

BEAUSEJOUR AUTO WRECKING

REPORT OF HEARING BY  
THE CLEAN ENVIRONMENT COMMISSION  
March 20, 1991

BEAUSEJOUR AUTO WRECKING

TABLE OF CONTENTS

	PAGE
BACKGROUND	1
PRESENTATIONS AT HEARING	1
The Proposal	1
The Town of Beausejour	3
Citizen Presentations	6
Government Representatives	8
DISCUSSION	10
CONCLUSIONS	12
RECOMMENDATIONS	13
LIST OF EXHIBITS & PRESENTATIONS	16

LIST OF FIGURES

Figure 1 Site Plan	2
--------------------	---

## BACKGROUND

At the request of the Eastern-Interlake Regional office of the Manitoba Department of Environment, Mr. Dennis Romaniuk, the proprietor, of Beausejour Auto Wrecking located at 930 - 1st Street, in Beausejour, Manitoba (Figure 1), filed a proposal for the operation of Beausejour Auto Wrecking under the Environment Act. This proposal was received by the Department of the Environment on August 15th, 1990. The proposal consisted of a request to continue the operation of an auto wrecking operation at a location identified in Figure 1.

Following receipt of a number of objections to the proposal, resulting from a public advertisement of the consideration of the licencing of the operation by the Environment Department, the Clean Environment Commission was requested by the Honourable J. Glen Cummings, Minister of Environment to hold a public hearing on the matter and provide him with a report and recommendations.

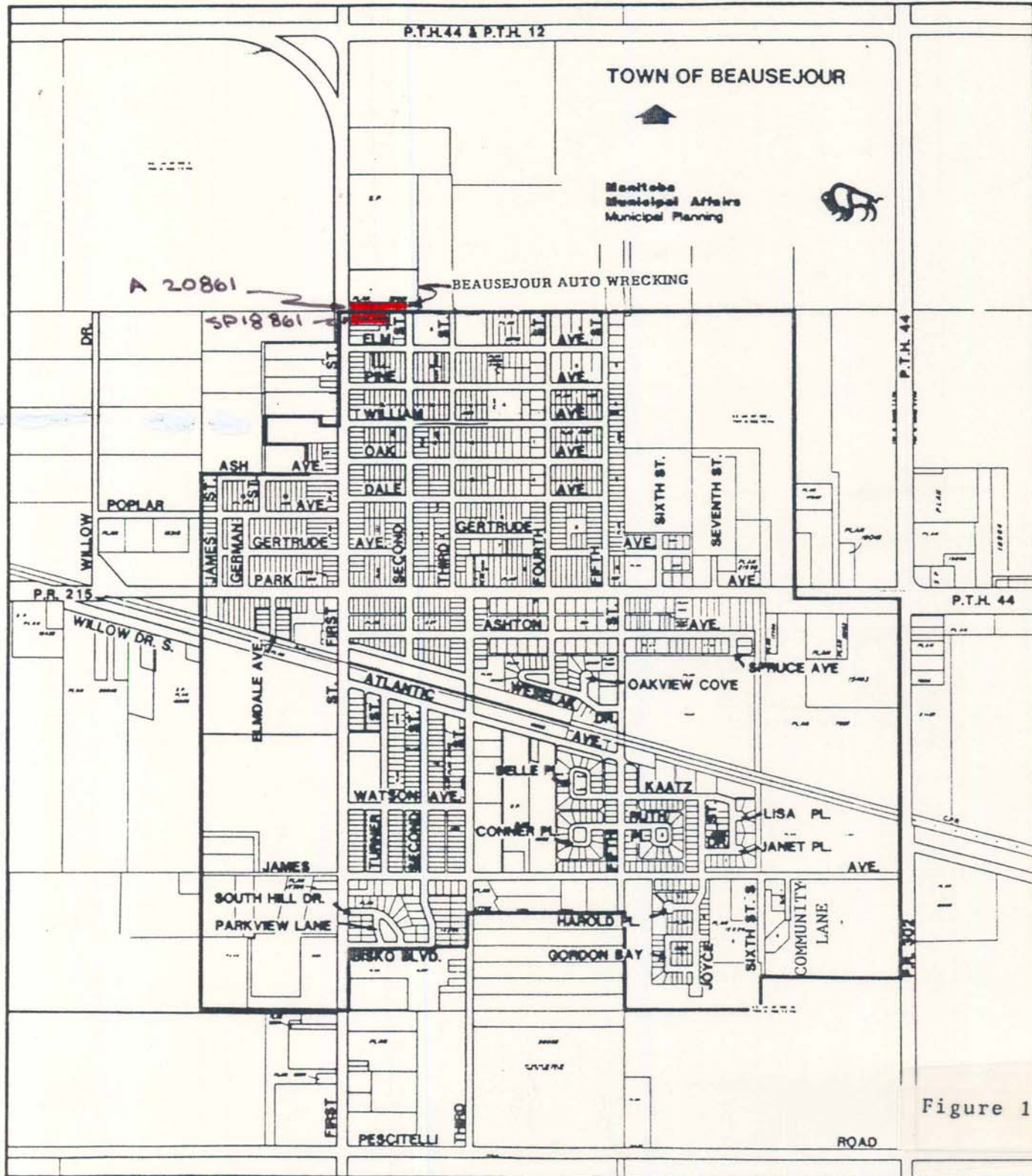
Following public advertisement and individual notification of known interested parties, the Commission convened a hearing at the Brokenhead River Recreational Complex, in Beausejour, at 7:00 p.m., on January 8, 1991. Approximately 40 persons were in attendance.

Commissioners in attendance were Ms. Linda Ericsson, Ms. Betty Pawlicki, Mr. Maurice Blanchard and the Chairperson, Mr. Stan Eagleton.

## PRESENTATIONS AT THE HEARING

### The Proposal

The proposal, received by the Department dated August 2, 1990, consisted of a short history of the Beausejour Auto Wrecking facility operation, accompanied by a copy of the Certificate of Title of the property.



Mr. Dennis Romaniuk testified at the hearing that he had purchased Beausejour Auto Wrecking, located in both the Town of Beausejour and the Rural Municipality of Brokenhead, in September of 1987 from Mr. P. Hlady who had operated a similar business at the location for the previous 40 years. There were an estimated 100 vehicles on the site at the time of purchase whereas that number is now approximately 200. He described his business as one in which used vehicles are purchased and parts removed for re-sale. Some vehicles are restored and sold. At some stage, vehicles are removed to a scrap and shredding facility.

Questions were asked about the collection, storage and disposal of residual gasoline, oil and coolant, as well as batteries. Mr. Romaniuk reported that most of the fluids remained with the vehicles. Batteries are either sold intact or as scrap. Vehicles with most of the useable components stripped are delivered to a vehicle "shredder".

Under questioning, Mr. Romaniuk stated that he had determined that the zoning of his property was appropriate for an auto wrecking operation prior to purchasing the business. He was also aware that there were townspeople who were unhappy with the operation. Much of the expression of concern took place the past summer. He had intended to implement a program of improvements such as fencing and storage of hydro-carbons. This planned program included the shipping of a number of the vehicles to the shredder.

#### The Town of Beausejour

A presentation on behalf of the Town of Beausejour was made by Mayor Don Mazur.

The Mayor stated that the Town had been attempting to deal with concerns about Beausejour Auto Wrecking for the past 3 years.

Historically, Beausejour Auto Wrecking had been operated by Mr. P. Hlady on property described as Lot A, Plan 20861, until its sale in September of 1987. This lot, at that time located in the Rural Municipality of Brokenhead, was zoned light industrial. A second lot, SP 18861, is zoned residential and is located immediately south of Lot A, Plan 20861 within the Town of Beausejour boundaries. Vehicles destined for the auto wrecking yard were seldom parked on the residential property under Mr. Hlady's ownership but this was now a common practice.

Mr. Dennis Romaniuk and his father, Mr. M. Romaniuk, had promised Town officials that following their purchase of the operation, the auto wrecking facility would be organized similar to a family owned business located on Henderson Highway near Lockport. Many of the wrecked vehicles would be removed from the site and a fence would be erected.

On January 1, 1988, Lot A, Plan 20861 was annexed to the Town from the Rural Municipality of Brokenhead. In June 1988, a letter was sent to D. Romaniuk from the Town requesting that vehicles be removed from residential lot SP 18861. On July 20, 1990, a letter was written by R. Sokolowski of the Environment Department to Mr. Romaniuk advising him to file a proposal for his operation under the Environment Act. On August 3, 1990, at the request of the Beausejour and District Fire Chief, the Fire Commissioner's office conducted an inspection and identified a number of areas to be corrected under the Fire Prevention Act. On December 10, 1990, the Town advised Mr. Romaniuk to remove vehicles parked on a right of way; also, Mrs. Duncan, a non resident property owner was advised to have vehicles, presumed to be owned by Mr. Romaniuk, removed from her property. Mrs. Duncan subsequently ordered Mr. Romaniuk to have these vehicles removed from her property.

Many complaints have been received from Town residents concerning Beausejour Auto wrecking, as follows:

- fire hazard associated with uncut weeds and grass, tires and combustibles
- inability of the lot to handle the number of vehicles
- use of the residential lot SP 18861 for the conduct of his business
- illegal storage of vehicles on highway rights-of-way and private land
- reduction of property value on nearby residential properties
- absence of fencing which has been long promised both to improve visual aesthetics and safeguard the wrecked vehicles from curious youngsters
- concern for groundwater contamination from spilled and leaking gasoline, oil and anti-freeze

Although not confirmed by representatives of the Environment Department, a concern with rodents living amongst the vehicles was also voiced by several citizens.

The Mayor concluded by saying that the Town could and had enacted by-laws to take care of many of the concerns but enforcement of such by-laws legally and financially is difficult. If the operation had been confined to Lot A, Plan 20861, and the operation was organized neatly and appropriate fencing provided, a great number of the concerns would have been addressed.

As a later follow-up, the Mayor questioned the Chairman about the possibility of an abatement program under the Environment Act to rectify the undesirable situation.

Mr. A. Klapprat, Chief of the Beausejour/Brokenhead Fire Department reported on behalf of Mr. Ingleson of the Fire Commissioner's office. Mr. Klapprat had requested an inspection of the Romaniuk facility which was undertaken August 9th by Mr. Ingleson. As a result, Mr. Romaniuk had been given 90 days to correct the following deficiencies:

- provision of fire lanes between stored vehicles
- vehicles to be moved at least 50' from buildings
- unauthorized entry to be prevented by a fence
- fuel to be removed from tanks on vehicles
- electrical installations to conform with the Manitoba Electrical Code

The property was re-inspected December 31st, 1990 and the deficiencies had not been corrected. Mr. Romaniuk had been given an additional 30 days to specify his intentions concerning the correction of the areas noted. In response to questions, Mr. Klapprat expressed the view that the Fire Commissioner's office would lay charges if the violations persisted.

#### Citizen Presentations

Mr. J. York, a Beausejour citizen, re-iterated concerns with the Romaniuk operation expressed by the Town representative. His main concern was with the safety of the operation, e.g. fire hazards, hazards to children who can readily access the wrecked vehicles, hazards from petroleum based compounds leaking and spilling, and rodent borne diseases. In view of Mr. Romaniuk's record of inaction in rectifying any of the concerns, Mr. York requested that the environmental licence application be turned down.

Mr. J. Stanley, a citizen of Beausejour, noted that he had begun a petition against Mr. Romaniuk a number of years back. Prior to the purchase of the business by the Romaniuks, there had also been complaints about the



operation. The Stanley residence is located across the road from Beausejour Auto Wrecking. Mr. Stanley stated that he had met with the Romaniuks at that time and they had agreed that they would make improvements to the business including fencing. With that promise, Mr. Stanley tore up the petition. The improvements never occurred.

Mr. Stanley's concerns include:

- processing of vehicles on the public right of way, endangering traffic
- absence of a fence
- oil spillage, particularly when vehicles are being crushed
- fire hazards
- rodents
- derelict buildings, including the residence
- the use of the roadway at highspeed to test driveable vehicles

Mr. Stanley noted that the house adjacent to the Romaniuks' was old but in very good shape. Most other homes nearby are much newer and also in good shape.

Ms. T. Peters, a concerned citizen pointed out her residential location on 2nd Street, N. adjacent to the Romaniuk property. A principal concern, as a young mother, was that children would be hurt playing in the Romaniuk property. She has also observed rats leaving the Romaniuk property. Oil and gasoline leakage is a concern. There are concerns about young people shooting at rodents with B-B guns and also problems caused by drinking and loud music associated with young people as they remove parts from the vehicles. In her view, more vehicles are being brought in than are being removed.

Government Representatives

Mr. R. Sokolowski, Environmental Officer with the Selkirk sub office of the Environment Department noted that, due to the complaints from the Town and the RCMP, his office had requested that Mr. Romaniuk apply for a licence under the Environment Act.

A review of the comments from government departments included some from Rural Development, Highways, and Environment. Municipal Planning Branch representatives had concerns about the dismantling of vehicles on and adjacent to the public road allowance, spilled petroleum products and visual aesthetics. Highways Department concerns included possible distraction of passing motorists because of the proximity of the operation to a provincial road. The remedy would be a setback of 38.1 meters and the placement of a positive vision barrier along the property line. The Environment Department's concerns include the proper collection, storage and disposal of fluids associated with vehicles, as well as batteries.

There were some 65 letters received in response to the newspaper advertisement of the said subject of which 51 were form letters. All of the letters expressed concerns about the hazards of the operation, as well as the unsightliness. Additionally, questions were raised about rodents and noise. The submissions objected to the continued operation of the facility.

Recommendations for consideration from the Environment Department for Environment Act licencing include:

- establishment of a proper procedure for the collection, storage and disposal of contaminants such as crankcase oil, transmission fluids, brake and power steering fluids, and anti-freeze, as well as, a procedure for storage and disposal of batteries and tires

- fencing and minimum setback distances from road allowances, as well as maximum storage heights for parts and vehicles and the removal of all unuseable vehicles, vehicle parts, farm machinery, scrap metal and wood
- orderly placement of vehicles with accessibility to all areas of the establishment and the proper maintenance of the property
- implementation of a rodent control program
- consideration of established hours of operation

In response to questioning about the collection of freon from air conditioning systems, Mr. Sokolowski noted that the licence could be reviewed when a practical means for undertaking such a program is developed.

Mr. Ron Jackson, a Municipal Planner with the Department of Rural Development responded to a series of questions. He noted that lot SP 18861 is a residential lot and cannot be used for the storage of vehicles whereas Lot 20861 is designated industrial and the auto wrecking operation is designated as a conditional use on this property. It is a conditional use since the auto wrecking business was in place previous to any planning document applying to the site. In order to construct any new building on this site Mr. Romaniuk would have to apply to the Town of Beausejour for a conditional use hearing for approval to obtain a permit for the building.

Mr. Jackson expressed some uncertainty as to whether additional numbers of vehicles would constitute an expansion of the use of the facility which would require a conditional use hearing. An actual vehicle count at the coming into effect of the Town zoning by-law in April of 1989 would have been required to compare with the vehicle count today. A resolution of this matter would have to be pursued in the courts.

Dr. P. Sarsfield, Director of the Environmental Health Branch of the Department of Health responded to a question concerning the health implications of rodents. He noted that the health risks connected with rats were generally inclined to be somewhat over-estimated. Rats are mainly a health threat by reason of bites that they administer. There would be a greater concern about a rat infestation in connection with an establishment where there is material for rats to eat.

#### DISCUSSION

It has become apparent that our industrial and mechanized society requires businesses that are predicated on the reuse or recycling of objects such as automobiles. Auto wreckers and scrap shredders are part of that cycle and serve a useful and necessary purpose.

The auto wrecking business, in some form, has been on the scene since the development of the automobile. In the early days, useable parts were removed and the automobile bodies remained or were removed to the edge of communities, waste disposal grounds and farm lands.

It is probable that Beausejour Auto Wrecking was located in a sparsely populated area at the perimeter of Beausejour, 40 years ago when the operation was first established. At that time 1st Street, N. was part of the Trans Canada Highway and the Auto Wrecking establishment would likely not have presented a very attractive approach to Town since the operation has always left something to be desired aesthetically, according to hearing testimony.

In the early 70's, with the advent of Litter Regulations, government undertook serious measures to have automobile and farm machinery hulks removed to a car shredder for separation and re-use of as many of the remaining components as possible. It is now less common to view abandoned automobile hulks around the country side.

When Mr. P. Hlady operated Beausejour Auto Wrecking, he did so on one lot (A 20861) located in the Rural Municipality of Brokenhead. His residence was located on an adjoining lot (SP 18861) located within the boundaries of the Town of Beausejour. Throughout the years, residences were built on adjacent lots along Elm Avenue and 1st Street, N. It is likely that Mr. Hlady operated the auto wrecking business, at the outset, without too much concern from neighbours and the community; however, as the population grew and residential development encroached on the business, the nearby residents might have been tolerant to Mr. Hlady but the operation itself would likely have become less acceptable. At that time, the business was relatively small and confined to Lot A 20861 which was zoned industrial.

When the business was sold to Mr. D. Romaniuk in the fall of 1987, auto wrecking was a permitted conditional use on Lot A 20861. Testimony was received that the Romaniuks promised Town officials that they would both fence and improve the operation. This has evidently been far from the case since not only has the number of stored vehicles increased but fencing has not been provided. Not only the lot designated for industrial use, A 20861, is being used for the storage of vehicles but also residential Lot SP 18861. It was reported that, at various times, vehicles have also been stored on adjacent private land and public rights of way.

Town officials stated that the Town has neither the administrative nor the financial capability of controlling the matter.

Written and oral testimony from Town officials and a number of provincial government departments was brought to the attention of the Commission. There were also written statements from 65 citizens presenting concerns. All of the presentations expressed concern about health, environment and safety matters including the absence of a fence, the use of the residential lot for vehicle storage, the large number of vehicles and

their disorderliness, fire hazards from overgrown weeds and combustible spills, potential ground water hazards connected with inappropriate handling of fluids, noise and rodents. The question of a fire hazard was also noted by an investigation by the Fire Commissioner's office.

Some citizens, in their petitions, requested that an Environment Licence be denied Beausejour Auto Wrecking.

Town officials indicated that, if the operation had been run properly, the present problem would not exist. They stated that they did not want to put this operation out of business but were adamant that changes to present unsatisfactory conditions must be implemented if the business was to stay in operation - particularly in its present location.

The Environment Department representative drew attention to a number of licences for auto wrecking operations that had been issued under the Environment Act with terms and conditions that would mitigate health, environment and safety concerns, and that might be effectively applied to the operation under consideration.

#### CONCLUSIONS

The Commission believes that the present Beausejour Auto Wrecking operation is unacceptable from a health, safety and environmental perspective - in its present operating mode and location.

The preferred solution to the problem might be the re-location of the business, which might be accomplished under the Environment Act as an abatement project. This would have to be a Town of Beausejour initiative and would result in a cost to all the taxpayers in Town, likely with some of the cost shared by the Province.

An environmental licence, that has the capability of being enforced, should also respond to many of the concerns addressed in the testimony.

**RECOMMENDATIONS**

A. It is recommended that the following limits, terms, and conditions shall be included in an environmental licence covering the auto wrecking operation on Parcel A, Plan 20861, in the Town of Beausejour:

1. The Applicant shall collect all drained fluids (battery acid, gasoline, anti-freeze, crankcase, differential, power steering, and brake fluids) and safely store same in water-tight and covered containers prior to final disposal.
2. The Applicant shall ensure that each container storing fluids is clearly marked on the side and on the top surface identifying the type of fluid therein.
3. The Applicant shall ensure that periodic disposal of liquids collected occurs by delivery to a facility that is equipped to safely re-cycle or destroy such liquids assuring environmental safeguards of water, soil and air.
4. The Applicant shall maintain a record of the disposal required by Clause 3, recording the date, quantity and type of liquid removed for disposal and the location of such disposal.
5. The Applicant shall ensure that no open burning takes place.
6. The Applicant shall ensure that no battery breaking takes place at the operation. All batteries are to be stored upright in leak free containers prior to re-cycling.

7. The Applicant shall ensure that vehicles are placed with an open space existing on all four sides of each vehicle to allow ease in maintenance of the entire area to assure a clean, tidy and weed-free storage area. A fire lane shall be provided between rows of vehicles.
8. The Applicant shall ensure that there is no stacking of vehicles at this site.
9. The Applicant shall ensure that a strict pest control program is initiated subject to the approval of the designated Environment Officer.
10. That Applicant shall ensure that a suitable fence is constructed on all sides of the property to a height of a minimum of 8 feet and that all fencing is kept in good repair. The materials of construction and the design and construction of the fence shall be subject to the approval of the designated Environment Officer.
11. The Applicant shall not store any parts more than eight feet in height measured from ground level to the top of the parts.
12. The Applicant shall ensure that the vehicles and material derived from vehicles are stored on site. No material including tires are to be deposited at any registered waste disposal ground unless authorized by the owner of the registered waste disposal ground.
13. All of the above terms and conditions shall come into effect on or before August 1, 1991.



- B. The Commission further recommends that the Town of Beausejour consider the advisability of initiating an abatement program under the Environment Act as a possible means of correcting a land-use conflict situation.

LIST OF EXHIBITS & PRESENTATIONS

1. Copy of Mr. Dennis Romaniuk's Proposal.
2. Brief presented by Mr. D. Mazur, Mayor, Town of Beausejour.
3. Letter dated January 3, 1991 from Terry Ingleson, Supervisor, Fire Services, Eastern Region directed to Mr. Dennis Romaniuk, with attached copy of a Fire Prevention Inspection Report dated August 3, 1991, presented by Mr. A. Klapprat, Fire Chief.
4. Written presentation presented by Mr. J. York.
5. Letter undated presented by Diane Bialek.
6. Written presentation presented by Mr. R. Sokolowski.