

Provincial environment ministry drops charges against Arthur compost facility

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GUELPH — Charges against a Wellington North Township compost facility for emitting odours and particulate matter have been withdrawn by the Ontario Ministry of the Environment.

Following a pre-trial in Guelph provincial court Friday, two charges against All Treat Farms Ltd. and its owners George and Lynda White were withdrawn by a Crown counsel from the Ministry of the Attorney General's office.

Outside the courtroom, Crown counsel Danielle Meuleman said information that came forward after the charges were laid had her review the case. She declined to comment on the content of the information.

"After having reviewed all of that, I decided there was no reasonable prospect of conviction," she said.

The two charges for releasing and failing to contain odours and particulate matter permeating the air at the Arthur compost facility on Wellington County Road 109 were laid after the environment ministry received more than 100 odour complaints since 2007. The ministry monitored the site between June 25 and Aug. 8, 2008 and laid the charges under the Environmental Protection Act last year.

Jennifer Hall, a ministry spokesperson said the Crown is responsible for the prosecution process.

"There is a point in time when the (environment ministry) staff is hands-off," she said, adding the Crown ultimately reviews all the legal aspects. The file was thoroughly reviewed and discussions with the defence and ministry staff had the Crown conclude that there likely wouldn't be a conviction, Hall said.

"It is not useful to go through a process that more than likely will not be successful," Hall said.

Arthur resident Judy Watt was shocked by the Crown's decision to drop the charges. "It has totally disrupted my way of living," Watt said of the odours coming from the compost facility. She lives about a block away and said the odours remain an issue. Watt said she can't open her windows and doesn't hang any clothes outside as a result.

In 2008, the township, the ministry and All Treat set up an advisory committee to deal with the odour issues. A plan to cover more of the compost piles with Gor-Tex to keep odours in was developed, but residents didn't find it was working.

Hall said Friday, the odour complaints have noticeably declined. She added that All Treat will continue to hold open houses every June to work with residents and conduct a door-to-door survey this month. Hall urged residents to continue calling the ministry with any odour issues.

Andrew Drury, All Treat's manager of compost sales and marketing refused to comment Friday. Instead, he sent on a press release from the company that said the Whites and their employees are grateful the charges have been discontinued. "Management and staff are committed to remain diligent in working closely with the village of Arthur residents and the ministry of environment in all aspects," the release said.

Guelph resident, Bill Manderson who was approached by the Arthur residents to help them have the ministry of environment take action against All Treat Farms said Friday that he intends to file a motion of breach of trust against ministry officials and All Treat.

"I am somewhat surprised considering the inside knowledge I have with the issue," Manderson said, referring to discussions he had with ministry investigators and photographic evidence he submitted.

"This is not all of it," he said. "This is day one of exposure."