment website carries a list of hazardous waste transport licencees that's updated daily.

SHOW YOUR LAWYER

R. v. Tonda Construction Ltd., ON Govt. News Release, July 22, 2011