

Risk Management Plan Compliance, Orders and Penalties

Summary

Section 58 states

- that if a Risk Management Plan (RMP) is required then the person shall not engage in the activity unless a risk management plan has been agreed to (subject to effective dates)
- RMO can impose a deadline (with some limitations) for agreement to a RMP after which time a RMP can be imposed upon the person
- If no RMP is agreed the RMO **shall** establish a RMP
- RMO shall agree to the RMP if fees are paid, and the RMO is satisfied that the RMP satisfies requirements of regulations, rules and Source Protection Plan (must result in the activity ceasing to be a significant threat)
- RMO may refuse to agree or establish a RMP if past conduct or reasonable grounds to believe that the person will not follow the RMP

Section 61 states

- RMO may order a property owner to which section 56/58 applies (i.e. RMP required) to provide a report describing the activity that is/will be engaged in at the site and to describe any risk management measures that are/will be in place

Section 63 states

- Where RMI believes:
 - a person is undertaking an activity at a site where that activity has been prohibited or
 - where a RMP must be in place for the activity to take place and an RMP is not in place
 - or RMP is in place, but the person is not complying with some provision of the RMP
- RMI can issue orders to comply with direction, cease the activity, seek an amendment to the RMP, report on compliance with the order

Section 64 states

- RMO may cause to be done anything that is required by the order if the person does not comply with or is unlikely to comply with the order in a competent manner or if their assistance is requested by the person.
- RMO must provide notice if they will cause a thing to be done
- RMO may issue an order to pay costs

Section 67

- RMO can issue order to pay costs for things RMO caused to be done under section 64

Section 68

- Order to pay costs can be filed with court and enforced like a court order

Section 69

- Costs can be added to property taxes

Sections 70 to 78

- Sets out the appeal provisions available to people who are ordered under sections 56, 58, 61, 63, 67 or 80

Section 80

- Access Order – where RMO/RMI who has ordered a party to do something, an order can be issued to person who owns/occupies/manages the property, to allow access to the party so they can do the thing they've been ordered to do

Section 106

- Every person who contravenes section 57(1), 58(1) or an order or 90, 91 is guilty of an offense
- Fines up to \$25,000 per day for person, 50,000 corporation for first offense, double for subsequent
- Directors, officers, employees, agents also can be found guilty whether or not the corporation was found guilty
- Fines may be increased to the amount of monetary benefit from the commission of the offense (despite above maximums)
- Courts may make additional orders
- 2 year limitation for initiating the proceeding

Part IV – Excerpts

Regulated activities

58. (1) If a source protection plan that is in effect designates an activity as an activity to which this section should apply and an area within which this section should apply to the activity, a person shall not engage in that activity at any location within that area unless a risk management plan has been agreed to or established under this section or section 56 for that activity at that location. 2006, c. 22, s. 58 (1).

Transition

(2) Subject to subsections (3) and (4), if an activity was engaged in at a particular location immediately before the source protection plan took effect, subsection (1) does not apply to a person who engages in the activity at that location. 2006, c. 22, s. 58 (2).

Same

(3) If an activity was engaged in at a particular location immediately before the source protection plan took effect and the source protection plan specifies a date for the purpose of this subsection, subsection (1) applies, on and after that date, to a person who engages in the activity at that location. 2006, c. 22, s. 58 (3).

Same

(4) If an activity was engaged in at a particular location immediately before the source protection plan took effect and the risk management official gives notice to a person who is engaged in the activity at that location that, in the opinion of the risk management official, subsection (1) should apply to the person, subsection (1) applies to a person who engages in the activity at that location on and after a date specified in the notice that is at least 120 days after the date the notice is given. 2006, c. 22, s. 58 (4).

Agreement on risk management plan

(5) Subject to subsections (15) and (16), a person engaged in an activity or proposing to engage in an activity and a risk management official may agree to a risk management plan for the activity at a particular location if,

- (a) a source protection plan designates the activity as an activity to which this section should apply and an area within which this section should apply to the activity; and
- (b) the location is in the area referred to in clause (a). 2006, c. 22, s. 58 (5).

Notice of plan

(6) If a risk management official and a person agree to a risk management plan under subsection (5), the risk management official shall provide written notice to the person and shall attach a copy of the plan to the notice. 2006, c. 22, s. 58 (6).

Deadline for agreement

(7) The risk management official may give a person a notice indicating that, if no risk management plan is agreed to under subsection (5) by a date specified in the notice, the risk management official intends to establish a risk management plan for the activity at the location. 2006, c. 22, s. 58 (7).

Specified date

(8) A date specified in a notice under subsection (7) shall be at least 120 days after the date the notice is given. 2006, c. 22, s. 58 (8).

Waiving notice period

(9) A person to whom a notice has been given under subsection (7) may consent in writing to the establishment of the risk management plan before the date specified in the notice. 2006, c. 22, s. 58 (9).

Order establishing risk management plan

(10) Subject to subsections (9), (15) and (16), if a notice is given under subsection (7) and no risk management plan is agreed to under subsection (5) by the date specified in the notice, the risk management official shall, by order, establish a risk management plan for the activity at the location. 2006, c. 22, s. 58 (10).

Application for risk management plan

(11) A person engaged in an activity or proposing to engage in an activity to which this section applies at a location within an area to which this section applies may apply to the risk management official for the establishment of a risk management plan for the activity at the location. 2006, c. 22, s. 58 (11).

Order establishing plan

(12) Subject to subsections (15) and (16), if an application is made under subsection (11), the risk management official shall, by order, establish a risk management plan for the activity at the location. 2006, c. 22, s. 58 (12).

Amendment of risk management plan

(13) Subject to subsections (14) and (17), subsections (5) to (12) apply, with necessary modifications,

- (a) to the amendment of a risk management plan agreed to or established under this section; and

- (b) to the amendment of a risk management plan agreed to or established under section 56, if, pursuant to subsection 56 (12), the plan cannot be amended under that section. 2006, c. 22, s. 58 (13).

Amendment; deadline

(14) For the purpose of subsection (13), the 120-day period referred to in subsection (8) may be shortened by the risk management official if,

- (a) the risk management official is of the opinion that the amendment of the risk management plan is required to prevent a drinking water health hazard; and
- (b) the notice given under subsection (7) sets out the reasons for the opinion referred to in clause (a). 2006, c. 22, s. 58 (14).

Criteria for agreeing to or establishing risk management plan

(15) Subject to subsection (16), a risk management official shall agree to or establish a risk management plan for an activity at a location under this section if, and only if, all applicable fees have been paid and,

- (a) the risk management official,
 - (i) is satisfied that the risk management plan complies with the requirements, if any, of the regulations, rules and source protection plan, and
 - (ii) is satisfied that the activity will not be a significant drinking water threat if it is engaged in at that location in accordance with the risk management plan; or
- (b) in circumstances prescribed under clause 55 (1) (h), a person with qualifications prescribed by the regulations has stated, in a form obtained from or approved by the Director, that the person,
 - (i) is satisfied that the risk management plan complies with the requirements, if any, of the regulations, rules and source protection plan, and
 - (ii) is satisfied that the activity will not be a significant drinking water threat if it is engaged in at that location in accordance with the risk management plan. 2006, c. 22, s. 58 (15).

Refusal to establish plan

(16) The risk management official may refuse to agree to or establish a risk management plan if the past conduct of the applicant or, if the applicant is a corporation, of its officers or directors, affords reasonable grounds to believe that the applicant will not engage in the activity in accordance with the risk management plan. 2006, c. 22, s. 58 (16).

Application of subss. (15) and (16) to amendments

[\(17\)](#) Subsections (15) and (16) apply, with necessary modifications, to the amendment of a risk management plan and, for that purpose, a reference in subsection (15) or (16) to a risk management plan shall be deemed to be a reference to the amended plan. 2006, c. 22, s. 58 (17).

Compliance with risk management plan

[\(18\)](#) If a risk management plan is agreed to or established under this section for an activity at a location, a person shall not engage in that activity at that location except in accordance with the plan. 2006, c. 22, s. 58 (18).

Report on activity

[61. \(1\)](#) A risk management official may, by order, require a person who engages in or proposes to engage in an activity to which section 56 or 58 applies to provide the risk management official with a report that describes the manner in which the activity is being or is proposed to be engaged in, including any risk management measures that are being or are proposed to be taken with respect to the protection of drinking water sources. 2006, c. 22, s. 61 (1).

Same

[\(2\)](#) A person who is required to provide a report under subsection (1) shall ensure that it is prepared and submitted to the risk management official in accordance with the order. 2006, c. 22, s. 61 (2).

Enforcement orders

[63. \(1\)](#) If a risk management inspector has reasonable grounds to believe that a person is contravening subsection 57 (1) or 58 (1), the inspector may make an order requiring the person to do any one or more of the following things:

1. Comply, by a date specified in the order, with directions set out in the order relating to achieving compliance with subsection 57 (1) or 58 (1).
2. Cease engaging in the activity that constitutes the contravention.
3. Report to the risk management inspector on compliance with the order, in such manner and at such times as are set out in the order. 2006, c. 22, s. 63 (1).

Information to be included

[\(2\)](#) An order under subsection (1) shall briefly describe the nature and location of the contravention. 2006, c. 22, s. 63 (2).

Order to comply with directions

[\(3\)](#) If an order under paragraph 1 of subsection (1) requires a person to comply with directions by a date specified in the order, the order may, during the period from the date the order is issued until the date specified in the order, relieve

the person from strict compliance with subsection 57 (1) or 58 (1), subject to such conditions as are set out in the order. 2006, c. 22, s. 63 (3).

Enforcement of risk management plan

(4) If a risk management inspector has reasonable grounds to believe that a person is failing to implement a provision of a risk management plan agreed to or established under section 56 or 58, the inspector may make an order requiring the person to do any one or more of the following things:

1. Comply, by a date specified in the order, with directions set out in the order relating to implementing the provision of the risk management plan.
2. Seek an amendment to the risk management plan.
3. Report to the risk management inspector on compliance with the order, in such manner and at such times as are set out in the order. 2006, c. 22, s. 63 (4).

Information to be included

(5) An order under subsection (4) shall briefly describe the nature of the failure to implement the provision of the risk management plan. 2006, c. 22, s. 63 (5).

Order to comply with directions

(6) If an order under paragraph 1 of subsection (4) requires a person to comply with directions by a date specified in the order, the order may, during the period from the date the order is issued until the date specified in the order, relieve the person from strict compliance with subsection 56 (11) or 58 (18), subject to such conditions as are set out in the order. 2006, c. 22, s. 63 (6).

64. (1) Where an order made under section 63 is not stayed, the risk management official may cause to be done any thing required by it if,

- (a) a person required by the order to do the thing,
 - (i) has refused to comply with or is not complying with the order,
 - (ii) is not likely, in the risk management official's opinion, to comply with the order promptly,
 - (iii) is not likely, in the risk management official's opinion, to carry out the order competently, or
 - (iv) requests the assistance of the risk management official in complying with the order;
- (b) a receiver or trustee in bankruptcy is not required to do the thing because of subsection 79 (5); or

(c) in the risk management official's opinion, it would be in the public interest to do so. 2006, c. 22, s. 64 (1).

Notice of intent to cause things to be done

(2) The risk management official shall give notice of an intention to cause a thing to be done under subsection (1),

(a) to each person required by an order made under section 63 to do the thing;

(b) to each person required by an order under section 80 to permit access for the purpose of doing the thing; and

(c) if a receiver or trustee in bankruptcy is not required to do the thing because of subsection 79 (5), to the receiver or trustee in bankruptcy. 2006, c. 22, s. 64 (2).

Same

(3) A person who receives a notice under subsection (2) shall not do the thing referred to in the notice without the permission of the risk management official. 2006, c. 22, s. 64 (3).

Order to pay

67. (1) The risk management official may issue an order to pay the costs of doing any thing caused to be done by the risk management official under section 64 to any person required by an order made under section 63 to do the thing. 2006, c. 22, s. 67 (1).

Same

(2) If, after the risk management official causes any thing to be done under section 65, the risk management official ascertains the identity of a person to whom an order requiring the thing to be done could have been issued under section 63, the risk management official may issue an order to pay the costs of doing the thing to that person. 2006, c. 22, s. 67 (2).

Same

(3) If the risk management official has caused any thing to be done under section 64 in circumstances where, pursuant to subsection 79 (5) or a stay granted under Part I of the *Bankruptcy and Insolvency Act* (Canada), a receiver or trustee in bankruptcy was not required to do the thing, the risk management official may issue an order to the receiver or trustee in bankruptcy to pay the costs of doing the thing. 2006, c. 22, s. 67 (3).

Same

(4) If an order to pay the costs of doing a thing is issued under subsection (1), (2) or (3) to a receiver or trustee in bankruptcy, the receiver or trustee in bankruptcy is not personally liable for those costs unless the order under section

63 that required the thing to be done arose from the gross negligence or wilful misconduct of the receiver or trustee in bankruptcy or of a receiver representative or trustee in bankruptcy representative. 2006, c. 22, s. 67 (4).

Contents

- (5) An order under subsection (1), (2) or (3) to pay costs shall include,
- (a) a description of things that the risk management official caused to be done under section 64 or 65;
 - (b) a detailed account of the costs incurred in doing the things; and
 - (c) a direction that the person to whom the order is issued pay the costs to,
 - (i) the municipality, if the risk management official was appointed by a council of a municipality,
 - (ii) the board of health, planning board or source protection authority, if the risk management official was appointed by a board of health, planning board or source protection authority, or
 - (iii) the Minister of Finance, if the risk management official is the Director. 2006, c. 22, s. 67 (5).

Same

(6) An order under subsection (2) to pay costs shall also include a brief statement of the circumstances giving rise to the decision to cause the things to be done. 2006, c. 22, s. 67 (6).

Joint and several liability

(7) Where two or more persons are liable to pay costs to the Minister of Finance pursuant to an order under subsection (1), (2) or (3), they are jointly and severally liable to Her Majesty in right of Ontario. 2006, c. 22, s. 67 (7).

Same

(8) Where two or more persons are liable to pay costs to a municipality, board of health, planning board or source protection authority pursuant to an order under subsection (1), (2) or (3), they are jointly and severally liable to the municipality, board of health, planning board or source protection authority, as the case may be. 2006, c. 22, s. 67 (8).

Contribution and indemnity

(9) Where the risk management official is entitled to issue an order to two or more persons under subsection (1), (2) or (3) in respect of costs, as between themselves, in the absence of an express or implied contract, each of those persons is liable to make contribution to and indemnify the other in accordance with the following principles:

1. Where the risk management official is entitled to issue an order to two or more persons under subsection (1), (2) or (3) in respect of costs and one

or more of them caused or contributed to the costs by fault or negligence, such one or more of them shall make contribution to and indemnify,

- i. where one person is found at fault or negligent, any other person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3), and
 - ii. where two or more persons are found at fault or negligent, each other and any other person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) in the degree in which each of such two or more persons caused or contributed to the costs by fault or negligence.
2. For the purpose of subparagraph 1 ii, if it is not practicable to determine the respective degrees in which the fault or negligence of two or more persons to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) caused or contributed to the costs, such two or more persons shall be deemed to be equally at fault or negligent.
3. Where no person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) caused or contributed to the costs by fault or negligence, each of the persons to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) is liable to make contribution to and indemnify each other in such degree as is determined to be just and equitable in the circumstances. 2006, c. 22, s. 67 (9).

Enforcement of contribution

[\(10\)](#) The right to contribution or indemnification under subsection (9) may be enforced by action in a court of competent jurisdiction. 2006, c. 22, s. 67 (10).

Adding parties

[\(11\)](#) Wherever it appears that a person not already a party to an action under subsection (10) may be a person to whom the risk management official is entitled to issue an order under subsection (1), (2) or (3) in respect of the costs, the person may be added as a party defendant to the action on such terms as are considered just or may be made a third party to the action in the manner prescribed by the rules of court for adding third parties. 2006, c. 22, s. 67 (11).

Enforcement of order to pay

[68. \(1\)](#) An order to pay costs under section 67 may be filed with a local registrar of the Superior Court of Justice and enforced as if it were an order of the court. 2006, c. 22, s. 68 (1).

Interest

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed with the Superior Court of Justice under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order. 2006, c. 22, s. 68 (2).

Collection of costs

69. (1) For the purposes of subsections (2) and (3), a thing done as a result of activities on real property is a thing done in connection with that property, whether or not the work is done on that property. 2006, c. 22, s. 69 (1).

Addition to tax roll

(2) If an order to pay costs under section 67 is directed to a person who owns real property in a local municipality, and the risk management official instructs the municipality to recover amounts specified in the order that relate to things done in connection with that property, the treasurer of the municipality shall add the costs to the tax roll and collect them in the same manner as taxes. 2006, c. 22, s. 69 (2).

Same, unorganized territory

(3) If an order to pay costs under section 67 is directed to a person who owns real property in unorganized territory, and the risk management official requests the Minister of Finance to recover amounts specified in the order that relate to things done in connection with that property, those amounts shall be deemed to be taxes in respect of the property imposed under section 2 of the *Provincial Land Tax Act, 2006* and may be collected in the same way and with the same priorities as taxes under that Act. 2006, c. 22, s. 69 (3); 2006, c. 33, Sched. Z.3, s. 33 (3).

Same

(4) An instruction under subsection (2) or (3) shall state which of the amounts specified in the order to pay relate to things done in connection with the property. 2006, c. 22, s. 69 (4).

Same

(5) Money collected in accordance with subsection (2) or (3), less the costs reasonably attributable to the collection, shall be paid by the municipality or the Land Tax Collector, as the case may be, to the person to whom the costs are payable under clause 67 (5) (c). 2006, c. 22, s. 69 (5).

APPEALS – excerpt from Part IV

Hearing by Tribunal Orders

70. (1) When the risk management official or a risk management inspector makes an order listed in subsection (2), he or she shall serve written notice, together with written reasons for making the order, on the person against whom the order is made. 2006, c. 22, s. 70 (1).

Application of subs. (1)

(2) Subsection (1) applies to:

1. An order under section 56 or 58 establishing or amending a risk management plan.
2. An order under section 61, 63, 67 or 80. 2006, c. 22, s. 70 (2).

Refusals

(3) When the risk management official refuses to make an order under section 58 establishing or amending a risk management plan or refuses to issue a notice under section 59, he or she shall serve written notice, together with written reasons for the refusal, on the person who made the application for the establishment or amendment of the plan or the issuance of the notice. 2006, c. 22, s. 70 (3).

Notice requiring hearing

(4) A person who receives a notice under subsection (1) or (3) may require a hearing by the Tribunal by serving written notice, within 60 days after the service of the notice under subsection (1) or (3), on the Tribunal and on the risk management official or risk management inspector who served the notice under subsection (1) or (3). 2006, c. 22, s. 70 (4).

Extension of time for requiring hearing

71. The Tribunal shall extend the time in which a person may give a notice under subsection 70 (4) requiring a hearing on an order or refusal where, in the Tribunal's opinion, it is just to do so because service of the notice under subsection 70 (1) or (3) did not give the person notice of the order or refusal. 2006, c. 22, s. 71.

Contents of notice requiring hearing

72. (1) A person who requires a hearing by the Tribunal shall state in the notice requiring the hearing,

- (a) the portions of the order on which the hearing is required, if the hearing is required on an order; and

(b) the grounds on which the person intends to rely at the hearing. 2006, c. 22, s. 72 (1).

Effect of contents of notice

(2) Except with leave of the Tribunal, at a hearing by the Tribunal, the person who required the hearing is not entitled to appeal a portion of an order, or to rely on a ground, that is not stated in the notice requiring the hearing. 2006, c. 22, s. 72 (2).

Leave by Tribunal

(3) The Tribunal may grant the leave referred to in subsection (2) where the Tribunal is of the opinion that to do so is proper in the circumstances, and the Tribunal may give such directions as the Tribunal considers proper consequent on the granting of the leave. 2006, c. 22, s. 72 (3).

Stays on appeal

73. (1) The commencement of a proceeding before the Tribunal under section 70 does not stay the operation of an order on which the hearing is required, unless the order was made under section 67. 2006, c. 22, s. 73 (1).

Tribunal may grant stay

(2) The Tribunal may, on the application of a party to a proceeding commenced under section 70, stay the operation of the order on which the hearing is required. 2006, c. 22, s. 73 (2).

When stay may not be granted

(3) The Tribunal shall not stay the operation of an order under subsection (2) if doing so would result in a drinking water health hazard. 2006, c. 22, s. 73 (3).

Removal of stay by Tribunal

(4) The Tribunal, on the application of a party to a proceeding, shall remove a stay if failure to do so would result in a drinking water health hazard. 2006, c. 22, s. 73 (4).

Parties

74. The parties to the hearing are:

1. The person requiring the hearing.
2. The risk management official or risk management inspector who was served under subsection 70 (4).
3. Any other person specified by the Tribunal. 2006, c. 22, s. 74.

Costs specified in order to pay may be increased by Tribunal

75. At a hearing by the Tribunal on an order to pay costs under section 67, the risk management official may, on reasonable notice to all parties, ask the

Tribunal to amend the order by adding new costs or expenses or by increasing the amounts set out in the order. 2006, c. 22, s. 75.

Powers of Tribunal

76. Subject to section 77, a hearing by the Tribunal required by section 70 shall be a new hearing and the Tribunal may confirm, alter or revoke the action of the risk management official or risk management inspector that is the subject-matter of the hearing and may by order direct the risk management official or risk management inspector to take such action as the Tribunal considers the risk management official or risk management inspector should take in accordance with this Act and the regulations, and, for such purposes, the Tribunal may substitute its opinion for that of the risk management official or risk management inspector. 2006, c. 22, s. 76.

What Tribunal may consider at hearing to pay costs

77. (1) At a hearing by the Tribunal on an order under subsection 67 (1) or (3) to a person to pay the costs of doing things, the Tribunal shall consider only whether any of the costs specified in the order,

- (a) do not relate to a thing that the person was required to do by an order made under section 63, as amended by any Tribunal decision; or
- (b) are unreasonable having regard to what was done. 2006, c. 22, s. 77 (1).

Same, receiver or trustee in bankruptcy

(2) For the purpose of subsection (1), if the order under subsection 67 (1) or (3) was issued to a receiver or trustee in bankruptcy,

- (a) the receiver or trustee in bankruptcy shall be deemed to have been required to do any thing that was required to be done by the person whose property the receiver or trustee in bankruptcy holds or administers; and
- (b) the receiver or trustee in bankruptcy shall be deemed to have been required to do a thing that, pursuant to subsection 79 (5), the receiver or trustee in bankruptcy was not required to do. 2006, c. 22, s. 77 (2).

Authority to order access

80. (1) If a person is required by a risk management plan agreed to or established under section 56 or 58 to do a thing on or in any place, the risk management official may order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing. 2006, c. 22, s. 80 (1).

Same

(2) A risk management inspector who has authority under this Part to require that a thing be done on or in any place also has authority to order any

person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing. 2006, c. 22, s. 80 (2).

Part V - Excerpt

Offences

106. (1) Every person who contravenes subsection 57 (1) or 58 (1) is guilty of an offence. 2006, c. 22, s. 106 (1).

Same

(2) Every person who fails to comply with an order made under section 61 or 63 is guilty of an offence. 2006, c. 22, s. 106 (2).

Same

(3) Every person who fails to comply with an order made under subsection (9) is guilty of an offence. 2006, c. 22, s. 106 (3).

Same

(4) Every person who contravenes section 90 or 91 is guilty of an offence. 2006, c. 22, s. 106 (4).

Penalty, individual

(5) An individual who is guilty of an offence under this section is liable, on conviction,

- (a) in the case of a first conviction, to a fine of not more than \$25,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a subsequent conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues. 2006, c. 22, s. 106 (5).

Same, corporation

(6) A corporation that is guilty of an offence under this section is liable, on conviction,

- (a) in the case of a first conviction, to a fine of not more than \$50,000 for each day or part of a day on which the offence occurs or continues; and
- (b) in the case of a subsequent conviction, to a fine of not more than \$100,000 for each day or part of a day on which the offence occurs or continues. 2006, c. 22, s. 106 (6).

Directors, officers, employees and agents

(7) If a corporation commits an offence under this section, a director, officer, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or failed to take all reasonable care to prevent the commission of the offence, or who participated in the commission of the offence, is also guilty of the offence, whether the corporation has been prosecuted for the offence or not. 2006, c. 22, s. 106 (7).

Penalty re monetary benefit

(8) The court that convicts a person of an offence under this section, in addition to any other penalty imposed by the court, may increase a fine imposed on the person by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the commission of the offence, despite the maximum fine provided in subsection (5) or (6). 2006, c. 22, s. 106 (8); 2009, c. 33, Sched. 15, s. 2 (10).

Additional orders

(9) The court that convicts a person under this section may, on its own initiative or on the motion of counsel for the prosecutor, make one or more of the following orders:

1. An order requiring the person, within the period or periods specified in the order, to take specified action to prevent, decrease or eliminate any adverse effect or potential adverse effect on the quality or quantity of any water that is or may be used as a source of drinking water.
2. An order requiring the person, within the period or periods specified in the order, to comply with an order under Part IV or a risk management plan agreed to or established under Part IV.
3. An order imposing requirements that the court considers appropriate to prevent similar unlawful conduct or to contribute to the person's rehabilitation.
4. An order prohibiting the continuation or repetition of the offence by the person. 2006, c. 22, s. 106 (9).

Other remedies and penalties preserved

(10) Subsection (9) is in addition to any other remedy or penalty provided by law. 2006, c. 22, s. 106 (10).

Limitation

(11) A proceeding under this section shall not be commenced more than two years after the later of the following days:

1. The day on which the offence was committed.

2. The day on which evidence of the offence first came to the attention of a risk management official, a risk management inspector or a person who enters property under section 88. 2006, c. 22, s. 106 (11).