

**REPORT ON HEARINGS  
HIGHWAY GARDENS LTD.  
VARIATION TO LICENCE #391**

**THE MANITOBA CLEAN ENVIRONMENT COMMISSION  
MARCH 1990**

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## HIGHWAY GARDENS LTD.

### VARIATION TO LICENCE #391

#### BACKGROUND

An application was filed under the Environment Act by Mr. Jerry Moskalyk, a co-owner of Highway Gardens Ltd., a mobile home park located on River Lot 78 in the Rural Municipality of St. Andrews near Lockport, Manitoba (see Figure 1), to vary the conditions of Licence No. 391 issued in 1974. Changes to the operating regime and available storage of an existing sewage lagoon system were proposed to create added holding capacity to accommodate 110 mobile homes, as opposed to 100 established under the existing Licence. There are currently 110 mobile homes in the trailer park, in violation of the Licence. Highway Gardens Ltd. was required by the Environment Department to submit a proposal to vary the current Licence.

A summary of the proposal submitted to the Environment Department was advertised in appropriate newspapers, following which a number of objections were received by the Environment Department. Accordingly, the Honourable J. Glen Cummings, Minister of the Environment, requested that the Clean Environment Commission hold a public hearing on the Licence application and provide him with a report and recommendations.

After giving public notice the Commission convened a hearing at the Rivercrest Community Club at 7:00 p.m., December 7, 1989, and reconvened at Lockport School at 7:00 p.m. December 19, 1989. Commissioners in attendance at the hearings were: Mr. Stan Eagleton, Chairperson; Mr. Ed Gramiak; Ms. Betty Pawlicki; and Ms. Linda Ericsson.

Highway Gardens Mobile  
Home Trailer Park

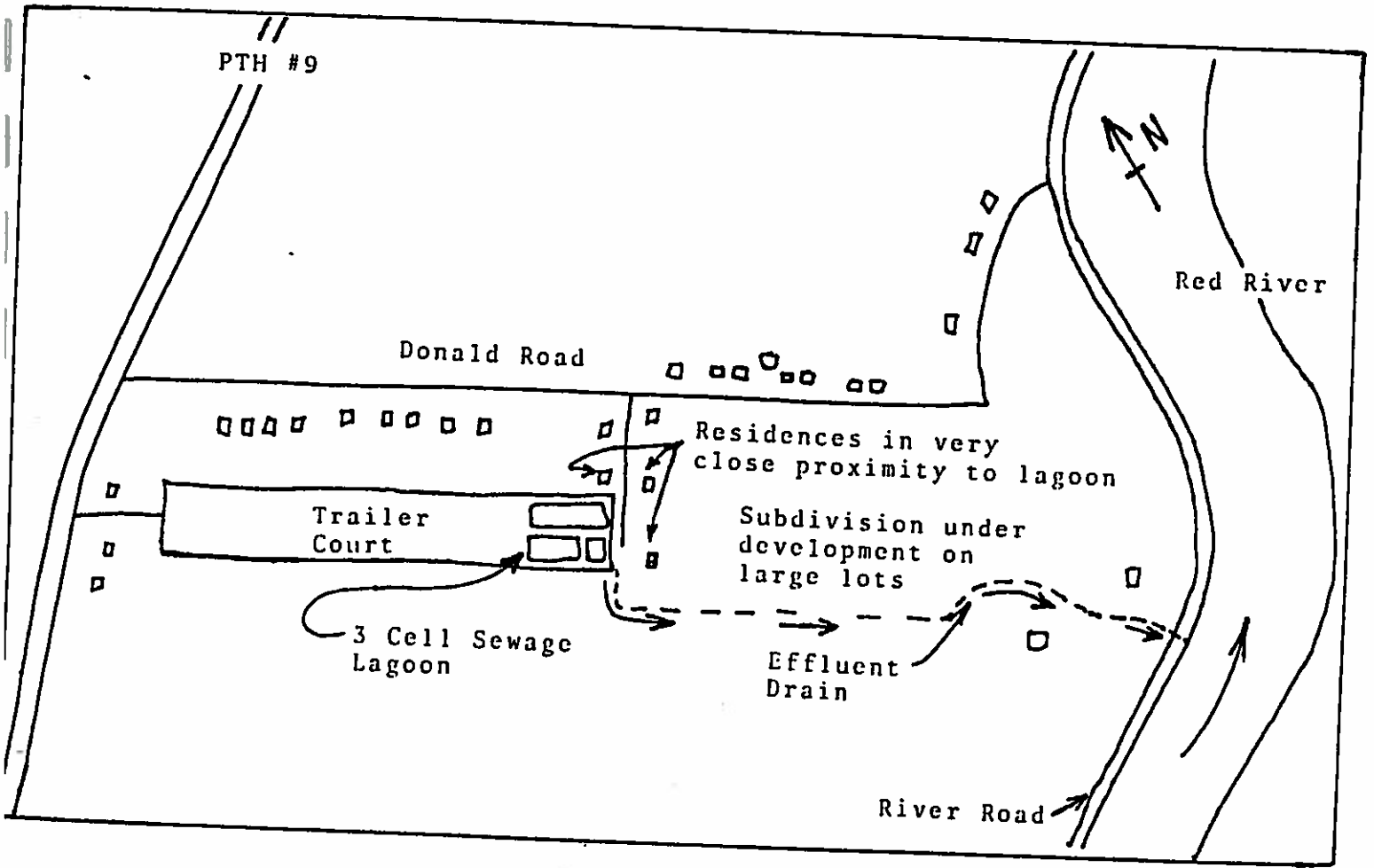
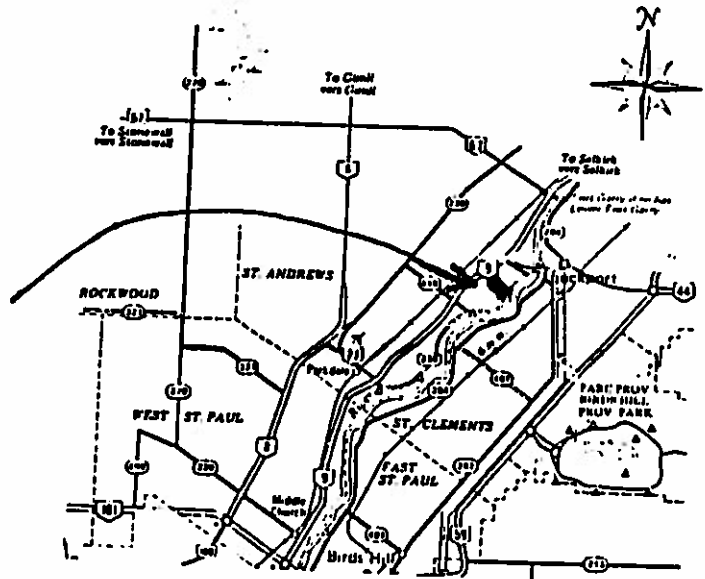


Figure 1

## SUMMARY OF PRESENTATIONS

Mr. Jerry Moskalyk, of Highway Gardens Ltd., described the proposal. Mr. Moskalyk was seeking a variance to the Licence to expand the hydraulic loading and operating capacity of the existing lagoon system to accommodate 110 mobile home units. Originally a two-celled lagoon was constructed in 1964 to service the trailer court. In 1974, when Mr. Moskalyk took over the ownership there were 62 units in the trailer park. A third cell was later added to the lagoon system in accordance with Clean Environment Commission Order #391. A clause of this order stipulated a maximum of 100 units in the park. The park was subsequently enlarged to 110 units.

Mr. Moskalyk stated that Highway Gardens Ltd. has rarely had disagreements with neighbouring landowners over the years, and has had a good relationship with representatives from both the municipal government and Environment Department. In his view any problems in the past have been taken seriously by the owners and corrected as quickly as possible. He also noted that, since his purchase of the property, the site had been continuously upgraded. The turnover rate in the park was very low.

Mr. Moskalyk noted that the existing lagoon system has been handling the wastes generated by 110 trailer units, and that, during the specified discharge periods, the effluent has met Licence conditions with chemical treatment. The lagoon system has been operated with containment of the incoming wastewater over the retention period specified in the Licence. Domestic wastewater storage requirements were calculated based on a water useage of 40 Imperial gallons per day per person, assuming three persons per trailer unit. Testing conducted during the previous winter indicated that actual water use was somewhat less than 40 gallons per capita per day. A portion of the settleable solids are removed on a weekly basis from the wet well of the collection system and disposed off site. Wastewater is pumped to the primary cell and then drains by gravity to 2 storage cells. Treated

SUMMARY OF PRESENTATIONS (cont.)

effluent from the storage cells is discharged to a surface drain owned by the Municipality, which terminates in a natural watercourse before entering the Red River.

The proposal submitted by Mr. Moskalyk described a plan to increase storage capacity in the lagoon by removing the dyke separating cells 2 and 3. Further storage capacity would still be required, however, and this could be obtained either by reducing the retention time over winter from 196 days to 190 days (i.e., allowing discharge to start on May 9 instead of May 15 as is now required) or by allowing wastewater stored in the lagoon to rise one inch higher than the presently stipulated maximum depth of five feet.

Mr. Moskalyk explained that the present practice is to discharge the contents of cells 2 and 3, and then transfer half of the effluent stored in the primary cell to cells 2 and 3, and discharge that effluent. All effluent is sampled before discharge to ensure quality is suitable. The stored effluent is disinfected if necessary to meet the bacterial limits. The calculated available storage in the submitted proposal included the total capacity of cells 2 and 3 and half of the primary cell.

At the hearing Mr. Moskalyk presented the Commission with an alteration to the proposal consisting of the retention of only one foot in the primary cell in place of 2 1/2 feet. This would provide sufficient capacity to accommodate wastewater from 110 trailer units. Mr. Moskalyk said that this alteration was the option preferred by Highway Gardens Ltd.

In the proposal submitted, permission is also sought to raise the dykes around cells 1 and 2 using material excavated from the dyke between cells 2 and 3. Mr. Moskalyk said this was required because the dykes around cells 1 and 2, (the original lagoon system,) were 2 to 3 feet lower than the original design elevations. In his view the dykes were either never constructed to the correct elevation, or consolidation had occurred due to

SUMMARY OF PRESENTATIONS (cont.)

poor compaction during construction. Mr. Moskalyk later advised that there had already been some work done during the previous summer to raise the dykes using material removed from the drainage ditch when it was cleaned and re-graded by the municipality.

Mr. Moskalyk said that for about two weeks in the spring after the ice goes out there is some odour detected around the lagoon. Other than during this spring period Mr. Moskalyk has not detected an odour from the lagoon.

Mr. Ed Arnold, the Secretary Treasurer and Development Officer from the Selkirk and District Planning Board, stated that at present the Highway Gardens Ltd. property is zoned for use as a mobile home court and the development is in compliance with zoning bylaws. Any change or expansion of use requires a Development Permit issued by the Selkirk and District Planning Board. Mr. Arnold explained that changes in use pattern are considered to mean changes to physical structures, including activities such as raising the dykes, but that the number of trailers on this site is a matter requiring approval from the R.M. of St. Andrews.

Sub-division applications within the region also require a Development Permit from the Planning Board. Two months before the hearing, a Development Permit was approved to create a 15 lot sub-division on property in proximity to the lagoon. Prior to approval, applications are screened by a number of government agencies. The Environmental Control Branch recommended that a caveat be placed on the land titles of the six lots closest (less than 300 m) to the Highway Gardens lagoon.

At present, persons building new homes in the area are installing septic fields. Most new lots are approximately 60,000 square feet, which Mr. Arnold noted, by Regulation provides sufficient space for the construction and operation of a septic tank field. Septic fields can be installed on smaller lots providing yard requirements and setbacks for the

SUMMARY OF PRESENTATIONS (cont.)

dwelling and septic field are met. Permits for septic fields must be obtained from Environment Officers and new fields must be constructed in accordance with the Regulations.

Mr. Arnold said that concerns about household waste disposal systems led the Selkirk and District Planning Board to recently establish a committee to look into the situation within their district. This district includes the R.M. of St. Clements, St. Andrews, West St. Paul, and the Town of Selkirk.

Mr. Al Ostermann, Reeve of the R.M. of St. Andrews, advised that municipal records indicated that Highway Gardens had 104 units in the trailer park as of December 7, 1989. There has been no formal approval issued by the Municipality to vary the permit from 100 mobile home units.

In September of 1987, Mr. Ostermann had inspected the Highway Gardens property and observed that there were more than 100 trailers. The Municipality has not taken any action yet, but will require Highway Gardens Ltd. to make application for a permit allowing 110 units on the site. The Municipality wishes to await any decision made about the Environment Licence proposal before such action is taken and would like assurance that the sewage lagoon is adequately sized to handle 110 trailer units. The permit application for 110 units could still be rejected by Council.

In response to a question, Mr. Ostermann said that he had been Councillor for the Ward in which the trailer park is located and that the majority of complaints from his Ward dealt directly with the trailer park, with about half of the problems having to do with the sewage lagoon. Mr. Ostermann also explained that the Municipality receives a fee of \$25 per month per trailer from Highway Gardens.

Mr. Ostermann said that discharge of treated effluent into open ditches and then to the Red River is the method prescribed to drain the



SUMMARY OF PRESENTATIONS (cont.)

lagoon at Lockport School although such a discharge has not yet occurred.

Mr. Al Shrupka, a local resident, has lived about 1/2 mile south east of the trailer park since 1976. He served on the Municipal Council for 9 years, until the fall of 1989, and served on the Planning Board for 7 years. The trailer park was already in place when the St. Andrews planning scheme was established in 1972.

Mr. Shrupka was with then Councillor Al Ostermann in September of 1987 when they identified that there were 107 trailers on the Highway Gardens property. This violation was reported to Council, and Council subsequently notified the owners and the appropriate Provincial authorities.

In the fall of 1989, Mr. Shrupka observed that the lagoon dykes were being raised without the necessary approvals from the Municipality. Material being removed from a local municipal drainage ditch was being placed on the lagoon dykes by the contractor at the request of Highway Gardens Ltd. Mr. Shrupka had this unauthorized work stopped.

Mr. Shrupka noted that the trailer park had been approved by Council when it was initially established, and although circumstances change, those changes don't remove the right to exist. It was Mr. Shrupka's opinion that, if properly operated, the trailer park could be part of the community, however for at least two years Highway Gardens has been in violation of their Environment Act Licence. If the trailer park is to continue, it has to be compatible with the rest of the community.

Mr. Shrupka made a number of recommendations concerning the lagoon operation. He felt that the lagoon operating procedures and methods for taking samples of effluent prior to discharge should be specified in the Licence. Mr. Shurpka suggested that explicit requirements for fencing around the lagoon should be specified in the Licence. He said that a six foot high chain link fence, similar to those required around private

SUMMARY OF PRESENTATIONS (cont.)

swimming pools, would be appropriate considering that lagoons are at least as dangerous as swimming pools. It was Mr. Shrupka's recommendation that the presently specified limit of 100 trailer units at Highway Gardens be maintained, and that an increase to 110 units not be allowed. He said it would be wrong to allow an increase to 110 units after Highway Gardens has shown a flagrant disregard for their Licence on more than one occasion.

After his presentation, Mr. Shrupka answered a question about a possible buffer zone around the lagoon, saying it had not been considered by the Planning Board. In his opinion a buffer zone couldn't be established, since owners of the surrounding land would object to having the use of their properties restricted by such a buffer zone. If there is a need for a buffer zone then Mr. Shrupka suggested it is the responsibility of Highway Gardens to make that provision.

Mr. Robert Prystupa, representing the owners of the Wetmiller property made a presentation. The Wetmiller property is immediately south of the lagoon, and lagoon drainage route. The present owners intend to sub-divide the property. Mr. Prystupa said that because caveats will be attached to the titles of lots within 300 meters of the lagoon, property values will be affected. Similar caveats will likely have a detrimental affect on the value of other possible sub-divisions in the vicinity.

Mr. Prystupa said that it appears that the south dyke of the lagoon encroaches on the Wetmiller Property some 2 to 3 meters. The encroachment needs to be surveyed to determine exactly how far it extends. Seepage has been occurring along the south dyke for a number of years, extending as much as 6 meters on to the Wetmiller property. The seepage prevents cultivation of a tract of property adjacent to the south dyke of the lagoon.

These problems were unacceptable to Mr. Prystupa and his client. In his view wastewater management at the Highway Gardens Mobile Home Court

SUMMARY OF PRESENTATIONS (cont.)

should be in line with today's environmental standards.

Mr. John Verhoeven, a local resident with a residence east of the Highway Gardens lagoon, made a presentation to the Commission. He said that although neighbours have had complaints about the trailer court for years, these complaints were not often documented and therefore a record is not available. He noted that although the odours released from the lagoon and effluent discharge did not bother him personally, they were detectable and bothered other neighbors greatly.

Clause 4 of Licence #391 establishes the quality of the effluent discharge. Mr. Verhoeven had collected four samples of discharged effluent at locations downstream from the point of discharge in October of 1989 and had submitted them to the Provincial Bacteriological Laboratory. The total coliform count for 3 of the samples was 2,300 MPN per 100 milliliters, in excess of the 1,500 MPN/100 ml stipulated in the Licence. From these results, Mr. Verhoeven concluded that unacceptable discharges were being allowed to enter the Red River and, in his opinion, this is a serious environmental problem.

He further noted that monitoring of lagoon discharges is conducted only by the operator. He had attempted to get Environment Department representatives to collect effluent samples, but nobody had been available during the discharge period. Since only the operator collects samples, Mr. Verhoeven questioned Mr. Moskalyk's statement that discharged effluent quality always met the specified limits. It was noted by Mr. Verhoeven that samples were collected by the operator from the top of lagoon cells while effluent was discharged from the bottom of the cells.

When it was pointed out to Mr. Verhoeven that background levels of coliform bacteria in the Red River are frequently much higher than the levels detected in the samples from the drainage ditch, he responded by

SUMMARY OF PRESENTATIONS (cont.)

saying that the City of Winnipeg will be taking steps to improve the quality of water in the Red River. Although discharge from the Highway Gardens lagoon contributes only a small part of this form of pollution, he said that this is a source that can be cleaned up relatively easily.

In terms of the discharge period, a number of years ago Mr. Verhoeven observed effluent flowing into the drainage ditch nearly all summer as a result of a leaking valve.

Clause 7 of the Environment Licence states that the lagoon system shall be limited to serving not more than 100 mobile home units. Mr. Verhoeven said that in spite of the Environment Department's knowledge of the present situation, there are still about 110 units in the park.

In general Mr. Verhoeven said he had no objection to the trailer park itself, but wanted the problems associated with the lagoon corrected. In his opinion there are deficiencies in the Environment Act proposal submitted by Highway Gardens Ltd. He was concerned that the proposal did not fully address surrounding land uses and the impact the lagoon was having on nearby sub-divisions.

Over the past twenty years there has been little change in land use around the trailer park, but Mr. Verhoeven expects that within the next ten years all the surrounding land will be sub-divided. He said this is not a sudden change, but something that has been planned for a long time. Property in the area is held as narrow river lots, and the parcels are too small to be economically farmed. Farmers are being forced to sub-divide because they can't make enough money off the land to pay the taxes. Whether the land owners like it or not, Mr. Verhoeven said it is inevitable the land will be sub-divided.

SUMMARY OF PRESENTATIONS (cont.)

Mr. Leo Neve, a local resident presented the Commission with a written submission. He questioned whether the solids removal system referred to by Mr. Moskalyk reduced the lagoon loading.

Mr. Neve questioned whether the method of chlorination employed was the best method available to reduce coliform bacteria. A particular concern was whether chlorine was distributed evenly over the lagoon, and whether the effectiveness of chlorine dissipated between chlorination and discharge.

Since the dykes are reported to have dropped 3 feet, Mr. Neve recommended that the actual holding capacity of the lagoon should be determined in the event that the soil had washed into the lagoon reducing its effective holding capacity. Material removed from the ditch and used to build up the lagoon dykes in the previous summer was considered unsatisfactory by Mr. Neve because the material contained sand, gravel, refuse, etc. He recommended that the dykes and clay liner should be inspected, and any problems with seepage that is detected should be corrected.

Mr. Neve believed that a mechanical sewage treatment plant may provide a better solution to the wastewater disposal needs of Highway Gardens than the existing lagoon.

Mr. Edward Hoffman, a local resident, told the Commission that complaints to Council about Highway Gardens were largely ignored, and that in the past neighbours often tolerated situations rather than complain. Weeds on the lagoon were not adequately controlled in Mr. Hoffman's opinion, and he said the existing fence was broken down. He can detect odours from the lagoon and drainage ditch depending on atmospheric conditions.

There is no other runoff to flush the discharge ditch during effluent release. Mr. Hoffman's home is located on the south side of the

SUMMARY OF PRESENTATIONS (cont.)

drainage route on River Road. He stated that standing pools of effluent remain in the drainage course after discharge is completed. These pools are a source of odour. Effluent had killed vegetation along the ditch and creek bed in the spring of 1989. Mr. Hoffman said there is wildlife living along the creek, and that children use it as a playground. He considered it unacceptable to have effluent flowing through an exposed open channel, and was concerned that the effluent presented a health hazard. All drainage of effluent through ditches in the Municipality should cease. As the surrounding area is further sub-divided, open drainage of effluent from Highway Gardens will become more undesirable.

Mr. Hoffman said it was a mistake to allow construction of a trailer park at the Highway Gardens site in the first place. As further development occurs, the location becomes even more inappropriate. Given the greater public emphasis now placed on environmental protection, Mr. Hoffman did not think effluent should be discharged into the Red River. He said that Mr. Moskalyk profits from operating the trailer park, and that this activity lowers the value of surrounding lands and reduces the quality of life for nearby residents. Mr. Hoffman recommended that the proposal should not be approved and the number of trailers in the park should be rolled back to 100.

Mrs. Debbie Swan, a local resident, said that even though there had been repairs made in the past summer to the barbed wire fence surrounding the lagoon, it would still be very easy for children to access the lagoon.

Mrs. Swan complained about odours from the lagoon being so strong in the spring that she was forced to go inside her house and close the windows. She pointed out that houses being constructed in the new sub-divisions were quite expensive and that people moving into the area did not want to live beside a lagoon.

SUMMARY OF PRESENTATIONS (cont.)

Mrs. Joyce Semenchuk, a local landowner, had lived in the area since 1958. She and her husband had circulated a petition against the trailer park in 1963 when it was first proposed. The house they had lived in until 3 years ago was located about a quarter mile from the lagoon. They had not been bothered by odours because of where their house was situated. The biggest problem from the perspective of the Semenchuk's is that children from the park, playing or on dirt bikes, damaged the agricultural crops grown on their land. Their complaints have not prevented trespassing.

Mr. Maris Rutulis, P.Eng., a hydrogeologist from the Water Resources Branch of the Manitoba Department of Natural Resources, described hydrogeological conditions at the site. He said that there was no danger of groundwater contamination resulting from the lagoon at Highway Gardens Mobile Home Court.

The main aquifer for the area is found in limestone bedrock. The limestone is overlaid with 7 to 8 meters of glacial till with low permeability. On top of the till, extending almost to the surface, is a layer of a very low permeability clay 9 to 10 meters thick. The thick layer of clay and the layer of low permeability till prevent any downward movement of seepage from the lagoon.

Mr. Rutulis said that, in terms of groundwater pollution prevention, this is an acceptable site for a lagoon.

In response to a question, Mr. Rutulis said that groundwater withdrawn by the 100 trailer units was minimal relative to the groundwater resource available. Even with 110 units, groundwater withdrawal will have no effect on the availability of groundwater for other users in the area.

Mr. Mike Van Den Bosch, P.Eng., an Environmental Engineer with the Manitoba Environment Department presented the Commission with comments received through the departmental review process on the proposals.

SUMMARY OF PRESENTATIONS (cont.)

The Departments of Cultural Affairs - Historical Resource Branch, Municipal Affairs - Planning Branch and Highways offered no comments.

The Department of Urban Affairs:

- recommended that if the elimination of the lagoon cell dividers and raising of the dykes is not considered technically acceptable, the application should be denied and the owners required to reduce the existing facility by eliminating ten (10) mobile units from the project.

The Environment Department noted that:

- the Proposal requires a variation to Clauses 5 and 7 of the current order. With the advent of new homes and sub-divisions, the number and frequency of complaints with respect to the lagoon discharge route will increase. If the discharge period is extended in the fall, icing problems may occur along the drainage route.

Mr. Van Den Bosch identified a number of considerations that should be included in an Environment Licence:

1. Organic and hydraulic loading limits of the wastewater treatment lagoon.
2. Limits on the effluent discharge period.
3. Assurance that all domestic sewage is treated in the wastewater treatment lagoon.



SUMMARY OF PRESENTATIONS (cont.)

4. Construction and sampling requirements to ensure that hydraulic soil conductivity requirements are met.
5. Procedures to be followed if the sewage collection or treatment system breaks down.
6. Methods of restricting public access to the wastewater lagoon system and to the discharge route.

Mr. Van Den Bosch commented further on the proposal and responded to a series of questions. The alteration to the proposal presented by Mr. Moskalyk at the hearing - to utilize most of the primary cell capacity for storage - would have to be submitted to the Department and vetted through the normal process established under Section 14 of the Environment Act for dealing with proposed alterations.

Mr. Van Den Bosch noted that there have been some problems with the lagoon operation at Highway Gardens, for example, a leaking valve. There is a problem of a hydraulic overload but the lagoon has been doing a reasonable job in terms of effluent quality. With regard to the violation of the Licence respecting to the number of trailer units, the Department issued a warning in June of 1989 ordering the proponent to register a new proposal. This hearing was the outcome.

As a result of odours from lagoons, the Environment Department has established an objective that lagoons should not be located closer than 300 meters to a residence. In the event a buffer zone is established by a land use authority, the restriction may be placed on adjoining land. Odours could also be associated with effluent along a discharge route.

In response to questions, Mr. Van Den Bosch said that a continuous discharge mechanical wastewater treatment plant would normally require a

SUMMARY OF PRESENTATIONS (cont.)

pipe line discharge. A mechanical plant could produce an effluent equivalent to a lagoon. Regarding the discharge route for the lagoon effluent, he said that the problem becomes more complex as additional residential housing is built adjacent to the discharge route. This question should be examined at present by the planning agency before additional homes are built or sub-divisions approved. In response to another question about the impacts of the effluent from the lagoon at Highway Gardens on the Red River, Mr. Van Den Bosch noted that it was a normal practice to discharge treated effluent to a water course.

With regard to the data from Mr. Verhoeven's effluent sampling for bacteriological content, undertaken during the lagoon discharge interval in the fall of 1989, Mr. Van Den Bosch noted that the data reflected a fairly good level of lagoon treatment. Higher coliform values from effluent along the discharge route may have been associated with contamination from other sources. The Department conducts random surveys of all lagoons in Manitoba. Facilities having known problems receive greater attention. During inspections, samples are either collected from the cell to be discharged or from the discharge pipe itself. Inspections are undertaken by representatives from the Water Pollution Control Section or by a representative from Regional Services.

In view of concerns respecting the discharge of effluent from Highway Garden's lagoon, Mr. Van Den Bosch said that the Commission might consider recommending that sampling procedures be specified and that notification of the Department prior to discharge be included as a condition of the Licence.

Dr. N.S. Rihal from the Environmental Health Services Branch of the Manitoba Department of Health said that since Highway Gardens Ltd. is in violation of their existing Licence, there is a need to strengthen and improve the terms of the current Licence at the current level of operation.

SUMMARY OF PRESENTATIONS (cont.)

In response to a question, Dr. Rihal said that a treated effluent limit of 1,500 MPN/100 ml of coliform bacteria is adequate to protect recreational users.

DISCUSSION

Underlying the consideration of the environmental suitability of the Highway Gardens Ltd. proposal is the land-use conflict caused by the proximity of the lagoon with surrounding residences. Use of the land as a lagoon is in accordance with all necessary government approvals, but this use is becoming less acceptable as residences continue to encroach on the lagoon and discharge route. Some neighbours recommended to the Commission that the lagoon should be removed from its present location.

Sewage lagoons, when properly designed and operated, are a very efficient form of wastewater treatment. The acceptability of a sewage lagoon in a particular location is dependent on surrounding land use due to odour production and aesthetics.

Wastewater disposal is a general problem in the R.M. of St. Andrews. Most homes in the area have septic tanks and soil absorption fields, and although the heavy clay layer prevents groundwater contamination, it also prevents effluent absorption within the soil layers. Unless a septic tank soil absorption system located in the heavy clay soils is inordinately large or water conservancy measures are practised, the disposal area may become water logged, resulting in ponding of effluent or surface drainage to adjacent land or drainage courses. Holding tanks which are pumped out may remove the problem from an individual homeowners property, however, the waste that is removed by tank truck is still dumped somewhere else for disposal.

DISCUSSION (cont.)

The Commission has concerns about the possible ad hoc proliferation of small scale communal wastewater collection and treatment systems with continuous discharge to local receiving streams in areas where the level of development is as intense as it is in the Selkirk and District Planning Area. A large scale regional system may have to be considered very shortly that will accommodate residences, institutions, and commercial development located over a larger geographical area. Neighbouring municipalities that make up the Selkirk and District Planning Area share similar wastewater disposal problems. At the hearing, the Commission learned that the Planning District has established a committee to study wastewater disposal problems.

Complaints were voiced at the hearing about treated effluent being discharged to an open drainage ditch. Although the human health risk presented by treated effluent flowing in the ditch was stated to be minimal, Mr. Van Den Bosch agreed that as the number of residences in the area increased, the practice of discharging to the drainage ditch would become more inappropriate. The Commission agrees that when houses are built along the discharge route a more acceptable alternative might be underground piping to carry treated effluent to the Red River. Determining when this alternative is required is a responsibility of the local planning authorities.

CONCLUSIONS

After reviewing the proposal submitted by Highway Gardens Ltd., and considering the evidence presented at the hearings, the Clean Environment Commission concludes that the variations to Licence 391 sought by the proponent should not be granted. The Commission believes that the lagoon was near its capacity and due to the sensitivity of the area, in terms of the proximity of both the lagoon and drainage route to residences - and with the prospect of additional homes in the near future - a reduction of organic and hydraulic loading would provide at least a small measure of environmental benefit from both an odour and length of discharge period perspective. There

## CONCLUSIONS (cont.)

were also expressions of concern by a number of intervenors about lagoon fencing, weed control, a potential seepage problem, sampling procedures and notification of the Department prior to each discharge which are areas that the Commission concludes should be identified in a varied Licence.

## RECOMMENDATIONS

The Clean Environment Commission recommends that the number of mobile home units on the Highway Gardens Ltd. site should be reduced to 100 units within 1 year of the date of issuance of the varied Licence.

The Clean Environment Commission also recommends that the following Clauses be added to Licence 391:

1. The Applicant shall undertake the repair of dykes in cell 1 and 2 of the lagoon system in a manner acceptable to the Department.
2. The Applicant shall undertake an investigation, approved by the Department, that demonstrates that the rate of seepage to surrounding property from the lagoon is acceptable. In the event that the seepage rate is considered to be excessive the applicant shall propose a remediation plan to the Department.
3. The Applicant shall sample the lagoon in a manner prescribed by the Department and the applicant shall notify the Department 48 hours prior to the release of lagoon effluent.
4. The Applicant shall surround the lagoon with a fence that is acceptable to the Department.
5. The Applicant shall regulate the growth of vegetation on the dykes of the lagoon in a manner acceptable to the Department.

APPENDIX

L I S T   O F   E X H I B I T S

Thursday, December 7, 1989

1. Letter from the Honourable J. Glen Cummings requesting the Clean Environment Commission to hold a public hearing with regard to the Highway Gardens Ltd. proposal (dated September 25, 1989) read into the record by the Chairperson.
2. Mr. Jerry Moskalyk, Highway Gardens Trailer Park, Report.
3. Mr. Al Ostermann, Reeve for the R.M. of St. Andrews and Mr. Ed Arnold, Selkirk & District Planning Board, Verbal Presentation.
4. Mr. Robert Prystupa, Bachman & Associates Realty, Verbal Presentation.
5. Mr. John Verhoeven, Brief (Laboratory Microbiological Water Reports).

APPENDIX (cont.)

L I S T   O F   E X H I B I T S

Tuesday, December 19, 1989

6. Mr. Leo J. Neve, Letter (dated December 18, 1989) read into the record by the Chairperson.
7. Mr. Edward Hoffman, Brief.
8. Mr. Al Shrupka, Verbal Presentation.
9. Mr. Maris Rutulis, Department of Natural Resources, Water Resources Branch, Verbal Presentation.
10. Mr. Mike Van Den Bosch, Manitoba Environment, Environmental Control Services, Brief, (dated December 1, 1989).
11. Dr. N.S. Rihal, Manitoba Health Services, Brief.