

**An Examination of the Customer Service and Distribution  
Business Unit's Environmental Compliance Management  
Process at Manitoba Hydro**

By

Fatemeh Rezai

A Thesis submitted to the Faculty of Graduate Studies of

The University of Manitoba

in partial fulfilment of the requirements for the degree of

**MASTER OF NATURAL RESOURCES MANAGEMENT**

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University of Manitoba  
Winnipeg, Manitoba  
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## **Abstract**

Environmental compliance is defined as conformance with the requirements of environmental laws, regulations, industry and organizational codes of practice and standards. As a step towards a more in-depth study of environmental compliance, the present research was undertaken to examine the process of environmental compliance management in one of the Business Units at Manitoba Hydro.

Research methods for this research included semi-structured interviews, observation, and document review. The research broadly concludes that the environmental compliance management process in the Customer Service and Distribution Business Unit follows the compliance process PDCA system and has the structural, functional and continuous improvement elements of the compliance framework presented in this research. However, given Manitoba Hydro's commitment to meet or surpass the regulatory requirements and the Customer Service and Distribution Business Unit's mandate to comply with all government and regulatory mandated requirements, the compliance management process in the Customer Service and Distribution Business Unit may benefit from a systematic and uniform monitoring process for compliance and performance as well as a uniform document to demonstrate compliance.

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## Table of Contents

Abstract .....	iii
Acknowledgments .....	iv
List of Tables .....	x
List of Figures .....	xi
List of Plates .....	xii
List of Acronyms .....	xiii
Chapter 1—Introduction .....	1
1.1 Preamble .....	1
1.2 Background.....	2
1.2.1 Environmental Compliance Process and Environmental Management Systems.....	2
1.2.2 Manitoba Hydro .....	4
1.2.3 Customer Service and Distribution Business Unit.....	5
1.3 Purpose and Objectives .....	5
1.4 Methods .....	6
1.5 Limitations of the Study .....	6
1.6 Organization of the study .....	10
Chapter 2—Literature Review .....	12
2.1 Environmental Compliance .....	12
2.1.1 The Benefits of Environmental Compliance.....	12
2.1.2 The Risks of Non-compliance.....	14
2.1.3 Compliance Process Framework.....	15
2.1.3.1 Structural Elements .....	15
2.1.3.2 Functional Elements.....	16
2.1.3.3 Continuous Improvement Elements.....	19
2.1.4 The Compliance Process and Environmental Management Systems .....	21
2.2 Environmental Management Systems .....	21
2.2.1 Introduction.....	21
2.2.2 The ISO 14001 Standard.....	23
2.2.3 ISO 14001 and the Compliance Process .....	26
2.2.4 ISO 14001 Environmental Audits.....	27

2.2.5 Environmental Compliance Audits .....	28
2.3 Environmental Compliance in Canada .....	30
2.3.1 Canadian Environmental Law .....	30
2.3.2 A Short History of Environmental Compliance in Canada.....	32
2.3.3 Environmental Protection Regimes: Command-and-Control .....	33
2.3.4 Environmental Performance and Different Styles of Environmental Regulation.....	34
2.4 Manitoba Hydro.....	36
2.4.1 Manitoba Hydro’s Environmental Management System.....	38
2.4.2 Corporate Environmental Initiatives .....	39
2.4.3 The Customer Service and Distribution Business Unit.....	40
2.5 Summary.....	43
Chapter 3—Methods.....	47
3.1 Introduction to Research Design .....	47
3.2 Data Collection Procedures .....	47
3.2.1 Document Review.....	49
3.2.2 Interviews.....	50
3.2.3 Observations .....	51
3.3 Data Analysis.....	53
3.4 Ethics Approval, Consent, and Anonymity .....	54
3.5 Interview Questions.....	54
Chapter 4—Data and Analysis.....	55
4.1 Data and Analysis.....	55
4.2 Phase One—List of Environmental Acts and Regulations Applicable to the Activities of the Customer Service and Distribution Business Unit .....	55
4.2.1 Classification of Provincial Acts and Regulations.....	57
4.2.2 Classification of Federal Acts and Regulations .....	60
4.3 Phase Two—Interview Results .....	62
4.3.1 Management Interviews.....	62
4.3.2 Subject Matter Expert Interviews .....	75
4.4 Phase Three—The Environmental Compliance Checklist .....	81
Chapter 5—Discussion .....	84

5.1 Introduction .....	84
5.2 Comparison of the Existing Compliance Process with the Generic Compliance Process PDCA System.....	85
5.2.1 Management Commitment for Compliance and Continuous Improvement .....	85
5.2.2 Identification and Communication of Legal Requirements and Changes.....	86
5.2.3 Roles and Responsibilities .....	88
5.2.4 Training.....	89
5.2.5 Effective Controls .....	90
5.2.6 Monitoring the Compliance Process .....	92
5.2.7 Demonstration of Compliance .....	94
5.2.8 Reporting Compliance Issues.....	96
5.2.9 Maintaining Records .....	96
5.2.10 Continuous Improvement.....	97
5.3 Summary.....	98
Chapter 6—Research Summary, Conclusions, and Recommendations.....	103
6.1 Research Summary .....	103
6.2 Research Conclusions.....	104
6.2.1 The Compendium of Environmental Legislation.....	105
6.2.2 Translation of the Requirements into Common Parlance .....	105
6.2.3 Identifying Areas in Need of Improvement .....	106
6.2.4 The Compliance Self-assessment Tool .....	106
6.3 Recommendations for Improving the Environmental Compliance Process in the Customer Service and Distribution Business Unit.....	107
6.3.1 Defining Clear Roles and Responsibilities Within the Existing Compliance Process	107
6.3.2 Developing a Compliance Monitoring Plan.....	108
6.3.3 Establishing a Compliance-specific Training Program.....	112
6.3.4 Establishing a System for Keeping Compliance Records.....	113
6.3.5 Establishing a Specific Compliance Review Mechanism.....	113
6.3.6 Developing a Plan for Tracking the Legislative Changes.....	114
6.4 Concluding Remarks on the Environmental Compliance Research.....	114
References.....	117

Appendix A: Customer Service and Distribution Business Unit Organization Chart .....	122
Appendix B: Major Electric and Gas Facilities in Manitoba .....	123
Appendix C: List of Environmental Activities in The Customer Service and Distribution Business Unit .....	124
Appendix D: Ethics Approval Certificate .....	125
Appendix E: Participant Information and Consent Form .....	126
Appendix F: Interview Topics for Managers .....	129
Appendix G: Interview Topics for Subject Matter Experts .....	130
Appendix H: List of Environmental Acts and Regulations Applicable to the Activities of CS&D .....	131
Appendix I: Customer Service and Distribution Environmental Compliance Checklist .....	460

**List of Tables**

**Table 1.** Compliance Process Framework and Respective Components.....20

**Table 2.** The Areas in Need of Improvement in the Existing Compliance Process in the  
Customer Service and Distribution Business Unit.....102

## List of Figures

<b>Figure 1.</b> The Deming Cycle (Zwetsloot, 2003).....	23
<b>Figure 2.</b> The ISO 14001 Continual Improvement Process (Canadian Standards Association, 2004).....	25
<b>Figure 3.</b> A Generic Compliance Process PDCA System.....	46
<b>Figure 4.</b> Overview of the Research Process.....	48
<b>Figure 5.</b> Environmental Compliance Awareness Among the Customer Service & Distribution Business Unit Managers.....	64
<b>Figure 6.</b> Demonstration of Compliance in the Customer Service & Distribution Business Unit.....	68
<b>Figure 7.</b> Key Elements in Managing Environmental Compliance.....	71
<b>Figure 8.</b> Reporting Non-compliance Instances.....	73
<b>Figure 9.</b> Management Expectations.....	75

**List of Plates**

**Plate 1.** Proper Electronic Waste Recycling Container.....42

**Plate 2.** Proper Mercury Waste and Spill Kit.....42

## List of Acronyms

CBT	Computer-Based Training
CEPA	Canadian Environmental Protection Act
CSO	Customer Service Operations
CS&D	Customer Service and Distribution
CSA	Canadian Standards Association
CEA	Canadian Electricity Association
DFO	Department of Fisheries and Oceans
EMS	Environmental Management Systems
EMAC	Environmental Management Advisory Committee
ISO	International Organization for Standardization
MOE	Ministry of the Environment
NFC	National Fire Code of Canada
PCB	Polychlorinated Biphenyl
PDCA	Plan, Do, Check, Act
PUB	Public Utility Board
SMS	Safety Management System
SME	Subject Matter Expert

## **Chapter 1—Introduction**

### **1.1 Preamble**

The Customer Service and Distribution Business Unit at Manitoba Hydro (Appendix A) requested a report examining the Business Unit's compliance management process. They indicated that this report should include the following:

- 1- Identification of the environmental legislation, regulations, and voluntary obligations that are relevant to the Business Unit's activities;
- 2- Identification of the applicability of these requirements to the Business Unit's activities;
- 3- Identification of the areas in need of improvement in the existing environmental compliance process in the Business Unit;
- 4- Development of a self-assessment method to assist the Business Unit in verifying whether their activities were compliant with the obligations identified.

To that end, Manitoba Hydro engaged a graduate student at the Natural Resources Institute to complete a research project that would identify the legal environmental requirements and their applicability to the activities of the Customer Service and Distribution Business Unit, develop a self-assessment method, and identify the areas in need of improvement within the existing compliance process.

## **1.2 Background**

### **1.2.1 Environmental Compliance Process and Environmental Management Systems**

Environmental compliance is defined as the “application of available instruments aimed at influencing the behavior of regulated entities to comply with regulatory requirements” (OECD, 2009:24). The important objectives of an environmental compliance process are listed as promoting voluntary compliance, identifying non-compliance instances, and developing and implementing corrective and preventive actions to achieve compliance (OECD, 2009). An effective compliance process assists organizations in complying with environmental laws, avoiding the risk of penalties, and keeping control of their highly regulated activities (IEMA, 2005; Krages, 2000).

The systematic nature of the environmental compliance process as well as the sheer amount of environmental acts and regulations make an environmental compliance process difficult to implement (Grayson & Landgraf, 1997). However, if organizations persist in promoting a compliance culture and plan to meet the requirements that apply to their projects and operations, an effective compliance process can be implemented (Krages, 2000). Establishing an environmental management system (EMS) in an organization provides a framework to manage environmental impacts as well as to achieve environmental compliance (Nawrocka & Parker, 2009).

An environmental management system is “a part of an overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining the environmental policy” (Leipziger, 2010:512). Legal compliance and

improved environmental performance are some of the important requirements of an EMS. Establishment of an EMS has several advantages for an organization, including reduced environmental liabilities, an improved corporate image, and the establishment of cooperative agreements with regulatory agencies (Coglianese & Nash, 2001). A well-known framework for implementing environmental management systems is the ISO 14000 series of standards.

The ISO 14001 standard is a widely used EMS standard which provides a framework for establishing an environmental management system in an organization, and for addressing environmental issues (ISO, 2004). It was developed by the International Organization for Standardization (ISO) to address different components of an environmental management system. ISO 14001 has several clauses that address compliance with legal requirements. Clause 4.2 of ISO 14001, with respect to establishing environmental policy, requires organizations to include a “commitment to comply with applicable legal requirements, and with other requirements to which the organization subscribes, which relate to its environmental aspects” (Canadian Standards Association, 2004:20). Clause 4.3.2 of the Standard, with respect to legal and other requirements, asks for the establishment, implementation, and maintenance of procedures for identifying legal requirements and determining how these requirements apply to the environmental activities of the organization (Canadian Standards Association, 2004).

An important area in ISO 14001 is the requirement for an organization to establish, implement, and maintain a procedure(s) for periodically evaluating compliance with applicable legal requirements and to keep records of the evaluations (Clause 4.5.2)

(Canadian Standards Association, 2004). The requirement can be addressed in several ways and evaluations should be undertaken on a regular basis to ensure continuing compliance (IEMA, 2005). However, the external audits, as required by ISO 14001, are system audits and usually evaluate operations against the criteria defined in the ISO 14001 standard and, accordingly, check regulatory compliance largely as an indicator of the effectiveness of the system rather than performing a strict compliance audit (Delmas, 2003; Krages, 2000).

To assist in the management of environmental regulatory compliance in Canada, the Canadian Standards Association (CSA) has developed the Environmental Compliance Auditing Standard (CSA Z773) to provide a systematic way to audit an organization's level of compliance with environmental statutes, regulations, and local laws (Canadian Standards Association, 2003). The purpose of the Standard is to provide evidence regarding the organization's compliance with applicable environmental legislation and regulations (Canadian Standards Association, 2003).

### **1.2.2 Manitoba Hydro**

Manitoba Hydro is a provincial Crown Corporation, providing electricity and natural gas services to customers across the province of Manitoba (Appendix B). It also exports and imports electricity within wholesale markets in Canada and the mid-western United States (Manitoba Hydro, 2009). Manitoba Hydro has an environmental management system registered to ISO 14001. The environmental management system at Manitoba Hydro includes environmental objectives and targets to measure environmental performance (Manitoba Hydro, 2010a).

### **1.2.3 Customer Service and Distribution Business Unit**

The Customer Service and Distribution Business Unit at Manitoba Hydro is responsible for delivering electricity and natural gas to all people and businesses in Manitoba. As part of its business mandate, the Customer Service and Distribution Business Unit provides customers with safe and reliable energy products and services through the engineering, construction, operation, and maintenance of Manitoba Hydro's natural gas and 66-kV-and-below electrical distribution networks. The Business Unit has a mandate to protect the environment while undertaking various operations and activities, and to meet the compliance requirements of all government and regulatory bodies (Manitoba Hydro, 2012–2013).

### **1.3 Purpose and Objectives**

The purpose of this research was to examine the Customer Service and Distribution Business Unit's environmental compliance management process. The specific objectives were:

- 1) To develop a compendium capturing environmental legislation and regulations at the federal and provincial levels pertinent to the Business Unit's activities.
- 2) To determine the applicability of the regulatory requirements to the Business Unit's activities (a translation of requirements into common parlance was prepared).
- 3) To identify areas in need of improvement in the environmental compliance process within the Customer Service and Distribution Business Unit.
- 4) To develop a compliance self-assessment tool.

- 5) To make recommendations as required.

#### **1.4 Methods**

This study used a qualitative case study design as defined by Creswell (2009). The specific case entailing the examination of the environmental compliance management process within the Customer Service and Distribution Business Unit at Manitoba Hydro.

The following data collection methods were used:

1. Review of documents and records pertaining to federal and provincial legislation and regulations, as well as other obligatory codes and standards, to find relevant requirements for each activity.
2. Review of internal documents at Manitoba Hydro to find information on environmental acts and regulations deemed pertinent to the Business Unit's activities.
3. Observation of the Business Unit's activities to learn more about the different elements of the compliance management process in the Business Unit.
4. Semi-structured interviews with managers to elicit information regarding the Business Unit's environmental activities, related compliance requirements, and the compliance process in each division/department.
5. Semi-structured interviews with subject matter experts to gather more information on the procedures necessary to establish a good compliance process.

#### **1.5 Limitations of the Study**

The primary goal of this research was to examine the environmental compliance management process in the Customer Service and Distribution Business Unit and find

areas in the existing process that need to be improved. To assist the Business Unit in improving its compliance process as well as demonstrating compliance with relevant environmental legislation, a compliance self-assessment tool was also developed. For that purpose, the research involved the identification of environmental acts and regulations determined to be immediately relevant to the activities undertaken in the Customer Service and Distribution Business Unit. Accordingly, a comprehensive review of all federal and provincial environmental legislation was outside the scope of this project.

Additional limitations to the scope of the study include:

- 1) Identification of relevant legislation: Identifying applicable environmental acts and regulations in this project was challenging, not only because of the immense volume of environmental laws, but also because of the complexity of the legislative requirements, a formidable challenge in itself. Various sources of information, including internal documents at Manitoba Hydro in addition to Canadian environmental statutes and regulations were consulted in order to identify the acts and regulations immediately applicable and relevant to the activities of the Customer Service and Distribution Business Unit. However, given the nature of this particular type of research, it is important to note that there always exists the risk that special or new regulatory requirements will not have been identified or that the sources consulted did not include sufficient information. Therefore, the compendium that has been developed in this research is not to be used as a replacement for legislation and corresponding regulations. The compendium is not intended to restate the law nor is it comprehensive. Acts

and regulations have been identified and incorporated into the compendium, which in turn has been developed as an interpretive tool to assist in achieving better compliance with current regulatory requirements.

It should also be noted that, from a legal perspective, it is difficult to comprehensively identify all applicable legal obligations prior to the occurrence of an incident. For example, if a company is investigated following an accidental release of petroleum products into water frequented by fish, the Business Unit will not only be potentially subject to, for example, requirements pursuant to the *Canadian Environmental Protection Act* and/or *The Fisheries Act*, but potentially also to requirements pursuant to other environmental legislation and regulations as well as the common law.

- 2) A plain-language approach: Interpreting legislative requirements is challenging due to the complexity and ambiguity of certain acts and regulations. A plain-language approach free of specialized jargon and terminology was used to assist in understanding the technical requirements for each of the activities conducted by the Customer Service and Distribution Business Unit. Notwithstanding that all efforts have been made to provide a sound interpretation of current legislative requirements, the simplification of technical or legal language itself poses the risk of non-compliance due to the potential failure to convey the precise legal meaning of each regulation. Therefore, legal advice must always be sought when necessary. The compliance checklist has been developed to enhance managerial capacity and capability in meeting environmental requirements. As such, the

compliance checklist is not fully comprehensive and should not be used as a replacement for environmental acts, regulations, and legal advice.

- 3) Legislative change: The compendium and the compliance checklist were developed based on the environmental acts and regulations currently in force at the time the research was undertaken. The scope of this research therefore does not address the identification and/or implementation of mechanisms or other sources that might assist in the ongoing tracking of legislative change, an activity also critical to compliance. However, please see recommendation 6.3.6 for further discussion regarding tracking and updating legislative change.
- 4) Implementation of the compliance checklist: Further consideration of the administrative and managerial steps that might need to be taken to phase in or implement the compliance checklist was outside the scope of this particular research. However, please see recommendation 6.3.2 for further discussion regarding the implementation of the compliance checklist.
- 5) Subject matter expert interviews: Interviews with subject matter experts, while useful in advancing the researcher's knowledge with respect to the compliance process on a larger scale, cannot be considered as fully representative of the compliance process at Manitoba Hydro. While 18 interviews were conducted with a variety of subject matter experts from the Internal Audit Department to the Corporate Safety and Health Division, the number of interviewees did not include all subject matter experts at Manitoba Hydro. Therefore, while interview responses do provide some indication of the issues that exist in the compliance process at the corporate level, they cannot be considered as representative of the

whole system. Additionally, a detailed analysis or root cause examination of issues arising from responses gathered in this section was outside the scope of this project.

- 6) Compliance literature: Literature concerning the practical aspects of compliance including the implementation of an environmental compliance process in large organizations and the translation of requirements into practice was difficult to find over the course of the literature review. One possible reason for the scarcity of practical literature on this subject might be the sensitivity of the subject matter. That is, the lack of practical literature may relate to the reservations organizations may have with respect to revealing internal data regarding their compliance process and status. Future research should be undertaken with respect to how environmental professionals might be able to assess each element of the compliance process for implementation in specific areas without also incurring the risk of oversimplifying environmental regulations and, in turn, the risk of overlooking required elements. Future research in this regard may improve the compliance checklist and the recommendations presented in this research.

## **1.6 Organization of the study**

The thesis is organized into six chapters. The first chapter presents the context and the background for the research. Chapter Two contains a literature review related to the environmental compliance process; environmental management systems (EMS) in organizations; environmental audits; the limitations of ISO 14001 audits in addressing the requirements of a compliance process; environmental compliance in Canada; Canadian environmental law; and background information on Manitoba Hydro's and the Customer

Service and Distribution Business Unit's environmental activities. A summary which presents a link between environmental management systems and environmental compliance is also provided. In Chapter Three, more detailed information is provided regarding the research methods, data collection procedures, and data analysis. Chapter Four provides a detailed description of the results of the study. The research was divided into three phases. In Phase One, efforts were focused on developing a compendium that captures the most significant environmental legislation at the federal and provincial levels pertinent to the activities of the Customer Service and Distribution Business Unit. In Phase Two, 43 interviews were conducted with the Business Unit managers and subject matter experts across Manitoba Hydro to understand the compliance management process at the Business Unit and corporate levels. Data from the interviews were reviewed and analyzed. Themes and patterns were extracted from the interviews to define the existing compliance process in the Customer Service and Distribution Business Unit, identify the areas in need of improvement, and to make recommendations to improve the compliance process. In Phase Three, a compliance self-assessment tool was developed to assist the Customer Service and Distribution Business Unit in meeting the general requirements of environmental legislation.

Chapter Five presents a discussion of the research results and Chapter Six presents the conclusions of the research and a number of recommendations for improvement of the compliance process in the Business Unit. The thesis ends with concluding remarks on the implementation of the compliance process in the Business Unit, and the challenges in implementing the process.

## **Chapter 2—Literature Review**

### **2.1 Environmental Compliance**

Environmental compliance is defined as the “application of available instruments aimed at influencing the behavior of regulated entities to comply with regulatory requirements” (OECD, 2009:24). The environmental compliance process is implemented by an organization to promote voluntary compliance, identify non-compliance instances, and implement necessary corrective and preventive actions to achieve compliance (OECD, 2009). An organization can manage some of the risks of its activities, and thus function more effectively, by implementing a structured compliance process (Krages, 2000).

While environmental compliance is important in improving organizations’ environmental performance and risk management, it is not achieved easily. It is often difficult to determine what laws and regulations apply to various activities undertaken in an organization. Also, the organization needs to know what steps need to be taken to comply and achieve compliance on an ongoing basis. This process takes time and resources, and requires strong management support to be successful (Grayson & Landgraf, 1997).

#### **2.1.1 The Benefits of Environmental Compliance**

As mentioned earlier, implementation of an Environmental Management System will provide a basis for improved environmental performance and compliance. Also, as an EMS is interconnected with other systems in an organization, such as safety and financial systems, its implementation will also improve safety and business performance. For organizations implementing an EMS, being compliant with environmental acts and regulations not only improves their environmental performance, but also contributes to

better business performance (Andrew & Lenox, 2001; Ganzi et al., 2004; Nelson, 1994). As several scholars have argued, implementing an effective environmental compliance process is a win-win situation for an organization—both environmental and business performance will be improved (Andrew & Lenox, 2001; Ganzi et al., 2004). For example, complying with pollution control legislation not only saves future costs by avoiding the risk of penalties and minimizing future liabilities, but also improves environmental performance by reducing the level of harmful emissions (Andrew & Lenox, 2001).

Although it is widely believed that the primary benefit of compliance with environmental laws is to reduce the risk of penalties, one of the important benefits for most organizations in achieving environmental compliance is controlling the risks of their activities and keeping control of their highly-regulated operations (IEMA, 2005). The consequences of environmental non-compliance are complex and sometimes extend beyond penalties by courts to cumbersome restrictive solutions imposed by regulatory agencies (Krages, 2000). By being compliant with environmental regulatory requirements, organizations do not need to implement the strict and costly solutions imposed by regulatory bodies and will have a level of freedom to develop internal guidelines and codes of practice to achieve compliance.

Managing environmental compliance also improves business relationships. For example, establishing an environmental compliance process facilitates the process of forming partnerships and contracts with parties who otherwise would be unwilling to risk liability for another's misconduct (Gunningham & Thornton, 2005). By addressing environmental compliance requirements before opportunities for business relationships occur,

organizations can develop business relationships and make those relationships more productive (Gunningham & Thornton, 2005).

### **2.1.2 The Risks of Non-compliance**

Traditional environmental economic theory assumes that corporations are rational when making compliance decisions. This means that they decide whether to comply with environmental legislation or not based on the balance between expected compliance costs (i.e., expenses for technological and management improvements to meet environmental requirements) and non-compliance costs (i.e., monetary penalties, civil liability, etc.). Under this theory, regulating authorities must increase the cost of non-compliance by imposing penalties high enough to outweigh non-compliance costs, as well as improve their enforcement process (OECD, 2005).

Enforcement actions are most often taken by government agencies. Such actions seek to enforce penalties to punish the violator and obtain a court order to force compliance (Muldoon et al., 2009). Suspension and debarment from government contracts may be imposed on those organizations that are charged with or convicted of environmental crimes (Krages, 2000).

An organization's reputation is a valuable asset because it facilitates business activities. Establishing a reputation of non-compliance slows down the operations and activities of non-compliant organizations, as regulating authorities tend to be more cautious in issuing relevant permits and licenses (Muldoon et al., 2009).

Finally, the consequences of environmental non-compliance may extend to individuals.

Some compliance programs have an element of employee discipline, which requires strict

actions for those employees who may be deemed liable for non-compliance. In many cases, liability for serious or repeated non-compliance threatens the career prospects of these employees (Krages, 2000).

### **2.1.3 Compliance Process Framework**

Given the sheer amount of environmental laws and regulations applicable to different projects and operations of an organization, as well as various regulating agencies that manage and monitor environmental compliance, designing an effective process for implementing environmental compliance can be challenging (OECD, 2009). Therefore, learning about important elements of a compliance process and planning for implementation of different elements of the process can reduce the challenges and result in achieving compliance goals (IEMA, 2005). Inspired by the published literature on environmental compliance, a compliance framework has been developed for this research. The compliance framework consists of structural, functional, and continuous improvement elements. Each of the elements has various components that can facilitate the implementation of the compliance process and achieve compliance goals (Canadian Standards Association, 2003; Canadian Standards Association, 2004; IEMA, 2005; Standards Australia, 1998). Table 1 presents specific components that exist under each element.

#### **2.1.3.1 Structural Elements**

An effective compliance process needs to have a structure that satisfies the requirements of functional and continuous improvement elements. These elements can be categorized as the commitment of senior management to meet the requirements of compliance

obligations, ensuring functional and continuous improvement elements of the compliance process are in place and supported, and promoting the compliance culture (Standards Australia, 1998). Clear definitions of management responsibilities and processes and the provision of necessary resources are among the objectives and processes that should be set out by senior management in order to achieve compliance. Senior management's support of compliance culture is an essential element for the success of any compliance process (Carroll, 2001).

### **2.1.3.2 Functional Elements**

Functional elements of the compliance framework are related to the implementation stage of the process. These elements, once implemented successfully, will assist in meeting the requirements of compliance obligations (Standards Australia, 1998). Functional elements are categorized as:

- Identification and communication of legal requirements and changes: Achieving environmental compliance consists of applying the complex and detailed environmental laws and regulations to different activities that are undertaken in an organization. The regulated activities sometimes require different layers of employee involvement and might be regulated by several legislative requirements (Krages, 2000). Therefore, understanding and sharing information on legal requirements and changes play a key role in establishing effective communication mechanisms (Standards Australia, 1998).
- Defining clear roles and responsibilities: Defining clear roles and responsibilities for managers and staff in the compliance process is one of the important

functional elements. By assigning clear roles and responsibilities the implementation of the compliance process will be easier, because employees will be familiar with their roles and responsibilities in delivering compliance requirements and achieving environmental compliance (Krages, 2000).

- Establishing compliance-specific training programs: A compliance training program that describes the purpose of the compliance process as well as the mechanisms that can assist managers and staff in implementing the compliance process and achieving compliance with the requirements of various environmental laws and regulations plays a key role in the success of any compliance process. Such a training program will increase awareness among managers and staff, facilitate the implementation of the process, and clarify the consequences of non-compliance (Carroll, 2001).
- Establishing effective controls: Controls are important in the compliance process, since effective controls assist managers identify compliance obligations and achieve compliance objectives (Standards Australia, 1998). The important feature of these controls is that they must be developed by the regulated party instead of a regulatory agency (Krages, 2000).
- Developing a reporting structure for non-compliance: All compliance failures must be appropriately reported. Even a small failure needs to be reported in a timely manner, otherwise it may lead to the view that compliance failures are not important (U.S. Environmental Protection Agency, 1995). Reporting all the compliance failures is an essential part of the compliance process. A formal

reporting relationship ensures that systematic and recurring problems and failures are reported to those with the authority to make decisions and correct the issues (Krages, 2000).

- Developing a system for keeping compliance records: An important part of compliance implementation is demonstrating that compliance requirements are met through documentation and practice (Standards Australia, 1998). This is achieved by keeping accurate and up-to-date records of compliance, including audit and monitoring results. Record keeping also includes classification of compliance failures and the steps taken to resolve the failures (Canadian Standards Association, 2004).
- Establishing a systematic compliance monitoring system: By monitoring the compliance process on a regular basis, organizations can check if compliance performance is met and if the effectiveness of controls is evaluated. Another important function of compliance monitoring is to detect situations that can result in non-compliance so that there will be a chance to correct those non-compliance instances at a lower cost and effort (Krages, 2000). To establish a more effective monitoring system, compliance auditing can be incorporated into the process of monitoring compliance. Compliance auditing examines the conformance of the organization's activities with legal requirements. As the EMS audits may not accomplish a full assessment of compliance (Delmas, 2003; Krages, 2000), compliance auditing will be more effective in achieving compliance (Krages, 2000). Compliance audits usually provide a direct assessment of compliance and

thus are more efficient to evaluate how the organization is achieving compliance (Canadian Standards Association, 2003).

### **2.1.3.3 Continuous Improvement Elements**

Regular review of the compliance process is an essential element of continuous improvement which results in reducing the risk of non-compliance. The review should not be limited to the elements of the compliance process, but also should consider the status of compliance with relevant environmental acts and regulations. This includes the review of new legislation as well as existing legislation to find changes in applicable sections (Carroll, 2001).

The analysis of non-compliance leads to obtaining insights into how an organization can change its practices to achieve compliance in the future (Standards Australia, 1998). For that purpose, senior management needs to ensure the regular review of the compliance process. The frequency of such reviews could vary depending on the level of risk associated with the activities and pertinent environmental legislation. The review of the compliance process may address the following topics (Carroll, 2001):

- Effectiveness of the compliance process
- Development/effectiveness of corrective and preventive actions
- Determining to what extent compliance objectives have been met
- Incorporating the monitoring results
- Effectiveness of the controls
- Previous compliance reviews and recommendations

**Table 1.** Compliance Process Framework and Respective Components

<b>Compliance Process Framework and Respective Components</b>		
<b>Structural Elements</b>	<b>Functional Elements</b>	<b>Continuous Improvement Elements</b>
<ul style="list-style-type: none"> <li>• Commitment of senior management to compliance</li> <li>• Promoting compliance culture</li> <li>• Ensuring effective functional and continuous improvement elements are in place and supported</li> </ul>	<ul style="list-style-type: none"> <li>• Identification &amp; communication of legal requirements and changes</li> <li>• Defining clear roles &amp; responsibilities</li> <li>• Establishing compliance-specific training programs</li> <li>• Establishing effective controls</li> <li>• Developing a compliance reporting structure</li> <li>• Developing a system for keeping compliance records</li> <li>• Establishing a systematic compliance monitoring</li> </ul>	<ul style="list-style-type: none"> <li>• Regular review of the compliance process</li> <li>• Responding to compliance results</li> <li>• Issuing instructions for continuous improvement</li> </ul>

Source: (Canadian Standards Association, 2003; Canadian Standards Association, 2004; IEMA, 2005; Standards Australia, 1998).

#### **2.1.4 The Compliance Process and Environmental Management Systems**

Establishment of an environmental management system in an organization provides a structured approach for the continual management of environmental impacts and achieving environmental compliance (Brady, 2005). Compliance with environmental legislative requirements and development of measures to improve environmental performance are among the important requirements of an EMS (Coglianese & Nash, 2001). The ISO 14001 standard is one of the most widely used frameworks for implementing an EMS. The Standard defines the requirements for implementing an environmental management system in organizations and provides a basis for managing environmental compliance (ISO, 2004). The following sections provide an extensive explanation of the concepts of EMS, the ISO 14001 standard, and compliance audits.

### **2.2 Environmental Management Systems**

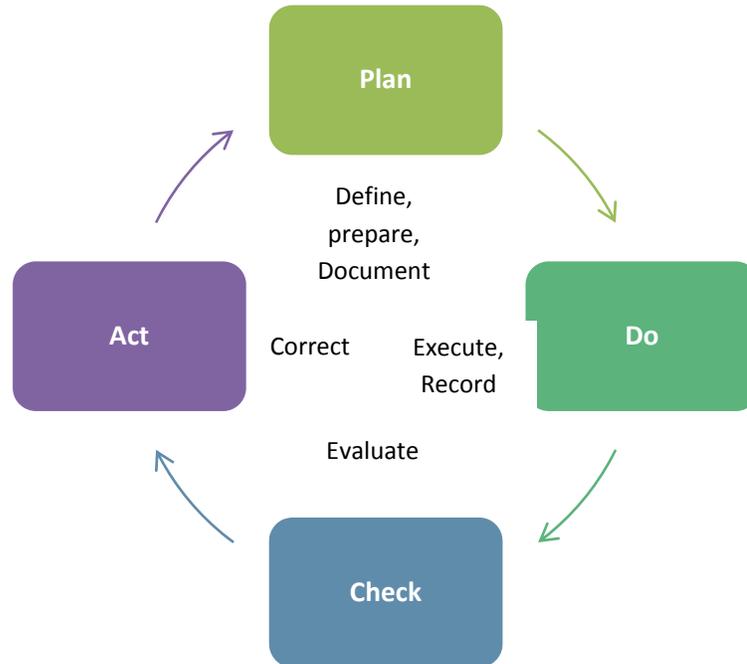
#### **2.2.1 Introduction**

An environmental management system (EMS) is a structured approach to managing an organization's environmental impacts (Leipziger, 2010). An environmental management system is “a part of an overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining the environmental policy” (Leipziger, 2010:512). Over the years, different elements of environmental management systems have been defined and standardized approaches have been developed to help organizations manage their environmental impacts (Brady, 2005).

The process of developing an EMS was initiated by the British Standards Institute (BSI) with the introduction of British Standard 7750 in the early 1990s, followed by the development of Eco Management and Audit Scheme (EMAS) in 1993 which was similar to BS 7750 but included some additional requirements (Morrow & Rondinelli, 2002). Following the publication of BS 7750, the International Organization for Standardization (ISO) developed the ISO 14000 family of standards for environmental management systems. Development of the ISO 14000 series was stimulated by the 1992 United Nations Conference on Environment and Development in Rio de Janeiro, and a consultation process followed through the ISO Strategic Advisory Group on the Environment (SAGE).

According to Leipziger (2010), all EMS standards follow the Deming cycle of Plan, Do, Check, Act (PDCA), as follows:

- Plan: establish objectives and procedures to deliver results that conform with the organization's policy, codes of practice, standards, and legal requirements.
- Do: implement the processes in accordance with what had been planned.
- Check: monitor and measure processes against objectives, policies, codes of practice, standards, and legal requirements.
- Act: apply changes and take actions to continually improve the process.



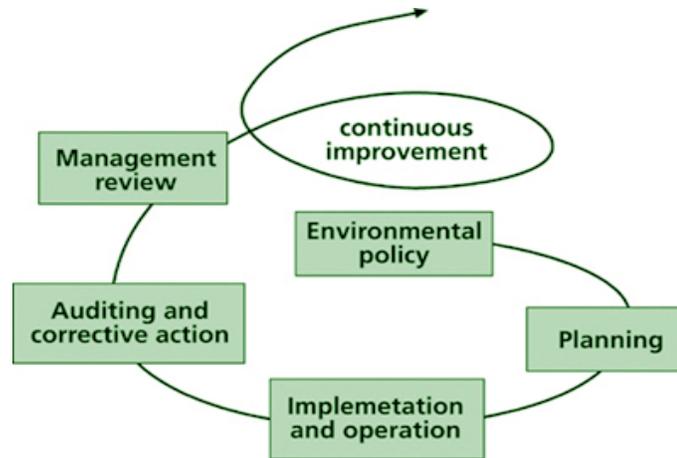
**Figure 1.** The Deming Cycle (Zwetsloot, 2003)

### 2.2.2 The ISO 14001 Standard

International standards for environmental management aim to provide organizations with elements of an effective environmental management system, and to help organizations achieve environmental and economic goals (Brady, 2005). The ISO 14001 standard defines the requirements for an environmental management system. The Standard is a management tool that enables an organization to establish and implement a policy and objectives that consider legal requirements and information about significant environmental activities (ISO, 2004). The elements of an effective EMS as required by the ISO 14001 standard are based on the PDCA model with the process of continual improvement at its centre. The ISO 14001 elements are shown in Figure 2.

Some of the important requirements of the ISO 14001 for establishing an EMS are as follows (Canadian Standards Association, 2004):

- Establishment of an environmental policy that expresses the commitment by top management that the organization will comply with environmental laws, control its environmental impact, and continually improve its environmental management system;
- Development of processes to identify environmental impact of the organization's activities, ascertain the applicable legal requirements, and define the overall environmental objectives of the organization;
- Definition of roles and responsibilities within the organization for ensuring that the management system requirements are implemented and maintained;
- Establishment of procedures to monitor environmental performance and to take corrective action when needed; and
- Establishment of a program for periodic reviews of the environmental management system by top management.



**Figure 2.** The ISO 14001 Continual Improvement Process  
(Canadian Standards Association, 2004)

A successful system that meets ISO 14001 requirements also exhibits a strong commitment in all levels and functions of an organization, especially top management. Such a system has a solid environmental policy and objectives in place and follows a process to achieve defined policies and objectives. Actions will be taken as needed to improve the organization’s environmental performance and to show that the implemented system is in accordance with ISO 14001 requirements. At the center of such a successful EMS is continual improvement which leads to better environmental performance on a sustained basis (ISO, 2004).

Some scholars in the field suggest the standardized nature of ISO 14001 results in a homogeneous and conformant implementation of an environmental management system in different organizations. This body of literature has also investigated the environmental performance of the facilities registered to ISO 14001, and has demonstrated that a homogenous and precise implementation of an EMS leads to improvement in environmental performance (Yin & Schmeidle, 2009).

### **2.2.3 ISO 14001 and the Compliance Process**

ISO 14001 has three requirements with respect to regulatory compliance (Canadian Standards Association, 2004):

1. The environmental policy must contain a commitment of senior management to understand and comply with all applicable environmental laws and regulations (Clause 4.2).
2. An organization must establish, implement, and maintain procedures for identifying legal requirements and determining how these requirements apply to the environmental activities of the organization (Clause 4.3.2).
3. Compliance with identified legal requirements must be evaluated on a self-defined periodic basis (Clause 4.5.2).

The requirements for establishment of a procedure(s) to identify legal requirements and to evaluate compliance with the identified requirements are important aspects of ISO 14001 that are directly related to the compliance process. Organizations can demonstrate their conformity with the ISO 14001 compliance requirements in different ways. Establishing procedures to identify activities which have significant impact on the environment and identifying applicable requirements for the activities are effective starting points in this process. The organization should then adopt different mechanisms to check and monitor compliance with the identified requirements. Maintaining records of compliance evaluation and analysis of compliance data to figure out the effectiveness of the procedures and the level of compliance with identified requirements are among

other mechanisms which assist in conforming to the ISO 14001 requirements (IEMA, 2005).

Although ISO 14001 is thorough in defining the procedures that are necessary to achieve compliance, being registered to ISO 14001 does not necessarily mean a full assessment of legal compliance has been accomplished (Delmas, 2003). As Delmas (2003) has argued, this is because ISO 14001 audits are system audits and usually evaluate operations against the criteria defined in the Standard and check regulatory compliance as an indicator of the effectiveness of the system rather than performing a strict compliance audit. The following section provides an overview of environmental audits as required by the ISO 14001 standard.

#### **2.2.4 ISO 14001 Environmental Audits**

The ISO 14000 series of standards accentuates the importance of audits as a management tool for verifying and investigating the existing conditions, such as procedures and systems, against predetermined criteria which could be performance objectives, standards, policies, and regulations (Welford, 1996).

The International Chamber of Commerce (ICC, 1991) defines an environmental audit as “a management tool comprising a systematic, documented, periodic, and objective evaluation of how well environmental regulation, management, and equipment are performing with the aim of contributing to safeguarding the environment by facilitating management control of practices, and assessing compliance with company policies, which would include meeting applicable regulatory requirements and standards” (Brady, 2005:278). The definition of environmental auditing in ISO 14001 focuses more on

management system auditing (as the title “Environmental Management Systems Audit” suggests) to check whether the environmental management system conforms to the environmental management systems audit criteria set by the Standard (Brady, 2005).

To conform to the requirements of the ISO 14001 standard, organizations should go through a conformity assessment process, and decide on conducting first party, second party, or third party audits (Standards Council of Canada, 2012). First party audits are carried out by the organization or on behalf of the organization by an appointed representative, for management control or other internal purposes (Brady, 2005). Second party audits are usually conducted by those bodies that have a direct interest in the organization being audited, such as a purchaser of a specific service (Standards Council of Canada, 2012). Third party audits, sometimes called external audits, are conducted by an external, independent auditing organization such as those recommending and/or providing registration or certification of conformity to requirements of ISO 14001 (Brady, 2005; Standards Council of Canada, 2012).

### **2.2.5 Environmental Compliance Audits**

Environmental law has been central to government efforts in implementing programs designed to protect the environment (Muldoon et al., 2009). The concept of an environmental compliance process emerged from the need to have a procedure in place to meet the requirements in environmental legislation and the associated regulations (Phypher & Ibbotson, 2003). The compliance process should include the identification of environmental regulatory requirements, the periodic evaluation of performance against the requirements, and the maintenance of the compliance process (IEMA, 2005; Krages, 2000; Standards Australia, 1998).

The high level of complexity and volume of environmental regulatory requirements applicable to various activities make it difficult for organizations to be continuously and completely compliant. Therefore, organizations striving for compliance consider environmental compliance audits as a useful tool to avoid penalties and enforcement. The underlying theme of environmental compliance auditing is the introduction of compliance thinking into different aspects of an environmental management system including planning, operation, and monitoring (INECE, 2009). Compliance audits aim to identify and correct violations of applicable federal and provincial environmental regulatory requirements in an organization before violations are detected by a regulatory body (Canadian Standards Association, 2003b).

However, environmental compliance audits are not without risks. According to Short and Toffel (2007), identifying potential violations is a key area of concern for most organizations. Audit results, especially for high violation rates, will be discussed or documented in the investigation and therefore might be disclosed or acquired by governmental agencies or other parties. Concerns regarding potential consequences of disclosure may have companies consider whether the benefits of audit outweigh the risks. Although both federal and provincial regulatory bodies have written policies that allow for the mitigation of penalties for voluntary compliance audits, and contain instructions for 'confidentiality of report', there is no guarantee the audit results will not be obtained and used by government in enforcement actions. Also, according to Pfaff and Sanchirico (2000) there is some evidence that self-reported violations are often minor, perhaps covering more serious, unreported violations. This could give organizations an unwarranted level of control over their own regulations which could hardly lead to

improvement in environmental performance (Pfaff & Sanchirico, 2000). As a result, Short and Toffel (2007) suggest that governments still have an important role in encouraging self-auditing despite the sheer amount of voluntary self-auditing programs. Facilities are more likely to self-report violations when they are subject to periodic inspections and targeted by focused compliance initiatives. Also, self-reporting is more probable when statutory immunity is provided.

To assist in establishing a uniform approach for compliance auditing, the Canadian Standards Association has developed the Environmental Compliance Auditing standard, CSA Z773, to assist organizations in planning and implementing a successful compliance audit process (Canadian Standards Association, 2003a). According to the Standard, a successful compliance audit can provide evidence to demonstrate that the organization has met certain elements of CSA or other EMS standards (Canadian Standards Association, 2003a).

## **2.3 Environmental Compliance in Canada**

### **2.3.1 Canadian Environmental Law**

As public awareness about the state of the environment and holding offenders of environmental law accountable increases, more government regulations aim to protect the environment in Canada. The increased awareness puts pressure on both the federal and provincial governments to protect the environment. Awareness also affects business and industries through the imposition of stringent requirements for compliance with environmental legislation and regulations (Muldoon et al., 2009). Although pressure is increasing on industries, industries also benefit from being compliant with environmental

regulations in different ways. First, they can avoid the fines and penalties caused by being non-compliant. Second, they try to improve their operational efficiency by using new technologies that can help them to be compliant with stricter standards (Muldoon et al., 2009).

Environmental law, like most areas of Canadian law, is affected by the Canadian constitutional structure; however, the environment's constitutional status is determined by the court system. The Supreme Court of Canada has settled the broad jurisdictional question in environmental matters by confirming government jurisdiction at both the federal and provincial levels, while detailed questions are resolved by the court system (Hughes et al., 1998).

The breadth of environmental issues makes it difficult to find within the language of the Constitution one level of government with exclusive jurisdiction. Historically, the provinces have taken responsibility in areas such as environmental conservation and protection, whereas federal responsibility encompasses environmental problems involving international or intraprovincial issues. It is often the case that concurrent jurisdiction is interpreted and practiced where both levels of government can make valid laws, but the federal law prevails if there is a conflict. This situation requires the coordinated efforts of both levels of government to ensure environmental concerns are effectively addressed and not lost in jurisdictional disputes. The Canadian Council of Ministers of the Environment (CCME), comprising ministers from both levels of government, has been formed to promote the coordination of inter-jurisdictional issues in Canada (Hughes et al., 1998).

### **2.3.2 A Short History of Environmental Compliance in Canada**

Environmental legislation has always existed in Canada (for example, the federal *Fisheries Act* predates confederation); however, before the 1950s, the process of making environmental legislation in Canada was sporadic. The mid-1950s is considered to be a turning point in the history of environmental legislation in Canada when the first environmental legislation was passed (e.g., *The Ontario Water Resources Act*, 1957) and the first environmental departments—such as the Ontario Water Resources Commission, the predecessor of the modern Ministry of the Environment (MOE)—were established (Phyper & Ibbotson, 2003).

During the time between the 1950s and the mid-1970s the number of environmental acts increased slowly but at a steady pace. Critical environmental legislation was enacted in the early 1970s, and in 1971 Canada was the second country after France to establish a national environmental agency (Environment Canada). Many acts and regulations were passed or expanded from the mid-1970s to the mid-1990s. The year 1985 is considered to be significant in the state of environmental compliance in Canada since regulatory agencies such as the MOE decided to take a more stringent approach towards protecting the environment. Consequently, from 1985 to 1995, penalties for non-compliance were increased, stronger regulation enforcement was put in place by regulatory agencies, and more efforts were undertaken by some organizations to ensure that they were compliant with regulations. However, towards the mid-1990s, cuts in government budget led to a decrease in monitoring and enforcement of environmental regulations (Phyper & Ibbotson, 2003).

The first years of the new century have, however, shown to be more vigorous in many aspects of environmental legislation and regulations. Evolution of legislation and regulations from a “command-and-control” approach to “Recognizing and Encouraging a Voluntary Action Initiative”; the establishment of a framework for environmental legislation, regulations, and guidelines; the introduction of new standards such as the CSA Z773 for compliance audits; and a change in corporate attitudes in response to growing environmental concerns aimed at avoiding the costs of non-compliance and building a “green image” have all resulted in major improvements in environmental legislation and management (Maxwell & Decker, 2006; Phyper & Ibbotson, 2003).

### **2.3.3 Environmental Protection Regimes: Command-and-Control**

Environmental legislation and regulations try to control pollution, polluters, and activities that damage the environment or human health. Command-and-control regulations are the most common form of environmental regulations that focus on preventing environmental pollution by specifying what process a company should implement to manage a pollution-generating process (Grayson & Landgraf, 1997). This form of regulatory scheme delineates emission caps, and sometimes defines what kind of technologies should be used. Penalties for violating the law include fines, jail terms, or both (Grayson & Landgraf, 1997).

A good alternative to “command-and-control” regulation is “performance-oriented” regulation. The “performance-oriented” regulation defines specific environmental performance goals, such as a reduction in the amount of pollution. Each facility is left to determine the means of achieving this goal. The “performance-oriented” regulation

requires the documentation of the aforementioned processes. Documentation should be available for review by regulatory authorities (Muldoon et al., 2009).

#### **2.3.4 Environmental Performance and Different Styles of Environmental Regulation**

With more stringent environmental regulations and increasing awareness of environmental issues in recent years, industries have to spend large amounts of money on environmental equipment and developing environmentally friendly products (Nakon et al., 2007). There are two completely different views on the impact of environmental regulations on environmental performance. Some suggest that environmental regulations may be adjusted over time to adapt to new circumstances, and consequently, the environmental regulations can improve environmental performance and competitiveness (Porter & Van der Linde, 1995). The second view argues that the private costs of stringent environmental regulations hinder environmental performance and competitiveness. Environmental regulations lead to a higher cost of compliance. Consequently, industries have fewer resources to invest in research and development, and other forms of technology. After a while, environmental regulations put companies at a competitive disadvantage in the marketplace compared to unregulated rivals. As a result of being competitively disadvantaged, industries try to increase their financial, rather than environmental performance (Thomas, 2009).

As mentioned earlier, the prevailing view regarding command-and-control regulations is that these regulations mostly emphasize improvements in technology rather than developing environmental solutions. Therefore, innovation is hindered as a result of encouraging end-of-pipe solutions (e.g., use of filters) rather than proactive pollution-

prevention solutions. According to Wackerbauer and Triebswetter (2008), end-of-pipe technologies only solve existing pollution problems, and are easily obtainable in the market. So, competitors can copy and implement them without being motivated to create new solutions for pollution reduction and improving environmental performance. Voluntary regulations, however, encourage proactive environmental management which leads to improved environmental performance and competitive benefits for an organization (Sharma & Rueda-Manzanares, 2007). The pollution prevention efforts stemming from voluntary norms provide organizations with unique advantages such as increased manufacturing performance, reduced costs through better use of inputs, and the removal of unnecessary steps in the production process. This results in better environmental performance by creating opportunities for improvements and innovation (Sharma & Rueda-Manzanares, 2007).

A key issue in this regard is to understand the link between environmental regulations and managerial interpretation thereof. Fineman (1997) showed that management commitment to achieve environmental goals is a strong internal force within the organization which develops the corporate environmental orientation and strategies. Managers usually respond to regulatory pressure by considering environmental elements in their strategic planning processes. Managerial attitude that forms corporate environmental behavior could therefore be comprehended through an understanding of how managers interpret environmental regulations pertaining to their activities (Stone & Wakefield, 2000). Stone and Wakefield (2000) showed that if top management increases emphasis of environmental issues, the degree of response to these issues will be higher in corporate policy and activities. However, if fines and penalties for being non-compliant

are viewed as threats, managers might respond with resistance, which prevents innovation and development of a comprehensive structured response. When environmental regulations are perceived as an opportunity, managers will be able to solve environmental problems innovatively and adopt proper technologies (Berrone & Gomez-Mejia, 2009). Thus, the role of environmental regulations—considering their ‘command-and-control’ or ‘voluntary’ structures—in corporate decision making processes depends on the managerial perception of the regulations. As stated earlier, ‘command-and-control’ does not contribute to environmental performance because it stifles innovation (Berrone & Gomez-Mejia, 2009). This could be the reason for the new trends in developing environmental law which rely more on achieving sustainability and increasing environmental performance rather than setting uniform caps to decrease the pollution in a command-and-control structure.

## **2.4 Manitoba Hydro**

Manitoba Hydro is a Crown Corporation, and the province of Manitoba’s major energy utility. Manitoba Hydro exports electricity to electric utilities within wholesale markets in Canada and the midwestern United States (Manitoba Hydro, 2009). Manitoba Hydro also provides electricity and natural gas services to customers across Manitoba, and offers a wide range of energy services and programs to customers (Manitoba Hydro, 2012). The Corporation has an environmental management system certified to ISO 14001 which supports improvement, documentation, and reporting of its environmental performance (Manitoba Hydro, 2009).

Manitoba Hydro is structured into seven Business Units and each Business Unit has specific core responsibilities. The Business Units at Manitoba Hydro are categorized as follows:

- Corporate
- Corporate Relations
- Customer Care and Marketing
- Customer Service and Distribution
- Finance and Administration
- Power Supply
- Transmission

Each of the Business Units is responsible for providing certain services. For example, Power Supply provides for the supply of hydroelectric and thermal electrical generation to Manitoba and export customers. Almost 98 percent of the electricity produced in Power Supply is from 14 hydroelectric generating stations on the Winnipeg, Saskatchewan, and Nelson Rivers (Manitoba Hydro, 2009). The Transmission Business Unit provides a reliable and safe transmission system for the delivery of electricity to domestic and export customers. Transmission is responsible for system maintenance, construction, operations, and development (Manitoba Hydro, 2009).

The environmental management policy at Manitoba Hydro delineates the responsibilities of the Business Units with respect to reducing the environmental impact of the activities and operations and meeting the requirements of environmental legislation. Also, each

Business Unit has business plans which describe the mandates and goals to protect the environment (Manitoba Hydro, 2009).

#### **2.4.1 Manitoba Hydro's Environmental Management System**

As a member of the Canadian Electricity Association, Manitoba Hydro was required to participate in an industry-wide environmental initiative known as the Environmental Commitment and Responsibility (ECR) program. The program gives electric utilities the freedom to determine the direction and scope of implementing the best mechanism to manage their environmental activities (Manitoba Hydro, 2009).

The process for developing mechanisms to manage environmental impacts started in the Power Supply Business Unit. Each facility/operation developed a local EMS and the cumulative local EMSs established the Business Unit's EMS (Elefsiniotis & Wareham, 2006). The process of implementing an EMS evolved over time, and in 2009, Manitoba Hydro had three ISO 14001 registrations. The registrations covered the following Business Units: (1) the Power Supply Business Unit, (2) the Transmission & Distribution and the Customer Service & Marketing Business Units, and (3) the Corporate Business Unit. However, to improve the overall function of its environmental management systems, Manitoba Hydro decided to unite its registrations into a single EMS. The single system enables the management of environmental risks more efficiently at the corporate level. The single system was registered to the ISO 14001 standard in March 2011 (Manitoba Hydro, 2010b).

Manitoba Hydro's environmental management policy well reflects the commitment of the Corporation to protect the environment and minimize the environmental impact of

activities and operations. Also, the commitment to “meet or surpass regulatory requirements and other commitments” is clearly described in the environmental management policy (Manitoba Hydro, 2008). The Corporate Environmental Management Department developed an “Environmental Management System Manual” which is subject to periodic revisions and annual updates (Manitoba Hydro, 2010a). One of the naming conventions within the manual is the use of the term “environmental activities” instead of “environmental aspects”, and “significant environmental activities” instead of “significant aspects”, as indicated by the ISO 14001 standard. Included in the manual, is a list of environmental activities which identifies and ranks significant environmental activities in the corporation (Manitoba Hydro, 2010a).

#### **2.4.2 Corporate Environmental Initiatives**

Different departments and divisions outside of the Customer Service and Distribution Business Unit are involved in achieving corporate environmental objectives. The initiatives presented in this section are some of the examples of efforts made to meet Manitoba Hydro’s environmental objectives. Also, the review of these initiatives has laid the groundwork for the document review and the development of the compendium and the compliance checklist in this research.

The Corporate Environmental Management Department is responsible for maintaining and improving the Environmental Management System, including ISO 14001 registration. The department is active in working with different Business Units to balance operational and environmental concerns as well as providing environmental and sustainable development policy and planning frameworks (Corporate Environmental

Management Department, 2011). Besides producing the “Environmental Management System Manual”, the Corporate Environmental Management Department also released “A Guide to Environmental Legislation”, applicable to corporate projects and operations. The Guide embraces environmental legislation, regulations, and guidelines related to activities across the Corporation. The Guide is updated and revised regularly to track the changes applicable to Manitoba Hydro’s projects (Manitoba Hydro, 2011b).

The Corporate Safety & Health Division is responsible for providing a safe work environment for all employees, as well as ensuring compliance with safe codes of practices and environmental standards. The division has released several publications with an aim of managing activities involving risks, and providing a training environment for Manitoba Hydro’s employees. Some of the published codes of practice and guidelines (e.g., Hazardous Materials Management Handbook) are based on the relevant environmental legislation and regulations (Corporate Safety & Health Division, 2011).

#### **2.4.3 The Customer Service and Distribution Business Unit**

The Customer Service and Distribution Business Unit oversees the engineering, construction, operation, and maintenance of Manitoba Hydro’s natural gas and 66-kV-and-below electrical distribution network to efficiently deliver electricity and natural gas to customers in Manitoba. The Business Unit has a mandate to protect the environment while undertaking their activities and to meet the compliance requirements of all government and regulatory bodies (Manitoba Hydro, 2012–2013).

The Customer Service & Distribution Business Unit has undertaken various environmental initiatives. Development and implementation of an environmental

checklist for the Customer Service and Distribution Business Unit staff is one of the ongoing projects to ensure environmental concerns are being addressed in the work performed in this Business Unit (Manitoba Hydro, 2011a). Also, a computer-based training (CBT) program has been developed to increase the level of awareness of employees about environmental issues. The Safety/Environmental Building Inspection is another initiative which will add environmental considerations to the process of building inspections. The Safety/Environmental Building Inspection will result in corrective and preventive measures as well as establishment of an auditable approach for inspections. Finally, the examination of the Customer Service and Distribution Business Unit's environmental compliance management process aims to identify possible gaps in the existing compliance process and define recommendations to improve it (Manitoba Hydro, 2012–2013). As part of monitoring environmental compliance and performance, the Customer Service and Distribution Business Unit regularly undergoes audits. The following photographs demonstrate some of the efforts of the Customer Service and Distribution Business Unit to implement practices to improve environmental performance and achieve compliance. Plate 1 shows an appropriate recycling container for electronic waste. The electronic waste is shipped to a specific centre within Manitoba Hydro to be recycled. Plate 2 shows the proper mercury waste and spill kit which are well maintained, available at the point of use, and well stored.



**Plate 1.** Proper Electronic Waste Recycling Container  
(Matrix Solutions Incorporation, Environmental & Engineering, 2011)



**Plate 2.** Proper Mercury Waste and Spill Kit  
(Matrix Solutions Incorporation, Environmental & Engineering, 2011)

## **2.5 Summary**

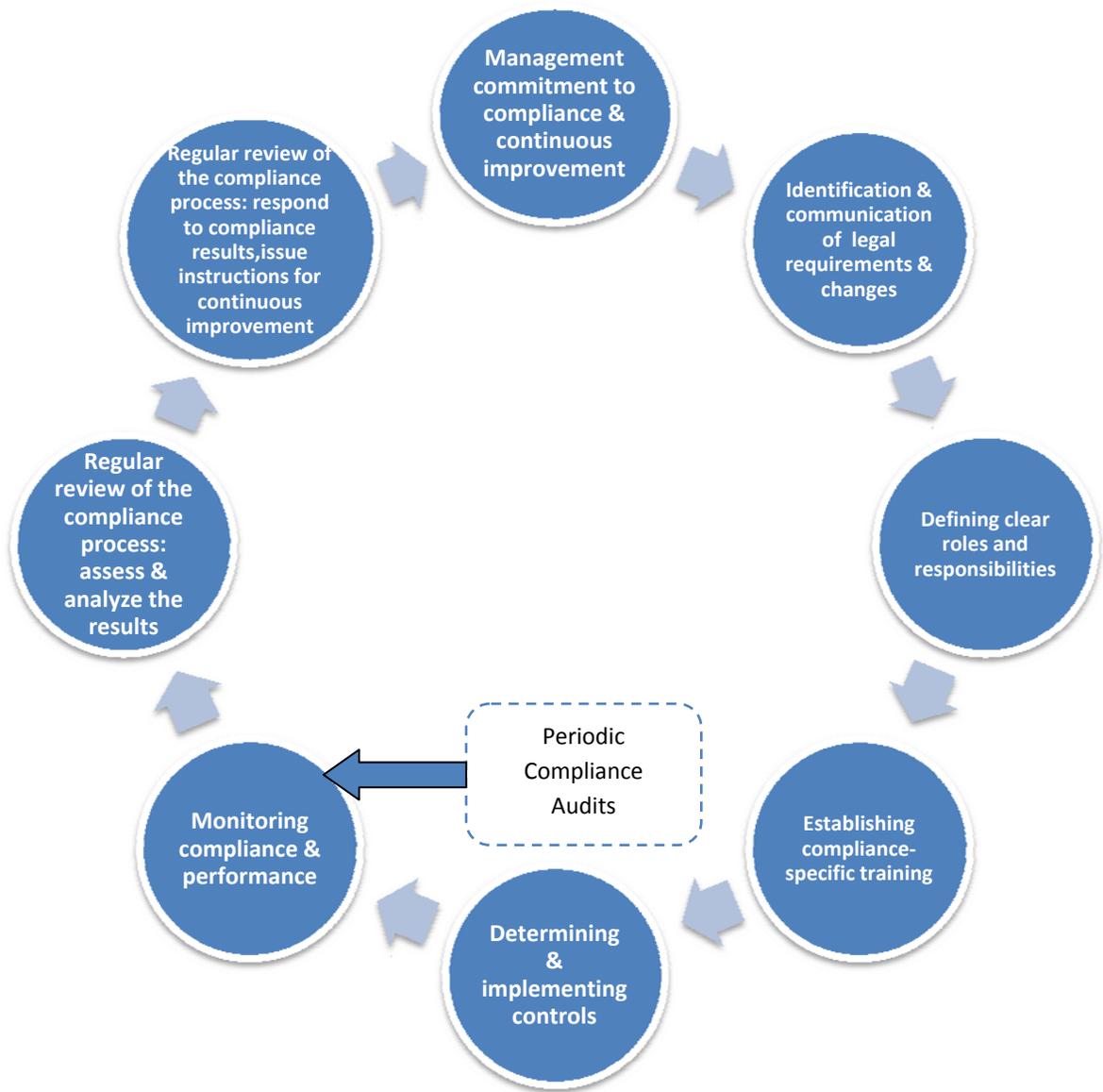
Environmental compliance is defined as conforming to the requirements of environmental laws, regulations, and industry and organizational codes of practice and standards (Krages, 2000). To achieve environmental compliance, organizations need to have a strong basis upon which they can implement practices critical to ascertaining and complying with environmental laws (Krages, 2000). Establishment of an environmental management system provides a basis for managing environmental impacts of the organization and achieving environmental compliance (Coglianese & Nash, 2001). The ISO 14001 framework for establishing an environmental management system is based on the Deming model of Plan, Do, Check, Act (PDCA) with emphasis on improving environmental performance and achieving regulatory compliance (Canadian Standards Association, 2004). However, ISO 14001 audits may not accomplish a full compliance assessment, since the audits required by ISO 14001 are systems audits and do not intend to conduct a strict assessment of compliance (Delmas, 2003; Krages, 2000). As a step towards achieving compliance, various frameworks for environmental compliance and environmental audits have been defined (Canadian Standards Association, 2003a; Canadian Standards Association, 2004; IEMA, 2005; Standards Australia, 1998).

The compliance process framework described earlier in this chapter is also based on the PDCA model. According to the framework presented in this chapter, a compliance process consists of structural, functional, and continuous improvement elements. Each of the elements along with their components can be overlapped with the PDCA model. In the generic framework for the compliance process presented in this chapter, the structural elements correspond with the “Plan” step of the PDCA model. Commitment of senior

management to meet compliance obligations requires establishment of objectives and processes necessary for being compliant with environmental laws and regulations. The functional elements of the compliance process overlaps with the “Do” step of the model. Functional elements of the framework present practices and controls that need to be implemented to meet compliance requirements. The monitoring component under the functional elements corresponds with the “Check” step of the PDCA model. Monitoring enables a periodic evaluation of the compliance performance and process. To establish a more effective compliance process, compliance auditing can be incorporated into the process of monitoring the compliance (Krages, 2000). Finally, continuous improvement elements provide for the regular review of the compliance process and performance. Once a regular compliance review is established, results of the monitoring step can be assessed and analyzed and effective instructions for continuous improvement (i.e., development of corrective and preventive actions) can be issued. Continuous improvement elements of the compliance process correspond with the “Act” step of the PDCA model.

Similar to all PDCA models, the compliance framework has an iterative nature that assists in controlling environmental impacts of an organization by providing a framework for complying with environmental laws and regulations. Once implemented, various elements of the compliance process will contribute to improved environmental performance, compliance with environmental legislative requirements, and continuous improvement of the process. The following diagram presents a generic model of the compliance process which is based on the literature review of the research. The process starts with management commitment for compliance and continuous improvement and

follows the circular path depicted in the diagram. Developing a compliance reporting structure and a system for keeping compliance records, which are categorized under the functional elements of the compliance framework, are not presented in the diagram. The compliance reporting structure and records system, once established, will be used to handle the data which has been collected in the course of the monitoring step of the process. As the diagram reflects what should be done on an ongoing basis, development of the compliance reporting structure and records systems are not shown in the diagram. The compliance process in the Customer Service and Distribution Business Unit was compared to the compliance process PDCA system presented in Figure 3 and the results of the comparison were analyzed to find the areas in need of improvement and to make recommendations.



**Figure 3.** A Generic Compliance Process PDCA System (Canadian Standards Association, 2003a; Canadian Standards Association, 2004; IEMA, 2005; Standards Australia, 1998)

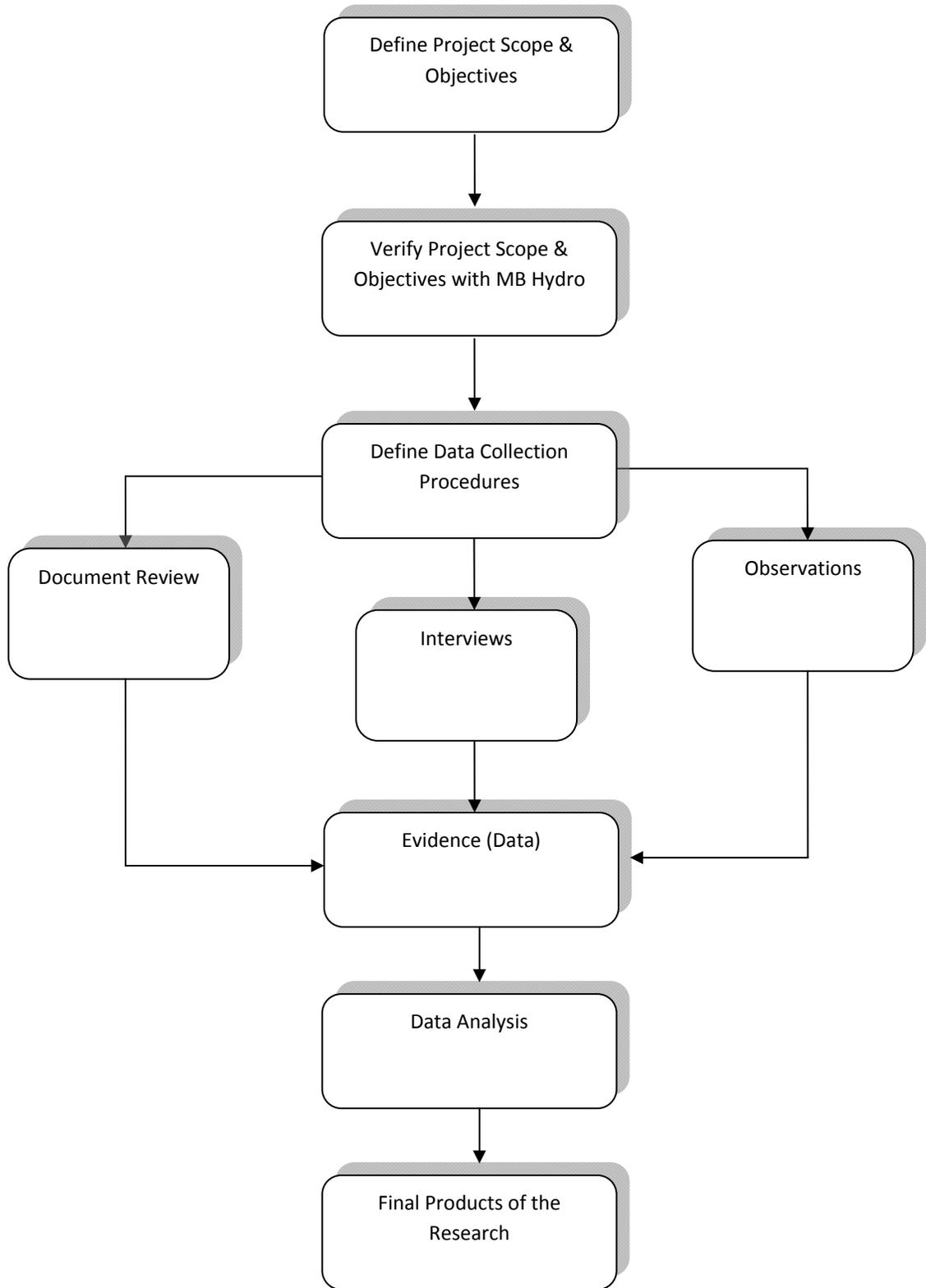
## **Chapter 3—Methods**

### **3.1 Introduction to Research Design**

As stated in Chapter One, the research follows a qualitative approach. According to Creswell (2009), qualitative researchers have a significant role within the research process, since they collect data through examining documents, observation, or interviewing participants. Qualitative researchers may use a protocol for data collection, but they usually do not rely on using questionnaires or instruments developed by other researchers, since they are the ones gathering information. Also, they typically gather different forms of data such as that from interviews, observations, and documents rather than relying on one single data source. The usefulness of the qualitative approach in exploratory research, as well as the characteristics mentioned above, matches the purpose of this research, which was to examine the Customer Service and Distribution Business Unit's compliance management process. Although different strategies of inquiry might match qualitative research design, the case study corresponded well with the qualitative nature of this research since the case study defines the scope of the research as well as the activities and processes to focus on (Creswell, 2009).

### **3.2 Data Collection Procedures**

The three data collection procedures selected for this study are typically relied upon in qualitative studies (Marshall & Rossman, 1999). The procedures provided data from a different range of settings, and helped satisfy certain validity issues. The procedures for data collection in this research included document review, interviews, and observation. Figure 4 provides an overview of the research process.



**Figure 4.** Overview of the Research Process

### **3.2.1 Document Review**

The document review process corresponds to the first and second objectives of this study. Document review helps attain data as written evidence which can save time and the expense of transcribing it. Document review also provides a reliable source of information which can be accessed at a time convenient to the researcher (Creswell, 2009).

The document review process played an important role in this research, since it assisted in identifying environmental legislation applicable to different activities in the Customer Service and Distribution Business Unit as well as in developing the final product of the research—the Compliance Self-assessment Checklist. The review of the documents was conducted in two phases:

- The first phase started with a review of the list of environmental activities which was developed to address the requirements of Clause 4.3.2 of the ISO 14001 standard (i.e., Environmental Aspects). The list identifies activities corporate wide and ranks them as high-risk, medium-risk, and low-risk. From 52 activities identified at the corporate level, 27 occur in the Customer Service and Distribution Business Unit (Appendix C). Among these 27 activities, three are identified as high-risk, 11 are identified as medium-risk, and 12 are identified as low-risk. The review started with high-risk activities followed by the review of provincial environmental legislation; federal environmental legislation; Environment Canada Guidelines; and Manitoba Hydro's documents such as the Guide to Environmental Legislation, and Corporate Safety & Health guidelines.

Documents were reviewed in depth to identify the environmental acts and regulations applicable to the high-risk activities in the Customer Service and Distribution Business Unit. The same method was applied to medium-risk and low-risk activities. A comprehensive list of the acts and regulations with the supporting sections was then provided as the final product of the first phase.

- The second phase of the document review process involved a review of the following documents: internal and external compliance audit reports; documents related to emergency response programs; and Manitoba Hydro's Environmental Management System Manual. These documents provided information on areas that could be improved within the existing compliance process. It should be noted that certain documents and information were not available during the document review process; however, as this research had an iterative nature, the document review process evolved over time. The document review formed the basis for the development of the self-assessment checklist.

### **3.2.2 Interviews**

Conducting interviews is the primary qualitative method that facilitates obtaining data regarding the individuals' perspectives of events and processes (Marshall & Rossman, 1999). Interviewing also helps gather more specific information as compared to the document review process and allows the researcher control over the line of questioning (Creswell, 2009). The interview design in this research was semi-structured and entailed open-ended questions which intended to elicit information and opinions from the

participants. The interviews served to confirm or refute the data gathered in the document review and observation stage.

The first set of interviews was conducted with managers to elicit data regarding the Business Unit's environmental activities and environmental compliance management process. In general, the questions focused on examining the elements of the environmental compliance process in the Business Unit, as well as the components that were important in forming the environmental compliance assessment tool.

The second set of interviews was conducted with subject matter experts such as the Customer Service and Distribution Business Unit's Environmental Officer, the Corporate Safety & Health officers, the Internal Audit Department Coordinator, and other individuals who were knowledgeable in the area of environmental compliance and whose perspectives contributed to forming the self-assessment tool and finding supporting information that was necessary in achieving the objectives of this research.

Two types of interviews used in this research were face-to-face interviews and telephone interviews, each of these corresponding to specific situations. Some of the participants were based outside of Winnipeg with whom telephone interviews were conducted.

### **3.2.3 Observations**

Observations completed the interview method in this research by providing an opportunity to gather information on the Business Unit's activities and compliance process. In this method of data collection, the researcher can record information as it occurs and detect anything unusual during the observation (Creswell, 2009). Since

multiple observations were conducted in this research, an observational protocol was developed to separate descriptive notes from reflective notes to sort out the data gathered.

Site visits and meeting participation in the Customer Service and Distribution Business Unit were particularly valuable by providing opportunity to learn more about the procedures in place to meet the compliance requirements, as well as the level of environmental awareness with respect to setting compliance goals, strategies, and targets. For instance, several site visits assisted the researcher to learn more about the projects and the work involved in the Customer Service and Distribution Business Unit.

Also, attendance at some of the Customer Service and Distribution Business Unit's meetings, such as the annual Management Review Meeting, provided another opportunity to ascertain the level of awareness of the legislative and internal requirements. Attendance at the EMAC (Environmental Management Advisory Committee) meeting was an opportunity to present the Customer Service and Distribution's Business Unit's compliance project to the Corporate Environmental Management Advisory Committee and seek information useful in developing the compliance checklist. In general, observation was an important component of this project which helped gain firsthand information about the Business Unit activities, different procedures, and various perspectives about the environmental compliance process.

### **3.3 Data Analysis**

Data analysis in qualitative research is an ongoing process which involves continual reflection about the data. According to Creswell (2009), the qualitative data analysis is conducted at the same time as gathering data, making interpretations, and writing reports.

Findings from interviews and observation were transcribed into text forms and reviewed in depth for consistencies. During the process of data collection and analysis, categories, themes, and patterns from the content of the collected data were developed to make an interpretation of the larger meaning of the data. The themes provided various perspectives from the participants with respect to the compliance management process in the Customer Service and Distribution Business Unit and at Manitoba Hydro. A qualitative data analysis software was used to manage and analyze the data in this project (Gibbs, 2002).

QSR Nvivo 9, qualitative data analysis software, was used to analyze data from all sources. Nvivo facilitated working with unstructured data in this project, and therefore provided a better platform for making decisions. Data analysis proceeded in two phases as described by Rubin and Rubin (2004). The first phase included preparation of the transcripts, creating an initial coding structure, and systematically coding all data. The initial coding structure was built using themes as nodes derived from interview questions. A node is a collection of references about a specific theme, concept, or other area of interest (Rubin & Rubin, 2004). Data was then coded and nodes were added to the initial coding structure. The second phase of data analysis was a systematic examination and synthesis of the nodes into groups for comparison, patterns, or connections.

### **3.4 Ethics Approval, Consent, and Anonymity**

Policy #1406 (University of Manitoba Policy and Procedures S. 1400, Policy 1406) states that the Research Ethics Board must approve any research under the auspices of the University of Manitoba that involves human subjects. Following this policy, the researcher sought and received approval of the University of Manitoba Research Ethics Board (Appendix D). Interviews proceeded only after written consent from participants was given. Participants were assured that their information would remain confidential. Appendix E contains the consent form used in this research.

### **3.5 Interview Questions**

The interview questions were developed based on the results of document review and observations. The questions were focused on important elements of the environmental compliance process in the Business Unit, and were developed in consultation with committee members (Appendices F and G).

## **Chapter 4—Data and Analysis**

### **4.1 Data and Analysis**

Data collection and analysis was carried out in three phases. In Phase One, effort was focused on developing a compendium that captures important environmental legislation, at the federal and provincial levels, pertinent to the activities of the Customer Service and Distribution Business Unit. In Phase Two, 43 interviews were conducted with the Customer Service and Distribution Business Unit managers and subject matter experts across the Corporation. Data from management interviews was analyzed to examine the compliance process in the Customer Service and Distribution Business Unit, and to find possible areas for improvement. The results of the interviews with subject matter experts were reviewed to learn more about the compliance process on a larger scale, and the data was used to develop recommendations for the Customer Service and Distribution Business Unit. In Phase Three, a compliance self-assessment tool was developed to assist the Customer Service and Distribution Business Unit in meeting the general requirements of the environmental legislation. This chapter presents the results of each phase to provide a solid background for the discussion chapter of the thesis project.

### **4.2 Phase One—List of Environmental Acts and Regulations Applicable to the Activities of the Customer Service and Distribution Business Unit**

A compendium was developed to encapsulate the most significant federal and provincial environmental acts and regulations that are relevant to the activities of the Customer Service and Distribution Business Unit. The compendium represents a snapshot in time of the environmental statutes that the Business Unit must be compliant with. To develop the compendium, the list of environmental activities was consulted. For each activity, a

list of relevant acts, regulations, and supporting sections was then provided. Extensive effort was made to comprehensively understand the activities of the Customer Service and Distribution Business Unit and to identify the pertinent environmental legislation. In doing so, several site visits were made and various sources were consulted, including the texts of acts and regulations as well as the internal documents at Manitoba Hydro.

The environmental legislation listed in the compendium can be classified into different categories based on their application to the activities of the Customer Service and Distribution Business Unit (for example, spills, safety, and transportation). It is important to consider the likelihood that one activity will be regulated by several acts and regulations, and similarly that a single act or regulation will entail various areas of environmental protection. For instance, while vegetation management is primarily regulated by *The Pesticide Use Act*, the transportation of pesticides will potentially trigger *The Transportation of Dangerous Goods Act*, and the spill or release of pesticides will potentially trigger various provisions under *The Environment Act*.

As there is overlap between environmental protection legislation and safety legislation, some of the statutes occur in both categories. Certain acts, such as the Provincial *Sustainable Development Act* (MR/S270) and *The Workplace Safety and Health Act* (MR/ W210) are among the more general regulatory requirements, and are accordingly applicable to most of the activities undertaken in the Customer Service and Distribution Business Unit. These broad regulatory Acts along with their associated regulations were listed separately at the beginning of the list (Appendix H). The list of applicable environmental acts and regulations is not intended to be an exhaustive collection; rather,

the list is intended to capture some of the important environmental acts and regulations pertinent to the activities of the Business Unit. Given the large number of environmental acts and regulations, the list should be used as a general guideline and must not be used as a replacement for legislation and corresponding regulations.

#### **4.2.1 Classification of Provincial Acts and Regulations**

The majority of statutes relevant to the Customer Service and Distribution Business Unit's activities are provincial statutes (70%). Provincial statutes were categorized into four groups to provide a highlight of applicable environmental legislation:

- 1) Spills
- 2) Worker Protection (safety)
- 3) Transportation of Dangerous Goods
- 4) Pesticide Use

A brief analysis for each group is listed below.

##### 1) Spills

The statutes under this category regulate the release of hazardous materials to the environment. As hazardous materials are used in the course of various activities in the Customer Service and Distribution Business Unit, ranging from the use of solvent and fuel to PCBs, there is a high risk of a spill of such materials and, consequently, the potential to adversely affect the environment. Therefore, *The Dangerous Goods Handling and Transportation Act* and *The Environment Act* were listed as significant statutes that the Customer Service and Distribution Business Unit must be compliant with. For

instance, *The Environment Act* sets out a reporting requirement for any “release of a pollutant that may cause, is causing, or has caused an adverse effect” (Manitoba Laws, 2011). It also outlines “clean-up” requirements, which is a duty on a person who caused a spill/release. *The Dangerous Goods Handling and Transportation Act* and the accompanying regulations set standards for shipping requirements of dangerous goods to improve the protection of the environment. *The Environmental Accident Reporting Regulation* under *The Dangerous Goods Handling and Transportation Act* also sets out a solid framework for immediate reporting of the release of dangerous goods (Manitoba Laws, 2006).

*The Provincial Parks Act* sets out liability for the discharge of substances that have a harmful impact on the environment (Manitoba Laws, 2009). As some of the activities of the Business Unit are undertaken in provincial parks, an appropriate permit must be obtained from Manitoba Conservation and Water Stewardship prior to commencement of any project.

## 2) Worker protection (safety)

The most important act under this category is *The Workplace Safety and Health Act*. As some of the activities of the Business Unit have the potential to be safety hazards, the Act and the accompanying regulations provide a framework for safe work practices as well as comprehensive and supportive training for employees. According to the Act, information must be provided about the hazards of controlled products and how these hazards can be avoided (Manitoba Laws, 2012a). *The Dangerous Goods Handling and Transportation Act* and the accompanying regulations also consider the safety of employees who are

involved in transportation of dangerous goods by requiring specific training (Manitoba Laws, 2006). *The Fire Prevention and Emergency Response Act* also delineates safety measures for fire prevention and protection programs to protect public safety and property in Manitoba (Manitoba Laws, 2012b). As a large amount of flammable liquids and combustible materials are stored and transported on a regular basis in the Customer Service and Distribution Business Unit, the activities must be compliant with the requirements of the aforementioned acts.

### 3) Transportation of Dangerous Goods

Business Unit employees handle and transfer a large amount of different products that are classified as dangerous goods. Proper handling of these products is necessary to protect the safety of employees and ensure proper protection of the environment. Under provincial legislation, *the Dangerous Goods Handling and Transportation Act*, any person who handles, offers to transport, or transports dangerous goods must be adequately trained and hold a training certificate which meets the requirements of the legislation. Other provisions in the legislation deal with reporting the spills, leaks, and accidents involving dangerous goods (Manitoba Laws, 2006).

### 4) Pesticide Use

Vegetation management is one of the important activities undertaken in the Customer Service and Distribution Business Unit. Since one of the important aspects of every vegetation management program is the use of pesticides, *The Pesticide and Fertilizer Control Act* is a prominent environmental act pertinent to this activity. The Act governs the use and handling of pesticides, as well as the safety of the employees who are

working with pesticides. Also, specific measures should be taken in compliance with *The Environment Act* and the associated regulation to safely dispose of pesticide containers and any unused pesticides. According to the Act, specific licenses and permits must be obtained for the application of the pesticides in Manitoba (Manitoba Laws, 2008). Other legislation may apply to the use, storage, transportation, and disposal of pesticides. For example, the transportation of pesticides may be governed by *The Transportation of Dangerous Goods Act*, and spill and release of pesticides is regulated under *the Environment Act*.

#### **4.2.2 Classification of Federal Acts and Regulations**

Thirty percent of the statutes pertinent to the Business Unit's activities were federal statutes, and were classified under the release of toxic substances.

- Release of Toxic Substances

- 1) *The Canadian Environmental Protection Act (CEPA)* is the primary legislation by which the federal government regulates the release of toxic substances into the environment. As a wide variety of toxic substances, as defined in the List of Toxic Substances in the Act, are stored and transported in the Customer Service and Distribution Business Unit, *CEPA* and the accompanying regulations must be followed by the Business Unit. *CEPA's* most significant regulations applicable to the Business Unit's activities are *PCB Regulations* and *Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations*, which entail managing PCBs and

Petroleum Products in the Customer Service and Distribution Business Unit (Department of Justice, 2012a).

- 2) *The Fisheries Act* is the next significant piece of federal environmental legislation applicable to the activities of the Customer Service and Distribution Business Unit. The habitat protection and pollution prevention provisions of the Act along with the Act's broad application to internal waters, including rivers and streams, make *the Fisheries Act* one of the most important federal requirements. As various activities of the Business Unit such as construction activities and site preparation may result in alteration or destruction of fish habitat, the Business Unit must follow the requirements of *the Fisheries Act* (Department of Justice, 2012b).
- 3) *The Canada National Parks Act* creates civil liability for the discharge of substances that have a harmful impact on the environment (Department of Justice, 2012c). As some of the activities of the Customer Service and Distribution Business Unit are geographically dispersed and may be undertaken in National Parks, reasonable measures must be taken to prevent damages that may result from the discharge or deposit of toxic substances.
- 4) *The National Fire Code of Canada* sets technical requirements for the storage and handling of flammable and combustible liquids to prevent fires (Government of Canada, 2012). The primary purpose of the *National Fire Code of Canada* is to provide a uniform fire safety standard throughout Canada to promote public safety. The NFC is applicable to the Customer Service and Distribution Business Unit's activities in a sense that all the

internal guidelines and measures to promote fire prevention programs and for storage and handling of flammable and combustible liquids must be followed by the Business Unit. The Act also focuses on public safety measures which should be taken into consideration.

### **4.3 Phase Two—Interview Results**

Several underlying themes emerged while analyzing the results of the interviews. The emerging themes provided guidance on the process of developing the compliance checklist and making recommendations to improve the compliance process in the Customer Service and Distribution Business Unit. The results of the interviews with managers and subject matter experts are presented in the sections that follow.

#### **4.3.1 Management Interviews**

Twenty-five interviews were conducted with the Customer Service and Distribution Business Unit managers. The purpose of the interviews was to learn more about the existing environmental compliance management process and to identify any possible gaps that might exist in the process.

The Customer Service and Distribution Business Unit has four divisions and a separate department for support services. Interviews in each division started with the division manager and moved through the chain of command to department managers. The results from the interviews were categorized under the following themes:

- 1) Communication of Applicable Environmental Legislation
- 2) Demonstration of Compliance
- 3) Key Elements in Managing Environmental Compliance

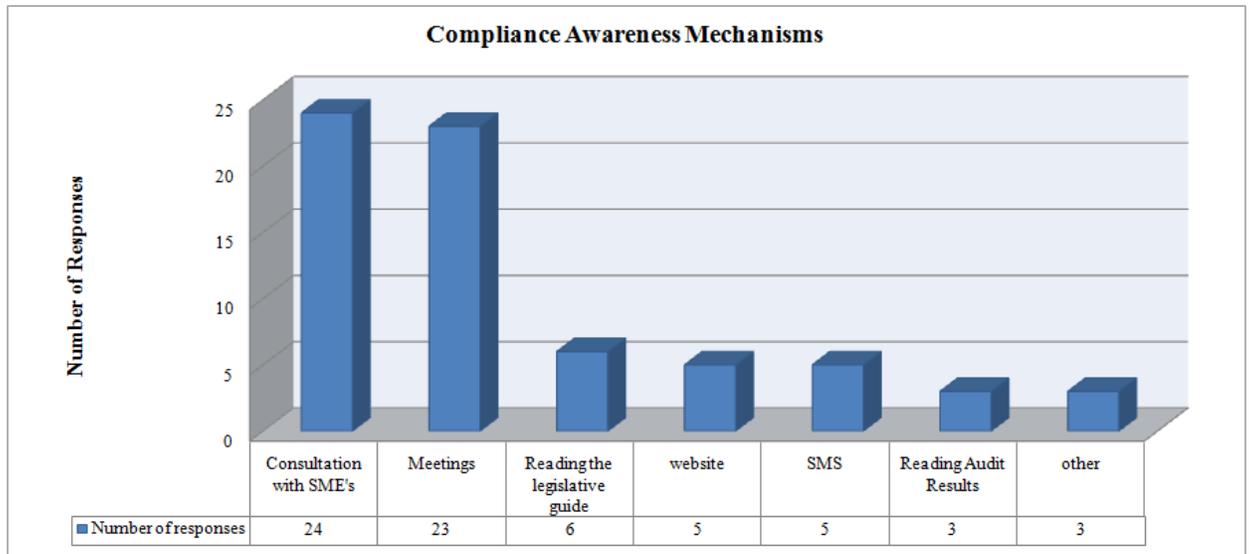
#### 4) Management Expectations

Various sub-categories for each of the themes were also identified and classified over the course of data analysis. A detailed description for each theme along with the associated sub-categories is presented below.

##### 1) Communication of Applicable Environmental Legislation

Respondents were asked to identify the mechanisms that are in place to increase their awareness with respect to applicable environmental legislation in their areas, and any changes that might occur in the applicable environmental legislation and regulations. The interviewed managers relied on the Customer Service and Distribution Business Unit Environmental Officer and Safety Officers to be informed of the applicable environmental legislation in their areas, and any changes in directives, legislation, and regulations. The Environmental Officer and Safety Officers present information with respect to applicable environmental statutes in different meetings, or depending on the significance of the acts and regulations, they send the relevant documents via email. Participation in meetings, particularly the Environmental Management Advisory Committee meetings, Management Review, and staff meetings, was stated as the next most important mechanism that assisted managers to find out more about the applicable environmental legislation and any changes that may occur in the requirements. Other awareness mechanisms identified were consulting Manitoba Hydro's Guide to Environmental Legislation, consulting Manitoba Hydro's Safety Management System (SMS) document, referring to the environmental website in the Customer Service and Distribution Business Unit (Environmental Communiqué for Managers), and reading the

results of internal and external audits. Figure 5 presents the classification of different communication mechanisms from the viewpoint of interviewed managers.



**Figure 5.** Environmental Compliance Awareness Among the Customer Service & Distribution Business Unit Managers

## 2) Demonstration of Compliance

The primary focus of this section was to determine the mechanisms used in the Customer Service and Distribution Business Unit to demonstrate compliance with environmental acts and regulations. Respondents were asked to define the practice(s) that assisted them in demonstrating compliance with significant environmental legislation.

Thirty-nine percent of the managers stated that reading the results of internal and/or external audits assisted them in evaluating the status of environmental compliance in their areas. These respondents pointed out that audit findings were relied on as an evidence of compliance if such findings did not include any non-compliance in their areas of responsibility. For instance, audit results from the Natural Gas Quality Assessment

Process provide evidence of compliance for the operations of the Customer Service and Operations Divisions (CSO). This audit process establishes priorities based on safety, environmental processes, emergency, financial, and customer processes and assessment cycles for all natural gas operations. As part of the process, two Quality Assessment Reports (one preliminary and one for the Public Utility Board) must be provided to summarize the assessment findings for some departments in CSO.

Reports from department managers and staff supervisors were stated as the second most important mechanism that provided managers with information on their compliance status. In the event of a non-compliance, department managers would receive reports from staff supervisors, and then the compliance issue would be discussed with division managers.

There are checklists in some departments to verify compliance with some of the environmental requirements. For instance, the “Pre-project Checklist” used in the Interlake and North Construction Department incorporates some of the environmental regulatory requirements applicable to their activities. The Pre-project Checklist requires information with respect to different permits that must be obtained prior to the commencement of projects in provincial parks. The implementation of the Environmental Checklist, which was developed in Environmental Support Services, was stated as an appropriate tool to check compliance with some of the environmental and safety requirements. The Environmental Checklist, once implemented, will provide a level of assurance that environmental concerns have been addressed in the course of the work in the Customer Service and Distribution Business Unit.

Meeting the requirements of the Safety Management System (SMS) was the next compliance demonstration mechanism cited by managers. Complying with SMS requirements assists managers in identifying any non-compliance and defining and tracking actions necessary to be compliant with safety and environmental requirements. For instance, “Releases-Response & Prevention” is one of the components of the SMS which aims to manage the risks associated with hazardous materials and to provide effective strategies for the prevention of spills and the development of a response plan. To that end, appropriate action plans must be developed based on the requirements of this component of the SMS. The Corporate Safety and Health Division stores the data to generate reports on efforts made towards meeting specific requirements of the SMS.

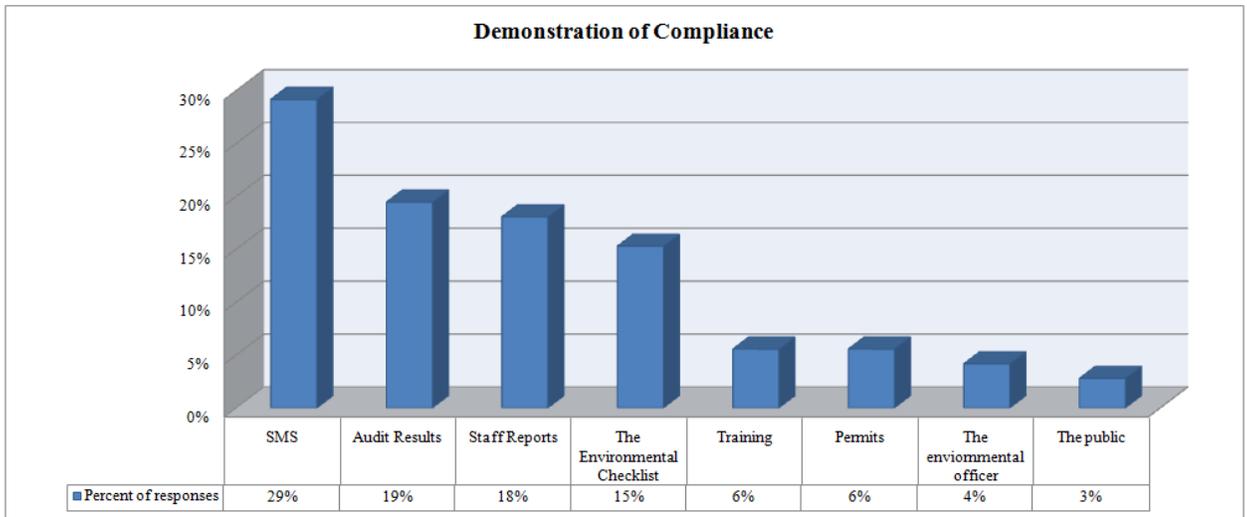
Other mechanisms stated as demonstrating and achieving environmental compliance in the Customer Service and Distribution Business Unit were:

- Training. Six percent of the interviewed managers referred to training programs as one of the mechanisms that support compliance with environmental statutes. For example, some environmental legislation such as *The Transportation of Dangerous Goods Act* requires specific training for the employees who are working with dangerous goods. The certificates obtained upon completion of training courses are one of the documents that demonstrate compliance with the aforementioned Act.
- Complaints from the public. In the event of non-compliance, complaints might be received from affected third parties such as farmers whose properties might have

been affected. Complaints from the public serve as an awareness mechanism for managers in the event of spills or some other non-compliance.

- Permits that must be obtained from external regulatory agencies such as Manitoba Conservation and Water Stewardship and/or the Department of Fisheries and Oceans (DFO) prior to commencement of certain projects. The conditions in permits must be followed thoroughly to ensure compliance with the requirements of such permits. Obtaining the permit and adhering to the conditions for a specific period of time was mentioned as one of the mechanisms demonstrating compliance in different areas.
- The Environmental Officer was mentioned as a resource who assisted in achieving environmental compliance. Four percent of the respondents stated that the Environmental Officer assisted them in tracking environmental requirements for their operations and becoming compliant with environmental legislation.

Figure 6 shows the results on demonstration of compliance obtained from interviews in the Business Unit.



**Figure 6.** Demonstration of Compliance in the Customer Service & Distribution Business Unit

### 3) Key Elements in Managing Environmental Compliance

In this section respondents were asked to define the elements that were considered important in implementing and managing the compliance process. These elements were categorized as follows:

- Education and Training
- Sufficient Resources
- Systematic Monitoring of Compliance
- Effective Communication Mechanisms
- Reporting of Instances of Non-compliance
- Continuous Improvement of the Process

A description for each group is presented below.

- **Education and Training:** Twelve percent of the interviewed managers believed that providing appropriate education and training was one of the key elements in being compliant with environmental acts and regulations. The Corporate Safety and Health Division provides various training programs to support practices and procedures as required by the legislated safety, environmental, and corporate standards. These training programs cover broad areas from fire prevention programs to safe handling and transportation of dangerous goods. Corporate Safety and Health training was cited as an important mechanism in achieving ongoing compliance and improvement.
- The Customer Service and Distribution Business Unit's Environmental Management System Computer-Based Training (CBT) program was mentioned as the next training mechanism which enabled ongoing compliance and improvement. The EMS training provides a framework to address the ISO 14001 requirements for employees. Some of the topics addressed in the training are the important environmental activities and related potential impact on the environment, and the roles and responsibilities in achieving conformity with requirements of the environmental management system at Manitoba Hydro. The CBT aims to address the appropriate knowledge, competency, and awareness needed to be conformant with the requirements of ISO 14001.
- **Sufficient Resources:** Fifteen percent of the respondents stated they had sufficient resources in communicating the environmental regulatory requirements. From the twenty-five managers interviewed, three of them mentioned the need to have a subject matter expert or a technical officer, besides the Environmental Officer, to determine how specific environmental acts and regulations were applicable to their activities. Most of the respondents relied on the Environmental Officer in the

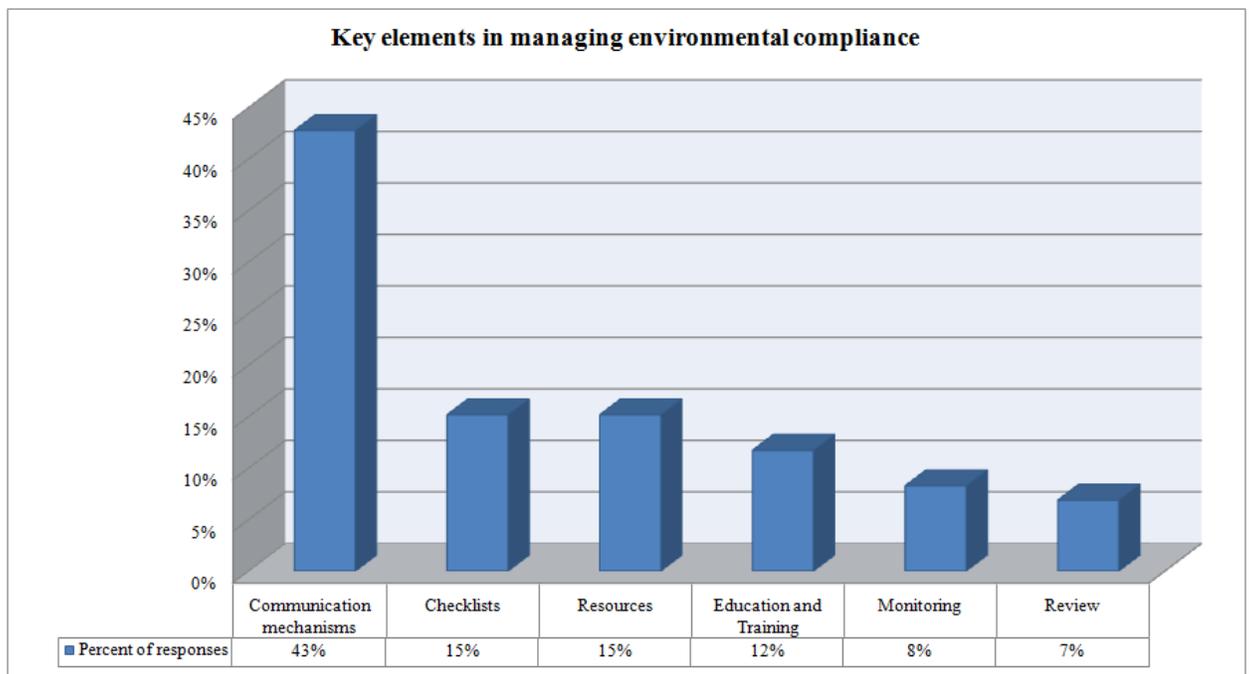
Customer Service and Distribution Business Unit to be informed of environmental acts and regulations in their areas.

- **Systematic Monitoring of Compliance:** There are some formal and informal processes in place to monitor environmental compliance in the Customer Service and Distribution Business Unit. The “Reporting and Calculation” requirements of the Safety Management System (SMS) were cited as the formal process to monitor compliance with the components of the SMS. The information in related action plans, including the person responsible, description of the action plans, target dates and status, must be reported quarterly to the Corporate Safety and Health Division. Internal audits, scheduled by the Internal Audit Department, were cited as the next formal process to monitor compliance with environmental legislation. Monitoring the requirements of permits and licenses was also stated as a formal monitoring process. For instance, tracking pesticide usage in different locations and times is a monitoring process aimed at compliance with the requirements of the “Pesticide Permit”.

According to respondents, informal processes to monitor environmental compliance consist of site visits and inspections conducted by subject matter experts such as Safety Officers, the Environmental Officer, and Business Unit managers. The implementation of self-assessment checklists (for example, a pre-project checklist), and monitoring the compliance against the requirements of those checklists was mentioned as one of the processes in place to monitor compliance.

- **Effective Communication Mechanisms:** According to the interviewed managers, different methods are used in their areas of responsibility to communicate the

environmental regulatory requirements. These methods of communication range from e-mails and phone calls (depending on the significance of the requirement) to discussions in communication meetings, Management Review Meetings, Business Planning meetings, staff meetings, and other ad hoc meetings with respect to regulatory changes and the applicability of those changes to their activities. The Environmental Officer and Safety Officers provide information with respect to changes in regulations and the way those requirements apply to the Customer Service and Distribution Business Unit’s activities. The requirements are communicated in a variety of mediums, both written and oral.

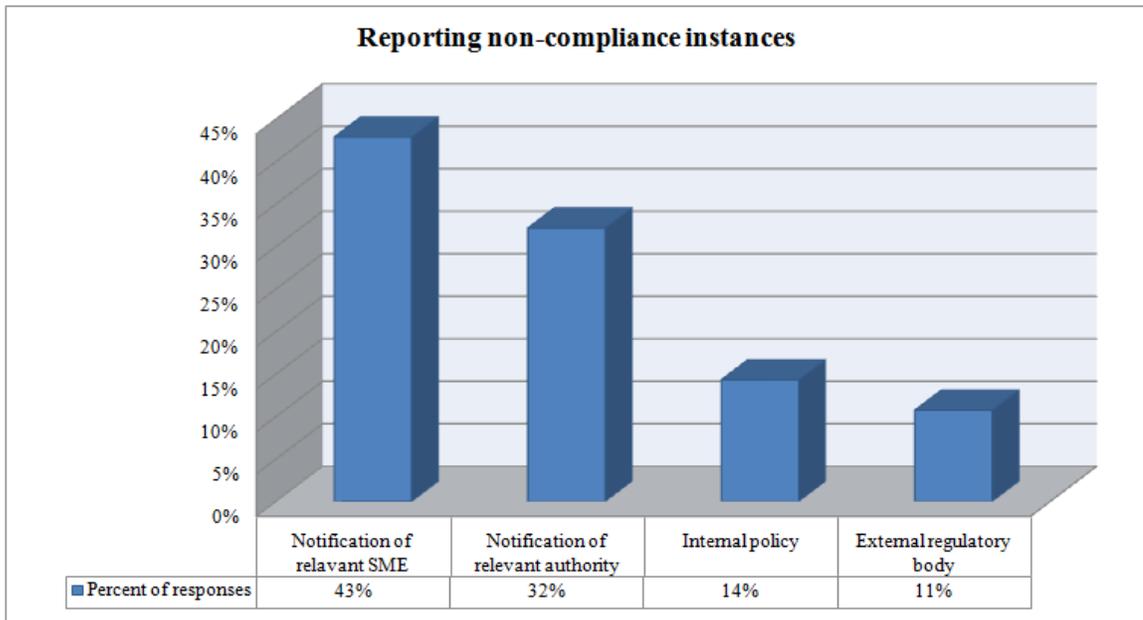


**Figure 7.** Key Elements in Managing Environmental Compliance

- Reporting of Non-compliance Instances: To learn more about the formal reporting system for environmental non-compliance, respondents were asked to define the processes undertaken after a compliance failure. Notification of the relevant subject

matter experts, for example the Environmental Officer and/or the Safety Officers, was cited by all the managers as the first step in reporting a compliance failure. Notification of the relevant authority was cited as the next step in the process and includes notification of the pertinent Division Manager and possibly the Vice President, depending on the scale of the non-compliance. Reporting to external regulatory bodies was indicated as the next step in the process depending on the significance of the non-compliance, the requirements of the legislation, and the involvement of external regulatory agencies such as Manitoba Conservation and Water Stewardship. For instance, in the event of violating any conditions of a “Pesticide Permit” by a contractor, Manitoba Conservation and Water Stewardship will be notified immediately. Also, the non-compliance will be stated in seasonal reports to Manitoba Conservation.

Fourteen percent of the respondents referred to the internal policy for reporting non-compliance as an important component of the reporting system. The internal policy at Manitoba Hydro requires the immediate reporting of violations of legislation, regulations, and licenses to the Law Department.



**Figure 8.** Reporting Non-compliance Instances

- Continuous Improvement of the Process: The focus of this part of the interviews was on the mechanisms for reviewing the compliance process and compliance performance in the Customer Service and Distribution Business Unit. Reviews of environmental legislation, changes in regulatory requirements, and the applicability of the requirements are conducted in Management Review Meetings each year. Seven percent of the respondents indicated that Management Review Meetings were an opportunity to learn more about the applicable environmental legislation and to develop action plans to improve compliance.

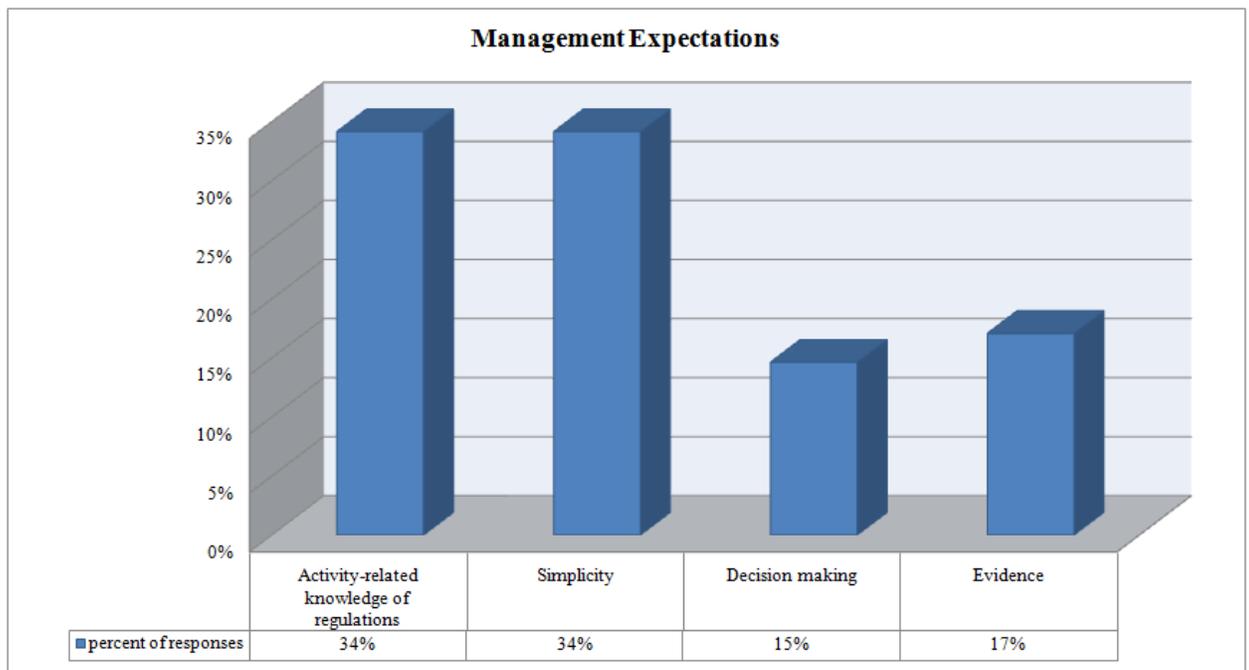
#### 4) Management Expectations

In this section respondents were asked to define their expectations of a compliance self-assessment method, and a tool or mechanism that would assist them in managing environmental compliance and meeting the requirements of environmental acts and regulations. This part of the process was an important step in learning about the needs of the Customer Service and Distribution Business Unit's managers, and incorporating those needs into the development of the self-assessment checklist. Themes emerging from the data were categorized as follows:

- Compliance self-assessment tool as evidence of compliance: Seventeen percent of the respondents defined their need for having a tool to demonstrate compliance with environmental acts and regulations. They indicated that such a tool would assist them in the process of internal and external audits by providing evidence of compliance with acts and regulations.
- Compliance self-assessment tool should be based on the activities of the Customer Service and Distribution Business Unit: Thirty-four percent of the managers stated that the self-assessment tool should provide a clear description of how acts are applicable to the activities in their areas. Categorizing activities and applicable environmental acts and regulations in a simple format, to show the linkage, was one of the recommendations.
- Compliance self-assessment tool should assist in the decision making process: Fifteen percent of the managers expected that the compliance self-assessment tool would

improve the decision making process for staff. According to these managers, the tool should assist the staff in making decisions in the event of a non-compliance.

- Compliance self-assessment tool should be simple and free of complicated language: The simplicity of the compliance tool was cited as an important factor by one-third of the respondents. The fact that the compliance self-assessment tool was going to be based on the environmental legislation was a concern for managers, since following the complicated language of some of the acts and regulations requires time and expertise.



**Figure 9.** Management Expectations

#### 4.3.2 Subject Matter Expert Interviews

Eighteen interviews were conducted with subject matter experts at Manitoba Hydro. As Manitoba Hydro has a single ISO 14001 registration, various Business Units work collaboratively to meet the requirements of the Standard. Interviewing subject matter

experts outside the Customer Service and Distribution Business Unit was helpful in understanding the mechanisms that are in place at Manitoba Hydro to be conformant with the requirements of ISO 14001, including the requirements for legal compliance. Also, there are some centralized systems at Manitoba Hydro such as the Safety Management System which require an efficient level of communication among subject matter experts to meet the requirements of the system and consequently to be compliant with the environmental acts and regulations on which the system requirements are based. Interviews with subject matter experts in the Corporate Safety and Health Division, for example, provided an opportunity to learn more about the requirements of the SMS and the mechanisms that are implemented to meet those requirements. Overall, interviews in this section assisted the researcher in learning about the compliance process at the corporate level and the practical mechanisms that can be used to fill any gaps that may exist in the existing compliance process, and in developing recommendations for improving the compliance process in the Customer Service and Distribution Business Unit. Interviews were conducted with a number of experts from different departments. The themes that emerged over the course of interviews with subject matter experts are as follows:

- 1- Obtaining Information on the Environmental Legislation and Communication of the Requirements
- 2- Monitoring the Compliance Process
- 3- Reporting Non-compliance
- 4- Areas for Improvement in the Compliance Process
- 5- Practical Mechanisms to Address or Fill the Gaps

## 1) Obtaining Information on the Environmental Legislation and Communication of the Requirements

The purpose of the questions in this section was to learn more about the systematic approach that exists at Manitoba Hydro to identify legal and regulatory requirements, and the way that those requirements are communicated. Respondents were asked to define the mechanism that they used to obtain the interpretation of the environmental legislative requirements. They were also asked to explain how they communicated the requirements to the targeted audiences. The methods referred to by subject matter experts for obtaining information on applicable requirements were used in developing the self-assessment tool in this project. In interpretation of regulations, efforts were made to use the same sources and to consult with the same experts as the ones referred to by subject matter experts.

Thirty-three percent of subject matter experts said they consulted the text of environmental acts and regulations to obtain an accurate interpretation of legislative requirements and to find the applicability of those requirements to the activities in their areas. Thirteen percent of the respondents stated they relied on the Guide to Environmental Legislation and the Quarterly Legislative Updates from the Corporate Environmental Management Department to learn about the applicable environmental legislation in their areas. Also, to determine the applicability of specific legislation to specific activities, they would consult with other experts in relevant areas. Among other mechanisms cited were direct communication with the law department (18% of respondents) and the external regulator (13% of respondents) to find out more about a

specific interpretation and the applicability of the legislated requirements. Depending on the information needed at different times, respondents have to combine all the mechanisms to obtain accurate information on a specific legislation and the applicability of that legislation to the activities in their areas.

Communication mechanisms were used in different forms. The Guide to Environmental Legislation and the Quarterly Updates were among the primary sources cited to communicate the regulatory requirements. The Corporate Environmental Management Department sends the updates to target audiences, such as EMS coordinators and division managers. Presentations in safety meetings, Environmental Management Advisory Committee Meetings (EMAC), and Environmental Management Review meetings were stated as other communication mechanisms. Finally, articles in the corporate newsletter and the Customer Service and Distribution Business Unit website (Environmental Communiqué for Managers) were the online methods mentioned to inform the audience of specific regulations and/or changes. Depending on the significance of the legislation, informal processes such as emails and phone calls might be used first to inform the audience of the applicability and any changes in the requirements.

## 2) Monitoring the Compliance Process

Four different processes were mentioned by the respondents as monitoring mechanisms. The Safety Management System (SMS) provides a structure to monitor environmental compliance. Internal Audits were cited as another formal process to monitor environmental compliance. Other mechanisms to monitor environmental compliance were stated as site visits and inspections conducted by subject matter experts; as well as

the implementation of self-administered checklists in some departments, and checking the compliance against the elements of the checklists.

### 3) Reporting Non-compliance

Respondents were asked to define processes for reporting any non-compliance in their areas. The process consists of two phases, often occurring concurrently:

- Identification and assessment of the compliance failure. In this stage, the compliance issue is identified and the risk of potential outcomes assessed. Site visits and consultation with other field experts would occur to analyze the problem and suggest corrective actions.
- Reporting to the relevant authority. According to subject matter experts, any non-compliance should be reported to the relevant authority. Notification of the relevant supervisor/manager where the non-compliance has occurred was stated as an important stage in reporting the non-compliance. External regulatory bodies would also be notified, depending on the scale of the non-compliance and legislative requirements.

### 4) Areas in Need of Improvement in the Compliance Process

Respondents to this question indicated the following issues as the areas in need of improvement in the existing corporate compliance process. It is noteworthy that no root cause analysis of these areas was done in the course of this research.

- Roles and Responsibilities: Thirty-two percent of the respondents indicated that there is a need for a clearer description of accountabilities and responsibilities within the environmental compliance process at Manitoba Hydro.
- Monitoring and Assessment: The need for establishing a stronger monitoring system was mentioned as the next area in need of improvement in the compliance process (14% of respondents). Such a monitoring system will provide evidence of compliance and will support the claim of being compliant.
- Training: Overtraining was the concern of 13% of the respondents. They indicated that due to overtraining in some areas, staff became overwhelmed and did not absorb the important message of the training session, nor implemented that message into practice. Establishing specific criteria for training which explains who needs to receive the training and what sort of training should be delivered were indicated as important factors to consider.
- Communication: The need for clear communication mechanisms that convey the messages of the compliance process along with the roles and responsibilities of SMEs and managers was stated by 18% of the respondents as a way to improve the existing process. According to these respondents, expectations from a good monitoring system and the implementation of a compliance tool within this system should be communicated.

## 5) Practical Mechanisms to Address or Fill the Gaps

After identifying the areas in need of improvement, respondents were asked to define practical mechanisms that could improve the compliance process. Their perspectives on these mechanisms were used in designing the environmental compliance checklist, and in developing recommendations for the Customer Service and Distribution Business Unit.

The answers obtained were classified in the following categories:

- Improving the communication mechanisms to raise awareness on the compliance process
- Assignment of clear roles and responsibilities within the compliance process
- Establishing a centralized functional oversight for defining compliance strategies
- Establishing formal processes such as a more uniform and consistent environmental compliance audit to monitor the compliance with the requirements and provide documented evidence
- Developing a clear and concise interpretation of regulations and requirements to assist managers in meeting the requirements of environmental legislation

### **4.4 Phase Three—The Environmental Compliance Checklist**

The last phase of the project was to develop the environmental compliance checklist applicable to the activities of the Customer Service and Distribution Business Unit (Appendix I). After developing the list of applicable acts and regulations, and conducting background research, the legislated requirements were analyzed to provide a list of regulatory requirements in the form of simple questions. To do so, several subject matter experts were consulted to learn how to determine the applicability of certain acts and

regulations to the activities of the Customer Service and Distribution Business Unit. Also, various internal documents at Manitoba Hydro, such as the Hazardous Materials Management Handbook, were consulted to provide a sound interpretation and application of the acts to the activities of the Customer Service and Distribution Business Unit. The requirements were then structured in the form of simple questions to help raise awareness with respect to applicable environmental laws, and assist in meeting the requirements of environmental acts and regulations. Also, effort was made to incorporate key managers' comments into the development of the compliance checklist, and to adopt a practical approach in interpreting environmental legislation. In order to keep the process concise, legislated requirements were simplified and a plain language was used. During the process of analyzing environmental legislation, committee members and some of the managers and subject matter experts in the Customer Service and Distribution Business Unit were consulted for comments on improving the checklist.

The purpose of the checklist is twofold. First, it will assist the Business Unit in providing evidence of the evaluation of compliance with environmental acts and regulations; and second, it will assist managers in meeting the requirements of environmental legislation applicable to their activities. For each of the acts and regulations, a series of questions was developed to address the requirements of the environmental statutes. The checklist is based on the Customer Service and Distribution Business Unit's activities. Three matrices have also been designed, covering low-, medium-, and high-risk activities, to assist managers in identifying environmental requirements that correspond to a certain activity. Once managers have identified the regulated activities in their areas, they can review the relevant matrices to determine the pertinent statutes. The corresponding

checklist tables can then be consulted. A reference number at the end of each question links to the act, regulation, or internal document used to develop the question.

An important consideration with respect to the function of the checklist is that the compliance checklist is a general guideline to assist managers in meeting the requirements of the environmental acts and regulations—it is not exhaustive and must not be used as a replacement for environmental acts, regulations, and legal advice.

## **Chapter 5—Discussion**

### **5.1 Introduction**

As mentioned in Chapter Two, the existing compliance process in the Customer Service and Distribution Business Unit was compared to the generic compliance process PDCA system diagram (Figure 3). This comparison, which is based on information obtained from interviews with managers as well as the literature review, was expected to shed light on areas of the compliance process that need improvement. The present chapter discusses the details of this comparison.

Three important factors should be considered when reading the results of the analysis and comparison of the existing compliance process in the Customer Service and Distribution Business Unit with the generic compliance process PDCA system diagram. First, the diagram presented in Chapter Two is a strict framework for the implementation of an effective compliance process which follows the PDCA cycle. Given the complexity of the compliance process and the variety of activities that are undertaken in an organization, organizations can tailor the elements of such a process to their needs, and do not need to replicate the strict framework to achieve compliance. Second, the environmental impact of the activities of the Customer Service and Distribution Business Unit are incremental in comparison with the environmental impact of other Business Units at Manitoba Hydro. Given the incremental impact of the activities on the environment, some of the areas in need of improvement in the existing compliance process may not pose serious risks to the effectiveness of the existing compliance process, nor result in compliance failures. Third, a dedicated environmental support employee has only been working in the Customer Service and Distribution Business Unit

for two years. Given the variety of activities and operations and the complexity and demanding nature of the compliance process, it is natural for some areas in need of improvement to be identified. The ongoing initiatives in the Business Unit (e.g., environmental checklist implementation) demonstrate the proactive approach of the Business Unit in protecting the environment and achieving compliance.

## **5.2 Comparison of the Existing Compliance Process with the Generic Compliance Process PDCA System**

### **5.2.1 Management Commitment for Compliance and Continuous Improvement**

The commitment of senior management in the Customer Service and Distribution Business Unit to promoting compliance culture and meeting the requirements of environmental legislation and standards is visible and strong. Such commitment derives from the corporate strategic plan, in which Manitoba Hydro's goals and strategies with respect to improving performance in different aspects, including environmental protection, are described clearly. The commitments in the strategic action plan cascaded down to the Business Units and divisions at Manitoba Hydro. The Customer Service and Distribution Business Unit has specific goals and mandates with respect to environmental protection and achieving compliance, which are clearly stated in the Business Unit and divisional plans. The goals and mandates reflect the commitment of senior management to protecting the environment and promoting a compliance culture. Supporting compliance-related initiatives such as the "Examination of the Compliance Process Management in the Customer Service and Distribution Business Unit", and collaboration of Business Unit managers in different stages of the research, are examples of the

Business Unit's commitment in meeting compliance requirements and supporting compliance culture.

### **5.2.2 Identification and Communication of Legal Requirements and Changes**

Identification and communication of legal requirements and associated changes were analyzed in two contexts in this research. In the first context, identification and communication of environmental acts and regulations were viewed as a mechanism to raise awareness among managers and subject matter experts. Managers and subject matter experts were asked to define the communication mechanisms for obtaining information on regulatory requirements and disseminating that information. In the second context, communication with government agencies was examined within the existing compliance process. Communicating with government agencies is important in improving the compliance process. Inadequate communication with external regulators can result in misunderstanding of environmental legislative requirements and enforcement of liability (U.S. Environmental Protection Agency, 1998).

The Customer Service and Distribution Business Unit managers were found to be well informed of the applicable environmental acts and regulations. Environmental legislative requirements are sent to managers and subject matter experts by the Corporate Environmental Management Department in the form of a comprehensive document called "Guide to Environmental Legislation". Also, Corporate Safety and Health experts interpret and communicate some of the important safety and environmental legislation such as *The Transportation of Dangerous Goods Act* to managers and subject matter experts in the Customer Service and Distribution Business Unit. The Environmental

Officer also communicates information to managers and supervisors whose activities are highly regulated by environmental legislation.

The Environmental Officer gives presentations in departmental meetings and Management Review meetings, follows the changes in environmental requirements, and disseminates information with respect to how amendments to specific acts relate to the activities in the Business Unit. The environmental policy of the Corporation, which includes emphasis on compliance, with a commitment to meet or surpass regulatory requirements, are also communicated clearly to managers and staff to raise their awareness. While this process may be sufficient to raise awareness and deliver the message of environmental compliance and the requirements of regulations, such overreliance on limited resources for communicating all compliance requirements can present risks to the effectiveness of the compliance process due to the complexity and the immense volume of environmental laws and regulations with which an organization should be compliant. In large organizations adequate resources are designated to determine how legislated requirements apply to specific activities, track changes in environmental regulations, communicate the requirements on a regular basis, and evaluate the compliance process against the defined requirements (IEMA, 2005).

Communication with agencies that administer regulatory requirements and programs, such as Environment Canada (federal) and Conservation and Water Stewardship (provincial), is essential in achieving compliance (Muldoon et al., 2009). Subject matter experts in the Customer Service and Distribution Business Unit are well aware of the importance of communicating with external agencies. For example, to get a “Pesticide

Permit”, the subject matter expert in the area has established good communication mechanisms with the provincial agency in terms of providing accurate information needed to get the permit, and in writing the post-seasonal reports for pesticide usage. Any violation in the course of pesticide use would be reported to the agency.

### **5.2.3 Roles and Responsibilities**

The Environmental Officer’s role in the compliance process can be summarized as giving presentations in departmental meetings and Management Review Meetings with respect to applicable environmental acts and regulations, following the changes in environmental legislative requirements, and disseminating information with respect to how amendments to specific acts relate to various activities in the Business Unit.

Department managers in the Customer Service and Distribution Business Unit are responsible for achieving compliance in their areas. One example of clear definitions with respect to the role of department managers is indicated in the Hazardous Materials Management Handbook. According to the requirements of the Handbook, department managers are responsible for developing Spill Response Plans in consultation with the Area Spill Response Coordinator. This example demonstrates the definition of roles and responsibilities as it clearly designates the person(s) responsible to devise a plan, and the collaboration necessary to achieve compliance. Division managers in the Business Unit are responsible for allocating appropriate resources to implement and improve the compliance process as well as in achieving compliance in their divisions.

Further analysis of the interview results indicated that some of the roles and responsibilities in the compliance process were not sufficiently clear. For example, there

is ambiguity as to who is responsible for working with department managers to verify the implementation of new and amended legislative requirements. Given the complexity of the compliance process, assigning responsibilities for overall design, consistency, and integrity of the compliance process to specific individuals can improve the effectiveness of the process and assist in achieving compliance goals.

#### **5.2.4 Training**

Currently, various training programs are implemented in the Customer Service and Distribution Business Unit. The Corporate Safety and Health training programs are based on the requirements of specific acts, regulations, and standards. Department managers are required to send employees whose jobs deal with regulated activities to these training sessions, to be compliant with legislative requirements. The EMS computer-based training (CBT) is another training program that was developed in the Customer Service and Distribution Business Unit to increase employees' awareness of environmental issues and the requirements of ISO 14001 standard. The environmental checklist training is a new training program that is specific to the implementation of the environmental checklist in the Business Unit.

The training programs mentioned above do not satisfy the requirements of compliance-specific training as required by the compliance framework presented in Chapter Two. Such a training program should convey the purpose of the compliance process and the implementation mechanisms of such a process. According to Carroll (2001), a compliance-specific training program will improve the effectiveness of the compliance

process by raising awareness among managers and staff and by facilitating the implementation of different elements of the compliance process.

### **5.2.5 Effective Controls**

Controls are important in the compliance process, because effective controls assist managers in identifying compliance obligations and achieving compliance objectives (Krages, 2000). Controls must be developed by the regulated party instead of a regulatory agency. Issues usually addressed in controls are emergency response and ‘best management’ practices (Krages, 2000). Corrective actions and preventive actions (CAPA) are important in developing effective controls. Corrective actions intend to determine the cause of non-conformance instances that have been detected, while preventive actions are plans to prevent the problem from happening again. The Customer Service and Distribution Business Unit has various corrective and preventive actions in place which result in developing controls to achieve compliance and continuous improvement. Some examples of the controls implemented in the Business Unit are explained below.

“Spill Response Plans” are considered one of the formal controls in the Customer Service and Distribution Business Unit. One of the purposes of the Spill Response Plan is to meet the requirements of ISO 14001 with respect to providing an appropriate and timely response to accidental incidents (Canadian Standards Association, 2004). Spill Response Plans have to be developed by managers in consultation with the Area Spill Response Coordinator and/or their alternate and the Hazardous Materials Officer (CSH, Manitoba

Hydro, 2011). The requirements of Spill Response Plans are defined by the Safety Management Systems document and Hazardous Materials Management Handbook published at Manitoba Hydro. The plans should be activated annually, and documentation should be available to prove compliance with the Safety Management System (CSH, Manitoba Hydro, 2011). The Customer Service and Distribution Business Unit Spill Response Plans are posted to the Customer Service and Distribution Business Unit website. Root cause analysis is required for externally reportable spills. Root cause analysis leads to the validation of appropriate controls and helps identify the need for amended controls. Root causes for externally reportable spills, such as hydraulic spills, are determined through this analysis as well.

The Safety/Environmental Building Inspection checklist and the Environmental Checklist are examples of other mechanisms that will result in the development of corrective and preventive actions. The checklists are self-assessment processes to identify non-conformities that may exist in some workflows in the Customer Service and Distribution Business Unit, resulting in the development of corrective or preventive actions.

Audit findings also lead to the development of corrective and preventive actions in the Business Unit. The results of external and internal audits are shared with managers and they are asked to develop corrective and preventive actions to fix the non-conformities. The majority of managers in the Business Unit indicated that reading the audit results was an important process in raising their awareness and in developing action plans.

Prevention Maintenance Programs are also important controls which result in satisfactory operation, systematic inspection, correction, and prevention of issues with the Business

Unit's equipment and facilities. For instance, Prevention Maintenance Programs for transformers provide electrical protection recommendations for the prevention of loss of power, fire protection, and leak prevention for distribution transformers.

Finally, site visits undertaken by managers, Field Safety Officers, and the Environmental Officer are considered to be an inspection process which would result in developing appropriate corrective and preventive actions in the event of non-conformity, which is a failure to comply with ISO 14001 requirements.

### **5.2.6 Monitoring the Compliance Process**

The formal monitoring process in the Customer Service and Distribution Business Unit derives from the Safety Management System document. The SMS is based on the requirements of some of the important environmental and safety acts and regulations. The "Reporting and Calculation" requirements of the SMS provide checklists and reports that are evaluated and reviewed. The information in the associated action plans that must be reported quarterly to the Corporate Safety and Health Division includes the person responsible, description of the action plans, target dates, and status. Internal audits are the next formal mechanism to monitor compliance with some of the relevant environmental legislation. The Business Unit undergoes several internal audits on a regular basis to continuously improve its environmental performance and compliance.

For the areas not addressed by the SMS document or internal audits, there exist isolated examples of local self-assessments— for example, the "pre-project checklist"— in some departments. Although apparently effective, a formal monitoring schedule was not found to address the requirements of the compliance process during the implementation of such

local self-assessment checklists. Also, the local self-assessment checklists, despite being useful in covering some of the environmental and safety requirements, were not designed to meet the requirements of environmental legislation.

Site visits and inspections, undertaken by managers, supervisors, the Environmental Officer, and Safety Officers, are among other informal mechanisms to monitor compliance. As with the local self-assessment checklists, a plan for continual monitoring, including schedules and resources, was not found in the site visit schedules to address the requirements of the compliance process.

To conduct a thorough comparison between the requirements of the compliance framework presented in Chapter Two and the existing monitoring system in the Customer Service and Distribution Business Unit, monitoring was classified into two categories: monitoring performance and monitoring the process (IEMA, 2005; Krages, 2000; Standards Australia, 1998). Although seemingly similar, the procedures in the two aforementioned categories are different. Monitoring compliance performance includes identifying compliance failures and instances where the requirements of critical controls are not met (Standards Australia, 1998). To meet the requirements of compliance performance, there is a need for a document that can assess compliance against environmental legislation. Such a document can demonstrate compliance with legislative requirements and provide a strong documentation of the process. The SMS procedures and internal audits meet the requirements of monitoring compliance performance but are not comprehensive in capturing all the environmental legislative requirements, and therefore cannot provide a full assessment of compliance performance.

The procedures for monitoring the compliance process include verifying the effectiveness of the training systems and controls. These procedures provide a level of assurance of the overall effectiveness of the compliance process. Various methods can be used to monitor the effectiveness of the compliance process. These methods could include ad hoc reports, informal discussions and workshops, audits, and reviews. The analysis and comparison in this research showed that these methods have been implemented in the Customer Service and Distribution Business Unit, but a formal schedule for monitoring the compliance process can bring more consistency into the existing methods for monitoring.

As explained in the literature review section, compliance auditing can be incorporated into the process of monitoring compliance (Krages, 2000). Compliance auditing examines the conformance of the organization's activities with legal requirements. As the scope of the audit process within an EMS does not provide for a full assessment of compliance, compliance auditing could be more effective at achieving compliance goals and improving the compliance process (Pfaff & Sanchirico, 2000).

### **5.2.7 Demonstration of Compliance**

As mentioned earlier, to monitor compliance performance, the Customer Service and Distribution Business Unit needs to have a mechanism that can demonstrate the compliance of the Business Unit's activities with environmental acts and regulations. One of the mechanisms that can assist in meeting that need is an activity-specific self-assessment legislative checklist which managers and staff could use to demonstrate their compliance with environmental acts and regulations. The completion of the compliance checklist then becomes a record which can provide a level of comfort for the Business

Unit with respect to being compliant and can serve to demonstrate to third-party auditors of the EMS that the requirements in Clause 4.5.2 of the ISO 14001 are being met. It is important to consider that demonstration of compliance is different from mechanisms for achieving compliance or preventing instances of non-compliance. For example, training or resources like subject matter experts will assist in achieving compliance, but they do not provide a demonstration of compliance.

To provide a uniform document for the Customer Service and Distribution Business Unit that can demonstrate compliance with environmental acts and regulations and monitor compliance performance, the Environmental Compliance Checklist was developed (Appendix I). The compliance checklist aims to assist managers in their task of meeting the requirements of environmental acts and regulations relevant to their activities.

The analysis of interviews with respect to demonstration of compliance showed that there are some different documents in place to monitor compliance in different departments. However, the documents, as described earlier, do not comprehensively include all compliance requirements, nor do they provide a uniform approach in demonstrating and monitoring compliance. Once implemented, the compliance checklist can improve the ability of the Customer Service and Distribution Business Unit in providing evidence of compliance in external and internal audits by providing an accurate documentation of the efforts of the Business Unit in achieving compliance. Using the checklist will also enable the Customer Service and Distribution Business Unit to monitor and respond to changes in legislated environmental requirements.

An important consideration with respect to monitoring the compliance process is that monitoring should not be relied on as the only means of achieving compliance. Achieving compliance requires that organizations take proactive approaches to establishing compliance and not solely rely on identifying and correcting compliance failures through a monitoring process (U.S. Environmental Protection Agency, 1995). Monitoring compliance performance might result in the identification of instances of non-compliance, but monitoring as a single measure will be ineffective at preventing future non-compliance instances from taking place (U.S. Environmental Protection Agency, 1995).

#### **5.2.8 Reporting Compliance Issues**

The Customer Service and Distribution Business Unit has a systematic process for reporting any non-compliance. The analysis of interview results shows that the existing reporting structure meets the requirements of the compliance framework presented in Chapter Two.

The only area in need of improvement is where more focus is needed on the internal corporate policy with respect to reporting any possible non-compliance to the General Counsel and Corporate Security. As the policy is fairly new in the Corporation, the level of awareness about the policy was not consistent among the Business Unit managers. Raising awareness with respect to the requirements of the internal policy will bring more consistency into the current reporting structure of the Business Unit.

#### **5.2.9 Maintaining Records**

Keeping accurate and up-to-date records of compliance documents is important in improving the effectiveness of any compliance process. Maintaining the records demonstrates that compliance requirements are met through documentation and practice (Krages, 2000).

Currently, compliance documents and records are maintained in different departments in the Customer Service and Distribution Business Unit. For example, the records of permits with respect to pesticide use are maintained in the department responsible for obtaining permits and monitoring compliance with the requirements of permits. A uniform system to store compliance documents and records in one place will improve the compliance process in the Customer Service and Distribution Business Unit. Such a uniform system will make compliance documents accessible and will provide a better outcome during internal and external audits.

#### **5.2.10 Continuous Improvement**

Establishing a compliance-specific review process provides an opportunity for an in-depth analysis of the causes of non-compliance instances, and the corrective actions that will be subsequently undertaken (IEMA, 2005). Such a review process provides insights into how an organization can change practices to achieve compliance in the future.

Currently, the review of changing circumstances, including legal, contractual and voluntary requirements, is undertaken in the Management Review Meetings once a year as required by the ISO 14001 standard. Given the immense volume of information that should be discussed in compliance specific reviews, such as the status of compliance performance and progress in meeting compliance objectives, the Management Review

Meeting does not provide enough time for a comprehensive compliance discussion and analysis.

### **5.3 Summary**

A broad overview of the existing compliance process in the Customer Service and Distribution Business Unit shows that the commitment of senior management to promoting compliance culture, and to developing strategic action plans and initiatives to meet the requirements of the compliance process, was visible in the decision making processes and work procedures. Also, the commitment of the Customer Service and Distribution Business Unit in protecting the environment and meeting the requirements of environmental acts and regulations was well reflected in the Business Unit goals and mandates.

Such a commitment provides support for the implementation of the functional elements of the compliance process in the Business Unit. Managers and subject matter experts in the Business Unit strive to identify applicable environmental legislation and communicate those requirements to target audiences. Managers in the Customer Service and Distribution Business Unit mostly rely on the Environmental Officer to be informed of the relevant environmental legislation and any changes in the applicability of the requirements. Given the variety of activities that are undertaken in the Business Unit, as well as the large number of acts and regulations that are applicable to the Business Unit's activities, such an overreliance on one resource to communicate all the requirements of the compliance process, including legislative requirements, may pose risks to the effectiveness of the process in the long run.

Roles and responsibilities of subject matter experts, department managers, and division managers are clear within the compliance process; however, the analysis of the interview results indicated that some of the roles and responsibilities were not highlighted enough within the existing compliance process. For example, following up on the implementation of new and changing legislative requirements requires clear assignment of responsibility. Also, the complexity of the compliance process and the immense volume of acts and regulations applicable to the Business Unit activities require assignment of roles and responsibilities for the design and implementation of the compliance process to specific individuals.

The compliance framework presented in Chapter Two requires that compliance-specific training be implemented in an organization to raise awareness with respect to objectives and implementation of the compliance process and, consequently, to improve the effectiveness of the existing process. Currently, various training templates are available in the Business Unit which are based on the requirements of environmental acts, regulations, and standards. Managers and staff are well aware of the importance of training to achieve compliance. However, the existing training templates do not discuss the objectives of the compliance process and the mechanisms to implement a uniform compliance process in the Business Unit.

The Customer Service and Distribution Business Unit utilizes various corrective and preventive actions which effectively result in the development/modification of controls to achieve compliance. Examples of controls presented in this chapter showed that the

Business Unit has adopted a proactive approach in fulfilling the requirements of environmental and safety legislation and standards.

One of the areas of focus in this research was in the monitoring of compliance, since monitoring is not only tied to the requirement of ISO 14001 for evaluating legal compliance, but also to the improvement of the effectiveness of the whole compliance process. The existing monitoring process in the Customer Service and Distribution Business Unit does not have a uniform and systematic approach to meet the requirements of monitoring the compliance process and compliance performance. A uniform and systematic approach to monitoring will assist managers in meeting the requirements of environmental laws and regulations and conforming to the requirements of ISO 14001 for evaluation of compliance.

The Customer Service and Distribution Business Unit has a systematic process for reporting any non-compliance. Reporting starts with the notification of relevant supervisors and, subsequently, department and division managers. Depending on the significance of the non-compliance, the Business Unit's Vice President is involved in the reporting process. The only area in need of improvement is where more emphasis is needed on the internal corporate policy to report any possible non-compliance to the Law Department. Raising awareness with respect to the requirements of the internal policy will bring more consistency into the current reporting structure of the Business Unit.

Other areas in need of improvement in the current compliance process can be categorized as a need to have a uniform system to store compliance documents and records, and to establish a compliance-specific review process. A uniform system to store compliance

documents and records will result in the accessibility of documents, and consequently in achieving better results during external audits.

Table 2 provides a clear summary of the analysis of the existing compliance process in the Customer Service and Distribution Business Unit. The table presents the existing condition of each compliance element in the Business Unit, the essential actions that need to be taken to improve the condition of that element, or the actions that need to be taken to go beyond or above commitment to meet compliance requirements. Chapter Six presents the recommendations of the research to improve each of the compliance elements.

**Table 2.** The Areas in Need of Improvement in the Existing Compliance Process in the Customer Service and Distribution Business Unit.

Compliance process elements	Current condition	Essential actions to improve the compliance process	A commitment to excellence
Management commitment for compliance & continuous improvement	Strong	None	None
Identification & communication of legal requirements & changes	Satisfactory	None	Having more resources for communicating all the compliance requirements, including environmental legislative requirements and the amendments
Defining clear roles and responsibilities	Satisfactory	Assigning specific responsibilities to employees to deliver different requirements of the compliance process	None
Compliance-specific training	Satisfactory	None	Developing a compliance-specific training program that can convey the purpose of the compliance process as well as its implementation mechanisms
Determine and implement controls	Strong	None	None
Reporting structure for non-compliance issues	Satisfactory	None	Emphasizing on the Internal Corporate Policy with respect to reporting any non-compliance to the Law Department
Maintaining records	Satisfactory	None	Establishing a uniform system to maintain compliance records in one place
Monitoring compliance & performance	Weak	<ol style="list-style-type: none"> <li>1. Developing a systematic and uniform monitoring process for compliance and performance</li> <li>2. Implementing a mechanism to demonstrate compliance with environmental acts &amp; regulations</li> </ol>	None
Review of the compliance process: assess & analyze the results	Satisfactory	Establishing specific & separate review mechanisms for the compliance process	None

## **Chapter 6—Research Summary, Conclusions, and Recommendations**

### **6.1 Research Summary**

Environmental compliance is defined as conforming to the requirements of environmental laws, regulations, and industry and organizational codes of practice and standards (Krages, 2000). Achieving environmental compliance not only assists organizations in improving their environmental performance, but it also helps them avoid the risk of penalties for non-compliance, which may become complex and extend beyond enforcement actions (IEMA, 2005). A research project entitled “An examination of the Customer Service and Distribution Business Unit’s environmental compliance management process at Manitoba Hydro” was undertaken to improve the existing environmental compliance process in the Business Unit. The purpose of the research was defined using the following objectives:

- 1) Development of a compendium capturing environmental legislation and regulations at the federal and provincial levels pertinent to the Business Unit’s activities.
- 2) Determining the applicability of the regulatory requirements to the Business Unit’s activities (a translation of requirements into common parlance was prepared).
- 3) Identifying areas for improvement in the existing environmental compliance process within the Customer Service and Distribution Business Unit.
- 4) Developing a compliance self-assessment tool.
- 5) Making recommendations as required.

The following section in this chapter presents the conclusions from the research based on the results of interviews with 43 respondents at Manitoba Hydro, and information drawn from the literature. Based on the conclusions, the chapter then presents a number of recommendations for the improvement of the compliance process in the Customer Service and Distribution Business Unit. The chapter ends with concluding remarks on the implementation of the compliance process in the Business Unit and the challenges in implementing such a process.

## **6.2 Research Conclusions**

The research concludes that the environmental compliance management process in the Customer Service and Distribution Business Unit follows the compliance process PDCA system and has the structural, functional, and continuous improvement elements of the compliance framework presented in Chapter Two. The elements of the compliance process in the Business Unit meet the requirements of the environmental compliance process in practical terms. However, given Manitoba Hydro's commitment to meet or surpass the regulatory requirements (Manitoba Hydro, 2008), the Customer Service and Distribution Business Unit's mandate to comply with all government and regulatory mandated requirements (Manitoba Hydro, 2012–2013), and the definitional discussion in the literature review and discussion sections, the compliance management process in the Customer Service and Distribution Business Unit will benefit from a systematic and uniform monitoring process for compliance and performance as well as a uniform document to demonstrate compliance. The advantage of the proposed improvement is that the Business Unit would be able to demonstrate to third-party auditors of the EMS that the requirements in Clause 4.5.2 of the ISO 14001 standard with respect to

evaluation of legal compliance are being met through documentation and practice. The following sections highlight more specific conclusions associated with each research objective.

### **6.2.1 The Compendium of Environmental Legislation**

A compendium that captured the environmental legislation and regulations at the federal and provincial levels pertinent to the Customer Service and Distribution Business Unit's activities was developed based on the environmental acts and regulations in force at the time the research was undertaken (August, 2011–July, 2012). The research concludes that the compendium is not only a snapshot in time from environmental statutes, but also a resource to assist managers in tracking changes in some of the important environmental legislation, and in achieving better compliance with the legislative requirements. Also, development of the compendium is a mechanism to meet the requirements in Clause 4.3.1 of the ISO 14001 standard with respect to legal and other requirements. The compendium shows that the Business Unit has identified the applicable environmental legislation and has determined the applicability of the identified requirements to its activities. The list comprises 70% provincial and 30% federal acts.

### **6.2.2 Translation of the Requirements into Common Parlance**

A plain-language approach free of specialized jargon and terminology was used in the process of determining the applicability of pertinent environmental legislation and regulatory requirements as part of the compendium and the compliance checklist. However, the research concludes that simplification of legislative requirements can pose

the risk of non-compliance by failing to convey the precise legal meaning of each regulation. Therefore, legal advice should be sought when necessary.

### **6.2.3 Identifying Areas in Need of Improvement**

The research shows that the environmental compliance management process in the Customer Service and Distribution Business Unit may benefit from the following improvements:

- Allocation of more resources for communicating compliance requirements, including environmental legislation and regulations.
- Definition of clear roles and responsibilities within the compliance process to increase the awareness of managers and staff with respect to their roles and responsibilities within the compliance process.
- Establishment of a compliance-specific training program to convey the purpose of the compliance process as well as the implementation mechanisms.
- Development of a uniform database for keeping compliance records.
- Establishment of a specific review mechanism for the compliance process.

### **6.2.4 The Compliance Self-assessment Tool**

A compliance self-assessment tool in the form of a checklist was developed to assist management in enhancing their ability to comply with some of the important environmental acts and regulations relevant to their activities. The checklist is based on the analysis of environmental acts, regulations, and internal documents at Manitoba Hydro. For each of the acts and regulations, a series of questions was developed to address the requirements of the environmental statutes. The research concludes that the

implementation of the compliance checklist may improve the ability of the Customer Service and Distribution Business Unit to demonstrate compliance with applicable environmental acts and regulations. Once implemented, the checklist will assist in fulfilling the requirements of Clause 4.5.2 of the ISO14001 standard in evaluating legal compliance.

### **6.3 Recommendations for Improving the Environmental Compliance Process in the Customer Service and Distribution Business Unit**

This section offers recommendations for improving the environmental compliance process in the Customer Service and Distribution Business Unit based on the conclusions of the research.

#### **6.3.1 Defining Clear Roles and Responsibilities within the Existing Compliance Process**

Given the sheer amount of applicable environmental legislation and standards relevant to the Customer Service and Distribution Business Unit's activities, the complexity of the legislative requirements, and the systematic process of environmental compliance there is a need for assignment of clear responsibilities in order to address the requirements of the compliance framework. To define clear roles and responsibilities, the Customer Service and Distribution Business Unit may decide to do the following:

- Employ a Compliance Officer responsible for delivering the requirements of the compliance process. The responsibilities of the Compliance Officer would include communication of legislative requirements, tracking changes in the acts and regulations, and monitoring compliance

performance. Also, the Compliance Officer would be responsible for the overall design and consistency of the compliance process.

- Assign the responsibilities mentioned above to the Environmental Officer if employing a separate resource for addressing compliance requirements is not possible. Given the Environmental Officer's responsibilities in the environmental support section, assigning the compliance responsibility in addition to their current job duties may not be effective due to the complexity and immense volume of information and the work that should be undertaken regularly. If the compliance responsibility is assigned to the Environmental Officer, it is advisable that the tracking of legislative changes be contracted out, to establish a more effective process. Please refer to the recommendation in section 6.3.5 for further discussion on this topic.

In either case, the collaboration between the Compliance Officer and/or the Environmental Officer and the Business Unit managers needs to be clearly stated in the Business Unit compliance goals and mandates to provide a better structure for implementing and monitoring the compliance process elements.

### **6.3.2 Developing a Compliance Monitoring Plan**

A compliance monitoring plan that sets out monitoring schedules and processes needs to be developed in the Business Unit. Such a monitoring plan should enable the periodic verification of compliance performance and the compliance process. Recommendations

for establishing a monitoring plan for the compliance process and performance are presented below.

1) To monitor compliance performance, the compliance checklist can be implemented to identify compliance failures and instances where critical controls were not met. The frequency of monitoring compliance performance depends on the number of regulatory requirements for each activity, the divisional resources, and the mechanisms that already exist in each division to check compliance with applicable environmental acts and regulations. The important consideration with respect to the compliance checklist is to define accountability with respect to its usage and implementation. Please refer to the second recommendation in this section for further discussion on this topic. The following plans can be implemented for using the compliance checklist as a tool to monitor compliance performance.

a) In the Business Planning Meetings, division managers could decide on monitoring compliance performance for specific activities for the upcoming year. A long term or short term schedule may then be devised to assess compliance performance (e.g., 1–5 year plan). The schedule should be devised considering the level of risk associated with each activity, available resources, and other Business Unit matters. Collaboration of these self-assessments with internal audits will result in a more thorough monitoring of compliance performance.

The results of compliance self-assessments should be sent to the Business Unit Support Section to be stored in one database.

- b) Alternatively, the compliance checklist can be used as a guideline to review the improvement of compliance performance against the requirements of the checklist. The review process can be undertaken twice a year in meetings with department managers, supervisors, and senior staff. Depending on the level of improvement in achieving compliance performance, each department can provide a report and describe the level of improvement in achieving compliance performance in their areas. The reports need to be stored in one database in the Business Unit Support Section.
  
- c) As the final alternative, the Environmental Officer can devise a formal monitoring plan for compliance performance. Each year, an assessment of the compliance performance can be conducted for specific activities. Integrating the formal monitoring plans with internal audits will increase the effectiveness of the compliance performance monitoring. Alternatively, the Environmental Officer can decide on a random sampling of the activities in different divisions and conduct an assessment of the compliance performance for certain activities. Implementation of each plan depends on the number of regulated activities; the level of risk associated with each activity, divisional resources, and required time for conducting the assessment.

- 2) A decision should be made as to where accountability lies for the usage and implementation of the compliance checklist. Defining accountability for the compliance checklist will facilitate the implementation phase and, consequently, the effectiveness of monitoring. The following options describe how accountability for the checklist could be assigned.
- a. As department managers are responsible for achieving compliance within their areas of responsibility, they could be the owners of the compliance checklist.
  - b. Alternatively, the Environmental Officer could be assigned accountability for the compliance checklist and use the checklist to assess compliance in different departments.
  - c. Finally, division managers could be the owners of the compliance checklist, since they have to ultimately validate compliance in their divisions.
- 3) A formal monitoring plan should be devised for the compliance process. Monitoring the compliance process should assess the effectiveness of the training programs, clarity of roles and responsibilities within the compliance process, and the effectiveness of controls. The following options describe what mechanisms could be used to devise a formal monitoring plan.

- a. The effectiveness of the compliance process can be discussed in compliance-specific review meetings and decisions to improve specific elements of the compliance process can be made and documented.
- b. Alternatively, a specific survey document can be developed to collect information regarding the implementation and effectiveness of the controls and any possible gaps in the training programs. More information can be included in the document depending on the areas in need of improvement within the compliance process. The document then should be sent to department managers and division managers and the information gathered should be stored in one database in the Business Unit Support Section.

### **6.3.3 Establishing a Compliance-specific Training Program**

A training program that focuses on the purpose of the compliance process and its implementation mechanisms needs to be established in the Customer Service and Distribution Business Unit. Such a training program will also facilitate the implementation phase of the compliance checklist. To improve compliance performance, the training program should also address the legislated requirements identified for each activity. An important point to consider is that training should be relevant to the day-to-day work of employees and managers whose responsibilities include compliance with environmental acts and regulations. As long as employees undertake training that is relevant to their work, rather than being overtrained, they can fulfill the requirements of their work in accordance with identified legislation.

### **6.3.4 Establishing a System for Keeping Compliance Records**

To improve the compliance process, the Business Unit should establish a system to store compliance documents and records. A uniform system to store compliance documents and records (e.g., monitoring results, reports of non-compliance instances) in one place will make the documents easily accessible and identifiable, and will consequently increase the Business Unit's ability to provide strong documentation of its compliance performance and process. The compliance documents and records should include but not be limited to the following:

- Compliance-specific training records.
- Information on compliance performance. This information can be obtained from the compliance checklist, which demonstrates the compliance performance of the Business Unit with respect to important environmental legislation.
- Details of compliance failures and corrective and preventive actions.

### **6.3.5 Establishing a Specific Compliance Review Mechanism**

Given the complexity of the compliance process and the large number of environmental acts and regulations applicable to the activities of the Customer Service and Distribution Business Unit, the review of the compliance process should be undertaken in specific compliance review meetings and the results should be sent to Management Review Meetings as an input for reviewing compliance performance and process in the Business Unit. The compliance process review should address the following:

- The effectiveness of the compliance process in affecting compliance performance.

- Analysis of compliance failures and the effectiveness of the controls.
- Previous compliance reviews and recommendations.

The frequency of the compliance review depends on the level of risk associated with each activity, divisional resources, and other business matters. The result of the compliance review should be shared with senior management in the Business Unit.

#### **6.3.6 Developing a Plan for Tracking the Legislative Changes**

“The List of Applicable Environmental Acts and Regulations” and the “Compliance Checklist” were developed based on the environmental acts and regulations currently in force at the time the research was undertaken. Specific mechanisms should be identified to assist in the ongoing tracking of legislative changes. The following options describe the mechanisms that would be helpful to track legislative changes.

- a) The Legislative Quarterly Updates published at Manitoba Hydro could be used for this purpose in part, but it is recommended that the text of pertinent acts and regulations be consulted to track legislative changes.
- b) Alternatively, tracking legislative changes within the acts and regulations documents may be contracted out with consultant companies or law firms.

#### **6.4 Concluding Remarks on the Environmental Compliance Research**

Environmental compliance involves the application of detailed, and sometimes complicated, laws to a variety of activities undertaken in an organization. Although it may seem straightforward, environmental compliance is not easy to achieve. The

research in the Customer Service and Distribution Business Unit sheds light on the complexity of the compliance process and the efforts required to improve such a process.

The regulated activities in the Customer Service and Distribution Business Unit often involve different layers of employees and managers and are regulated by a number of different regulatory programs and requirements. A certain activity might be affected by several compliance requirements at different legislative levels. For example, transportation and off-loading of petroleum products needs to be coordinated with the requirements of *The Fisheries Act* at the federal level to ensure that release of pollutants to water bodies is under control. The activity must also be compliant with the provincial requirements of *The Storage and Handling of Petroleum Products and Allied Petroleum Products Regulation*.

Although seemingly complicated to implement, once the important elements of the compliance process are identified, a framework can be set up to assist in achieving compliance goals and avoid compliance failures. The framework introduced in this research with respect to the implementation of the environmental compliance process is based on the PDCA model and not only focuses on improving compliance performance, but it has also been combined with practices that promote effective communication and continuous improvement. The compliance checklist, once implemented, will provide demonstration of the Business Unit's compliance with important environmental legislation.

The recommendations for improving the existing compliance process will be useful in addressing the needs of the Business Unit to improve the effectiveness of the existing

environmental compliance process. As mentioned in the recommendation section, developing a specific monitoring plan for environmental compliance requires collaboration between all managers and staff who are involved in the compliance process. Also, sufficient time and resources are needed to achieve the desired level of improvement through implementation of the compliance checklist. Despite the detailed nature of the recommendations, the researcher has tried to present different scenarios to make the recommendation more flexible to be implemented.

An effective compliance process needs to ensure that all levels of employees from senior managers to field staff, whose responsibilities include compliance with environmental acts and regulations, are informed of the different requirements applicable to their activities and are familiar with specific controls. Therefore, being compliant not only includes complying with environmental laws but also understanding the factors that are crucial in achieving compliance.

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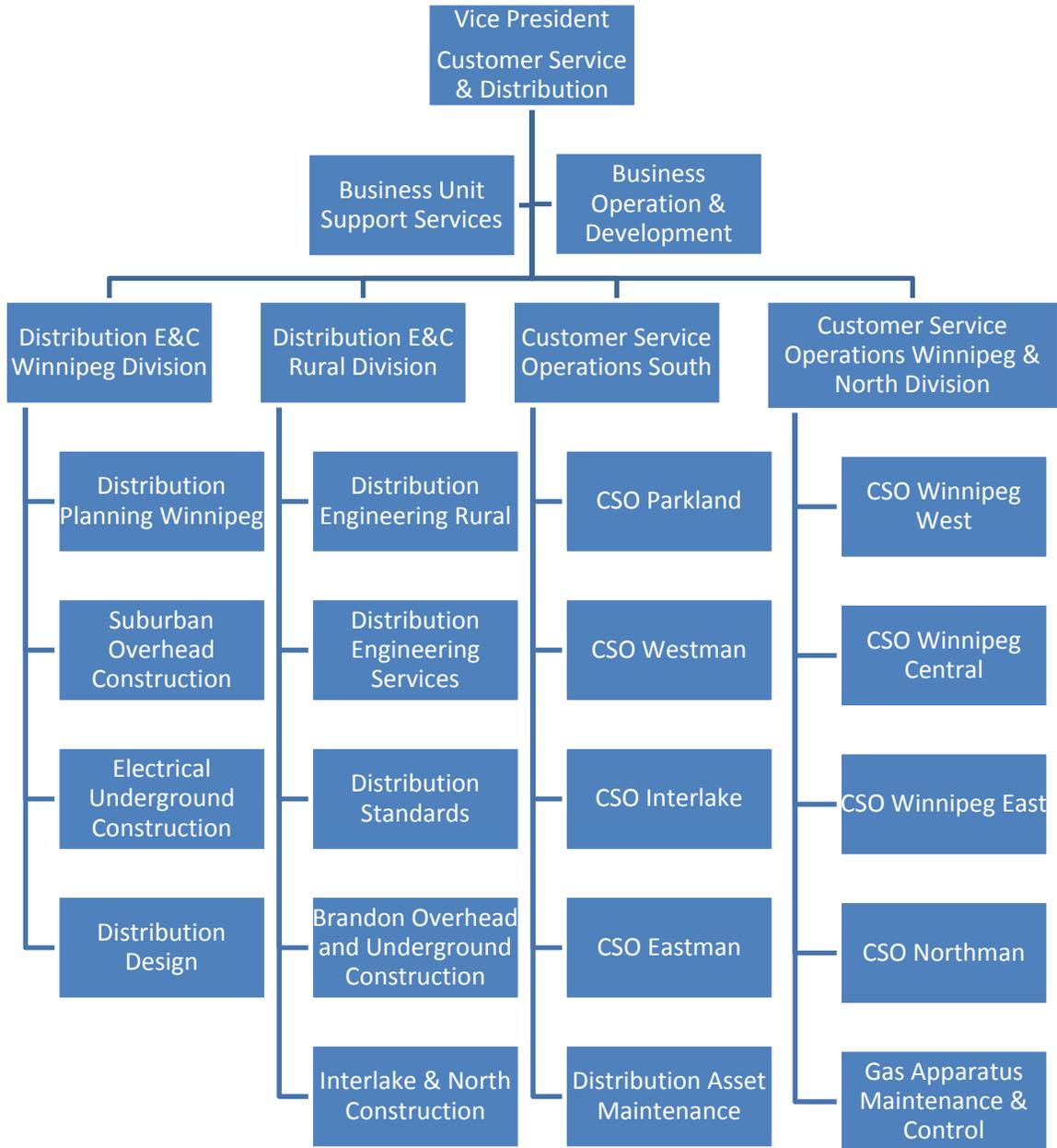
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**Appendix A: Customer Service and Distribution Business Unit Organization Chart**



Appendix B: Major Electric and Gas Facilities in Manitoba

*Major electric and gas facilities*

120

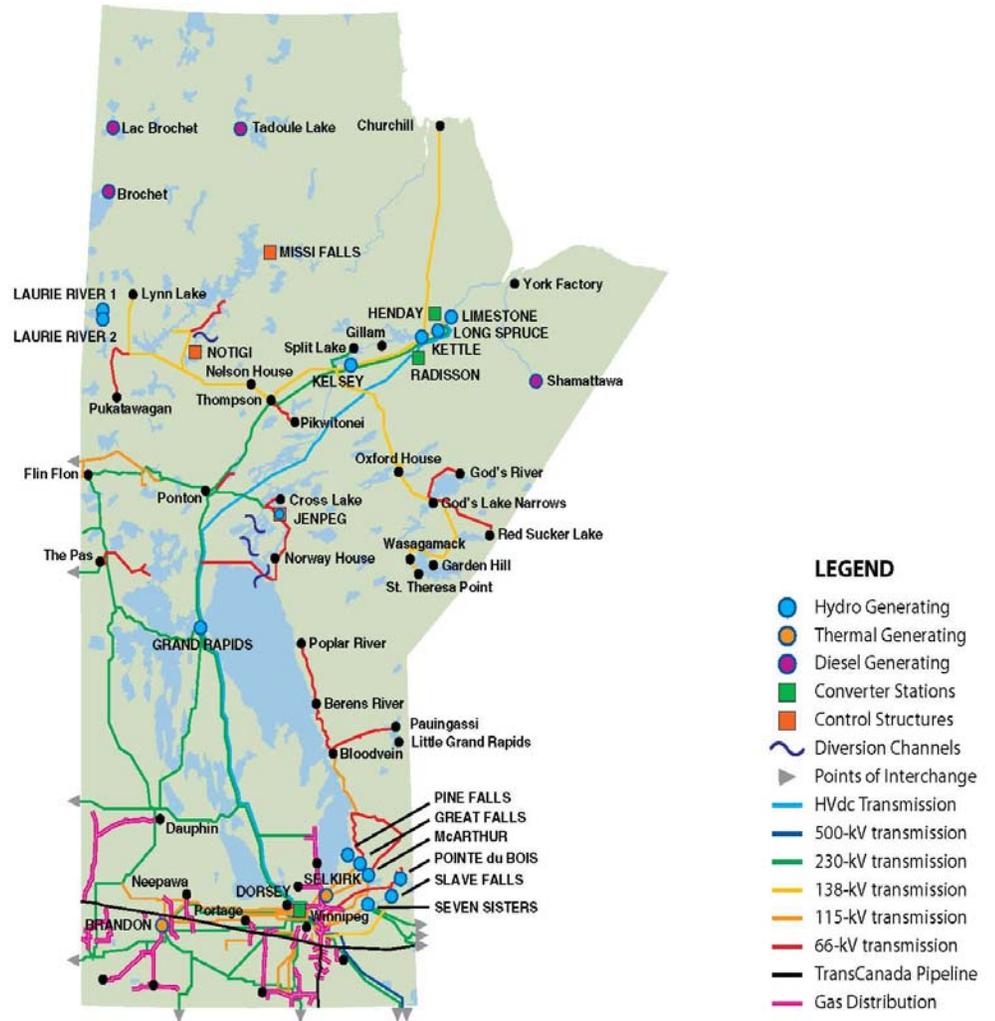


Image retrieved from Manitoba Hydro website at [www.hydro.mb.ca/corporate/ar/2008/ar\\_0809\\_facilitiesMap.pdf](http://www.hydro.mb.ca/corporate/ar/2008/ar_0809_facilitiesMap.pdf)

**Appendix C: List of Environmental Activities in The Customer Service and Distribution Business Unit**

**Environmental Activities Considered in Risk Ranking Matrix**

<b>Significance</b>	<b>CS&amp;D Activities</b>
High	Transport and off-loading of petroleum products (> 1100 gal.)
	Storage, handling and transportation of PCB's
	Maintenance of oil filled equipment
Medium	Discharge of water used in or processed by non-sewage or septic operations
	Distribution system and component construction
	Handling/removal and disposal of asbestos
	Disposal of non-hazardous waste
	Vegetation management
	Procurement of materials
	Procurement of services
	Access development (roads, airstrips, water crossings)
	Site preparation (clearing, stripping, grading)
	Development of sources of aggregate, including borrow pits (gravel, fill)
	Decommissioning of buildings and plant, construction camps, construction infrastructure
	Vehicle maintenance; fueling vehicles, (including in field transport), and vehicle oil changes
	Transport of bulk natural gas and natural gas distribution
	Handling of treated wood products including during pole maintenance
	Protection workers, public, environment and property
Low	Off-loading and on-site bulk storage of petroleum products (including temporary storage)
	Off-load (deliver) on-site packaged goods (<1100 gallons) for storage
	Transport and transfer of natural gas odorant mercaptan
	Infrastructure and asset design
	Blasting, drilling/boring and rock excavation, quarrying
	O/M of fire suppressant system (including extinguishers)
	Generation, storage and handling of hazardous waste
	Storage, handling and use of glycol
	Resource, energy or material use and reduction initiatives

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CS&D List of Environmental Activities  
 Distribution Construction  
 May 25, 2011

## Appendix D: Ethics Approval Certificate



UNIVERSITY  
OF MANITOBA

Office of the Vice-President  
(Research and International)  
Research Ethics and Compliance

Human Ethics  
208 - 194 Dafoe Road  
Winnipeg, MB  
Canada R3T 2N2  
Fax 204-269-7173

### APPROVAL CERTIFICATE

December 22, 2011

**TO:** **Fatemeh Rezai** (Advisor T. Henley)  
Principal Investigator

**FROM:** Joint-Faculty Research Ethics Board (JFREB)

**Re:** **Protocol #J2011:128**  
**"An Examination of the Customer Service and Distribution Business Unit's  
Environmental Compliance Management Process at Manitoba Hydro"**

Please be advised that your above-referenced protocol has received human ethics approval by the **Joint-Faculty Research Ethics Board**, which is organized and operates according to the Tri-Council Policy Statement (2). This approval is valid for one year only.

Any significant changes of the protocol and/or informed consent form should be reported to the Human Ethics Secretariat in advance of implementation of such changes.

**Please note:**

- If you have funds pending human ethics approval, the auditor requires that you submit a copy of this Approval Certificate to the Office of Research Services, fax 261-0325 - please include the name of the funding agency and your UM Project number. This must be faxed before your account can be accessed.
- if you have received multi-year funding for this research, responsibility lies with you to apply for and obtain Renewal Approval at the expiry of the initial one-year approval; otherwise the account will be locked.

The Research Quality Management Office may request to review research documentation from this project to demonstrate compliance with this approved protocol and the University of Manitoba Ethics of Research Involving Humans.

**The Research Ethics Board requests a final report for your study (available at: [http://umanitoba.ca/research/ors/ethics/ors\\_ethics\\_human\\_REB\\_forms\\_guidelines.html](http://umanitoba.ca/research/ors/ethics/ors_ethics_human_REB_forms_guidelines.html)) in order to be in compliance with Tri-Council Guidelines.**

[umanitoba.ca/research/orec](http://umanitoba.ca/research/orec)

## Appendix E: Participant Information and Consent Form



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H. Riddell Faculty of Environment,  
Earth, and Resources

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Canada R3T 2N2  
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### Appendix B: RESEARCH PARTICIPANT INFORMATION AND CONSENT FORM

Title of Study: "An Examination of the Customer Service and Distribution Business Unit's  
Environmental Compliance Management Process at Manitoba Hydro"

Principle Investigator: Fatemeh (Mary) Rezai, Natural Resources Institute, University of Manitoba, (204) 781-1622

Supervisor: Professor Thomas Henley, Natural Resources Institute, University of Manitoba  
(204) 474-8373, Henley@cc.umanitoba.ca

You are being asked to participate in a study. This consent form, a copy of which will be left with you for your records and reference, is only part of the process of informed consent. It should give you the basic idea of what the research is about and what your participation will involve. If you would like more details about something mentioned here, or information not included here, you should feel free to ask. Please take time to read this carefully and to understand any accompanying information.

---

#### *Purpose of Study*

The purpose of this research is to examine the Customer Service and Distribution Business Unit's compliance management process. The research will review legal requirements for activities undertaken in this business unit, explain how legal requirements apply to the Business Unit's activities, and develop a self-assessment method for environmental compliance.

#### **Study procedures**

If you take part in this study, you will be interviewed for approximately 45 minutes regarding the activities with significant environmental impacts in your area of responsibility/expertise. Questions in the interview are centered around environmental compliance management and how this concept applies to activities undertaken in the CS&D business unit at Manitoba Hydro.

You can stop participating at any time during the interview. Please note that interviews in this research will not be audio recorded.

If interested, a brief description of the results will be provided to you at the end of February, 2012 upon your request.

An Examination of the Customer Service and Distribution Business Unit's Environmental Compliance Management Process at Manitoba Hydro

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**Risks and Discomforts**

For compliance with Manitoba Hydro's requirements, the information gathered in this survey, together with data and outcome of the study, will be provided to Manitoba Hydro staff and representatives. The principal investigator, as an employee of Manitoba Hydro, is also bound by Manitoba Hydro corporate policies to promptly report incident(s) and concern(s) to appropriate authorities when applicable.

**Benefits**

The compliance self-assessment tool, as the final product of the research, may help you as a manager to evaluate your division/department's compliance with environmental legislation and regulations. Your area of responsibility will also benefit from the final report of this study which may help shed light on the environmental compliance management process at the CS&D business unit at Manitoba Hydro.

**Cost or Payment**

There is no remuneration to participants in this study.

**Confidentiality**

Information gathered in this research study may be published or presented in public academic forums; however, your name and other personally identifiable information will not be revealed in any such publication or presentation, subject to any disclosure required. Records that contain your identity will be maintained as confidential by the extent permitted by ethical principles and/or law.

All study documents related to you will bear only your assigned code.

All records will be kept in a locked secure area in the principle investigator's office at Manitoba Hydro, and except for any disclosure as required by Manitoba Hydro and/or by law or regulation, only the principle investigator will have access to these survey records. If any of your records need to be used in the research, your name and all identifiable information will be removed.

No digital information will be retained beyond the period of the study. The researcher will remain in possession of no documents bearing any confidential information. All documents and data (digital or hard-copy) will be destroyed at the end of the study in May, 2012.

**Voluntary Participation/Withdrawal from the Study**

Your decision to take part in this study is voluntary. You may refuse to participate or you may withdraw from the study at any time.

You have the right to not comment on any question(s) you choose. All information gathered in this survey will remain anonymous and confidential. If you decide to stop participating, there will be no consequences to you.

**Questions**

You are free to ask any questions that you may. If any questions come up during or after the study, contact the principle investigator: Fatemeh (Mary) Rezai, Natural Resources Institute, University of Manitoba, (204) 781-1622

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Participant Information & Consent Form, Participant Initial \_\_\_\_\_

An Examination of the Customer Service and Distribution Business Unit's Environmental Compliance Management Process at Manitoba Hydro

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Your signature on this form indicates that you have understood to your satisfaction the information regarding participation in the research project and agree to participate as a subject. In no way does this waive your legal rights nor release the researchers, sponsors, or involved institutions from their legal and professional responsibilities. You are free to refuse participation, to withdraw from the study at any time, and / or to refrain from answering any questions you prefer to omit, without prejudice or consequence. Your continued participation should be as informed as your initial consent, so you should feel free to ask for clarification or new information throughout your participation.

The University of Manitoba Research Ethics Board(s) and a representative(s) of the University of Manitoba Research Quality Management / Assurance office may also require access to your research records for safety and quality assurance purposes.

This research has been approved by the [full name of appropriate REB]. If you have any concerns or complaints about this project you may contact any of the above-named persons or the Human Ethics Coordinator (HEC) at 474-7122. A copy of this consent form has been given to you to keep for your records and reference.

**Statement of Consent**

I have read this consent form. I have had the opportunity to discuss this research study with the principle investigator. I have had my questions answered by them in language I understand. The risks and benefits have been explained to me. I believe that I have not been unduly influenced by any study team member to participate in the research study by any statement or implied statements. Any relationship (such as employee, student or family member) I may have with the study team, has not affected my decision to participate. I understand that I will be given a copy of this consent form after signing it. I understand that my participation is voluntary and that I may choose to withdraw at any time. I freely agree to participate in this research study.

I understand that information regarding my personal identity will be kept confidential. I

agree to being contacted in relation to this study. **Yes**      **No**

Participant signature \_\_\_\_\_ Date \_\_\_\_\_  
(day/month/year)

Participant printed name: \_\_\_\_\_

I, the undersigned, have fully explained the relevant details of this research study to the participant named above and believe that the participant has understood and has knowingly given their consent

Printed Name: \_\_\_\_\_ Date \_\_\_\_\_  
(day/month/year)

Signature: \_\_\_\_\_

Role in the study: Principle investigator

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Participant Information & Consent Form, Participant Initial \_\_\_\_\_

## **Appendix F: Interview Topics for Managers**

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1- What are the different mechanisms that make you aware of environmental laws for your area of responsibility?

2- What are the areas that are highly regulated in your division/department?

3- How do you know that you are compliant with regulatory requirements? Are there any procedures (e.g. audits, self-assessment) in place to help you know you are compliant? How do the procedures give you a level of assurance of being compliant?

4- What would you do if you discover you are not compliant? Who do you need to notify? Is there any internal policy in this regard?

5- How do you communicate the regulatory requirements up down the line? Do you have enough resources to communicate regulations?

6- What are the systems and procedures for enabling ongoing compliance and improvement? Appropriate procedures could be training, meetings, reports, emails.

7- What do you need or what would help you manage environmental compliance? Is there anything that you think could be helpful in my thesis?

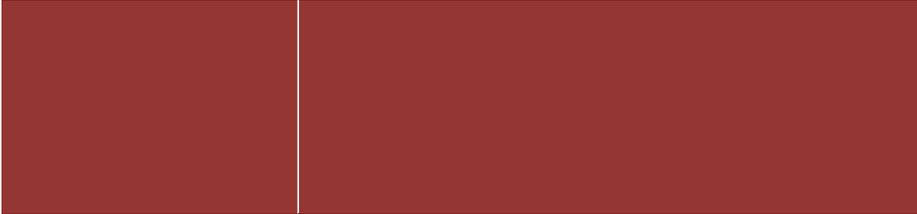
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## **Appendix G: Interview Topics for Subject Matter Experts**

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- 1- How do you obtain your interpretations of legislated or regulatory requirements? What is your process for figuring out what a certain requirement is?
  - 2- How does Manitoba Hydro track or check compliance?
  - 3- What would you do if you discover you are not compliant?
  - 4- Are there any other elements of the compliance process that you haven't told me about?
  - 5- Where do you see the weakness in our current compliance management process?
  - 6- What are the practical mechanisms which could fix or address these weaknesses? Why do you think they would work?
  - 7- What do you think about the approach that I'm taking in this project? How can it best help you?
-

**Appendix H: List of Environmental Acts and Regulations Applicable to the Activities of CS&D**



**List Of Environmental Acts  
And Regulations Applicable  
To The Activities Of The  
Customer Service &  
Distribution Business Unit**

## Table of Contents

Introduction.....	134
List of CS&D Activities.....	136
High-risk Activities Matrix.....	138
Medium-risk Activities Matrix.....	139
Low-risk Activities Matrix.....	140
General Acts and Regulations.....	141
Transport and Off-Loading of Petroleum Products.....	146
Storage, Handling, and Transportation of PCBs.....	158
Maintenance of Oil Filled Equipment.....	168
Access Development (roads, airstrips, water crossings)/ Site Preparation (clearing, stripping, grading)/ Decommissioning of Buildings & Plant, Construction Camps, Construction Infrastructure.....	177
Handling, Removal and Disposal of Asbestos.....	202
Discharge of water used in or processed by non-sewage or septic operation.....	216
Disposal Of Non-Hazardous Waste.....	222
Distribution System And Component Construction.....	231
Handling of treated wood products including during pole maintenance.....	253
Procurement of Materials / Procurement of Services.....	261
Protection Workers, Public, Environment and Property.....	262
Development of sources of aggregate, including borrow pits (gravel, fill).....	281
Transport of bulk of natural gas and natural gas distribution.....	300
Vegetation Management.....	322
Vehicle maintenance; fueling vehicles, (including in field transportation), and vehicle oil changes.....	338
Blasting, Drilling/Boring and Rock Excavation, Quarrying.....	350
Generation, Storage and Handling of Hazardous Waste.....	369
Storage, Handling and Use of Glycol.....	384
Infrastructure and Asset Design.....	395
O/M of fire suppressant systems (including extinguishers).....	417
Off-loading (deliver) on-site packaged goods (<1100 gallons) for storage.....	422
off-loading and on-site bulk storage of petroleum products (includes temporary	

storage).....433  
Resource, Energy or Material Use and Reduction Initiatives .....445  
Transport & Transfer of Natural Gas Odorant Mercaptan.....450  
References .....459

This guide provides a list of environmental legislation and regulations important to the activities of the Customer Service and Distribution Business Unit. For each activity, a list of relevant statutes, regulations, and supporting sections is provided in table format. Provincial acts and regulations are listed first, followed by federal acts and regulations as well as a list which includes some of the guidelines and codes of practice applicable to each activity. A simple interpretation of legislation is presented in the second column of each table.

The compliance self-assessment checklist applicable to the activities of CS&D is based on the acts and regulations listed in this document. Three matrices have been provided in this document as well as in the compliance checklist to facilitate the identification of environmental acts and regulations that are pertinent to each activity in CS&D. The matrices are based on the risk level of the activities and are divided into high, medium, and low risk activity matrices.

Certain acts, for instance the Provincial Sustainable Development Act [S270] and the provincial Workplace Safety and Health Act [W210], are among the more general regulatory requirements, and are applicable to most of the activities of CS&D. These broad regulatory acts along with their associate regulations are listed separately at the beginning of this document but will not be reiterated throughout the document.

The Federal Sustainable Development Act [S.C. 2008, c.33] is also listed as an informative piece of environmental legislation. This act focuses on incorporating the principles of sustainable development into all federal initiatives. Manitoba Hydro (or any other crown corporation) is not bound by this act. Nonetheless, it is important to be aware of this legislation as implementation of the principles of sustainable development requires the commitment of various stakeholders regardless of jurisdictional lines. The act should therefore be considered an important federal piece of legislation relevant to the development of provincial strategies.

**Disclaimer: Please note that this guide should not be used as a replacement for legislation and corresponding regulations. The guide is not intended to restate the law nor is it comprehensive. The discussion of acts and regulations herein has been developed as an interpretive tool to assist in achieving better compliance with current regulatory requirements.**

# List of CS&D Activities

## Environmental Activities Considered in Risk Ranking Matrix

Significance	CS&D Activities
High	fore bay and spill management
	watercourse modification (damming, rerouting)
	transmission line construction
	**transport and off-loading of petroleum products (>1100 gal)
	**storage, handling and transportation of PCBs
	**maintenance of oil filled equipment
	treatment and discharge of wastewater effluent (sewage)
	extraction of water for use
	generating station construction
management of contaminated sites	
burning of fossil fuels for power generation	
Medium	treatment of potable water
	**discharge of water used in or processed by non-sewage or septic operations
	converter station construction
	**distribution system and component construction
	**handling / removal & disposal of asbestos
	transmission and conversion of electricity
	operation & maintenance of SF6 breakers & switchgear
	**disposal of non-hazardous waste
	**vegetation management
	combustion of fossil fuels as an energy source
	water collection in fore bay / reservoir (including control structures)
	**procurement of materials
	**procurement of services
	stop log plugging
	**access development (roads, airstrips, water crossings)
	**site preparation (clearing, stripping, grading)
	**development of sources of aggregate, including borrow pits (gravel, fill)
	**decommissioning of buildings & plant, construction camps, construction infrastructure
	**vehicle maintenance; fueling vehicles, (including in field transport), and vehicle oil changes
**transport of bulk natural gas and natural gas distribution	
**handling of treated wood products including during pole maintenance	
**protection workers, public, environment and property	
Low	**off-loading and on-site bulk storage of petroleum products (includes temporary storage)
	**off-load (deliver) on-site packaged goods (<1100 gallons) for storage
	**transport & transfer of natural gas odorant mercaptan
	**infrastructure and asset design
	use of water for power generation (moving the turbines)

CS&D List of Environmental Activities  
 Distribution Construction  
 May 25, 2011  
 \*\* Indicates those activities relevant to CS&D

Page 1 of 2

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**Environmental Activities Considered in Risk Ranking Matrix**

operations of water drainage / dewatering systems (including oil-water separators)
**blasting, drilling/boring and rock excavation, quarrying
operation of PCBx unit (destruction of PCBs)
management of ash and ash waste
debris cleanup (including operation of debris removal, clamming for intake trash racks, equipment including boats, cranes, diggers)
coal handling and storage
burning of debris
transportation and disposal of hazardous waste
storage, handling and use of refrigerants
**O/M of Fire Suppressant Systems (including extinguishers)
**generation, storage and handling of hazardous waste
**storage, handling and use of glycol
**resource, energy or material use and reduction initiatives
purchase/sale of energy (wind, gas, electricity)
commercial, office and residential facility construction
dike maintenance and surveillance including shoreline restoration, stabilization, revegetation and clean up
maintenance of docks, beaches and portages

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CS&D List of Environmental Activities  
 Distribution Construction  
 May 25, 2011  
 \*\* Indicates those activities relevant to CS&D  
 Page 2 of 2

**UNCONTROLLED. REFERENCE DOCUMENT ONLY.**

## High-risk Activities Matrix

Provincial		The Contaminated Site Remediation Act [C205]	●	●	●
		The Crown Lands Act [C340]	●	●	●
		The Dangerous Goods Handling and Transportation Act [D12]	●	●	●
		The Environment Act[E125]	●	●	●
		The Fires Prevention and Emergency Response Act [F80]	●	●	●
		The Provincial Parks Act [P20]	●	●	●
		The Waste Reduction and Prevention Act [W40]	●	●	●
		The Workplace Safety And Health Act [W210]	●	●	●
		The Sustainable Development Act [S270]	●	●	●
		Canadian Environmental Protection Act [c.33]	●	●	●
Federal		The Fisheries Act [F-14]	●	●	●
		The National Fire Code of Canada, 2010	●	●	●

transport and off-loading of petroleum products (>100 gal)  
 storage, handling and transportation of PCBs  
 maintenance of oil filled equipment

## Medium-risk Activities Matrix

	discharge of water used in or processed by non-sewage septic operation	distribution system and component construction	handling, removal or disposal of asbestos	disposal of non-hazardous waste	vegetation management	procurement of materials	procurement of services	site preparation	new or altered overhead, overhead, water crossings	new or altered telephony, striping, bridge	decommissioning or removal of aggregate, including borrow operations (P1)	construction of infrastructure	construction of infrastructure	transport of bulk material	handling of hazardous products including fuel, oil, chemicals and vehicle oil changes	protection workers, public, environment and property
<b>Provincial</b>																
The Contaminated Site Remediation Act [C205]																
The Crown Lands Act [C340]																
The Dangerous Goods Handling and Transportation Act [D12]																
The Endangered Species Act [E111]																
The Environment Act [E125]																
The Fires Prevention and Emergency Response Act [F80]																
The Provincial Parks Act [P20]																
The Highway and Transportation Act [H40]																
The Heritage Resources Act [H39.1]																
The Forest Act [F150]																
The Manitoba Hydro Act [H190]																
The Noxious Weed Act [C.C.S.M c.N110]																
The Pesticides And Fertilizers Control Act [P40]																
The Planning Act [P80]																
The Public Health Act [P210]																
The Water Rights Act [W80]																
The Water Resources Administration Act [W70]																
The Waste Reduction and Prevention Act [W40]																
The Wildlife Act [W130]																
The Mines and Minerals Act [M162]																
The Apprenticeship and Trades Qualifications Act [A110]																
The Gas Pipeline Act [G50]																
The Workplace Safety And Health Act [W210]																
The Sustainable Development Act [S270]																
The Public Utilities Board Act [P280]																
<b>Federal</b>																
Canadian Environmental Protection Act [c.33]																
The Fisheries Act [c.F-14]																
The National Fire Code of Canada, 2010																
The Navigable Waters Protection Act [c.N-22]																
Canada National Parks Act [c.32]																
The Migratory Birds Convention Act [C22]																
The Canada Wildlife Act [c.W-9]																
The Species at Risk Act [c.29]																
Explosives Act [c.E-17]																
Pest control products act [c.28]																

## Low-risk Activities Matrix

	off-loading and on-site bulk storage of petroleum products [includes temporary storage]	off-load (deliver) on-site packaged goods [ $<1100$ gallons] for storage	transport & transfer of natural gas odorant mercaptan	infrastructure and asset design	blasting, drilling/boring and rock excavation, quarrying	O/M of Fire Suppressant Systems [including extinguishers]	storage, handling and use of glycol	resource, energy or material use and reduction initiatives
<b>Provincial</b>								
The Crown Lands Act [C340]	•	•						
The Dangerous Goods Handling and Transportation Act [D12]	•	•	•				•	•
The Endangered Species Act [E111]				•	•			
The Environment Act [E125]	•	•	•	•	•		•	•
The Fires Prevention and Emergency Response Act [F80]	•	•	•	•	•	•	•	•
The Provincial Parks Act [P20]				•	•			
The Mines and Minerals Act [M162]					•			
The Gas Pipeline Act [G50]					•			
The Heritage Resources Act [H39.1]				•	•			
The Highway and Transportation Act [H40]				•	•			
The Manitoba Hydro Act [H190]				•	•		•	
The Planning Act [P80]				•	•			
The Water Rights Act [W80]	•	•		•	•		•	•
The Water Resources Administration Act [W70]	•	•		•	•		•	•
The Wildlife Act [ C.C.S.M c. W130]				•	•			
The Apprenticeship and Trades Qualifications Act [A110]							•	
The Public Health Act [P210]				•				•
The Forest Act [F150]				•				
The Ozone depleting Substances Act [c 080]						•		
The Winter Heating Cost Control Act [W165]								•
The Energy Act [E112]								•
The Workplace Safety And Health Act [W210]	•	•	•	•	•	•	•	•
The Sustainable Development Act [S270]	•	•	•	•	•	•	•	•
<b>Federal</b>								
Canadian Environmental Protection Act [c.33]	•	•	•	•	•	•	•	•
The Fisheries Act [F-14]	•	•	•	•	•	•	•	•
The National Fire Code of Canada, 2010	•	•	•	•	•	•	•	•
The Navigable Waters Protection Act [N-22]			•	•	•		•	•
Canada National Parks Act [c.32]				•	•			
The Migratory Birds Convention Act [C22]				•				
The Canada Wildlife Act [W-9]				•	•			
The Species at Risk Act [c.29]				•	•			
Explosives Act [E-17]					•			
Energy Efficiency Act [c.36]								•

### **The Sustainable Development Act [S270] (Provincial)**

The purpose of the Act is to create a framework through which sustainable development can be implemented in the provincial public sector and promoted in private industry and in society. A round table was established under the Act to provide an advisory body to the provincial government that provides advice and support to decision makers toward making responsible resource, land use, environment, and social and economic development decisions for the province. The Manitoba Round Table is an integral component of the province's sustainable development strategy. The principles of Sustainable Development are defined in the schedule A and comprise important elements such as Stewardship, Conservation, and Enhancement.

#### **Some of the supporting sections from the Act:**

**13 Crown corporations to adopt code of practice:** Each Crown Corporation shall, within two years after the establishment of the code of practice, prepare and adopt a corporate sustainable development code of practice. **16(1) Review may be required** The minister may (c) request the Crown Corporations Council or another independent body to undertake a review and provide a report of the progress of a Crown corporation in implementing sustainable development practices in its activities.

#### **Application of the Act to the Business Unit Activities:**

##### *Sustainable Development Principles at Manitoba Hydro*

The Corporation adopted a sustainable development policy and 13 complementary guiding principles based on the principles and guidelines of sustainable development adopted by the Manitoba Round Table on Environment and Economy. The policy and 13 principles represent a guiding influence Manitoba Hydro's decisions, and actions. Therefore, all the Business Units should consider the principles in their decision making processes. All principles have direct or indirect relevance to the activities reviewed in this guide.

The titles of the principles are as follows:

1. Stewardship of the Economy and the Environment
2. Shared Responsibility
3. Integration of Environmental and Economic Decisions
4. Economic Enhancement
5. Efficient Use of Resources
6. Prevention and Remedy
7. Conservation
8. Waste Minimization
9. Access to Adequate Information
10. Public Participation
11. Understanding and Respect
12. Scientific and Technological Innovation
13. Global Responsibility

### The workplace Safety and Health Act [w210] (Provincial)

#### Workplace safety and health regulation (217/2006)

##### **The purpose of the Act**

The primary purpose of the Workplace Safety and Health Act is to protect workers, self-employed people and others from risks to their safety, health and welfare arising out of, or in connection with activities in their workplaces. The Workplace Safety and Health Act requires employers to do all that is reasonable and practical to protect safety, health and welfare of workers. This includes providing safe equipment, a safe working environment, adequate supervision, information and training.

##### **Supporting sections from the Regulation:**

The following sections are some of the supporting sections applicable to CS&D activities.

**Part 2:** This part provides detailed information for developing safe work procedures, duty of employers to provide information, and employee training programs.

**Part 6:** Part 6 of the regulation outlines the duties of employers in providing personal protective equipment.

**Part 35:** Part 35 of the regulation, Workplace Hazardous Materials Information System (WHMIS), applies to every workplace where a controlled product is used, produced, handled, or stored. According to the subsection 35.2(1), employers must ensure that a controlled product is not used, stored, produced or handled in a workplace unless all the applicable requirements of this Part with respect to labels, identifiers, material safety data sheets and worker education have been satisfied.

**Part 36:** This Part of the regulation applies to every workplace in which a chemical or biological substance is used. According to the subsection 36.2(1), employers must assess all information that is practicably available with respect to a chemical or biological substance in the workplace to determine if the substance creates or may create a risk to the safety or health of workers in the workplace.

**Application of the Act to the Business Unit Activities:**

This Act applies to every workplace in Manitoba and to every governmental agency, employer, worker, and self-employed person. According to the act, all employers must establish a Workplace Safety Health program, and all parties must provide information that might affect the safety and health of people at a workplace. As “Improving Safety in the Workplace” is amongst the first priorities at Manitoba Hydro, this act and its accompanying regulations are applicable to all the activities in the Customer Service and Distribution Business Unit.

### **The Federal Sustainable Development Act [S.C.2008, c.33] (Federal)**

The legislation requires the federal government to create and put into action a government-wide sustainable development strategy and to regularly evaluate the environmental consequences of its activities. The FSDA (the Federal Sustainable Development Act), which applies to the policies and programs of all departments as well as a number of federal agencies, requires the government to produce a revised strategy every three years. According to the clause 9(1) of the act, the strategy must be based on the precautionary principle, which states that where threats of irreversible damage are present, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

The final FSDS (the Federal Sustainable Development Strategy), was tabled on October 6th, 2010. The FSDS presents a detailed description of federal government activities to achieve environmental sustainability. The FSDS integrates the federal government's actions to achieve environmental sustainability and provides a detailed account of current federal Goals, Targets and Implementation Strategies for four environmental themes:

- I. Addressing climate change and air quality (Air),
- II. Maintaining Water Quality and Availability (Water);
- III. Protecting Nature (Nature); and
- IV. Shrinking the Environmental Footprint – Beginning with Government (Greening Government Operations).

### **Application of the Act to the Business Unit Activities:**

As of July 2012, no associated regulations and legal requirements are in place under the Act. The FSDA and its subsequent strategies are applicable to federal departments and their operations. Manitoba Hydro (or any other crown corporation) is not bound by the act.

**Activity : Transport and Off-Loading of Petroleum Products**  
**Activity's Significance: High**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Contaminated Site Remediation Act[C.C.S.M. C205]</b></p> <p><b>-Contaminated sites remediation regulation(105/97)</b></p>	<p>The purpose of the Act is to provide regulatory authority to designate and manage sites that have been exposed to environmental contaminants. It also addresses issues of liability and remediation of these sites. The key principles that the act is based on are: polluters pay, fairness, and openness, accessibility and public participation in site remediation.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>9(1)</b> Subject to subsections (2) and (3), the following persons may be held responsible for the remediation of a contaminated site: (a)an owner or occupier of the site; (b) a person who owns or has possession, charge or control of a contaminant of the site;</p> <p><b>15(1)</b> The director may, at any time before issuing a remediation order under subsection 17(1) in respect of a contaminated site, order one or more persons described in subsection 9(1) in respect of the site to prepare and file with the director a plan for the remediation of the site in a form acceptable to the director and containing such information as is required by the order or by regulation.</p> <p><b>15(2)</b> A remediation plan required by an order under subsection (1) (a) shall be filed with the director within 30 days after the date of the order or such longer time as is specified in the order</p> <p><b>18.</b> In determining whether to issue a remediation order and the requirements of such an order, the director shall consider all relevant factors, including (a) the risk to human health or the environment which the site or a contaminant of the site presents or might present; (b) the current, the permitted and the planned uses of the site and of nearby properties; (c) the proximity of the site to (i) residential areas and other areas regularly occupied by people, or (ii) sensitive or significant areas of the environment, as determined by the director; and (d) the physical characteristics of the site.</p> <p><b>Supporting sections from the regulation:</b></p> <p><b>8(1)</b> For the purpose of clause 9(2)(c) of the Act and subject to subsection (2), the purposes for which an authority may acquire land by expropriation or otherwise without becoming potentially responsible for remediation are as follows: (m) for the purposes of clause 16(b) of The Manitoba Hydro Act.</p>
<p><b>The Crown Lands Act [C.C.S.M. c. C340]</b></p>	<p>The purpose of the Act is to provide for the most effective use of Crown Lands by establishing effective</p>	<p><b>Supporting sections from the Act:</b></p> <p><b>7(1)</b> The minister may, upon such terms and subject to such conditions, including the amount of any fee, rent or royalty payable, as are prescribed by the Lieutenant Governor in Council, (a) lease Crown lands, other than agricultural Crown lands, for a term not exceeding 21 years, with or without an option to purchase; (b) issue permits of occupation or use</p>

<p>-Vehicle Use on Crown Lands Resource Roads, Regulation(145/91)</p> <p>-Crown Lands Fees Regulation(130/91) [Amendments:215/98]</p>	<p>administration and management policies and processes on Crown Lands. The Act provides the application of proven forest management techniques to enhance the productivity on Crown Lands, requires the leasing and licensing arrangements on Crown Lands, and integrates wildlife and outdoor recreation consideration in forest management planning process on Crown Lands.</p>	<p>of Crown lands, other than agricultural Crown lands, from year to year; c) issue work permits authorizing specified work to be performed on Crown lands and authorizing entry upon the Crown lands for purposes of the work; (d) issue licenses for the occupation or use of Crown lands for specified purposes; (e) issue any easement or right-of-way upon, over, under or in respect of Crown lands.</p> <p><b>13.1(1)</b> Where an agreement entered into between the Crown and a person for the disposition of Crown lands contains a restriction on the development of all or part of the lands for the purpose of the protection of any natural resource and provides that the restriction may be enforced against a subsequent owner of the lands, and where a caveat is filed in accordance with subsection (2), the agreement shall be enforceable against the subsequent owner.</p> <p><b>Supporting Sections from the Vehicle Use on Crown Lands Resource Roads, Regulation:</b></p> <p><b>3(1)</b> The minister may cause signs to be posted on or adjacent to resource roads prohibiting, controlling or governing the operation of vehicles on those roads. <b>3(4)</b> Except under the authority of a permit issued under section 5, no person shall operate a motor vehicle or an off-road vehicle in contravention of a sign posted under section <b>3.5(1)</b> The minister may issue a permit authorizing the holder of the permit to operate a vehicle on a resource road.</p> <p><b>Supporting Sections from the Crown Lands Fees Regulation:</b></p> <p><b>2 (1)</b> person who uses or occupies land under the authority of a permit, lease, license or easement issued or granted by the minister under The Crown Lands Act shall pay the fee for that use or occupation that is required by this regulation.</p>
<p>The Dangerous Goods Handling and Transportation Act [C.C.S.M. c. D12]</p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>3.</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations. <b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>13.</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;</p> <p><b>14.</b> No person shall transport, offer for transport or otherwise handle a dangerous good unless (a) the person complies with all applicable safety requirements; (b) the good is accompanied by all applicable prescribed documents; and</p>

-Dangerous goods handling and transportation regulation(955/2003)

- Environmental accident reporting regulation(439/87)

- Storage and handling of petroleum products and allied petroleum products regulation(188/2001)  
[Amendments: 19/2001]

(c) the container and means of transport comply with all applicable safety standards and display all applicable safety marks.

**Supporting Sections from the Dangerous goods handling and transportation regulation(955/2003):**  
**As most sections of the regulation are relevant to the activities in CS&D, only the important titles have been listed here.**

**4.1** Requirements for Dangerous Goods Safety Marks. **4.4** Consignor Responsibilities. **4.5** Carrier Responsibilities. **5.1** Selecting and Using Means of Containment. **5.4** Loading and Securing. **6.1** Training Certificate Requirements. **7.1** Requirement for an Emergency Response Assistance Plan (ERAP). **8.** Accidental release and imminent accidental release report requirements.

**Supporting Sections from the Environmental accident reporting regulation:**

Reporting of environmental accidents 3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from Storage and handling of petroleum products and allied petroleum products regulation:**

**6.** No person shall deliver a petroleum product or an allied petroleum product to a storage tank system unless (a) a permit for the operation of that storage tank system has been issued under this regulation; and (b) the person making the delivery records the operating permit number of the storage tank system issued by the department and retains the record of the operating permit number in a manner acceptable to the director.

**7(1)** Subject to subsections (2) to (4), no person shall use a tank vehicle (a) for the storage of a petroleum product or an allied petroleum product; or (b) to dispense a petroleum product or an allied petroleum product other than to a storage tank system.

**8(1)** No person shall transfer a petroleum product or an allied petroleum product from a storage tank system to a tank vehicle, or from a tank vehicle to a storage tank system, without supervising the transfer at all times and in such a manner as to be able to immediately shut off the flow of the petroleum product or allied petroleum product during the transfer.

**8(2)** No person shall directly or indirectly cause or permit the overflow of a petroleum product or an allied petroleum product from a storage tank system or tank vehicle.

**36.** No person shall contaminate soil or water by causing or allowing the spillage or leakage of a petroleum product or allied petroleum product from a storage tank system or tank vehicle. **37** No person shall cause or allow the dumping, depositing, dropping or discarding of a petroleum product or allied petroleum product in such a manner that it might

<p>- Manifest Regulation (139/88)</p>		<p>contaminate water or be carried away with run-off water or surface drainage.</p> <p><b>Some of the Supporting Sections from the Manifest Regulation (139/88):</b>  <b>Obtaining manifest forms:</b> 3(1) A carrier of hazardous waste (a) may obtain blank intact manifests from the department or a designated alternate;  <b>5. No carrier shall permit hazardous waste to pass from the carrier's custody or control except from</b> (a) by delivering the waste (i) to a consignee registered with the department for that type of hazardous waste,(ii) in case of non-acceptance of hazardous waste by the consignee, to the consignor from which the hazardous waste originated, (iii) to a second carrier who is in possession of a valid and subsisting license under subsection 8(2) of the Act, or (iv) to another person designated by an environment officer;  <b>6.1(1)</b> Transport or transfer by single consignor Multiple pickups within Manitoba  <b>7(1)</b> Every carrier who collects hazardous waste from more than one consignor and intends to transport or transfer the waste in one load within Manitoba and list the waste of more than one consignor on the same manifest shall (a) prior to the first collection, complete part B of the manifest; and (b) obtain a waste multiple pickup record from the department or a designated alternate and ensure that each consignor completes and signs it at the time of collection.  <b>Manifest discrepancy 11(1)</b> Where a consignee refuses to accept a consignment of hazardous waste from a carrier because of a manifest discrepancy, (a) the carrier shall notify the department immediately by telephone of the refusal and the discrepancy; and (b) the consignee shall note the reason for refusal on the manifest, retain copy 5 for at least two years, and return copies 3, 4 and 6 to the carrier.</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006)</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted of the National Fire Code of Canada and it defines the requirements</p>	<p><b>Some of the Supporting sections from the Act:</b>  <b>Local authority must comply with directions</b>  <b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.  <b>20. Local authorities to enforce fire code:</b> Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.  <b>22(1) Local incident management system to be established:</b> A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.  <b>Supporting sections from the Manitoba Fire Code:</b>  <b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. <b>4.1.6.3</b> (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid</p>

	<p>for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p>and to remove or treat contaminated soil. <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. <b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Environment Act [ E125]</p> <p>- Notice and Reporting Regulation(126/2010)</p>	<p>The purpose of the Act is to “develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life”. It also outlines an environmental assessment and licensing process for developments that may have potential for significant environmental effects.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>30.1(1) No unauthorized release of pollutants:</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, unless expressly authorized or permitted to do so <b>30.1(3) Duty to report release</b> A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations</p> <p><b>30.1(4) Reporting by person responsible for pollutant</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>Supporting Sections from the Notice and Reporting Regulation:</b></p> <p><b>(3)Reporting release of pollutants</b></p> <p><b>3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:(a) in the case of a report to the director, by telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; (b) subject to subsection (2), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report. <b>3(3)</b> When making a report a person must provide the necessary information if it is known or is readily available.</p>

The Provincial Parks Act  
[ C.C.S.M. c P20]

- Parks Activities  
Regulations[102/2009]

The purpose of the Provincial Parks Act is: (a) to conserve ecosystems and maintain biodiversity; (b) to preserve unique and representative natural, cultural and heritage resources; (c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.

**Some of the supporting Sections from the Provincial Parks Act:**

**Restrictions on use**

**7(5)** In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in

(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or

(b) any other activity specified in a regulation made under clause 32(g).

**Some of the supporting Sections from the Parks Activities Regulations:**

**Application**

**2** This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.

**4 A person who enters a provincial park shall comply with**

(a) any lawful orders and instructions made or issued by an officer under this regulation; and

(b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.

**Works and structures on water (12 )**Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.

**Pollution of waters**

**14** No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.

## Activity : Transport and Off-Loading of Petroleum Products

Activity's Significance: High

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>Canadian Environmental Protection Act [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the</p>

**-Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations (SOR/2008-197)**

**-Release and Environmental Emergency Notification Regulations(SOR 2011/90)**

circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.

**Supporting Sections from the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations:**

7. The owner or operator of a storage tank system must comply with the applicable requirements before any petroleum products or allied petroleum products are first transferred into that system.

15. (1) The owner or operator of a storage tank system must ensure that petroleum product and allied petroleum product transfer areas are designed to contain spills that occur during the transfer process.

29. A person that delivers petroleum products or allied petroleum products must comply with the following requirements: (a) they must immediately notify the operator of the storage tank system of any spill that occurs during the transfer or any evidence observed of a leak or spill; and (b) beginning two years after the day on which these Regulations come into force, (i) they must not transfer petroleum products or allied petroleum products into any storage tank system unless the storage tank system identification number is visible, and (ii) they must keep a record of the storage tank system identification number.

**Supporting Sections from Release and Environmental Emergency Notification Regulations:**

(2) Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the *Canadian Environmental Protection Act, 1999* to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.

<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.  <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and</p>	<p><b>Some of the supporting sections from the National Fire Code of Canada:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.  <b>4.1.6.3</b> (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.  <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.  <b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	sustainable protection of buildings.	
<p><b>Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products ( CCME)</b></p>	<p>This publication updates, combines, and replaces CCME’s 1993 “Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products” and the 1994 “Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products.” It reflects the advances in technology and the experience gained by industry and government regulators in proactively managing storage tanks systems. The “storage and handling of petroleum products and allied petroleum products regulation 188/2001”, was adopted of the content of this code of practice.</p>	<p><b>Supporting Sections from the Guideline:</b></p> <p><b>5.3.1</b> The fill pipe on a <i>storage tank</i> with a capacity of 5 000 L or more shall be equipped for the attachment of a liquid and vapour-tight connection at the time of filling and shall be sealed with a liquid- and vapour-tight cap when not in use.</p> <p><b>5.3.2</b> The suction tube of a <i>used oil</i> tank shall be equipped for the attachment of a liquid-tight fitting and shall be sealed with a liquid-tight cap when not in use. Section <b>8.9:</b> The <i>owner</i> of each registered <i>storage tank system</i> shall prepare and maintain an emergency response <i>contingency plan</i>. <b>8.9.2(1)</b> The <i>owner</i> or <i>operator</i> of a <i>storage tank system</i> shall immediately notify the <i>authority having jurisdiction</i> (See Appendix D- Spill Reporting) and provide the information requested when the <i>owner</i> or <i>operator</i> discovers, suspects, or is notified by any person of:(a) any <i>leak</i> from a <i>storage tank system</i>;(b) any <i>spill</i> or overfill that is 100 L or more;or(c) any <i>spill</i> or overfill that could threaten fresh water supplies, groundwater, or the health and safety of the public.</p> <p><b>8.5.1</b> A person responsible for transferring <i>petroleum</i> or <i>allied petroleum product</i> to a <i>storage tank system</i> shall take all reasonable steps to prevent <i>spills</i>. <b>8.5.2(1)</b> When a tank vehicle is being unloaded, the vehicle <i>operator</i> shall remain: (a) in constant view of the fill pipe; and (b) in constant attendance at the delivery control valve. (See Appendix B, note B.8.5.2(1)(b))</p> <p><b>8.5.3(1)</b> Transfer of <i>petroleum</i> or <i>allied petroleum product</i> into and out of a <i>storage tank system</i> shall be in conformance with procedures outlined in: (a) the NFCC; (b) API Std 2610-94, “Design, Construction, Operation, Maintenance, and Inspection of Terminal and Tank Facilities”; and (c) CPPI (1992), “Professional Driver’s Manual”. 8.5.3(2) Standard procedures for normal operation, as well as for emergencies, shall be given to an <i>operator</i> and posted in printed form for convenient reference. An employee involved with the transfer of <i>petroleum</i> or <i>allied petroleum product</i> shall be trained in the correct operating procedures for all equipment and shut-down devices.</p>

*Some of the applicable guidelines & codes of practice*

- “Code of Practice” for Storage and Handling of Petroleum Products and Allied Products Storage Tank Systems, Mechanical Engineering Department Engineering Services Division and Workplace Environment Department Corporate Safety Division.
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Part 1 and 2, Corporate Safety and Health. Publication Number: 0126/08
- Chemical Storage, Corporate Safety and Health
- Fire Manual, Corporate Safety and Health Division, 2009
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).
- CS&D Safety Environmental Building Inspection Guidance

- For Contaminated Sites listing refer to Manitoba Conservation Web site
- For more information on how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- For more information on how to clean up any release to soil, refer to the ‘‘Process For Cleaning Up Releases To Soil Involving Petroleum Products’’

**Important eForms with respect to reporting spills:**

- Hazardous Material Incident Report (eForm H2875)
- Activation of Spill Plan/Exercise (eForm 285)

**Activity : Storage, Handling, and Transportation of PCBs**  
**Activity's Significance: High**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Dangerous Goods Handling and Transportation Act [D12]</b></p> <p>-Dangerous goods handling and transportation regulation(955/2003)</p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>3</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations. <b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based. <b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>(13)</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants.</p> <p><b>Highlights from the Dangerous goods handling and transportation regulation(955/2003):</b></p> <p><b>Important Notice:</b> As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</p> <p><b>4.1</b> Requirements for Dangerous Goods Safety Marks. <b>4.4</b> Consignor Responsibilities. <b>4.5</b> Carrier Responsibilities. <b>5.1</b> Selecting and Using Means of Containment. <b>5.4</b> Loading and Securing. <b>6.1</b> Training Certificate Requirements. <b>7.1</b> Requirement for an Emergency Response Assistance Plan (ERAP). <b>8.</b> Accidental release and imminent accidental release report requirements. <b>8.1</b> Immediate Reporting.</p>

- Environmental accident reporting regulation(439/87)

- Generator registration and carrier licensing regulation(175/87)  
[Amendments: 140/88]

- Manifest Regulation (139/88)  
[Amendments: 58/2003]

**Supporting Sections from the Environmental accident reporting regulation:**

Reporting of environmental accidents 3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation: 3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.

**4(2)** An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.

**Some of the Supporting Sections from the Manifest Regulation (139/88):**

**Obtaining manifest forms:** 3(1) A carrier of hazardous waste (a) may obtain blank intact manifests from the department or a designated alternate;

**5. No carrier shall permit hazardous waste to pass from the carrier's custody or control except from** (a) by delivering the waste (i) to a consignee registered with the department for that type of hazardous waste,(ii) in case of non-acceptance of hazardous waste by the consignee, to the consignor from which the hazardous waste originated, (iii) to a second carrier who is in possession of a valid and subsisting license under subsection 8(2) of the Act, or (iv) to another person designated by an environment officer;

**6.1(1)** Transport or transfer by single consignor Multiple pickups within Manitoba

**7(1)** Every carrier who collects hazardous waste from more than one consignor and intends to transport or transfer the waste in one load within Manitoba and list the waste of more than one consignor on the same manifest shall (a) prior to the first collection, complete part B of the manifest; and (b) obtain a waste multiple pickup record from the department or a designated alternate and ensure that each consignor completes and signs it at the time of collection.

**Manifest discrepancy 11(1)** Where a consignee refuses to accept a consignment of hazardous waste from a carrier because of a manifest discrepancy, (a) the carrier shall notify the department immediately by telephone of the refusal and the discrepancy; and (b) the consignee shall note the reason for refusal on the manifest, retain copy 5 for at least two years,

<p>- PCB Storage Site Regulation (474/88)</p>		<p>and return copies 3, 4 and 6 to the carrier.</p> <p><b>Highlights from the PCB Storage Site Regulation(474/88):</b>  <b>Important Notice: As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b></p> <ul style="list-style-type: none"> <li>(3) PCB waste at storage sites only</li> <li>(5)Requirements for all storage sites</li> <li>(8)Maintenance and inspection</li> <li>(9) Labeling requirements</li> <li>(10) Information to be provided</li> <li>(11) Maintenance of books and records</li> <li>(12) Reporting requirements</li> <li>(13) New storage sites</li> <li>(14) No disposal without authorization.</li> </ul>
<p>The Environment Act[ E125]</p> <p>-Notice and Reporting Regulation(126/2010)</p>	<p>The purpose of the Act is to “develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life”. It also outlines an environmental assessment and licensing process for developments that may have potential for significant environmental effects.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>30.1(1) No unauthorized release of pollutants:</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, unless expressly authorized or permitted to do so <b>30.1(3) Duty to report release</b> A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations <b>30.1(4) Reporting by person responsible for pollutant</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>Supporting Sections from the Notice and Reporting Regulation:</b></p> <p><b>(3)Reporting release of pollutants</b>  <b>3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:(a) in the case of a report to the director, by telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; (b) subject to subsection (2), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report. <b>3(3)</b> When making a report a person must provide the necessary information if it is known or is readily available.</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention,</p>	<p><b>Some of the Supporting sections from the Act: Local authority must comply with directions</b></p> <p><b>5(3)</b>At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying</p>

<p><b>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</b></p>	<p>detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p>out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner. <b>Local authorities to enforce fire code 20</b> Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated. <b>Local incident management system to be established</b></p> <p><b>22(1)</b> A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b> <b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. <b>4.1.6.3</b> (1) maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard. (2) Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil. <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. <b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p><b>The Provincial Parks Act [ C.C.S.M. c P20]</b></p>	<p>The purpose of the Provincial Parks Act are:  (a) to conserve ecosystems and maintain biodiversity;  (b) to preserve unique and representative natural, cultural and heritage resources;  (c) to provide outdoor</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b></p> <p><b>7(5)</b> In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in</p> <p>(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or</p> <p>(b) any other activity specified in a regulation made under clause 32(g).</p>

- Parks Activities Regulations[102/2009]

recreational and educational opportunities and experiences in a natural setting.

**Some of the supporting Sections from the Parks Activities Regulations:**

**Application**

**2** This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.

**4** A person who enters a provincial park shall comply with

**(a)** any lawful orders and instructions made or issued by an officer under this regulation; and

**(b)** the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.

**Works and structures on water (12 )**Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.

**Pollution of waters**

**14** No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.

**Activity: Storage, Handling, and Transportation of PCBs**

**Activity's Significance: High**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act[S.C 1992, c. 37]</b></p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or</p>

<p>-The PCB Regulations (SOR/2008-73)</p> <p>-Release and Environmental Emergency Notification Regulations (SOR 2011/90)</p>		<p>minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Highlights from the PCB Regulations (SOR/2008-73):</b>  <b>Important Notice:</b> As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</p> <p><b>(4) Compliance.</b> In addition to the persons who must comply with the requirements set out in These Regulations, a person who owns PCBs or products containing PCBs shall ensure that the requirements of these Regulations with respect to those PCBs or products are met.</p> <p><b>(5) Prohibitions Release into the Environment.</b> (1) No person shall release PCBs into the environment, other than from the equipment referred to in subsection (2), in DEFINED concentration. <b>Release from equipment (2)</b> No person shall release more than one gram of PCBs into the environment from equipment referred to in section.</p> <p><b>(16) Permitted Activities (7) Laboratory Analysis. (8) Research. Processing and Use .</b></p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule;</p>
<p>The Fisheries Act[ R.S.C, 1985, c. F-14]</p> <p>- Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada’s fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1) Throwing overboard of certain substances prohibited</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to</p>

		prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.
National Fire Code of Canada (2010)	The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.	<p><b>Supporting Section(s):</b>  <b>Part 5: Hazardous Processes and Operations.</b>  <b>5.5.5.6.:</b> Chemical Waste: Wastes from <i>dangerous goods</i> shall be: a) identified to prevent accidental mixing of incompatible chemicals.</p>
<p>Compliance Promotion Guide on PCB Regulations Requirements , Environment Canada, accessible through:</p> <p><a href="http://www.ec.gc.ca/bpc-pcb/default.asp?lang=En&amp;n=78635459-1">http://www.ec.gc.ca/bpc-pcb/default.asp?lang=En&amp;n=78635459-1</a></p>	<p>According to Environment Canada the purpose of this guide is to “clarify the requirements set out in the <i>PCB Regulations</i> and help the regulated community better understand them.” It also answers frequently asked questions about technical, compliance or enforcement sides of the Regulations' requirements. Not all regulatory requirements are discussed in the guide, therefore as Environment Canada stated the guide cannot be used as a replacement to the Regulations. The guide is helpful to develop compliance programs and align them with Federal and Provincial Regulations.</p>	

### *Some of the applicable guidelines & codes of practice*

- Code of practice for the storage of PCBs at Manitoba Hydro facilities. Corporate Safety and Health Division. Publication Number: 0126/08
- Hazardous Materials Management Handbook, Part 3, Corporate Safety and Health
- PCB color dot identification system. Corporate Safety and Health Division.
- Sampling transformers and applying dots. Corporate Safety and Health Division. Publication Number : 0124/08
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Chemical Storage, Corporate Safety and Health
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

#### **For more information on how to:**

- report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- clean up any release to soil, refer to the ‘‘Process For Cleaning Up Releases To Soil Involving Petroleum Products’’
- **Important eForms with respect to reporting spills:**
  - Hazardous Material Incident Report (eForm H2875)
  - Activation of Spill Plan/Exercise (eForm 285)



**Activity : Maintenance of Oil Filled Equipment**  
**Activity's Significance: High**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p>The Dangerous Goods Handling and Transportation Act[D12]</p> <p>-Dangerous goods handling and transportation regulation(955/2003)</p> <p>- Environmental accident reporting regulation(439/87)</p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>(3)</b>No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.</p> <p><b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license. <b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based. <b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>(13)</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants.</p> <p><b>Highlights from the Dangerous goods handling and transportation regulation(955/2003):</b>  <b>Important Notice: As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b></p> <p><b>4.1</b> Requirements for Dangerous Goods Safety Marks. <b>4.4</b> Consignor Responsibilities. <b>4.5</b> Carrier Responsibilities. <b>5.1</b> Selecting and Using Means of Containment. <b>5.4</b> Loading and Securing. <b>6.1</b> Training Certificate Requirements. <b>7.1</b> Requirement for an Emergency Response Assistance Plan (ERAP). <b>8.</b> Accidental release and imminent accidental release report requirements. <b>8.1</b> Immediate Reporting.</p> <p><b>Supporting Sections from the Environmental accident reporting regulation:</b>  Reporting of environmental accidents 3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental</p>

- Generator registration and carrier licensing regulation(175/87)  
[Amendments: 140/88]

- Manifest Regulation (139/88)  
[Amendments: 58/2003]

accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation:**

**3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste. **4(2)** An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.

**Some of the Supporting Sections from the Manifest Regulation (139/88):**

**Important Notice:**

**Obtaining manifest forms:** 3(1) A carrier of hazardous waste (a) may obtain blank intact manifests from the department or a designated alternate; 3.1(1) General instructions for completing a manifest , 3.1(1) A person who enters information on a manifest shall do so legibly and ensure that the information is copied through on all copies of the manifest.

**5. No carrier shall permit hazardous waste to pass from the carrier's custody or control except from** (a) by delivering the waste (i) to a consignee registered with the department for that type of hazardous waste,(ii) in case of non-acceptance of hazardous waste by the consignee, to the consignor from which the hazardous waste originated, (iii) to a second carrier who is in possession of a valid and subsisting license under subsection 8(2) of the Act, or (iv) to another person designated by an environment officer;

**6.1(1)** Transport or transfer by single consignor Multiple pickups within Manitoba

**7(1)** Every carrier who collects hazardous waste from more than one consignor and intends to transport or transfer the waste in one load within Manitoba and list the waste of more than one consignor on the same manifest shall (a) prior to the first collection, complete part B of the manifest; and (b) obtain a waste multiple pickup record from the department or a designated alternate and ensure that each consignor completes and signs it at the time of collection.

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<p>The Fires Prevention and Emergency Response act [F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p> <p>-Fire Safety Inspections Regulation (73/2007)</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p><b>Some Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions 5(3)</b>At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>Local authorities to enforce fire code 20</b> Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>Local incident management system to be established 22(1)</b> A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting Sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3</b> (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p> <p><b>Part 5: Hazardous Processes and Operations.5.5.5.6:</b> Chemical Waste: Wastes from <i>dangerous goods</i> shall be: a) identified to prevent accidental mixing of incompatible chemicals.</p>
<p>The Environment Act [E125]</p>	<p>The purpose of the Act is to "develop and maintain an environmental protection and</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>30.1(1) No unauthorized release of pollutants:</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, unless expressly authorized or permitted to do so</p> <p><b>30.1(3) Duty to report release</b> A person who releases or causes or allows the release of a pollutant that may cause, is</p>

<p>- Notice and Reporting Regulation(126/2010)</p>	<p>management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life”. It also outlines an environmental assessment and licensing process for developments that may have potential for significant environmental effects.</p>	<p>causing or has caused an adverse effect must report the release, in accordance with the regulations</p> <p><b>30.1(4) Reporting by person responsible for pollutant</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>Supporting Sections from the Notice and Reporting Regulation:</b></p> <p><b>(3)Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:(a) in the case of a report to the director, by telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; (b) subject to subsection (2), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report.</p> <p><b>3(3)</b> When making a report a person must provide the necessary information if it is known or is readily available.</p>
<p>The Provincial Parks Act [ C.C.S.M. c P20]</p> <p>- Parks Activities Regulations[102/2009]</p>	<p>The purpose of the Provincial Parks Act are:</p> <p>(a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b></p> <p><b>7(5)</b> In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in</p> <p>(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or</p> <p>(b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b></p> <p><b>2</b> This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.</p> <p><b>4</b> A person who enters a provincial park shall comply with</p> <p>(a) any lawful orders and instructions made or issued by an officer under this regulation; and</p> <p>(b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12 )</b>Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b></p> <p><b>14</b> No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>

<p><b>The Waste Reduction and Prevention Act(W40)</b></p> <p><b>- Used Oil, Oil Filters and Containers Stewardship Regulation (86/97)</b></p>	<p>The purpose of the Act is to reduce and prevent the production and disposal of waste in the province consistent with the principles of sustainable development and to encourage consumers, manufacturers, distributors, retailers, governments, government agencies and other persons to develop and adopt practices and programs for the reduction and prevention of waste.</p>	<p><b>Highlights from the Act:</b></p> <p>The Act provides a range of options to reduce solid waste under its regulations. Stewardship corporations are in place to carry out waste reduction programs for packaging and printed paper, tires, and used oil, containers and filters.</p> <p><b>Supporting sections from the Act Used Oil, Oil Filters and Containers Stewardship Regulation (86/97):</b></p> <p><b>3(2)</b> No person shall in the course of business use in Manitoba oil products and material obtained in a supply transaction outside of Manitoba unless the person operates or subscribes to a used oil products and material stewardship program.</p> <p><b>3(5)</b> No steward of oil, oil filters and containers shall supply oil products and material for consumption unless the steward has given written notice to the minister, in the form required by the minister, of intention to supply oil products and material and a description. (a) of the oil products and material to be supplied; and (b) of how steward intends to meet the obligations imposed on him or her under subsections (1), (2), or (3).</p>
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Activity: Maintenance of Oil Filled Equipment

Activity's Significance: High

Related Acts & Regulations	General Description of the Act	Supporting Sections from the Act
<b>Federal</b>		
<b>Canadian Environmental Protection Act[SC 1992, c. 37]</b>	The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.	<b>Supporting Sections from the Act:</b> <b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release. <b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95. <b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency. <b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any

<p>-The PCB Regulations (SOR/2008-73)</p> <p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>members of the public who may be adversely affected by the release or likely release.</p> <p><b>Highlights from the PCB Regulations (SOR/2008-73):</b>  <b>Important Notice:</b> As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</p> <p><b>(4) Compliance.</b> In addition to the persons who must comply with the requirements set out in These Regulations, a person who owns PCBs or products containing PCBs shall ensure that the requirements of these Regulations with respect to those PCBs or products are met.</p> <p><b>(5) Prohibitions Release into the Environment.</b> (1) No person shall release PCBs into the environment, other than from the equipment referred to in subsection (2), in DEFINED concentration. <b>Release from equipment (2)</b> No person shall release more than one gram of PCBs into the environment from equipment referred to in section.</p> <p><b>(16) Permitted Activities (7) Laboratory Analysis. (8) Research. Processing and Use.</b></p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C, 1985, c. F-14]</p> <p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada’s fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.  <b>36. (1) Throwing overboard of certain substances prohibited</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof, shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>

<p><b>National Fire code of Canada (1995)</b></p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>Part 4: Flammable And Combustible Liquids: 4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. <b>4.1.6.3</b> (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil. <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. <b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p> <p><b>Part 5: Hazardous Processes and Operations. 5.5.5.6.:</b> Chemical Waste: Wastes from <i>dangerous goods</i> shall be: a) identified to prevent accidental mixing of incompatible chemicals.</p>
<p><b>Compliance Promotion Guide on PCB Regulations Requirements , Environment Canada, accessible through:</b></p> <p><a href="http://www.ec.gc.ca/bpc-pcb/default.asp?lang=En&amp;n=78635459-1">http://www.ec.gc.ca/bpc-pcb/default.asp?lang=En&amp;n=78635459-1</a></p>	<p>According to Environment Canada the purpose of the guide is to “clarify the requirements set out in the PCB Regulations and help the regulated community better understand them. ” it also answers frequently asked questions about technical, compliance enforcement sides of the Regulations’ requirements. Not all regulatory requirements are discussed in the guide, therefore as Environment Canada stated the guide cannot be used as a replacement to the regulation. The guide is helpful to develop compliance programs and align them with federal and provincial regulations.</p>	

### *Some of the applicable guidelines & codes of practice*

- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Sampling transformers and applying dots. Corporate Safety and Health Division. Publication Number : 0124/08
- Chemical Storage, Corporate Safety and Health
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

#### **For more information on how to:**

- report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- clean up any release to soil, refer to the ‘Process For Cleaning Up Releases To Soil Involving Petroleum Products’,
- **Important eForms with respect to reporting spills:**
  - Hazardous Material Incident Report (eForm H2875)
  - Activation of Spill Plan/Exercise (eForm 285)

**Activity: Access Development (roads, airstrips, water crossings)/ Site Preparation (clearing, stripping, grading)/ Decommissioning of Buildings & Plant, Construction Camps, Construction Infrastructure**

**Activity's Significance: Medium**

Activities under these headings can be captured by any number of laws relating to the environment including, environment protection, wildlife, workplace health and safety, transportation of hazardous materials and so forth. For instance, the environmental legislation that might apply could include:

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Contaminated Site Remediation Act[C205]</b></p> <p><b>-Contaminated sites remediation regulation(105/97)</b></p>	<p>The purpose of the Act is to provide regulatory authority to designate and manage sites that have been exposed to environmental contaminants. It also addresses issues of liability and remediation of these sites. The key principles that the act is based on are: polluters pay, fairness, and openness, accessibility and public participation in site remediation.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>9(1)</b> Subject to subsections (2) and (3), the following persons may be held responsible for the remediation of a contaminated site: (a)an owner or occupier of the site; (b) a person who owns or has possession, charge or control of a contaminant of the site;</p> <p><b>15(1)</b> The director may, at any time before issuing a remediation order under subsection 17(1) in respect of a contaminated site, order one or more persons described in subsection 9(1) in respect of the site to prepare and file with the director a plan for the remediation of the site in a form acceptable to the director and containing such information as is required by the order or by regulation.</p> <p><b>15(2)</b> A remediation plan required by an order under subsection (1) (a) shall be filed with the director within 30 days after the date of the order or such longer time as is specified in the order.</p> <p><b>18.</b> In determining whether to issue a remediation order and the requirements of such an order, the director shall consider all relevant factors, including (a) the risk to human health or the environment which the site or a contaminant of the site presents or might present; (b) the current, the permitted and the planned uses of the site and of nearby properties; (c) the proximity of the site to (i) residential areas and other areas regularly occupied by people, or (ii) sensitive or significant areas of the environment, as determined by the director; and (d) the physical characteristics of the site.</p> <p><b>Supporting clause from the regulation:</b></p> <p><b>8(1)</b> For the purpose of clause 9(2)(c) of the Act and subject to subsection (2), the purposes for which an authority may acquire land by expropriation or otherwise without becoming potentially responsible for remediation are as follows: (m) for the purposes of clause</p>



<p><b>- Pesticides Regulation (94/88)</b></p>		<p>(b) the name and telephone number of the person reporting the release;  (c) a brief description of the circumstances of the release and its status at the time of the report;  (d) the identity and quantity, if known, of the pollutant released;  (e) the action that the person making the report has taken or intends to take with respect to the release.  <b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Dangerous Goods Handling and Transportation Act[D12]</b></p> <p><b>-Dangerous goods handling and transportation regulation(955/2003)</b></p> <p><b>- Environmental accident reporting regulation(439/87)</b></p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>3.</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.</p> <p><b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>13.</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;</p> <p><b>Supporting Sections from the Dangerous goods handling and transportation regulation(955/2003):</b></p> <p><b>As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b></p> <p><b>4.1</b> Requirements for Dangerous Goods Safety Marks. <b>4.4</b> Consignor Responsibilities. <b>4.5</b> Carrier Responsibilities. <b>5.1</b> Selecting and Using Means of Containment. <b>5.4</b> Loading and Securing. <b>6.1</b> Training Certificate Requirements. <b>7.1</b> Requirement for an Emergency Response Assistance Plan (ERAP). <b>8.</b> Accidental release and imminent accidental release report requirements.</p> <p><b>Supporting Sections from the Environmental accident reporting regulation:</b></p> <p>Reporting of environmental accidents 3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or</p>

<p>- Generator registration and carrier licensing regulation(175/87)</p>		<p>fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.</p> <p><b>Supporting Sections from the Generator registration and carrier licensing regulation:</b></p> <p><b>3(1)</b> No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule;</p> <p><b>3(2)</b> Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.</p> <p><b>4(2)</b> An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.</p>
<p>The Endangered Species Act[E111]</p>	<p>The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated. Species listed under each designation are recommended by the Endangered Species Advisory Committee. The Wildlife Branch is responsible for the Act's administration.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition: 10(1) No person shall</b></p> <p>(a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;</p> <p>(b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or</p> <p>(c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.</p> <p>Permits by minister: 11(1) A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to</p> <p>(a) kill, take, collect or capture; or</p> <p>(b) collect or capture and hold alive;</p> <p>members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of</p>

<p>- Threatened, Endangered and Extirpated Species Regulation(25/98)</p>		<p>endangered, threatened or extirpated species.</p> <p><b>Exemption of developments: 12(1)</b></p> <p>The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that</p> <p>(a) protection and preservation of the species or the habitat is assured; or</p> <p>(b) appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an endangered or threatened species or upon a habitat of an endangered or threatened species.</p> <p><b><u>Threatened, Endangered and Extirpated Species Regulation:</u></b></p> <p>The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and</p>

	<p>requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p>open flames, and c) it should be kept closed when not in use.</p>
<p><b>The Forest Act [F150]</b></p> <p><b>-Forest Use and Management Regulation (227/88 R)</b></p>	<p>The purpose of the Act is providing a framework for regulating forests within Crown lands and provincial forests. Under the authority of <i>The Forest Act</i>, the Forestry Branch manages provincial Crown forests by setting forest harvest levels, monitoring forest management activities, ensuring forests are regenerated, providing protection from insects and diseases and collecting revenues for use of Crown timber.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition on cutting timber on Crown forest lands: 28</b>          Unless authorized to do so under a timber cutting right, no person shall enter upon forest land owned by the Crown for the purpose of cutting or removing timber, or shall cut, or remove, timber thereon or therefrom.</p> <p><b>Prohibitions re holders of timber cutting rights :</b></p> <p><b>28.1</b> No holder of a timber cutting right shall  <b>(a)</b> cut or remove timber, except in accordance with the terms and conditions of the timber cutting right granted to the holder; or  <b>(b)</b> otherwise fail to comply with the terms or conditions of the timber cutting right granted to the holder.</p> <p><b>Some Of the Supporting Sections From The Forest Use And Management Regulations:</b></p> <p><b>General conditions governing timber cutting</b></p> <p><b>5</b> The cutting of timber on Crown lands is subject to the following conditions:  <b>(a)</b> except as authorized by a forest management licence, timber sale agreement or timber permit under the Act, only such timber designated by an officer for cutting and removal shall be cut or cut and removed; and <b>(b)</b> in every timber operation, the licensee, permittee, or operator authorized to cut timber shall  <b>(i)</b> cut timber in a manner acceptable to an officer,  <b>(ii)</b> remove the timber cut within such time, and to such place, as is acceptable to an officer,  <b>(iii)</b> avoid waste in the cutting and manufacture of timber,  <b>(iv)</b> avoid unnecessarily disturbing the surface of the land,  <b>(v)</b> avoid unnecessarily disturbing or damaging trees reserved from cutting under the licence, timber sale agreement, or permit,  <b>(vi)</b> cut all trees at a stump height not to exceed 30 centimetres,  <b>(vi.1)</b> ensure that any tree top removed does not have a diameter greater than 10 cm class for softwood or 12 cm class for hardwood,  <b>(vii)</b> cut and remove such merchantable fire killed or dead timber as may be designated for cutting and removing by a officer,</p> <p><b>9</b> Any timber cut in the construction of a road or in the clearing of a skidway, landing, or camp site shall be paid for in accordance with the dues and charges payable under the licence, timber sale agreement, or permit.</p>

**-The Heritage Resources Act [H39.1]**

**- Heritage Resources Forms Regulation (99/86)**

The Heritage Resources Act, providing for the conservation and protection of Manitoba's cultural heritage, and it was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include:

- Provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;
- A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;
- stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;
- new protection for heritage objects; and

**Some of the Supporting sections from the Act:**

**Heritage permit required**

14(1) No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit.

**Supporting sections from the Heritage Resource Form Regulation:**

The regulation provides a list of forms and permits that must be obtained to work close to Heritage sites.

	<p>-new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.</p>	
<p><b>The Highway and Transportation Act [H40]</b></p> <p><b>-Highway and Transportation Department Permit Application Fees Regulation(477/88)</b></p>	<p>The Act controls the construction activities and erection of structures along certain highways to protect the safety of the public.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Control of departmental roads</b>  8(1) Notwithstanding anything to the contrary in or any other Act of the Legislature, but subject to subsection (2), the jurisdiction over, and the control and possession of, every departmental road are vested in the government; and upon a highway within a municipality becoming a provincial trunk highway or a provincial road or an industrial road, the municipality is thereupon relieved of the responsibility of maintaining and repairing it.</p> <p><b>Responsibility of municipality</b>  8(2) A municipality in which a provincial trunk highway, a provincial road or an industrial road, or any part thereof, is situated is responsible for maintaining and repairing any sidewalks, poles, sewers, waterworks or other municipal works of a like nature, constructed or in the course of construction by the municipality on, over, or under, the highway.</p> <p><b>Materials, structures, etc., on departmental roads</b>  8(3) No person shall</p> <ul style="list-style-type: none"> <li>(a) place any material or cause any material to be placed; or</li> <li>(b) carry out, build, construct, reconstruct, establish or place any works, structures, fixtures, or improvements of any kind, or cause any works, structures, fixtures or improvements of any kind to be carried out, built, constructed, reconstructed, established or placed; or</li> <li>(c) place or erect any sign, signboard or advertising device, or cause any sign, signboard or advertising device to be placed; or</li> <li>(d) plant or place any tree, shrub, bush, brush, hedge, or other object or cause any tree, shrub, bush, brush, hedge, or other object to be planted or placed; or</li> <li>(e) abandon any vehicle or equipment; or</li> <li>(f) discharge water or other liquid materials into a ditch;</li> </ul> <p>on a departmental road, except with the minister's permission or in accordance with this Act or the regulations. The minister may impose on permission he or she gives any conditions that he or she considers appropriate.</p> <p><b>Supporting Sections from the regulation:</b></p> <p><b>Order for removal</b>  8(7) The justice by whom a person is convicted of an offence for contravening subsection (3) may, upon application of the Crown made either at the trial or within 30 days thereafter, order the person convicted to remove the thing in respect of which he or she is convicted from the highway within a time specified in the order.</p>

<p><b>The Manitoba Hydro Act [ H190]</b></p> <p><b>-Manitoba Electrical Code (73/2009)</b></p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <p>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</p> <p>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</p> <p>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</p> <p><b>-Supporting sections for the Manitoba Electrical Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p><b>The Noxious Weeds Act [C.C.S.M c. N110]</b></p> <p><b>-Noxious Weeds Regulation (35/96)</b></p>	<p>The purpose of the act is to provide a legal framework for controlling noxious weeds and noxious weeds seeds in Manitoba.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General duty to destroy weeds</b></p> <p><b>3(1)</b> Each occupant of land, or, if the land is unoccupied, the owner thereof, or the agent of the owner, and each person, firm, or corporation who or which is in control of, or in possession of, or in charge of, land, shall destroy all noxious weeds and noxious weed seeds growing or located on the land as often as may be necessary to prevent the growth, ripening and scattering of weeds or weed seeds.</p> <p><b>Land adjacent to water</b></p> <p><b>3(5)</b> Where land abuts a river, stream, lake, or other body of water, the occupant, owner, or person in control of or in charge of the land shall destroy all noxious weeds as required under this Act that are growing between the limit of the lands and the low water mark of the river, stream, lake, or other body of water.</p> <p><b>Supporting sections from the Noxious Weeds Regulation:</b></p> <p><b>This regulation list plant species that are considered to be noxious weeds in Manitoba. The list should be reviewed</b></p>

		<p><b>Before taking any actions to destroy noxious weeds and noxious weeds seeds.</b></p>
<p><b>The Pesticides And Fertilizers Control Act [ C.C.S.M c. P40]</b></p> <p><b>-Pesticides And Fertilizers License Regulation (216/87)</b></p>	<p>The pesticides and fertilizers control act provides legal requirements with respect to the supply, sale, offending for sale, distribution, and application of pesticides fertilizers in Manitoba.</p>	<p><b>Supporting sections from the Act:</b></p> <p><b>Commercial applicator to obtain licence</b></p> <p><b>2(2)</b> No person shall act as a commercial applicator unless he first obtains a licence from the minister for the purpose.</p> <p><b>Commercial manure applicator to obtain licence</b></p> <p><b>2(2.1)</b> No person shall act as a commercial manure applicator unless he or she first obtains a licence from the minister for that purpose.</p> <p><b>Application for licence</b></p> <p><b>2(3)</b> An application for a licence under subsection (1), (2), (2.1) or (2.2) shall be made to the minister or such other person designated by the minister and acting under his authority, upon a form prescribed in the regulations, and shall be accompanied by the fee, if any, prescribed under this Act or the regulations; and upon receipt of an application the minister or the person designated by him may issue a licence to the applicant.</p> <p><b>Insurance required</b></p> <p><b>2(4)</b> The minister shall not issue a licence to a person to apply a pesticide or fertilizer, or to transport manure or apply it to land, unless the person produces evidence satisfactory to the minister that he or she has a valid and subsisting liability insurance policy in an amount acceptable to the minister.</p> <p><b>Regulations</b></p> <p><b>8</b> For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations and orders :</p> <p><b>(k)</b> prescribing the manner in which pesticides or fertilizers may be stored;</p> <p><b>(l)</b> prescribing the manner in which pesticides or fertilizers are to be transported;</p> <p><b>(m)</b> prescribing the manner in which pesticides, fertilizers and their containers may be disposed of;</p> <p>Supporting sections from the regulation:</p> <p><b>Section (2):</b> provides requirements with respect to licence fee, expiration date and other requirements.</p> <p><b><u>Supporting Sections from the Pesticides And Fertilizers License Regulation (216/87)</u></b></p> <p><b>Restrictions on displaying products containing capsaicin</b></p> <p><b>5.1(1)</b> The holder of a pesticide dealer licence (a) must not display, shelve or store a pesticide containing capsaicin in</p>

		<p>a place where the public has access to the pesticide without the intervention of an employee of the licence holder; and</p> <p><b>(b)</b> must ensure that every person wishing to buy a pesticide containing capsaicin in a retail sale at the licence holder's place of business is required to ask for the pesticide from the licence holder or one of his or her employees.</p> <p><b>Disposal of pesticides and containers</b></p> <p><b>(7)</b> A person who uses, applies or possesses a pesticide must comply with The Environment Act, The Public Health Act and the regulations under those Acts when he or she disposes of the pesticide container and any unused pesticide.</p>
<p>The Planning Act [ C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>section 1 :</b> development is:</p> <p>(a) The construction of a building on, over or under land;</p> <p>(b) A change in the use or intensity of use of a building;</p> <p>(c) The removal of soil or vegetation from land; and</p> <p>(d) The deposit or stockpiling of soil or material on land and the excavation of land.</p> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b></p> <p><b>Development plans</b></p> <p><b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.</p> <p><b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL</b></p> <p>To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.</p> <p><b>POLICIES</b></p> <p>1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:</p> <p>a) addressing the needs of persons with disabilities, by meeting standards for universal design;</p> <p>b) conserving or maximizing efficiencies of natural resources, including energy and water;</p> <p>c) minimizing contributions of harmful emissions, including greenhouse gases;</p> <p>d) supporting the use of renewable and alternative energy sources;</p> <p>e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and <b>erosion</b> control;</p> <p>f) minimizing and mitigating conflicts between humans and wildlife;</p> <p><b>5.1.1 Water bodies</b>, groundwater and <b>riparian areas</b> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be</p>

		considered and prevented or suitably mitigated.
<p><b>The Provincial Parks Act</b> [ C.C.S.M. c P20]</p> <p>- Parks Activities Regulations[102/2009]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b> 7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in  (a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or  (b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b>  <b>2</b> This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.  <b>4</b> A person who enters a provincial park shall comply with  (a) any lawful orders and instructions made or issued by an officer under this regulation; and  (b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12)</b> Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b>  <b>14</b> No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p><b>The Public Health Act</b> [ C.C.S.M c. P210]</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that  (a) a health hazard exists or might exist  (i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,  (ii) because of a failure or suspected failure to comply with a regulation made under this Act,  (iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or  (iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and  (b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</p> <p><b>To whom order may be directed</b></p>

<p>-Protection of Water Sources Regulation [326/88 R]</p>	<p>health assessments.</p>	<p><b>25</b> A health hazard order may be directed to one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;</li> <li>(b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;</li> <li>(c) a person who is engaged in or carries out a business, activity or process;</li> <li>(d) any other person or member of a class of persons specified in the regulations.</li> </ul> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p> <p><b>Prohibitions</b></p> <p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p>The Water Rights Act [W80]</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p>Prohibition against use of water</p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <ul style="list-style-type: none"> <li>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</li> <li>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</li> <li>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</li> </ul> <p><b>Issue of licences</b></p> <p><b>5(1)</b> Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p> <ul style="list-style-type: none"> <li>(a) the use or diversion of water for any purpose; or</li> </ul>

<p>-Water Rights Regulation (126/87)</p>		<p>(b) the construction, establishment, operation or maintenance of works for any purpose; or (c) the control of water and the construction, establishment, operation or maintenance of water control works.</p> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p>(2) every application for a licence or permit under the Act shall be made in writing on a form approved by the minister.</p> <p>3(1) each fee set out in schedule B is the fee payable in respect of the license set out and described opposite thereto in the schedule.</p>
<p>The Water Resources Administration Act (W70)</p> <p>-Designated Reservoir</p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or (b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or (c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Removal of unauthorized works or water control works</b></p> <p>4(1) Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <p>(a) to cease using or diverting the water; or (b) to remove the works or water control works; or (b.1) to cease controlling the water; or (c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;</p> <p>as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).</p> <p><b>Some of the supporting sections from the regulation:</b></p>

Area Regulation (22/88R)		The regulation provides a list of reservoir in Manitoba close to which operations are restricted.
<p>The Waste Reduction and Prevention Act(W40)</p> <p>- Used Oil, Oil Filters and Containers Stewardship Regulation (86/97)</p>	<p>The purpose of the Act is to reduce and prevent the production and disposal of waste in the province consistent with the principles of sustainable development and to encourage consumers, manufacturers, distributors, retailers, governments, government agencies and other persons to develop and adopt practices and programs for the reduction and prevention of waste.</p>	<p><b>Highlights from the Act:</b></p> <p>The Act provides a range of options to reduce solid waste under it regulations. Stewardship corporations are in place to carry out waste reduction programs for packaging and printed paper, tires, and used oil, containers and filters.</p> <p><b>Some of the supporting sections from the Electrical And Electronic Equipment Stewardship Regulation:</b></p> <p>There are Specific explanations under <u>section2</u> of the regulation with respect to designation of material.</p> <p><b>Prohibitions 3(1)</b> No person shall supply designated material for consumption unless</p> <p>(a) the steward of the designated material operates or subscribes to an electrical and electronic equipment stewardship program; or</p> <p>(b) the person operates or subscribes to an electrical and electronic equipment stewardship program.</p> <p><b>Supporting sections from the Act Used Oil, Oil Filters and Containers Stewardship Regulation (86/97):</b></p> <p><b>3(2)</b> No person shall in the course of business use in Manitoba oil products and material obtained in a supply transaction outside of Manitoba unless the person operates or subscribes to a used oil products and material stewardship program.</p> <p><b>3(5)</b> No steward of oil, oil filters and containers shall supply oil products and material for consumption unless the steward has given written notice to the minister, in the form required by the minister, of intention to supply oil products and material and a description. (a) of the oil products and material to be supplied; and (b) of how steward intends to meet the obligations imposed on him or her under subsections (1), (2), or (3).</p>
<p>The Wildlife Act [ C.C.S.M c. W130]</p> <p>-Use of wildlife land regulation (77/99)</p>	<p>The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.</p> <p><b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.</p> <p><b>Some of the supporting sections from the use of wildlife land regulation:</b></p> <p><b>7(1) Prohibition</b> Except as otherwise provided in this regulation, no person shall, in a wildlife management area:</p> <p>(a) grade, gravel or clear a road or trail;</p> <p>(b) install or modify a stream crossing;</p> <p>(c) drain, dyke, or block a manmade or natural waterway or wetland;</p>

**-Woodland Caribou  
Protection Regulation  
(113/91)**

lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.

**Some of the supporting sections from the woodland caribou protection regulation:**

**Purpose**

2 The purpose of this regulation is to conserve and protect a distinct population of the wild animal species woodland caribou.

**Prohibition**

3 No person shall hunt, trap or possess a woodland caribou in game hunting area

**Activity : Access Development(roads, airstrips, water crossings) / Site Preparation (clearing, stripping, grading)/  
Decommissioning of Buildings & Plant, Construction Camps, Construction Infrastructure**

**Activity's Significance: Medium**

Activities under these headings can be captured by any number of laws relating to the environment including, environment protection, wildlife, workplace health and safety, transportation of hazardous materials and so forth. For example, legislation that might apply could include:

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212.</b> Report and Remedial Measures: If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>  (1) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.  (2) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.  (3) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.  <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>		<p>of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p> <p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>

<p><b>The National Fire Code of Canada, 2010</b></p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p><b>Canada National Parks Act [S.C. 2000, c.32]</b></p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.</p> <p><b>Expenses of clean-up (3)</b> A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any</p>

**-National Historic Park  
General Regulation  
[ SOR/82-263]**

obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12.** (1) The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(4) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Migratory Birds Convention Act [S.C. 1994 , C22]</p> <p>-Migratory Birds Regulations ( C.R.C., 1035)</p>	<p>The purpose of the act is to protect migratory birds in Canada. Excessive test water discharge rate or volumes could result in flooding of waterfowl nests, aquatic furbearer dens or a reduction in aquatic habitat. Aquatic furbearers, waterfowls, and their habitat could also be adversely affected by the discharge of test water that contains containments toxic to aquatic flora or fauna.</p>	<p><b>Some of the supporting Sections from the Migratory Birds Convention Act:</b></p> <p><b>Prohibition :5.1</b> (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds</p> <p><b>Supporting Section from the Migratory Birds Regulation regulation:</b></p> <p>5. (1) No person shall hunt a migratory bird except under authority of a permit therefor.</p> <p>(2) Subject to subsection (8), no person shall hunt murrens unless the person is a resident of the Province of Newfoundland and Labrador, holds a migratory game bird hunting permit and is hunting murrens for human consumption.</p> <p>(3) No person shall hunt a migratory game bird unless he is the holder of a migratory game bird hunting permit.</p> <p>(4) Subject to section 23.1, no person shall in any area described in Schedule I hunt a species of migratory bird except during an open season specified in that Schedule for that area and that species.</p>
<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations (c.r.c., c.1609]</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(5) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p>3. (1) Subject to subsection (2), no person shall, in any wildlife area,</p> <p>(m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p>4. <b>Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>

<p>The Species at Risk Act [ S.C., 2002, c.29]</p> <p>-Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act ( SI/2007-57, May 16 2007; and SI/2008-70 June 25 2008)</p>	<p>The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General Prohibitions:</b></p> <p><b>32. (1)</b> No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.</p> <p><b>58. (1)</b> Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if</p> <p><b>(a)</b> the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;</p> <p><b>(b)</b> the listed species is an aquatic species; or</p> <p><b>(c)</b> the listed species is a species of migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i>.</p> <p><b>Highlights from the Order:</b></p> <p><b>AGREEMENTS AND PERMITS</b></p> <p><b>73. (1)</b> The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.</p> <p>- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act</p> <p>Some of the species that are identified in this order exist in Manitoba, which make them be of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.</p>
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## *Some of the Applicable Guidelines & Codes of Practice*

- Environmental protection guidelines for construction, operation, and decommissioning. Manitoba Hydro work sites and facilities. 2007.
- Training Catalogue, Corporate workplace safety and Health Division, Publication Number 0120/11R, 2011
- Workplace Hazardous Materials Information System in Manitoba Hydro, Corporate workplace safety and Health Division, Publication Number 0076/11R, 2011
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Pesticide Application requirements for Manitoba Hydro Employees and Contractors, Corporate Safety and Health Division, 2008
- Corporate Policy (P352), Vegetation Management on Distribution Rights-of-Way, Customer Service Operations Division Manager-South Region
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

- For Contaminated Sites listing refer to Manitoba Conservation Web site
- Chemical Storage, Corporate Safety and Health

**For more information on how to:**

- report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- clean up any release to soil, refer to the ‘‘Process For Cleaning Up Releases To Soil Involving Petroleum Products’’,
- **Important eForms with respect to reporting spills:**
  - Hazardous Material Incident Report (eForm H2875)
  - Activation of Spill Plan/Exercise (eForm 285)

**Activity : Handling, Removal and Disposal of Asbestos**  
**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p>The Apprenticeship and Trades Qualifications Act (C.C.S.M. c. A110)</p> <p>- Trade of Insulator (Heat and Frost) Regulation (17/2006)</p>	<p>The purpose of the act is to develop objectives, standards and requirements for apprenticeship training, and to monitor and assess practical experience offered by employers in designated trades and technical training provided in those trades in Manitoba. The trade of insulator (heat and frost) regulation provides description on how to remove asbestos.</p>	<p><b>Supporting sections from the Trade of Insulator (Heat and Frost) Regulation:</b></p> <p>"insulator (heat and frost)" means a person who, to the standard indicated in the occupational analysis, insulates, services, maintains, repairs and removes insulation items in commercial, industrial and institutional establishments, and includes a person who does any of the following tasks to the standard indicated in the occupational analysis:</p> <ul style="list-style-type: none"> <li>(a) fabricates insulation covers for tanks, vessels and fittings;</li> <li>(b) installs insulation for               <ul style="list-style-type: none"> <li>(i) thermal, refractory and cryogenic applications,</li> <li>(ii) plumbing, mechanical, heating, ventilation and air-conditioning systems,</li> <li>(iii) fittings, and</li> <li>(iv) soundproofing;</li> </ul> </li> <li>(c) applies sealants and fireproofing materials;</li> <li>(d) installs protective coverings, underground insulation systems, finishing materials and firestopping materials;</li> <li>(e) removes, encloses and encapsulates asbestos;</li> </ul> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>Term of apprenticeship</b></p> <p>4 The term of apprenticeship in the trade is four levels consisting of the following:</p> <ul style="list-style-type: none"> <li>(a) a first, second and third level each consisting of a period of at least 12 months during which the apprentice must complete 1,500 hours of technical training and practical experience;</li> <li>(b) a fourth level consisting of at least 12 months during which the apprentice must complete 1,500 hours of practical experience.</li> </ul>

**The Environment  
Act[C.C.S.M. c. E125]**

The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.

**-Notice and Reporting  
Regulation  
(C.C.S.M. c. E125)**

**Some of the supporting sections from the Act:**

**Environmental protection order**

24(1) If the director believes that  
(a) a pollutant may be released, is being released, or has been released; and  
(b) the release may cause, is causing or has caused an adverse effect on the environment;  
the director may issue an environmental protection order against a person responsible for the pollutant.

**Duty to report release**

30.1(3) A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to

- (a) the director;
- (b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and
- (c) any other person who the person reporting knows or ought to know may be directly affected by the release.

**Reporting by person responsible for pollutant**

30.1(4) A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.

**No release of pollutants in excess of limits**

30.2 No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.

**Some the supporting sections from the Notice and Reporting Regulation:**

**Reporting release of pollutants 3(1)** For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:

**3(3)** When making a report a person must provide the following information if it is known or is readily available:

- (a) the location and time of the release;
- (b) the name and telephone number of the person reporting the release;
- (c) a brief description of the circumstances of the release and its status at the time of the report;
- (d) the identity and quantity, if known, of the pollutant released;
- (e) the action that the person making the report has taken or intends to take with respect to the release.

**3(4)** If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.



**Activity : Handling, Removal and Disposal of Asbestos**

**Activity’s Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act [R.S.C., 1992, c. 37]</b></p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment. It requires that any person who owns, has charge of, or causes or contributes to or increases the likelihood of the release of the substance to:</p> <ul style="list-style-type: none"> <li>-report the release to an inspector;</li> <li>-take all reasonable measures to prevent the release; or remedy, reduce,</li> </ul>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any</p>

<p><b>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</b></p>	<p>or mitigate any danger to the environment, human life, or health that results or may result from the release;</p> <p>-make reasonable efforts to notify members of the public who may be adversely affected by the release or likelihood of the release.</p>	<p>dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b></p> <p><b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p><b>The Fisheries Act[ R.S.C., 1985, c. F-14]</b></p> <p><b>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</b></p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments. It potentially affects land covered by and adjacent to water.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>

The Navigable Waters Protection Act [ R.S., 1985, c. N-22]

-Navigable waters works regulations ( C.R.C., C. 1233)

The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters.

The NWPA:

- prohibits construction in navigable waters
- regulates the removal of wreck and other obstacles to navigation, and
- prohibits the throwing or depositing of any material into navigable waters.

**Some of the Supporting Sections from The Navigable Waters Protection Act:**

**5.1** Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.

**9.** (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.

**Some of the supporting Sections from the Navigable waters works regulations:**

**EQUIPMENT AND DEBRIS 5.** No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.

**6.** Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.

## *Some of the Applicable Guidelines & Codes of Practice*

- Canadian Standards Association, CSA Z180.1-00, Compressed Breathing Air and Systems.
- Canadian Standards Association, CSA Z94.4-02, Use and care of respirators.
- Working with or around asbestos, Employee Safety And Health Department, Manitoba Hydro, Publication Number: 0074/06
- SAFETY ALERT: ASBESTOS IN MAGNETIC AIR CIRCUIT BREAKERS, Employee Safety And Health Department, Manitoba hydro, Publication Number: 0029/06
- Hazardous Materials Management Handbook, Part4: Managing Specific Hazardous Materials, Asbestos and Man Made Fiber, Page 31, Corporate Safety and Health.
- Safety Management System Document, Section 7, Module 3, Component 3.3: Asbestos Containing Material (ACM).
- Workplace Hazardous Materials Information System in Manitoba Hydro, Section 5- Controlled Products Container Labeling, Corporate Safety and Health Division, 2011
- Station Clean-up following Fire or Explosion in 4kV Metal Clad Breaker or other Asbestos-containing Electrical Equipment, Corporate Safety and Health Division, Publication Number 0088/07
- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements

- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).
  
- Fire Manual, Corporate Safety and Health Division, 2009
  
- CS&D Safety Environmental Building Inspection Guidance

**Activity :** Discharge of water used in or processed by non-sewage or septic operation

**Activity's Significance:** Medium

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<b>The Environment Act</b> [C.C.S.M. c. E125]	The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that</p> <ul style="list-style-type: none"><li>(a) a pollutant may be released, is being released, or has been released; and</li><li>(b) the release may cause, is causing or has caused an adverse effect on the environment;</li></ul> <p>the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to</p> <ul style="list-style-type: none"><li>(a) the director;</li><li>(b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and</li><li>(c) any other person who the person reporting knows or ought to know may be directly affected by the release.</li></ul> <p><b>Reporting by person responsible for pollutant</b></p> <p>30.1(4) A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p>30.2 No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p>

<p><b>-Notice and Reporting Regulation (C.C.S.M. c. E125)</b></p>		<p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Manitoba Hydro Act [ H190]</b></p> <p><b>-Manitoba Electrical Code (73/2009)</b></p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <ul style="list-style-type: none"> <li>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</li> <li>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</li> <li>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</li> </ul> <p><b>Supporting Sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>

<p>The Planning Act[ C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>Some of the supporting Sections from the Act:</b>  <b>section 1</b> : development is:  (e) The construction of a building on, over or under land;  (f) A change in the use or intensity of use of a building;  (g) The removal of soil or vegetation from land; and  (h) The deposit or stockpiling of soil or material on land and the excavation of land.</p> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b>  <b>Development plans</b>  <b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.  <b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT</b>  <b>GOAL</b>  To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.  <b>POLICIES</b>  1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:  a) addressing the needs of persons with disabilities, by meeting standards for universal design;  b) conserving or maximizing efficiencies of natural resources, including energy and water;  c) minimizing contributions of harmful emissions, including greenhouse gases;  d) supporting the use of renewable and alternative energy sources;  e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and <i>erosion</i> control;  f) minimizing and mitigating conflicts between humans and wildlife;  <b>5.1.1 Water bodies</b>, groundwater and <i>riparian areas</i> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>

<p><b>The Provincial Parks Act</b> [ C.C.S.M. c P20]</p> <p>- Parks Activities Regulations[102/2009]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b> 7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in (a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or (b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b> 2 This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc. 4 A person who enters a provincial park shall comply with (a) any lawful orders and instructions made or issued by an officer under this regulation; and (b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12 )</b>Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b> 14 No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p><b>The Public Health Act</b> [ C.C.S.M c. P210]</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that (a) a health hazard exists or might exist (i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity, (ii) because of a failure or suspected failure to comply with a regulation made under this Act, (iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or (iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and (b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</p> <p><b>To whom order may be directed</b> <b>25</b> A health hazard order may be directed to one or more of the following: (a) an owner or occupant of a place or premises, or a person who appears to be in charge of it; (b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;</p>

<p>-Protection of Water Sources Regulation [326/88 R]</p>		<p>(c) a person who is engaged in or carries out a business, activity or process; (d) any other person or member of a class of persons specified in the regulations.</p> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b> <b>Prohibitions</b> <b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p>The Wildlife Act [ C.C.S.M c. W130]</p> <p>-Use of wildlife land regulation (77/99)</p>	<p>The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.</p> <p><b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.</p> <p><b>Some of the supporting sections from the use of wildlife land regulation:</b></p> <p><b>7(1) Prohibition</b> Except as otherwise provided in this regulation, no person shall, in a wildlife management area</p> <p>(a) grade, gravel or clear a road or trail; (b) install or modify a stream crossing; (c) drain, dyke, or block a manmade or natural waterway or wetland;</p>



**Activity :** Discharge of water used in or processed by non-sewage or septic operation

**Activity's Significance:** Medium

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>            (6) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.            (7) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.            (8) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations</p>

		<p>applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p><b>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</b></p> <p><b>-Navigable waters works regulations ( C.R.C., C. 1233)</b></p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9.</b> (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p><b>Canadian Environmental Protection Act [R.S.C., 1992, c. 37]</b></p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>	<p>purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p>environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p>	<p>The Canada National Parks Act applies to all national</p>	<p><b>Some of the supporting sections from the Act:</b></p>

-National Historic Park  
General Regulation [SOR/82-263]

parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

#### MITIGATION OF ENVIRONMENTAL DAMAGE

**32. (1)** Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

**Powers of superintendent and Minister (2)** If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

#### Some of the Supporting Sections from the National Historic Park General Regulation:

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12. (1)** The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(9) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Migratory Birds Convention Act [S.C. 1994 , C22)</p> <p>-Migratory Birds Regulations ( C.R.C., 1035)</p>	<p>The purpose of the act is to protect migratory birds in Canada. Excessive test water discharge rate or volumes could result in flooding of waterfowl nests, aquatic furbearer dens or a reduction in aquatic habitat. Aquatic furbearers, waterfowls, and their habitat could also be adversely affected by the discharge of test water that contains containments toxic to aquatic flora or fauna.</p>	<p><b>Some of the supporting Sections from the Migratory Birds Convention Act:</b></p> <p><b>Prohibition :5.1</b> (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds</p> <p><b>Some of the supporting sections from the Migratory Birds Regulations:</b></p> <p><b>4(1)</b> the Minister may issue any permit referred to in Schedule II, and may set out in the permit conditions respecting:</p> <ul style="list-style-type: none"> <li>(a) The species of migratory birds, the periods and areas;</li> <li>(b) Any other matter for the conservation of migratory birds</li> </ul> <p><b>GENERAL PROHIBITIONS</b></p> <p><b>5.(1)</b> No person shall hunt a migratory bird except under authority of a permit thereof.</p>
<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(10) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p><b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p><b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>

## *Some of the Applicable Guidelines & Codes of Practice*

- Canadian Water Quality Guidelines for the Protection of Aquatic Life - (Chapter 4), Canadian Council of Ministers of the Environment, 2005
- Manitoba water quality Standards, Objectives, and guidelines, Water Science and Management Branch, Manitoba Water Stewardship, July 4, 2011
- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

**Activity : Disposal Of Non-Hazardous Waste**  
**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Environment Act</b>[C.C.S.M. c. E125]</p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that</p> <ul style="list-style-type: none"> <li>(a) a pollutant may be released, is being released, or has been released; and</li> <li>(b) the release may cause, is causing or has caused an adverse effect on the environment;</li> </ul> <p>the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to</p> <ul style="list-style-type: none"> <li>(a) the director;</li> <li>(b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and</li> <li>(c) any other person who the person reporting knows or ought to know may be directly affected by the release.</li> </ul> <p><b>Reporting by person responsible for pollutant</b></p> <p>30.1(4) A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p>30.2 No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of</p>

<p>-Notice and Reporting Regulation (C.C.S.M. c. E125)</p>		<p>Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p> <p><b>Regulations</b></p> <p><b>41(1)</b> For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make such regulations and orders as are ancillary thereto and are not inconsistent therewith and every regulation or order made under and in accordance with the authority granted by, this section has the force of law; and, without restricting the generality of the foregoing, the Lieutenant Governor in Council may make regulations and orders, :</p> <p>(m) respecting the location of waste disposal grounds and landfills, and regulating, prohibiting and requiring approvals for the construction and placing of structures of any kind on land located within such distance of waste disposal grounds and landfills as is specified in the regulation, whether or not the waste disposal grounds and landfills are abandoned or not;</p> <p><b>Some the supporting sections from the Notice and Reporting Regulation:</b>  <b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:  <b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:  (a) the location and time of the release;  (b) the name and telephone number of the person reporting the release;  (c) a brief description of the circumstances of the release and its status at the time of the report;  (d) the identity and quantity, if known, of the pollutant released;  (e) the action that the person making the report has taken or intends to take with respect to the release.  <b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p>The Dangerous Goods Handling and Transportation Act[D12]</p> <p>- Classification Criteria for Products, Substances and Organisms Regulation(282/87)</p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with</p>	<p><b>Some of the supporting sections from the classification criteria for products, substances and organism regulation</b></p> <p><b>Important Notice:</b></p> <p><b>Section 2.1</b> of the Classification <b>Criteria For Products, Substances And Organisms Regulation</b> should be checked to find the hazardous waste criteria according to this regulation. If the waste is not categorized under the mentioned criteria, it is considered to be non -hazardous waste.</p>

	<p>various chemicals and other products.</p>	
<p><b>The Provincial Parks Act</b> [ C.C.S.M. c P20]</p> <p>- Parks Activities Regulations[102/2009]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Garbage collection and disposal 65(1)</b> Where garbage collection is provided in a provincial park, no owner or occupier shall set out for collection material such as scrap metal, stone, building debris, hazardous waste, tires, mattresses, household furniture, liquid waste, leaves or brush, or other large, heavy or cumbersome material.</p> <p><b>65(2)</b> An owner or occupier shall dispose of materials of the type described in subsection (1) in accordance with the instructions of an officer.</p>
<p><b>The Public Health Act</b> [ C.C.S.M c. P210]</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that</p> <p>(a) a health hazard exists or might exist</p> <p>(i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,</p> <p>(ii) because of a failure or suspected failure to comply with a regulation made under this Act,</p> <p>(iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or</p> <p>(iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and</p> <p>(b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</p> <p><b>To whom order may be directed</b></p> <p><b>25</b> A health hazard order may be directed to one or more of the following:</p>

<p>-Protection of Water Sources Regulation [326/88 R]</p>	<p>health assessments.</p>	<p>(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;  (b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;  (c) a person who is engaged in or carries out a business, activity or process;  (d) any other person or member of a class of persons specified in the regulations.</p> <p><b>Regulations</b></p> <p><b>112(1)</b> The Lieutenant Governor in Council may make regulations</p> <p>(k) respecting the location, construction, maintenance, operation, disinfestation and decommissioning of waste disposal grounds, incinerators, and other means of disposing of refuse and waste material;</p> <p>(l) respecting the accumulation and disposal of refuse, waste material and litter on private or public property;</p> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p> <p><b>Prohibitions</b></p> <p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p>The Planning Act [C.C.S.M. c P80]</p> <p>-Provincial Land Use Policy Regulation (184/94)</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through the City of</p>	<p><b>Important highlights from the Provincial Land Use Policy Regulation:</b></p> <p>The Provincial Land Use Policies, as set out in the Schedule to this regulation, are enacted in this regulation.</p> <p>The “PRINCIPLES AND GUIDELINES OF SUSTAINABLE DEVELOPMENT” section provides requirements for achieving the goal of sustainable development and delineates WASTE MINIMIZATION policy which requires that everyone should endeavor to reduce, reuse, recycle and recover the products of our society.</p>

	<p>Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	
<p><b>The Waste Reduction and Prevention Act(W40)</b></p> <p><b>- Electrical and Electronic Equipment Stewardship Regulation (17/2010)</b></p>	<p>The purpose of the Act is to reduce and prevent the production and disposal of waste in the province consistent with the principles of sustainable development and to encourage consumers, manufacturers, distributors, retailers, governments, government agencies and other persons to develop and adopt practices and programs for the reduction and prevention of waste.</p>	<p><b>Highlights from the Act:</b></p> <p>The Act provides a range of options to reduce solid waste under its regulations. Stewardship corporations are in place to carry out waste reduction programs for packaging and printed paper, tires, and used oil, containers and filters.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>There are Specific explanations under <u>section 2</u> of the regulation with respect to designation of material.</b></p> <p><b>Prohibitions 3(1)</b> No person shall supply designated material for consumption unless</p> <ul style="list-style-type: none"> <li>(a) the steward of the designated material operates or subscribes to an electrical and electronic equipment stewardship program; or</li> <li>(b) the person operates or subscribes to an electrical and electronic equipment stewardship program.</li> </ul>



		<p>regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p><b>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</b></p> <p><b>-Navigable waters works regulations ( C.R.C., C. 1233)</b></p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p><b>Canada National Parks Act [S.C. 2000, c.32]</b></p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking</p>

-National Historic Park  
General Regulation [SOR/82-263]

harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12.** (1) The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(14) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(15) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p><b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area,</p> <p>(m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p><b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>
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**Activity : Distribution System And Component Construction**  
**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Crown Lands Act[C340]</b></p> <p><b>-Crown Lands Fees Regulation(130/91)</b>  <b>[Amendements:215/98]</b></p>	<p>The purpose of the Act is to provide for the most effective use of Crown Lands by establishing effective administration and management policies and processes on Crown Lands. The Act provides the application of proven forest management techniques to enhance the productivity on Crown Lands, requires the leasing and licensing arrangements on Crown Lands, and integrates wildlife and outdoor recreation consideration in forest management planning process on Crown Lands.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>7(1)</b> The minister may, upon such terms and subject to such conditions, including the amount of any fee, rent or royalty payable, as are prescribed by the Lieutenant Governor in Council, (a) lease Crown lands, other than agricultural Crown lands, for a term not exceeding 21 years, with or without an option to purchase; (b) issue permits of occupation or use of Crown lands, other than agricultural Crown lands, from year to year; c) issue work permits authorizing specified work to be performed on Crown lands and authorizing entry upon the Crown lands for purposes of the work; (d) issue licenses for the occupation or use of Crown lands for specified purposes; (e) issue any easement or right-of-way upon, over, under or in respect of Crown lands.</p> <p><b>13.1(1)</b> Where an agreement entered into between the Crown and a person for the disposition of Crown lands contains a restriction on the development of all or part of the lands for the purpose of the protection of any natural resource and provides that the restriction may be enforced against a subsequent owner of the lands, and where a caveat is filed in accordance with subsection (2), the agreement shall be enforceable against the subsequent owner.</p> <p><b>Supporting Sections from the Crown Lands Fees Regulation:</b></p> <p><b>2 (1)</b> person who uses or occupies land under the authority of a permit, lease, license or easement issued or granted by the minister under The Crown Lands Act shall pay the fee for that use or occupation that is required by this regulation.</p>

<p><b>The Endangered Species Act[E111]</b></p> <p><b>- Threatened, Endangered and Extirpated Species Regulation(25/98)</b></p>	<p>The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated. Species listed under each designation are recommended by the Endangered Species Advisory Committee. The Wildlife Branch is responsible for the Act's administration.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition: 10(1)</b> No person shall</p> <ul style="list-style-type: none"> <li>(a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;</li> <li>(b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or</li> <li>(c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.</li> </ul> <p><b>Permits by minister: 11(1)</b> A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to</p> <ul style="list-style-type: none"> <li>(a) kill, take, collect or capture; or</li> <li>(b) collect or capture and hold alive;</li> </ul> <p>members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of endangered, threatened or extirpated species.</p> <p><b>Exemption of developments: 12(1)</b> The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that</p> <ul style="list-style-type: none"> <li>(a) protection and preservation of the species or the habitat is assured; or</li> <li>(b) appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an endangered or threatened species or upon a habitat of an endangered or threatened species.</li> </ul> <p><b><u>Threatened, Endangered and Extirpated Species Regulation:</u></b></p> <p>The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.</p>
<p><b>The Environment Act[C.C.S.M. c. E125]</b></p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that</p> <ul style="list-style-type: none"> <li>(a) a pollutant may be released, is being released, or has been released; and</li> <li>(b) the release may cause, is causing or has caused an adverse effect on the environment;</li> </ul> <p>the director may issue an environmental protection order against a person responsible for the pollutant.</p>

<p>-Notice and Reporting Regulation (C.C.S.M. c. E125)</p>	<p>such a manner as to sustain a high quality of life.</p>	<p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to</p> <ul style="list-style-type: none"> <li>(a) the director;</li> <li>(b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and</li> <li>(c) any other person who the person reporting knows or ought to know may be directly affected by the release.</li> </ul> <p><b>Reporting by person responsible for pollutant</b></p> <p>30.1(4) A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p>30.2 No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p> <p><b><u>Some the supporting sections from the Notice and Reporting Regulation:</u></b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p>The Forest Act [F150]</p>	<p>The purpose of the Act is providing a framework for regulating forests within Crown lands and provincial forests. Under the authority of <i>The Forest Act</i>, the</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition on cutting timber on Crown forest lands: 28</b> Unless authorized to do so under a timber cutting right, no person shall enter upon forest land owned by the Crown for the purpose of cutting or removing timber, or shall cut, or remove, timber thereon or therefrom.</p> <p><b>Prohibitions re holders of timber cutting rights : 28.1</b> No holder of a timber cutting right shall</p> <ul style="list-style-type: none"> <li>(a) cut or remove timber, except in accordance with the terms and conditions of the timber cutting right granted to the holder; or</li> </ul>

<p>-Forest Use and Management Regulation (227/88 R)</p>	<p>Forestry Branch manages provincial Crown forests by setting forest harvest levels, monitoring forest management activities, ensuring forests are regenerated, providing protection from insects and diseases and collecting revenues for use of Crown timber.</p>	<p>(b) otherwise fail to comply with the terms or conditions of the timber cutting right granted to the holder.</p> <p><b>Some Of the Supporting Sections From The Forest Use And Management Regulations:</b></p> <p><b>General conditions governing timber cutting</b>  <u>5</u> The cutting of timber on Crown lands is subject to the following conditions:  (a) except as authorized by a forest management licence, timber sale agreement or timber permit under the Act, only such timber designated by an officer for cutting and removal shall be cut or cut and removed; and (b) in every timber operation, the licensee, permittee, or operator authorized to cut timber shall  (i) cut timber in a manner acceptable to an officer,  (ii) remove the timber cut within such time, and to such place, as is acceptable to an officer,  (iii) avoid waste in the cutting and manufacture of timber,  (iv) avoid unnecessarily disturbing the surface of the land,  (v) avoid unnecessarily disturbing or damaging trees reserved from cutting under the licence, timber sale agreement, or permit,  (vi) cut all trees at a stump height not to exceed 30 centimetres,  (vi.1) ensure that any tree top removed does not have a diameter greater than 10 cm class for softwood or 12 cm class for hardwood,  (vii) cut and remove such merchantable fire killed or dead timber as may be designated for cutting and removing by a officer,</p> <p><u>9</u> Any timber cut in the construction of a road or in the clearing of a skidway, landing, or camp site shall be paid for in accordance with the dues and charges payable under the licence, timber sale agreement, or permit.</p>
<p>The Gas Pipeline Act [ C.C.S.M. c G50]</p> <p>-Gas pipeline Excavation Regulation (140/92)</p>	<p>The purpose of the Act is to provide a framework for gas distribution systems within the province of Manitoba.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>Authority for construction or operation of gas pipe lines :3(1)</b> Notwithstanding any provision of any other Act, but subject as herein provided, no person shall construct or operate a gas pipe line in the province unless authorized so to do by an order of the board; but this subsection does not apply to the operation of a gas pipe line constructed or under construction on April 23, 1956.</p> <p><b>Manner of construction: 33(1)</b> : Notwithstanding any provision of any other Act, every person authorized to construct or operate a gas pipe line shall locate, construct, maintain, and operate it so as not to endanger the public health or safety; and the construction thereof shall be in accordance with such standards and specifications as may from time to time be required by the board or prescribed in the regulations.</p> <p><b>Requirements respecting highways : 33(2)</b>Every person authorized to construct a gas pipe line shall in the construction thereof, comply with all the requirements of the Minister responsible for highways in respect of highways as defined in <i>The Highways and Transportation Act</i>.</p> <p><b>Some of the supporting sections from the Gas Pipeline Excavations Regulation</b></p> <p><b>Precautions to be observed</b>  <u>9</u> Where a gas utility advises under section 6 that a gas pipe line is located in or near the area of a proposed excavation and complies with sections 6(2)(a), (b), (c) and (d) with respect to the</p>

		<p>gas pipe line,  (a) the excavator shall, before making the excavation, expose the gas pipe line at a number of locations sufficient to determine its exact position and depth, but no person shall attempt to locate the gas pipe line by probing the ground with a pointed tool;  (b) the excavator shall perform the work required under clause (a), and the work of making the excavation, in a safe manner and in such a way that no damage will result to the gas pipe line or its protective coating and no stress will be applied to the gas pipe line, and all persons working in or about the excavation at any time  and until backfilling has been completed shall take all necessary precautions to avoid such damage and the application of such stress;  (c) the excavator and all persons working in or about the excavation shall comply with all precautionary directions given by the gas utility, and the gas utility shall comply with any applicable orders of The Public Utilities Board in giving such directions.</p>
<p><b>-The Heritage Resources Act [ C.C.S.M. C. H39.1]</b></p> <p><b>- Heritage Resources Forms Regulation (99/86)</b></p>	<p>The Heritage Resources Act, providing for the conservation and protection of Manitoba’s cultural heritage, and it was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include:  -Provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;  -A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;  -stronger powers, to deal with emergency situations</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>PROTECTION OF SITES :Heritage resource impact assessment - intended or designated sites :</b>  <b>12(1)</b> Any person proposing to</p> <ul style="list-style-type: none"> <li>(a) excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage; or</li> <li>(b) erect, build or construct any erection, building or structure upon or within; or</li> <li>(c) carry out any development project, including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within;</li> </ul> <p>any site that is subject to a subsisting Notice of Intent, or that is a heritage site, shall, before commencing the proposed work, activity, development or project described in clause (a), (b) or (c), and subject to sections 13 and 14, submit to the minister an application for a heritage permit authorizing the proposed work, activity, development or project, and thereafter, if the minister after considering the application so requires, shall, in addition and before commencing the proposed work, activity, development or project, submit to the minister a heritage resource impact assessment or development plan or both, as the minister may require, and such other plans, documents, material and information as the minister may require, with respect to the proposed work, activity, development or project, prepared at the cost of the person.</p> <p><b>Heritage permit required 14(1) :</b> No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit.</p> <p><b>Some of the Supporting Sections from the Heritage Resources Forms Regulation (99/86):</b>  the regulation provides forms to be used under the Act, such as forms concerning applications for conducting a heritage resources impact assessment, or a heritage permit to search for or excavate a heritage object.</p>

	<p>when designated sites or potential heritage sites and resources are threatened;          -new protection for heritage objects; and          -new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.</p>	
<p><b>The Highway and Transportation Act [H40]</b></p> <p><b>-Highway and Transportation Department Permit Application Fees</b></p>	<p>The Act controls the construction activities and erection of structures along certain highways to protect the safety of the public.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>Control of departmental roads          8(1) Notwithstanding anything to the contrary in or any other Act of the Legislature, but subject to subsection (2), the jurisdiction over, and the control and possession of, every departmental road are vested in the government; and upon a highway within a municipality becoming a provincial trunk highway or a provincial road or an industrial road, the municipality is thereupon relieved of the responsibility of maintaining and repairing it.</p> <p>Responsibility of municipality          8(2) A municipality in which a provincial trunk highway, a provincial road or an industrial road, or any part thereof, is situated is responsible for maintaining and repairing any sidewalks, poles, sewers, waterworks or other municipal works of a like nature, constructed or in the course of construction by the municipality on, over, or under, the highway. Materials, structures, etc., on departmental roads</p> <p>8(3) No person shall          (a) place any material or cause any material to be placed; or          (b) carry out, build, construct, reconstruct, establish or place any works, structures, fixtures, or improvements of any kind, or cause any works, structures, fixtures or improvements of any kind to be carried out, built, constructed, reconstructed, established or placed; or          (c) place or erect any sign, signboard or advertising device, or cause any sign, signboard or advertising device to be placed; or          (d) plant or place any tree, shrub, bush, brush, hedge, or other object or cause any tree, shrub, bush, brush, hedge, or other object to be planted or placed; or          (e) abandon any vehicle or equipment; or          (f) discharge water or other liquid materials into a ditch;          on a departmental road, except with the minister's permission or in accordance with this Act or the regulations. The minister may impose on permission he or she gives any conditions that he or she considers appropriate.</p> <p>Order for removal</p> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p>8(7) The justice by whom a person is convicted of an offence for contravening subsection (3) may, upon application of the Crown made either at the trial or within 30 days thereafter, order the person convicted to remove the thing in respect of which he or she is convicted from the highway within a time specified in the order.</p>

Regulation(477/88)		
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006)</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20. Local authorities to enforce fire code:</b> Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1) Local incident management system to be established:</b> A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. <b>4.1.6.3</b> (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil. <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. <b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	equipment.	
<p>The Manitoba Hydro Act [ H190]</p> <p>-Manitoba Electrical Code (73/2009)</p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <p>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</p> <p>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</p> <p>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</p> <p><b>Supporting Sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
The Planning Act[	<i>The Planning Act</i> outlines	Some of the supporting Sections from the Act:

<p>C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p>the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through the City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>section 1</b> : development is:</p> <ul style="list-style-type: none"> <li>(i) The construction of a building on, over or under land;</li> <li>(j) A change in the use or intensity of use of a building;</li> <li>(k) The removal of soil or vegetation from land; and</li> <li>(l) The deposit or stockpiling of soil or material on land and the excavation of land.</li> </ul> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b></p> <p><b>Development plans</b> 2 Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.</p> <p><b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT</b></p> <p><b>GOAL</b> To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.</p> <p><b>POLICIES</b></p> <p>1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:</p> <ul style="list-style-type: none"> <li>a) addressing the needs of persons with disabilities, by meeting standards for universal design;</li> <li>b) conserving or maximizing efficiencies of natural resources, including energy and water;</li> <li>c) minimizing contributions of harmful emissions, including greenhouse gases;</li> <li>d) supporting the use of renewable and alternative energy sources;</li> <li>e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and <i>erosion</i> control;</li> <li>f) minimizing and mitigating conflicts between humans and wildlife;</li> </ul> <p><b>5.1.1 Water bodies</b>, groundwater and <i>riparian areas</i> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>
<p>The Provincial Parks Act [ C.C.S.M. c P20]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b> 7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in</p>

<p>- Parks Activities Regulations[102/2009]</p>	<p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p>(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or (b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b>  <b>2</b> This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.  <b>4</b> A person who enters a provincial park shall comply with  (a) any lawful orders and instructions made or issued by an officer under this regulation; and  (b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12)</b> Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b>  <b>14</b> No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p>The Public Health Act [ C.C.S.M c. P210]</p> <p>-Protection of Water Sources Regulation</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that</p> <ul style="list-style-type: none"> <li>(a) a health hazard exists or might exist <ul style="list-style-type: none"> <li>(i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,</li> <li>(ii) because of a failure or suspected failure to comply with a regulation made under this Act,</li> <li>(iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or</li> <li>(iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and</li> </ul> </li> <li>(b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</li> </ul> <p><b>To whom order may be directed</b></p> <p><b>25</b> A health hazard order may be directed to one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;</li> <li>(b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;</li> <li>(c) a person who is engaged in or carries out a business, activity or process;</li> <li>(d) any other person or member of a class of persons specified in the regulations.</li> </ul> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p>

[326/88 R]		<p><b>Prohibitions</b></p> <p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p>The Public Utilities Board Act (P280)</p> <p>-Construction of Telephone, Telegraph, and Power Transmission Lines Regulation (54/85)</p>	<p>One of the purposes of the Act is to supervise the construction and operation of natural gas and propane pipelines, as construction of all overhead and underground power transmission lines.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Application of Act</b></p> <p>2(1) Subject to subsections (5) and (5.1), this Act applies</p> <ul style="list-style-type: none"> <li>(a) to all public utilities owned or operated by, or under the control, directly or indirectly, of the Government of Manitoba or any municipality in the province;</li> <li>(b) to all public utilities owned or operated by, or under the control of, any company or corporation that is subject to the legislative authority of the province, or which has by virtue of any agreement with any municipality, submitted to the jurisdiction and control of the board;</li> <li>(c) to every person, company, or corporation, and local authority owning, operating, or controlling any public utility, including any railway, street railway, or tramway, to which the jurisdiction of the Legislature extends.</li> </ul> <p><b>Some of the supporting sections from the regulation:</b></p> <p>The construction of all overhead and underground telephone, telegraph and power transmission lines to which The Public Utilities Board Act applies constructed after January 1, 1973 shall comply with Canadian Standards Association C22.3 No. 1-1970 as amended, added to or revised at the date of such construction by any amendments, additions or revisions previously prepared and published by the said Association.</p>
Water Rights Act (W80)	<p>The Water Rights Act sets out a framework for certain construction or operation activities that can affect</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p>

<p>- Water Rights Regulation (126/87)</p>	<p>water bodies in Manitoba.</p>	<p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <ul style="list-style-type: none"> <li>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</li> <li>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</li> <li>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</li> </ul> <p><b>Some of the supporting sections from the regulation:</b></p> <p>Each fee prescribed under subsection (1) in respect of a licence shall be paid by the applicant for the licence upon submitting the licence application, and in the case of a licence to divert water, the additional fee for each year shall be paid by the applicant by January 31 of the next ensuing year.</p> <p>4(1) An application for a licence or permit under the Act shall include all plans, documents, information and particulars specified in the applicable application form.</p>
<p>The Water Resources Administration Act (W70)</p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Some of the supporting sections from the Act:</b></p> <p>16(7) Where a building, structure, or erection is built, constructed, or erected or brought on or within a designated reservoir area in contravention of any provision of this section, or is occupied or maintained contrary to any provision of this section, or where a building, structure, or erection that is or is proposed to be built, constructed, erected or brought on or within a designated reservoir area under permit issued under this section, does not comply with the terms and conditions of the permit, the minister may order the building, structure, or erection to be removed from the designated reservoir area, and if the owner thereof does not remove it within the time specified in the order, the minister may cause it to be removed from the designated reservoir area, and the costs of such removal may be charged against and collected from the owner thereof.</p> <p><b>Prohibitions within designated flood areas</b></p> <p>17(1) No person shall</p> <ul style="list-style-type: none"> <li>(a) build, construct, erect, or bring any building, structure, or erection other than a fence on or within a designated flood area; or</li> <li>(b) make any addition to or reconstruct any building, structure, or erection other than a fence within a designated flood area;</li> </ul>

<p>- Designated Reservoir Area Regulation (22/88R)</p>		<p>cept under the authority of a two-stage permit issued under subsection (3).</p> <p><b>Further prohibitions</b></p> <p>17(2) No person shall occupy or maintain any building, structure, or erection that was built, constructed, erected or reconstructed, or to which an addition was made contrary to subsection (1) or that does not comply with the terms and conditions of a two-stage permit issued under subsection (3).</p> <p><b>Supporting Sections from the Regulation:</b></p> <p><b>Notice of compliance</b></p> <p>11 After completing an inspection under section 17(10.1) of the Act, an inspector shall issue a written notice, in a form approved by the minister, to the permit holder and the appropriate municipal authority indicating whether, in the professional opinion of the inspector, the structure inspected complies with the relevant floodproofing criteria outlined in this regulation.</p>
<p>The Wildlife Act [ C.C.S.M c. W130]</p> <p>-Use of wildlife land regulation (77/99)</p>	<p>The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.</p> <p><b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.</p> <p><b>Some of the supporting sections from the use of wildlife land regulation:</b></p> <p><b>7(1) Prohibition</b> Except as otherwise provided in this regulation, no person shall, in a wildlife management area:</p> <ul style="list-style-type: none"> <li>(a) grade, gravel or clear a road or trail;</li> <li>(b) install or modify a stream crossing;</li> <li>(c) drain, dyke, or block a manmade or natural waterway or wetland;</li> </ul>



## Activity : Distribution System And Component Construction

Activity's Significance: Medium

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments. It potentially affects land covered by and adjacent to water.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p>

<p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>waters. The NWPA:</p> <ul style="list-style-type: none"> <li>-prohibits construction in navigable waters</li> <li>-regulates the removal of wreck and other obstacles to navigation and</li> <li>-prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.</p>	<p>9. (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p>6. Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p>Canadian Environmental Protection Act [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>	<p>environment. It requires that any person who owns, has charge of, or causes or contributes to or increases the likelihood of the release of the substance to:</p> <p>-report the release to an inspector;</p> <p>-take all reasonable measures to prevent the release; or remedy, reduce, or mitigate any danger to the environment, human life, or health that results or may result from the release;</p> <p>-make reasonable efforts to notify members of the public who may be adversely affected by the release or likelihood of the release.</p>	<p>or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures</b> : if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Migratory Birds Convention Act (S.C. 1994 , C22)</p>	<p>The purpose of the act is to protect migratory birds in Canada. Excessive test water discharge rate or volumes</p>	<p><b>Some of the supporting Sections from the Migratory Birds Convention Act:</b></p> <p><b>Prohibition :5.1 (1)</b> No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance</p>

<p>-Migratory Birds Regulations ( C.R.C., 1035)</p>	<p>could result in flooding of waterfowl nests, aquatic furbearer dens or a reduction in aquatic habitat. Aquatic furbearers, waterfowls, and their habitat could also be adversely affected by the discharge of test water that contains contaminants toxic to aquatic flora or fauna.</p>	<p>may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds</p> <p><b>Some of the supporting sections from the Migratory Birds Regulations:</b></p> <p><b>4(1)</b> the Minister may issue any permit referred to in Schedule II, and may set out in the permit conditions respecting:</p> <ul style="list-style-type: none"> <li>(c) The species of migratory birds, the periods and areas;</li> <li>(d) Any other matter for the conservation of migratory birds</li> </ul> <p><b>GENERAL PROHIBITIONS</b></p> <p><b>5.(1)</b> No person shall hunt a migratory bird except under authority of a permit thereof.</p>
<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(16) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p><b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p><b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>

Canada National Parks Act  
[S.C. 2000, c.32]

-National Historic Park  
General Regulation [SOR/82-263]

The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

Some of the supporting sections from the Act:

**MITIGATION OF ENVIRONMENTAL DAMAGE**

**32. (1)** Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

**Powers of superintendent and Minister (2)** If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12. (1)** The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(17) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

## Some of the Applicable Guidelines & Codes of Practice

[ S.C., 2002, c.29]

-Order Acknowledge  
Receipt Of The  
Assessments Done  
Pursuant To Subsection  
23(1) Of The Act  
( SI/2007-57, May 16  
2007; and SI/2008-70  
June 25 2008)

at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species.

**32.** (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.

**58.** (1) Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if

(a) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;

(b) the listed species is an aquatic species; or

(c) the listed species is a species of migratory birds protected by the *Migratory Birds Convention Act, 1994*.

### AGREEMENTS AND PERMITS ACCORDS ET PERMITS

**73.** (1) The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.

### Supporting Sections from the order:

- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act

Some of the species that are identified in this order exist in Manitoba, which makes them of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.

- Canadian Water Quality Guidelines for the Protection of Aquatic Life - (Chapter 4), Canadian Council of Ministers of the Environment, 2005
- Guide to the contaminated sites remediation act.
- Manitoba water quality Standards, Objectives, and guidelines, Water Science and Management Branch, Manitoba Water Stewardship, July 4, 2011
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- For Contaminated Sites listing refer to Manitoba Conservation Web site
- For further information with respect to the process of getting easement, or license of occupation as required by the Crown Lands Act, refer to Lands Branch website of Manitoba Conservation. Or, contact the Property Department, Corporate Services Division.
- CSA Z662-11, CSA Standards Oil and Gas Pipeline Systems, 2011, Canadian Standards Association.
- Guidelines for excavation of cables by water pressure/vacuum systems (Hydro-Vac), Corporate Safety and Health Division, Publication # 0065/07R, 2008
- Guidelines for Excavation Work, Corporate Safety and Health Division, Publication #0002/05, 2009
- Directional Boring Guidelines, Corporate Safety and Health Division, Publication # 0086/06, 2009
- Safe Excavation & Safety Watch Guidelines, Manitoba Hydro

- **Important e-form with respect to releases:**
  - o Hazardous Material Incident Report (e-form H2875)

**Activity : Handling of treated wood products including during pole maintenance**  
**Activities significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Dangerous Goods Handling and Transportation Act[D12]</b></p> <p><b>- Classification Criteria for Products, Substances and Organisms Regulation(282/87)</b></p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>3.</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.</p> <p><b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>13.</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba.</p> <p><b>Some of the supporting sections from the Regulation:</b></p> <p><b>Important Notice:</b></p> <p><u>Section 2.1</u> of the Classification <u>Criteria For Products, Substances And Organisms Regulation</u> should be checked to find the hazardous waste criteria according to this regulation. If the waste is not categorized under the mentioned criteria, it is considered to be non -hazardous waste.</p>

<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Planning Act[ C.C.S.M. c P80]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>section 1</b> : development is:</p> <p>(m) The construction of a building on, over or under lad;</p> <p>(n) A change in the use or intensity of use of a building;</p>

- Provincial Planning  
Regulation [ 81/2011]

of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.

- (o) The removal of soil or vegetation from land; and
- (p) The deposit or stockpiling of soil or material on land and the excavation of land.

**148(6)** If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.

**Some Of The Supporting Sections From The Provincial Planning Regulation:  
Development plans**

**2** Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.

**1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL**

To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.

**POLICIES**

1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:

- a) addressing the needs of persons with disabilities, by meeting standards for universal design;
- b) conserving or maximizing efficiencies of natural resources, including energy and water;
- c) minimizing contributions of harmful emissions, including greenhouse gases;
- d) supporting the use of renewable and alternative energy sources;
- e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and *erosion* control;
- f) minimizing and mitigating conflicts between humans and wildlife;

**5.1.1** *Water bodies*, groundwater and *riparian areas* must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.



		<p>regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p><b>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</b></p> <p><b>-Navigable waters works regulations ( C.R.C., C. 1233)</b></p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>-prohibits construction in navigable waters</li> <li>-regulates the removal of wreck and other obstacles to navigation and</li> <li>-prohibits the throwing or depositing of any material into navigable waters.</li> </ul>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9.</b> (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p><b>The National Fire Code of Canada, 2010</b></p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible</p>

	<p>facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p>type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p> <p>-National Historic Park General Regulation [SOR/82-263]</p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.</p> <p><b>Expenses of clean-up (3)</b> A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.</p> <p><b>Some of the Supporting Sections from the National Historic Park General Regulation:</b></p> <p><b>7 Use of Water Resources:</b> No person shall pollute any watercourse in a Park.</p> <p><b>12 RESTRICTED AREAS AND ACTIVITIES 12. (1)</b> The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.</p> <p>(21) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.</p>

-National Park General Regulations [ SOR/ 78-213]

deposit of that substance.”

**Some of the Supporting Sections from National Park General Regulations:**

**6(1) Hazardous Activities:** (3) No person shall, in a Park, undertake any activity designated by the superintendent pursuant to subsection (2) without registering as required by the superintendent (a) prior to undertaking any such activity; and (b) immediately on completing or returning from such activity.

(22) Where an activity has not been designated by the superintendent pursuant to subsection (2), a person who wishes to do so may, prior to undertaking that activity, register at the office of the superintendent or at such other place as may be specified by the superintendent, on condition that the person register again immediately on completing or returning from that activity.

**16. Use Of Water Resources:** No person shall pollute any watercourse.

**17.** No person shall obstruct or divert, by means of a pipe or otherwise, any watercourse, except as authorized by a permit issued by a superintendent.

## *Some of the Applicable Guidelines & Codes of Practice*

- Industrial Treated Wood Users' Guidance Document. Environmental Canada. 2004.
- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

## **Procurement of Materials / Procurement of Services**

Activities under these headings generally fall under the general category of Contract Law where both legislation and common law would potentially apply depending on the specific activity, including laws related to consumer protection and tendering law. Legal advice should be sought when entering into contractual activities and negotiations and is outside the scope of this analysis/project.

Activity : Protection Workers, Public, Environment and Property

Activity's significance: Medium

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<b>The Workplace Safety And Health Act [W210]</b>  -Workplace Safety and Health Regulation(217/2006)	The purpose of this act is to provide a secure environment for workers and self-employed persons that does not have any risks to their safety, health and welfare causing from, or in relation with, activities in their workplaces; and also to protect other persons from risks to their safety and health causing from, or in relation with, activities in workplaces.	<b>Some of the supporting sections from the Act:</b>  <b>Part 2:</b> Part 2 of the regulation provides detailed information about the requirements of developing a safe work procedure, and training workers in a safe work procedure.  <b>Part6:</b> Part 6 of the regulation outlines in detail the duties of employers in providing the personal protective equipment.  <b>Part 35:</b> Part 35 of the regulation, Workplace Hazardous Materials Information System (WHMIS) - applies to every workplace where a controlled product is used, produced, handled, or stored. According to the subsection 35.2(1), employers must ensure that a controlled product is not used, stored, produced or handled in a workplace unless all the applicable requirements of this Part with respect to labels, identifiers, material safety data sheets and worker education have been satisfied.  <b>Part 36:</b> This Part of the regulation applies to every workplace in which a chemical or biological substance is present. According to the subsection 36.2(1), employers must assess all information that is practicably available to them respecting a chemical or biological substance present in the workplace to determine if the substance creates or may create a risk to the safety or health of a worker in the workplace.

**The Environment  
Act [C.C.S.M. c. E125]**

The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.

**-Notice and Reporting  
Regulation  
(C.C.S.M. c. E125)**

**Some of the supporting sections from the Act:**

1(1) The intent of this Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life, including social and economic development, recreation and leisure for this and future generations, and in this regard, this Act

24(2) An environmental protection order may require the person named in the order — by a deadline set out in the order — to take any steps that the director considers necessary to protect the environment, including one or more of the following:

(d) minimize or remedy the effects of the pollutant on the environment;

24(3) If a person fails to comply with an environmental protection order, the director or an environment officer may, without further notice to the person,

**Reporting by person responsible for pollutant**

**30.1(4)** A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.

**No release of pollutants in excess of limits**

**30.2** No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.

**Some the supporting sections from the Notice and Reporting Regulation:**

**Reporting release of pollutants 3(1)** For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:

**3(3)** When making a report a person must provide the following information if it is known or is readily available:

(a) the location and time of the release;

(b) the name and telephone number of the person reporting the release;

(c) a brief description of the circumstances of the release and its status at the time of the report;

(d) the identity and quantity, if known, of the pollutant released;

(e) the action that the person making the report has taken or intends to take with respect to the release.

**3(4)** If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.

**The Dangerous Goods Handling and Transportation Act[D12]**

**-Dangerous goods handling and transportation regulation(955/2003)**

**- Environmental accident reporting regulation(439/87)**

**- Generator registration and carrier licensing regulation(175/87) [Amendments: 140/88]**

The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.

**Supporting Sections from the Act:**

30(2) Where a person is performing duties pursuant to the instructions of an environment officer in the event of an environmental accident, that person shall be deemed to be an agent of the government and shall have the powers and protection of an environment officer for the purpose of carrying out the specific instructions of the environment officer.

**Supporting Sections from the Dangerous goods handling and transportation regulation(955/2003):**

**As most sections of the regulation are relevant to the activities in CS&D, only the important titles have been listed here.**

**4.1** Requirements for Dangerous Goods Safety Marks. **4.4** Consignor Responsibilities. **4.5** Carrier Responsibilities. **5.1** Selecting and Using Means of Containment. **5.4** Loading and Securing. **6.1** Training Certificate Requirements. **7.1** Requirement for an Emergency Response Assistance Plan (ERAP). **8.** Accidental release and imminent accidental release report requirements.

**Supporting Sections from the Environmental accident reporting regulation:**

Reporting of environmental accidents 3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation:**

**3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.

**4(2)** An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.

**The Endangered Species Act[E111]**

The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated. Species listed under each designation are recommended by the Endangered Species Advisory Committee. The Wildlife Branch is responsible for the Act's administration.

**- Threatened, Endangered and Extirpated Species Regulation(25/98)**

**Some of the supporting sections from the Act:**

**Prohibition: 10(1) No person shall**

**(a)** kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;

**(b)** destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or

**(c)** damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.

Permits by minister: 11(1) A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to

**(a)** kill, take, collect or capture; or

**(b)** collect or capture and hold alive;

members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of endangered, threatened or extirpated species.

**Exemption of developments: 12(1)**

The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that

**(a)** protection and preservation of the species or the habitat is assured; or

**(b)** appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an endangered or threatened species or upon a habitat of an endangered or threatened species.

**Threatened, Endangered and Extirpated Species Regulation:**

The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.

**The Fires Prevention and Emergency Response Act[ F80]**

**-Manitoba Fire Code (216/2006)**

The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.

**Some of the Supporting sections from the Act:**

**Local authority must comply with directions**

**5(3)** At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.

**20.** Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the *Manitoba Fire Code* as it is prescribed for the part for the province in which the local authority is situated.

**22(1)** Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.

**Supporting sections from the Manitoba Fire Code:**

**4.1.6** A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.

**4.1.8.1** Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.

<p><b>The Forest Act [F150]</b></p> <p><b>-Forest Use and Management Regulation (227/88 R)</b></p>	<p>The purpose of the Act is providing a framework for regulating forests within Crown lands and provincial forests. Under the authority of <i>The Forest Act</i>, the Forestry Branch manages provincial Crown forests by setting forest harvest levels, monitoring forest management activities, ensuring forests are regenerated, providing protection from insects and diseases and collecting revenues for use of Crown timber.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition on cutting timber on Crown forest lands: 28</b> Unless authorized to do so under a timber cutting right, no person shall enter upon forest land owned by the Crown for the purpose of cutting or removing timber, or shall cut, or remove, timber thereon or therefrom.</p> <p><b>Prohibitions re holders of timber cutting rights :</b> <b>28.1</b> No holder of a timber cutting right shall (a) cut or remove timber, except in accordance with the terms and conditions of the timber cutting right granted to the holder; or (b) otherwise fail to comply with the terms or conditions of the timber cutting right granted to the holder.</p> <p><b>Some Of the Supporting Sections From The Forest Use And Management Regulations:</b></p> <p><b>General conditions governing timber cutting</b> <b>5</b> The cutting of timber on Crown lands is subject to the following conditions: (a) except as authorized by a forest management licence, timber sale agreement or timber permit under the Act, only such timber designated by an officer for cutting and removal shall be cut or cut and removed; and (b) in every timber operation, the licensee, permittee, or operator authorized to cut timber shall (i) cut timber in a manner acceptable to an officer, (ii) remove the timber cut within such time, and to such place, as is acceptable to an officer, (iii) avoid waste in the cutting and manufacture of timber, (iv) avoid unnecessarily disturbing the surface of the land, (v) avoid unnecessarily disturbing or damaging trees reserved from cutting under the licence, timber sale agreement, or permit, (vi) cut all trees at a stump height not to exceed 30 centimetres, (vi.1) ensure that any tree top removed does not have a diameter greater than 10 cm class for softwood or 12 cm class for hardwood, (vii) cut and remove such merchantable fire killed or dead timber as may be designated for cutting and removing by an officer,</p> <p><b>9</b> Any timber cut in the construction of a road or in the clearing of a skidway, landing, or camp site shall be paid for in accordance with the dues and charges payable under the licence, timber sale agreement, or permit.</p>
<p><b>The Manitoba Hydro Act [ H190]</b></p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may  (a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;  (b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and  (c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon</p>

<p><b>-Manitoba Electrical Code (73/2009)</b></p>	<p>respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p>which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</p> <p><b>Supporting sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p><b>The Pesticides And Fertilizers Control Act [ C.C.S.M c. P40]</b></p>	<p>The pesticides and fertilizers control act provides legal requirements with respect to the supply, sale, offending for sale, distribution, and application of pesticides fertilizers in Manitoba.</p>	<p><b>Supporting sections from the Act:</b></p> <p><b>Commercial applicator to obtain licence</b></p> <p><b>2(2)</b> No person shall act as a commercial applicator unless he first obtains a licence from the minister for the purpose.</p> <p><b>Commercial manure applicator to obtain licence</b></p> <p><b>2(2.1)</b> No person shall act as a commercial manure applicator unless he or she first obtains a licence from the minister for that purpose.</p> <p><b>Application for licence</b></p> <p><b>2(3)</b> An application for a licence under subsection (1), (2), (2.1) or (2.2) shall be made to the minister or such other person designated by the minister and acting under his authority, upon a form prescribed in the regulations, and shall be accompanied by the fee, if any, prescribed under this Act or the regulations; and upon receipt of an application the minister or the person designated by him may issue a licence to the applicant.</p> <p><b>Insurance required</b></p> <p><b>2(4)</b> The minister shall not issue a licence to a person to apply a pesticide or fertilizer, or to transport manure or apply it to land, unless the person produces evidence satisfactory to the minister that he or she has a valid and subsisting liability insurance policy in an amount acceptable to the minister.</p> <p><b>Regulations</b></p> <p><b>8</b> For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations and orders :</p> <p>(k) prescribing the manner in which pesticides or fertilizers may be stored;</p> <p>(l) prescribing the manner in which pesticides or fertilizers are to be transported;</p> <p>(m) prescribing the manner in which pesticides, fertilizers and their containers may be disposed of;</p>

<p>-Pesticides And Fertilizers License Regulation (216/87)</p>		<p>Supporting sections from the regulation:</p> <p><b>Section (2):</b> provides requirements with respect to licence fee, expiration date and other requirements.</p> <p><b>Supporting Sections from the Regulation:</b></p> <p><b>Restrictions on displaying products containing capsaicin</b></p> <p><b>5.1(1)</b> The holder of a pesticide dealer licence (a) must not display, shelve or store a pesticide containing capsaicin in a place where the public has access to the pesticide without the intervention of an employee of the licence holder; and</p> <p><b>(b)</b> must ensure that every person wishing to buy a pesticide containing capsaicin in a retail sale at the licence holder's place of business is required to ask for the pesticide from the licence holder or one of his or her employees.</p> <p><b>Disposal of pesticides and containers</b></p> <p><b>(7)</b> A person who uses, applies or possesses a pesticide must comply with The Environment Act, The Public Health Act and the regulations under those Acts when he or she disposes of the pesticide container and any unused pesticide.</p>
<p>The Provincial Parks Act [ C.C.S.M. c P20]</p> <p>- Parks Activities Regulations[102/2009]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b></p> <p>7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in</p> <p>(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or</p> <p>(b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b></p> <p><b>2</b> This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.</p> <p><b>4</b> A person who enters a provincial park shall comply with</p> <p>(a) any lawful orders and instructions made or issued by an officer under this regulation; and</p> <p>(b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12 )</b>Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p>

		<p><b>Pollution of waters</b>  <b>14</b> No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p><b>The Public Health Act</b>  <b>[ C.C.S.M c. P210]</b></p> <p><b>-Protection of Water Sources Regulation</b>  <b>[326/88 R]</b></p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that</p> <ul style="list-style-type: none"> <li>(a) a health hazard exists or might exist <ul style="list-style-type: none"> <li>(i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,</li> <li>(ii) because of a failure or suspected failure to comply with a regulation made under this Act,</li> <li>(iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or</li> <li>(iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and</li> </ul> </li> <li>(b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</li> </ul> <p><b>To whom order may be directed</b></p> <p><b>25</b> A health hazard order may be directed to one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;</li> <li>(b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;</li> <li>(c) a person who is engaged in or carries out a business, activity or process;</li> <li>(d) any other person or member of a class of persons specified in the regulations.</li> </ul> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p> <p><b>Prohibitions</b></p> <p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>

<p><b>Water Rights Act (W80)</b></p> <p><b>- Water Rights Regulation (126/87)</b></p>	<p>The Water Rights Act sets out a framework for certain construction or operation activities that can affect water bodies in Manitoba.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b><u>Some of the supporting sections from the regulation:</u></b></p> <p>Each fee prescribed under subsection (1) in respect of a licence shall be paid by the applicant for the licence upon submitting the licence application, and in the case of a licence to divert water, the additional fee for each year shall be paid by the applicant by January 31 of the next ensuing year.</p> <p>4(1) An application for a licence or permit under the Act shall include all plans, documents, information and particulars specified in the applicable application form.</p>
<p><b>The Wildlife Act [ C.C.S.M c. W130]</b></p> <p><b>-Use of wildlife land regulation (77/99)</b></p>	<p>The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.</p> <p><b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.</p> <p><b>Some of the supporting sections from the use of wildlife land regulation:</b></p> <p><b>7(1) Prohibition</b> Except as otherwise provided in this regulation, no person shall, in a wildlife management area:</p> <p>(a) grade, gravel or clear a road or trail;</p> <p>(b) install or modify a stream crossing;</p> <p>(c) drain, dyke, or block a manmade or natural waterway or wetland;</p>

**Activity : Protection Workers, Public, Environment and Property**

**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p> <p><b>-Release and Environmental Emergency Notification</b></p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95.</b> Release of Toxic Substances Report and Remedial Measures: Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96.</b> Voluntary Report: Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>212.</b> Report and Remedial Measures: If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b> <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of</p>



<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>		<p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p> <p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the</li> </ul>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work</p>

	<p>throwing or depositing of any material into navigable waters.</p>	<p>shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard. (2) Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.</p>

-National Historic Park  
General Regulation [  
SOR/82-263]

substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12.** (1) The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(26) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Migratory Birds Convention Act [S.C. 1994 , C22]</p> <p>-Migratory Birds Regulations ( C.R.C., 1035)</p>	<p>The purpose of the act is to protect migratory birds in Canada. Excessive test water discharge rate or volumes could result in flooding of waterfowl nests, aquatic furbearer dens or a reduction in aquatic habitat. Aquatic furbearers, waterfowls, and their habitat could also be adversely affected by the discharge of test water that contains containments toxic to aquatic flora or fauna.</p>	<p><b>Some of the supporting Sections from the Migratory Birds Convention Act:</b></p> <p><b>Prohibition :5.1</b> (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds</p> <p><b>Some of the supporting sections from the Migratory Birds Regulations:</b></p> <p><b>4(1)</b> the Minister may issue any permit referred to in Schedule II, and may set out in the permit conditions respecting:</p> <ul style="list-style-type: none"> <li>(e) The species of migratory birds, the periods and areas;</li> <li>(f) Any other matter for the conservation of migratory birds</li> </ul> <p><b>GENERAL PROHIBITIONS</b></p> <p>5.(1) No person shall hunt a migratory bird except under authority of a permit thereof.</p>
<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-Wildlife Area Regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(27) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p><b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p><b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>

<p>The Species at Risk Act [ S.C., 2002, c.29]</p> <p>-Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act ( SI/2007-57, May 16 2007; and SI/2008-70 June 25 2008)</p>	<p>The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General Prohibitions:</b></p> <p><b>32. (1)</b> No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.</p> <p><b>58. (1)</b> Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if</p> <p><b>(a)</b> the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;</p> <p><b>(b)</b> the listed species is an aquatic species; or</p> <p><b>(c)</b> the listed species is a species of migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i>.</p> <p><b>Some of the supporting sections from the order:</b></p> <p><b>AGREEMENTS AND PERMITS ACCORDS</b></p> <p><b>73. (1)</b> The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.</p> <p>- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act Some of the species that are identified in this order exist in Manitoba, which make them be of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.</p>
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## *Some of the Applicable Guidelines & Codes of Practice*

- Environmental protection guidelines for construction, operation, and decommissioning. Manitoba Hydro work sites and facilities. 2007
- Training Catalogue, Corporate workplace safety and Health Division, Publication Number 0120/11R, 2011
- Workplace Hazardous Materials Information System in Manitoba Hydro, Corporate workplace safety and Health Division, Publication Number 0076/11R, 2011
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Corporate Policy (P352), Vegetation Management on Distribution Rights-of-Way, Customer Service Operations Division Manager-South Region
- Pesticide Application requirements for Manitoba Hydro Employees and Contractors, Corporate Safety and Health Division, 2008
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).
- Chemical Storage, Corporate Safety and Health
- Transportation, Storage, and Handling of Explosives, Corporate Safety and Health Division, 2010
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance

**For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”, available at:
- **Important eForms with respect to reporting spills:**
  - Hazardous Material Incident Report (eForm H2875)
  - Activation of Spill Plan/Exercise (eForm 285)

**Activity : Development of sources of aggregate, including borrow pits (gravel, fill)**  
**Activities Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Environment Act</b>[C.C.S.M. c. E125]</p> <p><b>-Notice and Reporting</b></p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that            (a) a pollutant may be released, is being released, or has been released; and            (b) the release may cause, is causing or has caused an adverse effect on the environment;            the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to</p> <p>(a) the director;            (b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and            (c) any other person who the person reporting knows or ought to know may be directly affected by the release.</p> <p><b>Reporting by person responsible for pollutant</b></p> <p><b>30.1(4)</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p><b>30.2</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p> <p><b>Some of the supporting sections from the Notice and Reporting Regulation:</b></p>

<p><b>Regulation</b> <b>(C.C.S.M. c. E125)</b></p>		<p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Endangered Species Act[E111]</b></p>	<p>The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated. Species listed under each designation are recommended by the Endangered Species Advisory Committee. The Wildlife Branch is responsible for the Act's administration.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition: 10(1) No person shall</b></p> <ul style="list-style-type: none"> <li>(a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;</li> <li>(b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or</li> <li>(c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.</li> </ul> <p>Permits by minister: 11(1) A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to</p> <ul style="list-style-type: none"> <li>(a) kill, take, collect or capture; or</li> <li>(b) collect or capture and hold alive;</li> </ul> <p>members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of endangered, threatened or extirpated species.</p> <p><b>Exemption of developments: 12(1)</b></p> <p>The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that</p> <ul style="list-style-type: none"> <li>(a) protection and preservation of the species or the habitat is assured; or</li> <li>(b) appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an</li> </ul>

<p>- Threatened, Endangered and Extirpated Species Regulation(25/98)</p>		<p>endangered or threatened species or upon a habitat of an endangered or threatened species.</p> <p><b>Threatened, Endangered and Extirpated Species Regulation:</b> The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.</p>								
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006)</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <table border="1" data-bbox="835 586 1919 997"> <tr> <td data-bbox="835 586 905 688">s. 2(3)</td> <td data-bbox="905 586 1919 688">(g) issue directives about how to dispose of combustibles and explosive materials or other things that may constitute a fire menace; and</td> </tr> <tr> <td data-bbox="835 688 905 808">s. 11</td> <td data-bbox="905 688 1919 808">(c) eliminate ignition sources and remove combustible or explosive material or anything that may constitute a fire menace, and dispose of that material or thing in accordance with any directives issued by the fire commissioner under clause 2(3)(g);</td> </tr> <tr> <td data-bbox="835 808 905 906">s. 12</td> <td data-bbox="905 808 1919 906">(i) remove buildings, structures, combustible or explosive material or any other thing that may constitute a fire hazard from the land or premises,</td> </tr> <tr> <td data-bbox="835 906 905 997">s. 46</td> <td data-bbox="905 906 1919 997">(c) regulating the manufacture, storage, carriage, sale and disposal of combustible, explosive or flammable material;</td> </tr> </table> <p><b>Some of the supporting Sections from the regulation:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p>	s. 2(3)	(g) issue directives about how to dispose of combustibles and explosive materials or other things that may constitute a fire menace; and	s. 11	(c) eliminate ignition sources and remove combustible or explosive material or anything that may constitute a fire menace, and dispose of that material or thing in accordance with any directives issued by the fire commissioner under clause 2(3)(g);	s. 12	(i) remove buildings, structures, combustible or explosive material or any other thing that may constitute a fire hazard from the land or premises,	s. 46	(c) regulating the manufacture, storage, carriage, sale and disposal of combustible, explosive or flammable material;
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s. 46	(c) regulating the manufacture, storage, carriage, sale and disposal of combustible, explosive or flammable material;									

	<p>maintenance and operation of fire protection equipment.</p>	<p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p>Supporting sections from the Manitoba Fire Code:</p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The gas pipeline act [ C.C.S.M. c G50]</p> <p>-Gas pipeline Excavation Regulation (140/92)</p>	<p>The purpose of the Act is to provide a framework for gas distribution systems within the province of Manitoba.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>Authority for construction or operation of gas pipe lines :3(1)</b> Notwithstanding any provision of any other Act, but subject as herein provided, no person shall construct or operate a gas pipe line in the province unless authorized so to do by an order of the board; but this subsection does not apply to the operation of a gas pipe line constructed or under construction on April 23, 1956.</p> <p><b>Alteration to be approved: 9(1)</b> No person authorized to construct or operate a gas pipe line shall make any alteration, addition, or extension to the gas pipe line as authorized, or to any other pipe line connected therewith, except for maintenance, unless the alteration, addition, or extension, is authorized by order of the board; and this Part applies, with such modifications as the circumstances require, to all such alterations, additions, and extensions.</p> <p><b>Supporting sections from the Regulation:</b></p> <p><b>Notice of proposed excavation required 2</b> No person shall make an excavation with any mechanical equipment or explosive (a) anywhere within the limits of an incorporated city, town or village in which there is a gas distribution system operated by a gas utility under a franchise granted by the city, town or village or by an Act of the Legislature; (b) within the limits of a highway or road allowance that is within the boundaries of a franchise for the distribution of gas held by a gas utility; (c) within or adjacent to the right-of-way of a gas pipe line; or (d) in any location (i) that is in the immediate vicinity of a building supplied with gas by a distribution system, or (ii) in which the person knows, or has reason to suspect, that there may be a gas pipe line; unless the person, before making the excavation, has given notice thereof to the gas utility holding the franchise or operating the distribution system or pipe line, as the case may be, or to a person authorized by the gas utility to receive such a notice on its behalf, and the notice shall contain such information about the location of the proposed excavation as the gas utility may require.</p>

**-The Heritage Resources Act  
[ C.C.S.M. C. H39.1]**

**- Heritage Resources Forms Regulation  
(99/86)**

The Heritage Resources Act, providing for the conservation and protection of Manitoba's cultural heritage, and it was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include:

- Provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;
- A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;
- stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;
- new protection for heritage objects; and

**Some of the Supporting sections from the Act:**

**Local authority must comply with directions**

**PROTECTION OF SITES :Heritage resource impact assessment - intended or designated sites :**

**12(1)** Any person proposing to

(a) excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage; or

(b) erect, build or construct any erection, building or structure upon or within; or

(c) carry out any development project, including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within;

any site that is subject to a subsisting Notice of Intent, or that is a heritage site, shall, before commencing the proposed work, activity, development or project described in clause (a), (b) or (c), and subject to sections 13 and 14, submit to the minister an application for a heritage permit authorizing the proposed work, activity, development or project, and thereafter, if the minister after considering the application so requires, shall, in addition and before commencing the proposed work, activity, development or project, submit to the minister a heritage resource impact assessment or development plan or both, as the minister may require, and such other plans, documents, material and information as the minister may require, with respect to the proposed work, activity, development or project, prepared at the cost of the person.

**Heritage permit required 14(1) :** No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit.

**Some of the supporting sections from the regulation:**

the regulation provides forms to be used under the Act, such as forms concerning applications for conducting a heritage resources impact assessment, or a heritage permit to search for or excavate a heritage object.

	<p>-new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.</p>	
<p><b>The Highway and Protection Act [C.C.S.M. c H50]</b></p> <p><b>-Highway and Transportation Department Permit Application Fees Regulation(477/88)</b></p>	<p>The highway protection act provides a legal framework to control the construction activities in the highways for protecting the interests of the public in the highways, promoting the safety of persons using the highways and generally furthering the amenities of travel on the highways.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>2(1)</b> The purposes of this Act are</p> <ul style="list-style-type: none"> <li>(a) to control the location, construction and use of entrances to and exits from certain highways;</li> <li>(b) to control the use made of land that is contiguous or adjacent to, or that lies near certain highways; and</li> <li>(c) control the erection of structures along certain highways;</li> </ul> <p>with the objects of protecting the interests of the public in the highways, promoting the safety of persons using the highways and generally furthering the amenities of travel on the highways.</p> <p><b>Application of Act</b></p> <p><b>2(2)</b> Every owner, lessee, tenant, and other occupant of, and every person exercising any licence or right in or to, land that is situated within a controlled area, or that is contiguous or adjacent to a limited access highway, freeway, or provincial trunk highway, is subject to this Act, and, in the construction of structures on the land, the construction and location of entrances to and exits from the highway and the use of structures, land, entrances and exits, shall comply with this Act and the regulations.</p> <p><b>Part III of the act</b> provides some requirements with respect to restriction on access, restriction on construction, and right of access.</p> <p><b>Some of the supporting sections from the Regulation:</b></p> <p><b>8(7)</b> The justice by whom a person is convicted of an offence for contravening subsection (3) may, upon application of the Crown made either at the trial or within 30 days thereafter, order the person convicted to remove the thing in respect of which he or she is convicted from the highway within a time specified in the order.</p>

<p><b>The Mines and Minerals Act</b> [C.C.S.M c. M162]</p> <p><b>-Quarry Minerals Regulation(65/92)</b></p>	<p>The purpose of the Act is to provide a legal framework for the administration of mines and minerals in Manitoba. The Act is applicable to borrow pits and commercial quarries.</p>	<p><b>some of the supporting sections from the Act:</b></p> <p><b>14(7)</b> subject to section 128.1 the director may, upon such terms and conditions as the director may stipulate, including the payment of prescribed royalties and a rehabilitation levy under subsection 200(10), issue a quarry permit for the removal of quarry mineral from Crown mineral land in respect of which an order is made under subsection (1).</p> <p><b>18(4)</b> whereas certificate of a mineral disposition, mineral lease or quarry lease is lost or destroyed, the recorder shall, upon receipt of statutory declaration from the holder affirming the loss or destruction, issue a certified copy of the certificate.</p> <p><b>52(2)</b> The holder of a mineral exploration licence has exclusive right to explore for Crown minerals, other than quarry minerals, within the boundaries of the area covered by the licence extended downward vertically on all sides, excepting mineral rights contained in a claim or mineral lease staked or acquired prior to the effective date of the licence.</p> <p><b>128(3)</b> the holder of a quarry permit or a quarry lease in respect of a quarry other than aggregate quarry shall, in accordance with the regulations, submit a closure plan acceptable to the director.</p> <p><b>Some of the supporting sections from the Quarry Minerals Regulation:</b></p> <p><b>PART 1: GENERAL, PART 2: QUARRY PERMITS, PART 3: QUARRY LEASE, PART 4: SURFACE LEASE, PART 5: OPERATION AND REHABILITATION OF QUARRIES.</b></p>
<p><b>The Manitoba Hydro Act</b> [ H190]</p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <p>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</p> <p>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</p> <p>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</p>

<p>-Manitoba Electrical Code (73/2009)</p>		<p><b>Supporting Sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p>The Planning Act[ C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>section 1</b> : development is:</p> <ul style="list-style-type: none"> <li>(q) The construction of a building on, over or under land;</li> <li>(r) A change in the use or intensity of use of a building;</li> <li>(s) The removal of soil or vegetation from land; and</li> <li>(t) The deposit or stockpiling of soil or material on land and the excavation of land.</li> </ul> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b></p> <p><b>Development plans</b></p> <p><b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.</p> <p><b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL</b></p> <p>To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.</p> <p><b>POLICIES</b></p> <p>1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:</p> <ul style="list-style-type: none"> <li>a) addressing the needs of persons with disabilities, by meeting standards for universal design;</li> <li>b) conserving or maximizing efficiencies of natural resources, including energy and water;</li> <li>c) minimizing contributions of harmful emissions, including greenhouse gases;</li> <li>d) supporting the use of renewable and alternative energy sources;</li> <li>e) minimizing soil nutrients being lost through strategies such as stormwater retention and</li> </ul>

		<p>treatment, and <i>erosion</i> control;</p> <p>f) minimizing and mitigating conflicts between humans and wildlife;</p> <p><b>5.1.1 Water bodies, groundwater and riparian areas</b> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>
<p><b>The Provincial Parks Act</b> [ C.C.S.M. c P20]</p> <p><b>- Parks Activities Regulations</b>[102/2009]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b></p> <p>7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in</p> <p>(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or</p> <p>(b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b></p> <p>2 This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.</p> <p>4 A person who enters a provincial park shall comply with</p> <p>(a) any lawful orders and instructions made or issued by an officer under this regulation; and</p> <p>(b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12 )</b>Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b></p> <p>14 No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p><b>Water Rights Act (W80)</b></p> <p><b>- Water Rights Regulation (126/87)</b></p>	<p>The Water Rights Act sets out a framework for certain construction or operation activities that can affect water bodies in Manitoba.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p>Each fee prescribed under subsection (1) in respect of a licence shall be paid by the applicant for the licence upon</p>

		submitting the licence application, and in the case of a licence to divert water, the additional fee for each year shall be paid by the applicant by January 31 of the next ensuing year. 4(1) An application for a licence or permit under the Act shall include all plans, documents, information and particulars specified in the applicable application form.
<b>The Water Resources Administration Act (W70)</b>	The Act sets out requirements for the construction activities that might affect water bodies.	<p><b>Supporting Sections from the Act:</b>  <b>Some of the supporting sections from the Act:</b>  <b>16(7)</b> Where a building, structure, or erection is built, constructed, or erected or brought on or within a designated reservoir area in contravention of any provision of this section, or is occupied or maintained contrary to any provision of this section, or where a building, structure, or erection that is or is proposed to be built, constructed, erected or brought on or within a designated reservoir area under permit issued under this section, does not comply with the terms and conditions of the permit, the minister may order the building, structure, or erection to be removed from the designated reservoir area, and if the owner thereof does not remove it within the time specified in the order, the minister may cause it to be removed from the designated reservoir area, and the costs of such removal may be charged against and collected from the owner thereof.  Prohibitions within designated flood areas  <b>17(1)</b> No person shall  (a) build, construct, erect, or bring any building, structure, or erection other than a fence on or within a designated flood area; or  (b) make any addition to or reconstruct any building, structure, or erection other than a fence within a designated flood area;  except under the authority of a two-stage permit issued under subsection (3).  Further prohibitions  <b>17(2)</b> No person shall occupy or maintain any building, structure, or erection that was built, constructed, erected or reconstructed, or to which an addition was made contrary to subsection (1) or that does not comply with the terms and conditions of a two-stage permit issued under subsection (3).</p> <p><b>Supporting Sections from the Regulation:</b>  <b>Notice of compliance</b>  <b>11</b> After completing an inspection under section 17(10.1) of the Act, an inspector shall issue a written notice, in a form approved by the minister, to the permit holder and the appropriate municipal authority indicating whether, in the professional opinion of the inspector, the structure inspected complies with the relevant floodproofing criteria outlined in this regulation.</p>
<b>- Designated Reservoir Area Regulation (22/88R)</b>		
<b>The Wildlife Act [ C.C.S.M c. W130]</b>	The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and	<p><b>Some of the supporting Sections from the Act:</b>  <b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.  <b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or</p>

**-Use of wildlife land regulation (77/99)**

enhancement of the wildlife resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.

damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.

**Some of the supporting sections from the use of wildlife land regulation:**

**7(1) Prohibition** Except as otherwise provided in this regulation, no person shall, in a wildlife management area:

- (a) grade, gravel or clear a road or trail;
- (b) install or modify a stream crossing;
- (c) drain, dyke, or block a manmade or natural waterway or wetland;

**Activity : Development of sources of aggregate, including borrow pits (gravel, fill)**

**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>Explosives Act (R.S.C., 1985, c. E-17)</p> <p>-Explosives Regulation (c.599)</p>	<p>The purpose of the Explosives Act is to regulate manufacture, possession, use, sale, transport (import, export) of explosives.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>PROHIBITED ACTIVITIES INTERDICTIONS</b></p> <p>6. Except as authorized under this Act and subject to such exemptions as may be provided by regulation, no person shall</p> <p>(a) make or manufacture explosives either wholly or in part except in a licensed factory;</p> <p>(b) sell any authorized explosive unless that person is the operator of a licensed factory or licensed magazine and is authorized to sell explosives;</p> <p>(c) store any explosive in a magazine that is not a licensed magazine;</p> <p>(d) have in his possession any explosive; or</p> <p>(e) carry on, except in a licensed factory, any of the following processes, namely,</p> <p>(i) dividing into its component parts, or otherwise breaking up or unmaking, any explosive,</p> <p><b>LICENCES AND PERMITS LICENCES ET PERMIS</b></p> <p>7. (1) The Minister may issue</p> <p>(a) licences for factories and magazines;</p> <p>(b) permits for vehicles used for the transportation of explosives; and</p> <p>(c) certificates for carrying out, on an occasional and temporary basis, activities relating to the manufacture, testing or storage of explosives or the use of fireworks or the training of persons in the use of fireworks.</p> <p><b>Some Of The Supporting Sections From The Regulation:</b></p> <p>The explosives regulation provides a classification of explosives. According to <b>section 124</b> ,</p> <p><b>124.</b> No person shall keep any explosive, other than one belonging to division 1 of class 6 (ammunition), on the same premises where explosives of class 7 (Fireworks) are kept.</p> <p><b>Part VI</b> of the regulation provides requirements for transportation by road and private railway.</p>
<p>The Fisheries Act [ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 22: Flow Limits:</b></p> <p>(28) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p>(29) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.</p> <p>(30) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other</li> </ul>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p>

<p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>obstacles to navigation and</p> <ul style="list-style-type: none"> <li>prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPAs approval would be required.</p>	<p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p>	<p>The Canada National Parks Act applies to all national parks and national marine</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p>

-National Historic Park  
General Regulation [SOR/82-263]

parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

**32. (1)** Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

**Powers of superintendent and Minister (2)** If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12. (1)** The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(31) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(32) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p>3. (1) Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p>4. <b>Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>
<p>The Species at Risk Act [ S.C., 2002, c.29]</p> <p>-Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act ( SI/2007-57, May 16 2007; and SI/2008-70 June 25 2008)</p>	<p>The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of the these measures</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General Prohibitions:</b></p> <p>32. (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.</p> <p>58. (1) Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if</p> <p>(a) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;</p> <p>(b) the listed species is an aquatic species; or</p> <p>(c) the listed species is a species of migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i>.</p> <p><b>Supporting Sections from the order:</b></p> <p><b>AGREEMENTS AND PERMITS</b></p> <p>73. (1) The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.</p> <p>- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act Some of the species that are identified in this order exist in Manitoba, which make them be of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.</p>

establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species.

## *Some of the Applicable Guidelines & Codes of Practice*

- Environmental protection guidelines for construction, operation, and decommissioning. Manitoba Hydro work sites and facilities. 2007.
- Transportation, Storage, and Handling of Explosives. Workplace Environment Department. Publication Number: 0016/10R, 2010
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- CSA Z662-11, CSA Standards Oil and Gas Pipeline Systems, 2011, Canadian Standards Association.
- Guidelines for excavation of cables by water pressure/vacuum systems (Hydro-Vac), Corporate Safety and Health Division, Publication # 0065/07R, 2008
- Guidelines for Excavation Work, Corporate Safety and Health Division, Publication #0002/05, 2009
- Directional Boring Guidelines, Corporate Safety and Health Division, Publication # 0086/06, 2009
- Safe Excavation & Safety Watch Guidelines, Manitoba Hydro
- Transportation, Storage, and Handling of Explosives, Corporate Safety and Health Division, 2010
- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

**For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”, available at:

**Important eForms with respect to reporting spills:**

- Hazardous Material Incident Report (eForm H2875)
- Activation of Spill Plan/Exercise (eForm 285)

Activity : Transport of bulk of natural gas and natural gas distribution

Activity's Significance: Medium

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p>The Crown Lands Act[C340]</p> <p>-Crown Lands Fees Regulation(130/91)</p>	<p>The purpose of the Act is to provide for the most effective use of Crown Lands by establishing effective administration and management policies and processes on Crown Lands. The Act provides the application of proven forest management techniques to enhance the productivity on Crown Lands, requires the leasing and licensing arrangements on Crown Lands, and integrates wildlife and outdoor recreation consideration in forest management planning process on Crown Lands.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Section 1: "mineral"</b> means a non-living substance that is formed by natural processes and is found on, in or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes oil, gas, helium, peat, peat moss and substances that are prescribed as minerals under <i>The Mines and Minerals Act</i> but does not include agricultural soil, surface water or ground water other than ground water that is obtained from a well as defined in <i>The Oil and Gas Act</i>.</p> <p><b>Powers of L. G. in C.</b></p> <p><b>5(1)</b> The Lieutenant Governor in Council may</p> <p>(g) dispose of to a railway, power, or tramway company or to a company authorized by law to construct, own, maintain, or operate, a pipeline for the transmission of oil or natural gas, and subject to any terms and conditions he sees fit to impose, a right-of-way or roadbed through Crown lands, together with such other Crown lands as are advisable or necessary for stations, station grounds, workshops, buildings, yards, ballast pit, or other appurtenances of the company;</p> <p><b>Supporting Sections from the Crown Lands Fees Regulation:</b></p> <p><b>2 (1)</b> person who uses or occupies land under the authority of a permit, lease, license or easement issued or granted by the minister under The Crown Lands Act shall pay the fee for that use or occupation that is required by this regulation.</p> <p><b>Easements</b></p> <p><b>9</b> The following fees are payable in respect of easements on Crown land:</p> <p>(a) for Manitoba Hydro distribution lines less than 66 kv, an initial fee of . . . . . \$1.;</p> <p>(b) for Manitoba Telephone System distribution lines, an initial fee of . . . . . \$1.;</p>



		<p>(b) within the limits of a highway or road allowance that is within the boundaries of a franchise for the distribution of gas held by a gas utility;</p> <p>(c) within or adjacent to the right-of-way of a gas pipe line; or</p> <p>(d) in any location</p> <p>(i) that is in the immediate vicinity of a building supplied with gas by a distribution system, or</p> <p>(ii) in which the person knows, or has reason to suspect, that there may be a gas pipe line;</p> <p>unless the person, before making the excavation, has given notice thereof to the gas utility holding the franchise or operating the distribution system or pipe line, as the case may be, or to a person authorized by the gas utility to receive such a notice on its behalf, and the notice shall contain such information about the location of the proposed excavation as the gas utility may require.</p> <p><b>Damage to pipeline</b></p> <p>(10) a person who damages a gas pipeline shall:</p> <p>(a) whether or not the damage causes gas to escape immediately notify the gas utility; and</p> <p>(b) where the damage causes gas to escape, immediately</p> <p>(i) notify all persons in any premises that may be affected, and</p> <p>(ii) warn traffic, both vehicular and pedestrian, not to enter the affected area.</p>
<p><b>The Environment Act</b>[C.C.S.M. c. E125]</p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that</p> <p>(a) a pollutant may be released, is being released, or has been released; and</p> <p>(b) the release may cause, is causing or has caused an adverse effect on the environment;</p> <p>the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse</p>

**-Notice and Reporting  
Regulation  
(C.C.S.M. c. E125)**

effect must report the release, in accordance with the regulations, to

- (a) the director;
- (b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and
- (c) any other person who the person reporting knows or ought to know may be directly affected by the release.

**Reporting by person responsible for pollutant**

**30.1(4)** A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.

**No release of pollutants in excess of limits**

**30.2** No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.

**Some the supporting sections from the Notice and Reporting Regulation:**

**Reporting release of pollutants 3(1)** For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:

**3(3)** When making a report a person must provide the following information if it is known or is readily available:

- (a) the location and time of the release;
- (b) the name and telephone number of the person reporting the release;
- (c) a brief description of the circumstances of the release and its status at the time of the report;
- (d) the identity and quantity, if known, of the pollutant released;
- (e) the action that the person making the report has taken or intends to take with respect to the release.

**3(4)** If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.

**The Dangerous Goods Handling and Transportation Act[D12]**

**- Environmental accident reporting regulation(439/87)**

The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.

**Supporting Sections from the Act:**

**3.** No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.

**8(1)**No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.

**8(2)** No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.

**8(3)** No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.

**13.** The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;

**Supporting Sections from the Environmental accident reporting regulation:**

**Reporting of environmental accidents 3(1)** A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. **3(2)** The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation:**

**3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.

**4(2)** An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.

<p><b>The Endangered Species Act[E111]</b></p>	<p>The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated. Species listed under each designation are recommended by the Endangered Species Advisory Committee. The Wildlife Branch is responsible for the Act's administration.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition: 10(1) No person shall</b></p> <p>(a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;</p> <p>(b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or</p> <p>(c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.</p> <p>Permits by minister: 11(1) A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to</p> <p>(a) kill, take, collect or capture; or</p> <p>(b) collect or capture and hold alive;</p> <p>members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of endangered, threatened or extirpated species.</p> <p><b>Exemption of developments: 12(1)</b></p> <p>The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that</p> <p>(a) protection and preservation of the species or the habitat is assured; or</p> <p>(b) appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an endangered or threatened species or upon a habitat of an endangered or threatened species.</p>

<p>- Threatened, Endangered and Extirpated Species Regulation(25/98)</p>		<p><b><u>Threatened, Endangered and Extirpated Species Regulation:</u></b></p> <p>The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b><u>Supporting sections from the Manitoba Fire Code:</u></b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	operation of fire protection equipment.	
<p>-The Heritage Resources Act [ C.C.S.M. C. H39.1]</p> <p>- Heritage Resources Forms Regulation (99/86)</p>	<p>The Heritage Resources Act, providing for the conservation and protection of Manitoba’s cultural heritage, and it was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include:</p> <ul style="list-style-type: none"> <li>-Provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;</li> <li>-A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;</li> </ul>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>PROTECTION OF SITES :Heritage resource impact assessment - intended or designated sites :</b></p> <p><b>12(1)</b> Any person proposing to</p> <ul style="list-style-type: none"> <li>(a) excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage; or</li> <li>(b) erect, build or construct any erection, building or structure upon or within; or</li> <li>(c) carry out any development project, including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within;</li> </ul> <p>any site that is subject to a subsisting Notice of Intent, or that is a heritage site, shall, before commencing the proposed work, activity, development or project described in clause (a), (b) or (c), and subject to sections 13 and 14, submit to the minister an application for a heritage permit authorizing the proposed work, activity, development or project, and thereafter, if the minister after considering the application so requires, shall, in addition and before commencing the proposed work, activity, development or project, submit to the minister a heritage resource impact assessment or development plan or both, as the minister may require, and such other plans, documents, material and information as the minister may require, with respect to the proposed work, activity, development or project, prepared at the cost of the person.</p> <p>Heritage permit required 14(1) : No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p>Some Of The Supporting Sections From The Provincial Planning Regulation:</p> <p>Development plans</p> <p>2 Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.</p> <p>1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL</p> <p>To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.</p> <p>POLICIES</p> <p>1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:</p> <ul style="list-style-type: none"> <li>a) addressing the needs of persons with disabilities, by meeting standards for universal design;</li> <li>b) conserving or maximizing efficiencies of natural resources, including energy and water;</li> <li>c) minimizing contributions of harmful emissions, including greenhouse gases;</li> <li>d) supporting the use of renewable and alternative energy sources;</li> <li>e) minimizing soil nutrients being lost through strategies such as stormwater retention and</li> </ul>

	<p>-stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;</p> <p>-new protection for heritage objects; and</p> <p>-new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.</p>	<p>treatment, and <i>erosion</i> control;</p> <p>f) minimizing and mitigating conflicts between humans and wildlife;</p> <p>5.1.1 <i>Water bodies, groundwater and riparian areas</i> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>
<p>The Highway and Transportation Act [H40]</p>	<p>The Act controls the construction activities and erection of structures along certain highways to protect the safety of the public.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Control of departmental roads</b></p> <p>8(1) Notwithstanding anything to the contrary in or any other Act of the Legislature, but subject to subsection (2), the jurisdiction over, and the control and possession of, every departmental road are vested in the government; and upon a highway within a municipality becoming a provincial trunk highway or a provincial road or an industrial road, the municipality is thereupon relieved of the responsibility of maintaining and repairing it.</p> <p><b>Responsibility of municipality</b></p> <p>8(2) A municipality in which a provincial trunk highway, a provincial road or an industrial road, or any part thereof, is situated is responsible for maintaining and repairing any sidewalks, poles, sewers, waterworks or other municipal works of a like nature, constructed or in the course of construction by the municipality on, over, or under, the highway.</p> <p><b>Materials, structures, etc., on departmental roads</b></p> <p>8(3) No person shall</p> <p>(a) place any material or cause any material to be placed; or</p> <p>(b) carry out, build, construct, reconstruct, establish or place any works, structures, fixtures, or improvements of any kind, or cause any works, structures, fixtures or improvements of any kind to be carried out, built, constructed, reconstructed, established or placed; or</p> <p>(c) place or erect any sign, signboard or advertising device, or cause any sign, signboard or advertising device to be placed; or</p> <p>(d) plant or place any tree, shrub, bush, brush, hedge, or other object or cause any tree, shrub, bush, brush, hedge, or other object to be planted or placed; or</p> <p>(e) abandon any vehicle or equipment; or</p> <p>(f) discharge water or other liquid materials into a ditch;</p> <p>on a departmental road, except with the minister's permission or in accordance with this Act or the regulations. The</p>

<p>-Highway and Transportation Department Permit Application Fees Regulation(477/88)</p>		<p>minister may impose on permission he or she gives any conditions that he or she considers appropriate.</p> <p><b><u>Some of the supporting regulations from the regulation:</u></b></p> <p><b>Order for removal</b> 8(7) The justice by whom a person is convicted of an offence for contravening subsection (3) may, upon application of the Crown made either at the trial or within 30 days thereafter, order the person convicted to remove the thing in respect of which he or she is convicted from the highway within a time specified in the order.</p>
<p>The Manitoba Hydro Act [ H190]</p> <p>-Manitoba Electrical Code (73/2009)</p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <p>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</p> <p>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</p> <p>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</p> <p><b>Some of the supporting sections from the Manitoba Electrical Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p>The Planning Act[ C.C.S.M. c P80]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>section 1</b> : development is:</p> <p>(u) The construction of a building on, over or under lad;</p>

<p>- Provincial Planning Regulation [ 81/2011]</p>	<p>Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p>(v) A change in the use or intensity of use of a building;  (w) The removal of soil or vegetation from land; and  (x) The deposit or stockpiling of soil or material on land and the excavation of land.</p> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b>  <b>Development plans</b>  <b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.  <b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL</b>  To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.  <b>POLICIES</b>  1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:  a) addressing the needs of persons with disabilities, by meeting standards for universal design;  b) conserving or maximizing efficiencies of natural resources, including energy and water;  c) minimizing contributions of harmful emissions, including greenhouse gases;  d) supporting the use of renewable and alternative energy sources;  e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and <i>erosion</i> control;  f) minimizing and mitigating conflicts between humans and wildlife;  <b>5.1.1 Water bodies, groundwater and riparian areas</b> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>
<p>The Provincial Parks Act [ C.C.S.M. c P20]</p> <p>- Parks Activities Regulations[102/2009]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b>  <b>Restrictions on use</b>  7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in  (a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or  (b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b>  <b>Application</b>  <b>2</b> This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.  <b>4</b> A person who enters a provincial park shall comply with</p>

	<p>recreational and educational opportunities and experiences in a natural setting.</p>	<p>(a) any lawful orders and instructions made or issued by an officer under this regulation; and (b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12)</b> Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b> <b>14</b> No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p>The Public Utilities Board Act [C.C.S.M. c. P280]</p> <p>-Public Utilities Board Fees Regulation(94/93)</p>	<p>The purpose of the Act is to regulate the rates charged by Manitoba Hydro. It also asks for supervision of the construction and operation of natural gas and propane pipelines, and make sure that gas and propane are safely distributed to Manitoba consumers.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Orders in emergencies, without notice</b></p> <p><b>39(1)</b> Where the board may hear an application, complaint, or dispute, or make an order upon notice to the parties interested, it may, upon the ground of urgency or for other reasons appearing to the board to be sufficient, and notwithstanding any want of or insufficiency in any such notice, make the like order or decision in the matter as if due notice had been given to all parties; and that order or decision is as valid and effective in all respects as if made after</p> <p><b>39(2)</b> Where an order or decision made under subsection such notice had been given.</p> <p><b>Relief to persons affected thereby</b></p> <p><b>(1)</b> affects a person entitled to notice who was not sufficiently notified, he may, within 10 days after becoming aware of the order or decision, or within such further time as the board may allow, apply to the board to vary, amend, or rescind the order or decision; and the board shall thereupon, on such notice to others interested as it may think desirable, hear the application, and either amend, alter, or rescind the order or decision or dismiss the application.</p> <p><b>115(1)</b> Notwithstanding any other Act, the authority to grant or refuse a franchise to sell gas or to directly purchase gas or revoke an existing franchise to sell gas or to directly purchase gas within the Province is within the powers of the Board and, subject to The Municipal Act and The Gas Pipeline Act, the authority to grant or refuse or revoke a franchise to distribute, transmit, store or deliver gas within the Province is within the power of a municipality or local government district in which the gas is distributed, transmitted, stored or delivered.</p> <p><b>115(2)</b> Notwithstanding subsection(1), all rights to sell, deliver, distribute, store and transmit gas previously granted by statute, by-law, contract or otherwise, existing as of the date of the coming into force of this section shall remain in force until amended or revoked by order of the Board.</p> <p><b>120(1)</b> No person shall sell, deliver, directly purchase, distribute, store or transmit gas within the Province without an order of the Board.</p> <p><b>Some of the supporting sections from the Public utilities Board Fees Regulation:</b></p>



<p>The Water Resources Administration Act (W70)</p> <p>-Designated Reservoir Area Regulation (22/88R)</p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Removal of unauthorized works or water control works</p> <p><b>4(1)</b> Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <p>(a) to cease using or diverting the water; or</p> <p>(b) to remove the works or water control works; or</p> <p>(b.1) to cease controlling the water; or</p> <p>(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;</p> <p>as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p>The regulation provides a list of reservoir in Manitoba close to which operations are restricted.</p>
<p>The Wildlife Act [ C.C.S.M c. W130]</p> <p>-Use of wildlife land</p>	<p>The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife resource, simulate what constitutes an offence, and</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.</p> <p><b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.</p>

regulation (77/99)

determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.

**Some of the supporting sections from the use of wildlife land regulation:**

**7(1) Prohibition** Except as otherwise provided in this regulation, no person shall, in a wildlife management area:

- (a) grade, gravel or clear a road or trail;
- (b) install or modify a stream crossing;
- (c) drain, dyke, or block a manmade or natural waterway or wetland;

**Activity : Transport of bulk of natural gas and natural gas distribution**

**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments. It potentially affects land covered by and adjacent to water.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p>

<p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>waters. The NWPA:</p> <ul style="list-style-type: none"> <li>-prohibits construction in navigable waters</li> <li>-regulates the removal of wreck and other obstacles to navigation and</li> <li>-prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.</p>	<p>9. (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p>6. Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p>Canadian Environmental Protection Act [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>	<p>environment. It requires that any person who owns, has charge of, or causes or contributes to or increases the likelihood of the release of the substance to:</p> <p>-report the release to an inspector;</p> <p>-take all reasonable measures to prevent the release; or remedy, reduce, or mitigate any danger to the environment, human life, or health that results or may result from the release;</p> <p>-make reasonable efforts to notify members of the public who may be adversely affected by the release or likelihood of the release.</p>	<p>or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures</b> : if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Canadian Wildlife Act [ R.S., 1985 c. W-9]</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research</p>	<p><b>Some of the supporting sections from the Act:</b>  <b>(33)</b> The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p>

<p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p><b>Some of the supporting sections from the regulation:</b>  <b>General Prohibitions</b>  <b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.  <b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p> <p>-National Historic Park General Regulation [SOR/82-263]</p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is “ capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health” to take reasonable</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.</p> <p><b>Expenses of clean-up (3)</b> A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.</p> <p><b>Some of the Supporting Sections from the National Historic Park General Regulation:</b></p> <p><b>7 Use of Water Resources:</b> No person shall pollute any watercourse in a Park.</p> <p><b>12 RESTRICTED AREAS AND ACTIVITIES 12. (1)</b> The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.</p> <p>(34) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the</p>

	measures to prevent such damage that may result from the discharge or deposit of that substance.”	activity and of maps showing the area.
The National Fire Code of Canada, 2010	The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3</b> (1) maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard. (2) Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
The Species at Risk Act [ S.C., 2002, c.29]	The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General Prohibitions:</b></p> <p><b>32.</b> (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.</p> <p><b>58.</b> (1) Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if</p> <p>(a) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;</p> <p>(b) the listed species is an aquatic species; or</p> <p>(c) the listed species is a species of migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i>.</p>

**Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act ( SI/2007-57, May 16 2007; and SI/2008-70 June 25 2008)**

special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of the these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species.

**Supporting sections from the order:**

**AGREEMENTS AND PERMITS**

**73. (1)** The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.

**- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act**

Some of the species that are identified in this order exist in Manitoba, which makes them of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.

## *Some of the Applicable Guidelines & Codes of Practice*

- CSA Z662-11, CSA Standards Oil and Gas Pipeline Systems, 2011, Canadian Standards Association.
- Guidelines for excavation of cables by water pressure/vacuum systems (Hydro-Vac), Corporate Safety and Health Division, Publication # 0065/07R, 2008
- Guidelines for Excavation Work, Corporate Safety and Health Division, Publication #0002/05, 2009
- Directional Boring Guidelines, Corporate Safety and Health Division, Publication # 0086/06, 2009
- Safe Excavation & Safety Watch Guidelines, Manitoba Hydro
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).



**Compliance with Acts and regulations**

- (2)** A person who uses pesticides shall use them in accordance with  
(a) the Pest Control Products Act (Canada) and the regulations under that Act; and  
(b) The Pesticides and Fertilizers Control Act and the regulations under that Act.

**Prohibitions against certain uses of pesticide**

**3(1)** No person shall, unless he or she possesses a pesticide use permit issued for the purpose, use or permit the use of pesticides

- (a) on or in a body of water that is not wholly contained within the person's own property; or (b) on private property.

**3(2)** No person shall, except under the authority of a pesticide use permit issued for the purpose, use pesticides

(a) for any of the following bodies:

- (i) a government department,  
(ii) a Crown corporation,  
(iii) a municipal corporation,  
(iv) a school division;

(b) on Crown land or a right-of-way, for an individual other than a farmer or a corporation other than a farm corporation;

**Disposal of pesticide containers**

**(13)** Every pesticide applicator operating under a provincial pesticide use permit shall deposit effectively rinsed and punctured containers at the local pesticide container collection area or waste disposal grounds designated by the municipality.

**Some of the supporting sections from the Notice and Reporting Regulation:**

**(3)Reporting release of pollutants**

**3(1)** For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:(a) in the case of a report to the director, by telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; (b) subject to subsection (2), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report. **3(3)** When making a report a person must provide the necessary information if it is known or is readily available.

<p><b>The Crown Lands Act [C340]</b></p> <p><b>-Crown Lands Fees Regulation(130/91)</b>  <b>[Amendements:215/98]</b></p>	<p>The purpose of the Act is to provide for the most effective use of Crown Lands by establishing effective administration and management policies and processes on Crown Lands. The Act provides the application of proven forest management techniques to enhance the productivity on Crown Lands, requires the leasing and licensing arrangements on Crown Lands, and integrates wildlife and outdoor recreation consideration in forest management planning process on Crown Lands.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>7(1)</b> The minister may, upon such terms and subject to such conditions, including the amount of any fee, rent or royalty payable, as are prescribed by the Lieutenant Governor in Council, (a) lease Crown lands, other than agricultural Crown lands, for a term not exceeding 21 years, with or without an option to purchase; (b) issue permits of occupation or use of Crown lands, other than agricultural Crown lands, from year to year; c) issue work permits authorizing specified work to be performed on Crown lands and authorizing entry upon the Crown lands for purposes of the work; (d) issue licenses for the occupation or use of Crown lands for specified purposes; (e) issue any easement or right-of-way upon, over, under or in respect of Crown lands.</p> <p><b>13.1(1)</b> Where an agreement entered into between the Crown and a person for the disposition of Crown lands contains a restriction on the development of all or part of the lands for the purpose of the protection of any natural resource and provides that the restriction may be enforced against a subsequent owner of the lands, and where a caveat is filed in accordance with subsection (2), the agreement shall be enforceable against the subsequent owner.</p> <p><b>Supporting Sections from the Crown Lands Fees Regulation:</b></p> <p><b>2 (1)</b> person who uses or occupies land under the authority of a permit, lease, license or easement issued or granted by the minister under The Crown Lands Act shall pay the fee for that use or occupation that is required by this regulation.</p>
<p><b>The Noxious Weeds Act [C.C.S.M c. N110]</b></p> <p><b>-Noxious Weeds Regulation (35/96)</b></p>	<p>The purpose of the act is to provide a legal framework for controlling noxious weeds and noxious weeds seeds in Manitoba.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General duty to destroy weeds</b></p> <p><b>3(1)</b> Each occupant of land, or, if the land is unoccupied, the owner thereof, or the agent of the owner, and each person, firm, or corporation who or which is in control of, or in possession of, or in charge of, land, shall destroy all noxious weeds and noxious weed seeds growing or located on the land as often as may be necessary to prevent the growth, ripening and scattering of weeds or weed seeds.</p> <p><b>Land adjacent to water</b></p> <p><b>3(5)</b> Where land abuts a river, stream, lake, or other body of water, the occupant, owner, or person in control of or in charge of the land shall destroy all noxious weeds as required under this Act that are growing between the limit of the lands and the low water mark of the river, stream, lake, or other body of water.</p> <p><b>Noxious Weeds Regulation:</b></p> <p>This regulation list plant species that are considered to be noxious weeds in Manitoba. Before taking any actions to destroy noxious weeds and noxious weeds seeds, the list should be reviewed.</p>

**The Pesticides And  
Fertilizers Control Act  
[ C.C.S.M c. P40]**

The pesticides and fertilizers control act provides legal requirements with respect to the supply, sale, offering for sale, distribution, and application of pesticides fertilizers in Manitoba.

**-Pesticides And Fertilizers  
License Regulation  
(216/87)**

**Supporting sections from the Act:**

**Commercial applicator to obtain licence**

**2(2)** No person shall act as a commercial applicator unless he first obtains a licence from the minister for the purpose.

**Commercial manure applicator to obtain licence**

**2(2.1)** No person shall act as a commercial manure applicator unless he or she first obtains a licence from the minister for that purpose.

**Application for licence**

**2(3)** An application for a licence under subsection (1), (2), (2.1) or (2.2) shall be made to the minister or such other person designated by the minister and acting under his authority, upon a form prescribed in the regulations, and shall be accompanied by the fee, if any, prescribed under this Act or the regulations; and upon receipt of an application the minister or the person designated by him may issue a licence to the applicant.

**Insurance required**

**2(4)** The minister shall not issue a licence to a person to apply a pesticide or fertilizer, or to transport manure or apply it to land, unless the person produces evidence satisfactory to the minister that he or she has a valid and subsisting liability insurance policy in an amount acceptable to the minister.

**Regulations**

**8** For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations and orders :

- (k) prescribing the manner in which pesticides or fertilizers may be stored;
- (l) prescribing the manner in which pesticides or fertilizers are to be transported;
- (m) prescribing the manner in which pesticides, fertilizers and their containers may be disposed of;

**Supporting sections from the regulation:**

**Section (2): provides requirements with respect to licence fee, expiration date and other requirements.**

**Restrictions on displaying products containing capsaicin**

**5.1(1)** The holder of a pesticide dealer licence (a) must not display, shelve or store a pesticide containing capsaicin in a place where the public has access to the pesticide without the intervention of an employee of the licence holder; and (b) must ensure that every person wishing to buy a pesticide containing capsaicin in a retail sale at the licence holder's place of business is required to ask for the pesticide from the licence holder or

		<p>one of his or her employees.</p> <p><b>Disposal of pesticides and containers</b>  <b>(7)</b> A person who uses, applies or possesses a pesticide must comply with The Environment Act, The Public Health Act and the regulations under those Acts when he or she disposes of the pesticide container and any unused pesticide.</p>
<p>The Planning Act[ C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>Some of the supporting Sections from the Act:</b>  <b>section 1</b> : development is:  (y) The construction of a building on, over or under land;  (z) A change in the use or intensity of use of a building;  <b>(aa) The removal of soil or vegetation from land; and</b>  (bb) The deposit or stockpiling of soil or material on land and the excavation of land.</p> <p><b>Contents of zoning by-law</b>  <b>71(3)</b> Without limiting the generality of subsection (2), a zoning by-law may contain provisions prohibiting or regulating any of the following:  (a) the use of land;  (b) the construction or use of buildings;  <b>(g) the cutting and removal of trees or vegetation;</b></p>
		<p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b>  <b>Development plans</b>  <b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.  <b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT</b>  <b>GOAL</b>  To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.  <b>POLICIES</b>  1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:  a) addressing the needs of persons with disabilities, by meeting standards for universal design;  b) conserving or maximizing efficiencies of natural resources, including energy and water;  c) minimizing contributions of harmful emissions, including greenhouse gases;  d) supporting the use of renewable and alternative energy sources;  <b>e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and erosion control;</b>  f) minimizing and mitigating conflicts between humans and wildlife;</p>

**The Public Health Act  
[ C.C.S.M c. P210]**

The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.

**Some of the supporting Section from the Public Health Act:**

**Health hazard order — inspector or health officer**

**24(2)** An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that

- (a) a health hazard exists or might exist
  - (i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,
  - (ii) because of a failure or suspected failure to comply with a regulation made under this Act,
  - (iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or
  - (iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and
- (b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.

**To whom order may be directed**

**25** A health hazard order may be directed to one or more of the following:

- (a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;
- (b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;
- (c) a person who is engaged in or carries out a business, activity or process;
- (d) any other person or member of a class of persons specified in the regulations.

**Some of the supporting sections from the Protection Of Water Sources Regulation:**

**Prohibitions**

**2(1)** No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.

**2(2)** No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.

**2(3)** Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).

**-Protection of Water  
Sources Regulation  
[326/88 R]**

**The Dangerous Goods  
Handling and  
Transportation Act[D12]**

The Act provides a framework for transportation of dangerous

**Supporting Sections from the Act:**

**3.** No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations. 8(1)No person shall handle licensable hazardous wastes unless that

<p>-Classification Criteria for Products, Substances and Organisms Regulation (282/87)</p>	<p>goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p>person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>Supporting Sections from the regulation:</b></p> <p><b>Important Notice:</b></p> <p><u>Section 2.1</u> of the <u>Classification Criteria For Products, Substances And Organisms Regulation</u> should be checked to find the hazardous waste criteria according to this regulation. If the waste is not categorized under the mentioned criteria, it is considered to be non-hazardous waste.</p>
<p>Water Rights Act (W80)</p> <p>- Water Rights Regulation (126/87)</p>	<p>The Water Rights Act sets out a framework for certain construction or operation activities that can affect water bodies in Manitoba.</p>	<p><b>Prohibition against use of water</b></p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p>Each fee prescribed under subsection (1) in respect of a licence shall be paid by the applicant for the licence upon submitting the licence application, and in the case of a licence to divert water, the additional fee for each year shall be paid by the applicant by January 31 of the next ensuing year.</p> <p>4(1) An application for a licence or permit under the Act shall include all plans, documents, information and particulars specified in the applicable application form.</p>
<p>The Water Resources</p>	<p>The Act sets out</p>	<p><b>Supporting Sections from the Act:</b></p>

**Administration Act (W70)**

requirements for the construction activities that might affect water bodies.

**- Designated Reservoir Area Regulation (22/88R)**

**Some of the supporting sections from the Act:**

16(7) Where a building, structure, or erection is built, constructed, or erected or brought on or within a designated reservoir area in contravention of any provision of this section, or is occupied or maintained contrary to any provision of this section, or where a building, structure, or erection that is or is proposed to be built, constructed, erected or brought on or within a designated reservoir area under permit issued under this section, does not comply with the terms and conditions of the permit, the minister may order the building, structure, or erection to be removed from the designated reservoir area, and if the owner thereof does not remove it within the time specified in the order, the minister may cause it to be removed from the designated reservoir area, and the costs of such removal may be charged against and collected from the owner thereof.

**Prohibitions within designated flood areas**

17(1) No person shall

(a) build, construct, erect, or bring any building, structure, or erection other than a fence on or within a designated flood area; or

(b) make any addition to or reconstruct any building, structure, or erection other than a fence within a designated flood area;

except under the authority of a two-stage permit issued under subsection (3).

**Further prohibitions**

17(2) No person shall occupy or maintain any building, structure, or erection that was built, constructed, erected or reconstructed, or to which an addition was made contrary to subsection (1) or that does not comply with the terms and conditions of a two-stage permit issued under subsection (3).

**Supporting Sections from the Regulation:**

**Notice of compliance**

11 After completing an inspection under section 17(10.1) of the Act, an inspector shall issue a written notice, in a form approved by the minister, to the permit holder and the appropriate municipal authority indicating whether, in the professional opinion of the inspector, the structure inspected complies with the relevant floodproofing criteria outlined in this regulation.

**Activity : Vegetation Management**

**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p><b>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</b></p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 22: Flow Limits:</b></p> <p>(35) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.</p> <p>(36) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.</p> <p>(37) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the</p>

		<p>regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p><b>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</b></p> <p><b>-Navigable waters works regulations ( C.R.C., C. 1233)</b></p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the throwing or depositing of any material into navigable waters.</li> </ul>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p><b>Canada National Parks Act [S.C. 2000, c.32]</b></p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the</p>

**-National Historic Park  
General Regulation [  
SOR/82-263]**

environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12.** (1) The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(38) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Migratory Birds Convention Act [S.C. 1994 , C22)</p> <p>-Migratory Birds Regulations ( C.R.C., 1035)</p>	<p>The purpose of the act is to protect migratory birds in Canada. Excessive test water discharge rate or volumes could result in flooding of waterfowl nests, aquatic furbearer dens or a reduction in aquatic habitat. Aquatic furbearers, waterfowls, and their habitat could also be adversely affected by the discharge of test water that contains containments toxic to aquatic flora or fauna.</p>	<p><b>Some of the supporting Sections from the Migratory Birds Convention Act:</b></p> <p><b>Prohibition :5.1</b> (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds</p> <p><b>Some of the supporting sections from the Migratory Birds Regulations:</b></p> <p><b>4(1)</b> the Minister may issue any permit referred to in Schedule II, and may set out in the permit conditions respecting:</p> <ul style="list-style-type: none"> <li>(g) The species of migratory birds, the periods and areas;</li> <li>(h) Any other matter for the conservation of migratory birds</li> </ul> <p><b>GENERAL PROHIBITIONS</b></p> <p><b>5.(1)</b> No person shall hunt a migratory bird except under authority of a permit thereof.</p>
<p>Pest control products act (S.C. 2002, c.28)</p>	<p>The Pest Control Products Act (PCPA) is designed to protect human health and safety and the environment by regulating products used for the control of pests. A "pest control product" includes active ingredients, formulants and contaminants. The new PCPA authorizes the</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p>6.(1) No person shall manufacture, possess, handle, store, transport, import, distribute or use a pest control product that is not registered under this Act, except as otherwise authorized under subsection 21(5) or 41(1), any of sections 53 to 59 or the regulations.</p> <p>(5) No person shall handle, store, transport, use or dispose of a pest control product in a way that is inconsistent with (a) the regulations; or (b) if the product is registered, the directions on the label recorded in the Register, subject to the regulations.</p> <p><b>11.</b> (1) The health risks associated with maximum residue limits specified by the Minister under sections 9 and 10 must be considered to be acceptable by the Minister.</p> <p><b>13.</b> An application for registration of a pest control product: a person who makes an application under subsection 10(2)</p>

<p>- Pest Control Products Incident Reporting Regulations (SOR/2006-260)</p> <p>- List of Pest Control Product Formulates and Contaminants of Health or Environmental Concern (SI 2005/114)</p>	<p>Minister of Health to establish and maintain a list of formulants and contaminants that the Minister considers to be of concern.</p>	<p>or a registrant shall report any prescribed information that relates to the health or environmental risks or the value of the pest control product to the Minister within the prescribed time and in the form and manner directed by the Minister.</p> <p><b>Some of the supporting sections from the Pest Control Products Incident Reporting Regulations:</b></p> <p><b>2.</b> Incidents are classified, according to the subject of the exposure to the pest control product and the degree of severity of their effects, into the following categories: (a) in the case of a human being, (b) in the case of a domestic animal, (c) in the case of the environment,</p> <p><b>7.</b> Every registrant and applicant must file with the Minister, in accordance with the time limits specified in sections 10 to 14, a complete and accurate report of any information set out in subsection 3(1) that they receive about an incident that occurs in Canada, in accordance with the categories described in paragraphs 2(a) to (e).</p> <p><b>DANGEROUS SITUATIONS: 16.</b> Every registrant must provide the Minister with all information set out in subsection 3(1) that they receive and that has not already been reported, within 24 hours after the Minister requests it for the purpose of responding to a situation that endangers human or domestic animal health or the environment.</p> <p><b>Some of the supporting sections from the List of Pest Control Product Formulates and Contaminants of Health or Environmental Concern:</b></p> <p>- <b>List of Pest Control Product Formulates and Contaminants of Health or Environmental Concern:</b> To increase transparency in the regulatory system for pesticides, Health Canada's Pest Management Regulatory Agency (PMRA) is establishing a list of Pest Control Product Formulants and Contaminants of Health or Environmental Concern (referred to hereafter as the "List"). In accordance with the new PCPA, the identity and concentration in a pest control product of a formulant or contaminant on the List are not considered as confidential business information. This means the public will be able to have access to information on the identity and concentration of substances on the List.</p>
<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife. The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(39) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p><b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p><b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>

that are at risk.

## *Some of the Applicable Guidelines & Codes of Practice*

- Pesticide Application Requirements for Manitoba Hydro Employees and Contractors, Corporate workplace safety and Health Division, Publication Number 0004/05. 2008
- Training Catalogue, Corporate workplace safety and Health Division, Publication Number 0120/11R, 2011
- Workplace Hazardous Materials Information System in Manitoba Hydro, Corporate workplace safety and Health Division, Publication Number 0076/11R, 2011
- Vegetation Management on Distribution Rights-of-Way, Corporate Policy P352
- Pesticide Application requirements for Manitoba Hydro Employees and Contractors, Corporate Safety and Health Division, 2008
- Corporate Policy (P352), Vegetation Management on Distribution Rights-of-Way, Customer Service Operations Division Manager-South Region
- For further information with respect to the process of getting easement, or license of occupation as required by the Crown Lands Act, refer to Lands Branch website of Manitoba Conservation. Or, contact the Property Department, Corporate Services Division.
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements.
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

**For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”

**Important eForms with respect to reporting spills:**

- Hazardous Material Incident Report (eForm H2875)
- Activation of Spill Plan/Exercise (eForm 285)

Activity : Vehicle maintenance; fueling vehicles, (including in field transportation), and vehicle oil changes

Activity's significance: Medium

Related Acts &  
Regulations

General Description  
of the Act

Supporting Sections

Provincial

The Environment  
Act[C.C.S.M. c. E125]

The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.

**Some of the supporting sections from the Act:**

**Environmental protection order**

24(1)If the director believes that

- (a) a pollutant may be released, is being released, or has been released; and
- (b) the release may cause, is causing or has caused an adverse effect on the environment;

the director may issue an environmental protection order against a person responsible for the pollutant.

**Duty to report release**

30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to

- (a) the director;
- (b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and
- (c) any other person who the person reporting knows or ought to know may be directly affected by the release.

**Reporting by person responsible for pollutant**

30.1(4) A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.

**No release of pollutants in excess of limits**

30.2 No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.

<p><b>-Notice and Reporting Regulation (C.C.S.M. c. E125)</b></p>		<p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Dangerous Goods Handling and Transportation Act[D12]</b></p> <p><b>- Environmental accident reporting regulation(439/87)</b></p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>3.</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.</p> <p><b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>13.</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;</p> <p><b>Supporting Sections from the Environmental accident reporting regulation:</b></p> <p>Reporting of environmental accidents 3(1) A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.</p>

<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Manitoba Hydro Act [ H190]</p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p>

<p>-Manitoba Electrical Code (73/2009)</p>	<p>in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <ul style="list-style-type: none"> <li>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</li> <li>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</li> <li>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</li> </ul> <p><b>Supporting Sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p>The Public Health Act [ C.C.S.M c. P210]</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that</p> <ul style="list-style-type: none"> <li>(a) a health hazard exists or might exist <ul style="list-style-type: none"> <li>(i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,</li> <li>(ii) because of a failure or suspected failure to comply with a regulation made under this Act,</li> <li>(iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or</li> <li>(iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and</li> </ul> </li> <li>(b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</li> </ul> <p><b>To whom order may be directed</b></p> <p><b>25</b> A health hazard order may be directed to one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;</li> <li>(b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;</li> </ul>

<p><b>-Protection of Water Sources Regulation</b> [326/88 R]</p>		<p>(c) a person who is engaged in or carries out a business, activity or process; (d) any other person or member of a class of persons specified in the regulations.</p> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p> <p><b>Prohibitions</b></p> <p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p><b>The Water Rights Act</b> [W80]</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Issue of licences</p> <p><b>5(1)</b> Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p> <p>(a) the use or diversion of water for any purpose; or</p> <p>(b) the construction, establishment, operation or maintenance of works for any purpose; or</p> <p>(c) the control of water and the construction, establishment, operation or maintenance of water control works.</p>

<p>-Water Rights Regulation (126/87)</p>		<p><b>Some of the supporting Sections from the Regulation:</b></p> <p>(2) every application for a licence or permit under the Act shall be made in writing on a form approved by the minister.</p> <p>3(1) each fee set out in schedule B is the fee payable in respect of the license set out and described opposite thereto in the schedule.</p>
<p>The Water Resources Administration Act (W70)</p> <p>-Designated Reservoir Area Regulation (22/88R)</p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Removal of unauthorized works or water control works</p> <p>4(1) Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <p>(a) to cease using or diverting the water; or</p> <p>(b) to remove the works or water control works; or</p> <p>(b.1) to cease controlling the water; or</p> <p>(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;</p> <p>as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>The regulation provides a list of reservoir in Manitoba close to which operations are restricted.</b></p>



**Activity: Vehicle maintenance; fueling vehicles, (including in field transport), and vehicle oil changes.**

**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p>	<p>The Act ensures a balance between the public right to navigate and the need to build</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without</p>

**-Navigable waters works regulations ( C.R.C., C. 1233)**

works such as bridges, dams or docks in navigable waters. The NWPA:

- prohibits construction in navigable waters
- regulates the removal of wreck and other obstacles to navigation and
- prohibits the throwing or depositing of any material into navigable waters.

If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.

meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.

9. (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.

**Some of the supporting Sections from the Navigable waters works regulations:**

**EQUIPMENT AND DEBRIS 5.** No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.

6. Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.

**The National Fire Code of Canada, 2010**

The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and

4.1.6 A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.

4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.

4.1.8.1 Containers and storage tanks shall not be filled beyond their safe filling level.

4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.

	sustainable protection of buildings.	
<p>Canada National Parks Act [S.C. 2000, c.32]</p> <p>-National Historic Park General Regulation (SOR/82-263)</p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.</p> <p><b>Expenses of clean-up (3)</b> A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.</p> <p><b>Some of the Supporting Sections from the National Historic Park General Regulation:</b></p> <p><b>7 Use of Water Resources:</b> No person shall pollute any watercourse in a Park.</p> <p><b>12 RESTRICTED AREAS AND ACTIVITIES 12. (1)</b> The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.</p> <p>(40) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.</p>

## *Some of the Applicable Guidelines & Codes of Practice*

- Province of Manitoba vehicle inspection handbook
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

**Activity : Blasting, Drilling/Boring and Rock Excavation, Quarrying**  
**Activities Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Mines and Minerals Act</b> [C.C.S.M c. M162]</p> <p><b>-Quarry Minerals Regulation(65/92)</b></p>	<p>The purpose of the Act is to provide a legal framework for the administration of mines and minerals in Manitoba. The Act is applicable to borrow pits and commercial quarries.</p>	<p><b>some of the supporting sections from the Act:</b></p> <p><b>14(7)</b> subject to section 128.1 the director may, upon such terms and conditions as the director may stipulate, including the payment of prescribed royalties and a rehabilitation levy under subsection 200(10), issue a quarry permit for the removal of quarry mineral from Crown mineral land in respect of which an order is made under subsection (1).</p> <p><b>18(4)</b> whereas certificate of a mineral disposition, mineral lease or quarry lease is lost or destroyed, the recorder shall, upon receipt of statutory declaration from the holder affirming the loss or destruction, issue a certified copy of the certificate.</p> <p><b>52(2)</b> The holder of a mineral exploration licence has exclusive right to explore for Crown minerals, other than quarry minerals, within the boundaries of the area covered by the licence extended downward vertically on all sides, excepting mineral rights contained in a claim or mineral lease staked or acquired prior to the effective date of the licence.</p> <p><b>128(3)</b> the holder of a quarry permit or a quarry lease in respect of a quarry lease in respect of a quarry other than aggregate quarry shall, in accordance with the regulations, submit a closure plan acceptable to the director.</p> <p><b>Some of the supporting sections from the Quarry Minerals Regulation:</b></p> <p><b>PART 1: GENERAL, PART 2: QUARRY PERMITS, PART 3: QUARRY LEASE, PART 4: SURFACE LEASE, PART 5: OPERATION AND REHABILITATION OF QUARRIES, PART 6: REPEAL AND COMING INTO FORCE.</b></p>
<p><b>The Environment Act</b>[C.C.S.M. c. E125]</p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that            (a) a pollutant may be released, is being released, or has been released; and            (b) the release may cause, is causing or has caused an adverse effect on the environment;            the director may issue an environmental protection order against a person responsible for the pollutant.</p>

<p><b>-Notice and Reporting Regulation (C.C.S.M. c. E125)</b></p>	<p>such a manner as to sustain a high quality of life.</p>	<p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to</p> <ul style="list-style-type: none"> <li>(a) the director;</li> <li>(b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and</li> <li>(c) any other person who the person reporting knows or ought to know may be directly affected by the release.</li> </ul> <p><b>Reporting by person responsible for pollutant</b></p> <p><b>30.1(4)</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p><b>30.2</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p> <p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Endangered Species Act[E111]</b></p>	<p>The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition: 10(1) No person shall</b></p> <ul style="list-style-type: none"> <li>(a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;</li> <li>(b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or</li> </ul>

<p>- Threatened, Endangered and Extirpated Species Regulation(25/98)</p>	<p>Species listed under each designation are recommended by the Endangered Species Advisory Committee. The Wildlife Branch is responsible for the Act's administration.</p>	<p>(c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.</p> <p>Permits by minister: 11(1) A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to</p> <p>(a) kill, take, collect or capture; or</p> <p>(b) collect or capture and hold alive;</p> <p>members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of endangered, threatened or extirpated species.</p> <p><b>Exemption of developments: 12(1)</b></p> <p>The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that</p> <p>(a) protection and preservation of the species or the habitat is assured; or</p> <p>(b) appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an endangered or threatened species or upon a habitat of an endangered or threatened species.</p> <p><b><u>Some of the supporting sections from the regulation:</u></b></p> <p><b><u>Threatened, Endangered and Extirpated Species Regulation:</u></b></p> <p>The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.</p>		
<p>The Fires Prevention and Emergency Response Act[ F80]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <table border="1" data-bbox="835 1166 1921 1271"> <tr> <td data-bbox="835 1166 905 1271"> <p>s. 2(3)</p> </td> <td data-bbox="905 1166 1921 1271"> <p>(g) issue directives about how to dispose of combustibles and explosive materials or other things that may constitute a fire menace; and</p> </td> </tr> </table>	<p>s. 2(3)</p>	<p>(g) issue directives about how to dispose of combustibles and explosive materials or other things that may constitute a fire menace; and</p>
<p>s. 2(3)</p>	<p>(g) issue directives about how to dispose of combustibles and explosive materials or other things that may constitute a fire menace; and</p>			

**-Manitoba Fire Code  
(216/2006)**

where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.

s. 11	(c) eliminate ignition sources and remove combustible or explosive material or anything that may constitute a fire menace, and dispose of that material or thing in accordance with any directives issued by the fire commissioner under clause 2(3)(g);
s. 12	(i) remove buildings, structures, combustible or explosive material or any other thing that may constitute a fire hazard from the land or premises,
s. 46	(c) regulating the manufacture, storage, carriage, sale and disposal of combustible, explosive or flammable material;

**Local authority must comply with directions**

**5(3)** At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.

**20.** Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the *Manitoba Fire Code* as it is prescribed for the part for the province in which the local authority is situated.

**22(1)** Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.

**Supporting sections from the Manitoba Fire Code:**

**4.1.6** A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.

**4.1.8.1** Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.

<p>The gas pipeline act [ C.C.S.M. c G50]</p> <p>-Gas pipeline Excavation Regulation (140/92)</p>	<p>The purpose of the Act is to provide a framework for gas distribution systems within the province of Manitoba.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>Authority for construction or operation of gas pipe lines :3(1)</b> Notwithstanding any provision of any other Act, but subject as herein provided, no person shall construct or operate a gas pipe line in the province unless authorized so to do by an order of the board; but this subsection does not apply to the operation of a gas pipe line constructed or under construction on April 23, 1956.</p> <p><b>Alteration to be approved: 9(1)</b> No person authorized to construct or operate a gas pipe line shall make any alteration, addition, or extension to the gas pipe line as authorized, or to any other pipe line connected therewith, except for maintenance, unless the alteration, addition, or extension, is authorized by order of the board; and this Part applies, with such modifications as the circumstances require, to all such alterations, additions, and extensions.</p> <p><b>Supporting sections from the Regulation:</b></p> <p><b>Notice of proposed excavation required 2</b> No person shall make an excavation with any mechanical equipment or explosive (a) anywhere within the limits of an incorporated city, town or village in which there is a gas distribution system operated by a gas utility under a franchise granted by the city, town or village or by an Act of the Legislature; (b) within the limits of a highway or road allowance that is within the boundaries of a franchise for the distribution of gas held by a gas utility; (c) within or adjacent to the right-of-way of a gas pipe line; or (d) in any location (i) that is in the immediate vicinity of a building supplied with gas by a distribution system, or (ii) in which the person knows, or has reason to suspect, that there may be a gas pipe line; unless the person, before making the excavation, has given notice thereof to the gas utility holding the franchise or operating the distribution system or pipe line, as the case may be, or to a person authorized by the gas utility to receive such a notice on its behalf, and the notice shall contain such information about the location of the proposed excavation as the gas utility may require.</p>
<p>-The Heritage Resources Act [ C.C.S.M. C. H39.1]</p> <p>- Heritage Resources Forms Regulation (99/86)</p>	<p>The Heritage Resources Act, providing for the conservation and protection of Manitoba's cultural heritage, and it was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include: -Provision for impact</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Heritage permit required</b></p> <p>14(1) No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit.</p> <p><b>Supporting sections from the Heritage Resource Form Regulation:</b> The regulation provides a list of forms and permits that must be obtained to work close to Heritage sites.</p>

	<p>assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;</p> <ul style="list-style-type: none"> <li>-A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;</li> <li>-stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;</li> <li>-new protection for heritage objects; and</li> <li>-new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.</li> </ul>	
<p><b>The Highway and Transportation Act [H40]</b></p>	<p>The Act controls the construction activities and erection of structures along certain highways to protect the safety of the public.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Control of departmental roads</b></p> <p><b>8(1)</b> Notwithstanding anything to the contrary in or any other Act of the Legislature, but subject to subsection (2), the jurisdiction over, and the control and possession of, every departmental road are vested in the government; and upon a highway within a municipality becoming a provincial trunk highway or a provincial road or an industrial road, the municipality is thereupon relieved of the responsibility of maintaining and repairing it.</p> <p>Responsibility of municipality</p> <p><b>8(2)</b> A municipality in which a provincial trunk highway, a provincial road or an industrial road, or any part thereof, is situated is responsible for maintaining and repairing any sidewalks, poles, sewers, waterworks or other municipal works of a like nature, constructed or in the course of construction by the municipality on, over, or under, the highway.</p>

<p>-Highway and Transportation Department Permit Application Fees Regulation(477/88)</p>		<p>Materials, structures, etc., on departmental roads</p> <p>8(3) No person shall</p> <p>(a) place any material or cause any material to be placed; or</p> <p>(b) carry out, build, construct, reconstruct, establish or place any works, structures, fixtures, or improvements of any kind, or cause any works, structures, fixtures or improvements of any kind to be carried out, built, constructed, reconstructed, established or placed; or</p> <p>(c) place or erect any sign, signboard or advertising device, or cause any sign, signboard or advertising device to be placed; or</p> <p>(d) plant or place any tree, shrub, bush, brush, hedge, or other object or cause any tree, shrub, bush, brush, hedge, or other object to be planted or placed; or</p> <p>(e) abandon any vehicle or equipment; or</p> <p>(f) discharge water or other liquid materials into a ditch;</p> <p>on a departmental road, except with the minister's permission or in accordance with this Act or the regulations. The minister may impose on permission he or she gives any conditions that he or she considers appropriate.</p> <p><b>Supporting Sections from the regulation:</b></p> <p><b>Order for removal</b></p> <p><b>8(7)</b> The justice by whom a person is convicted of an offence for contravening subsection (3) may, upon application of the Crown made either at the trial or within 30 days thereafter, order the person convicted to remove the thing in respect of which he or she is convicted from the highway within a time specified in the order.</p>
<p>The Manitoba Hydro Act [ H190]</p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <p>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</p> <p>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</p> <p>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</p>

<p>-Manitoba Electrical Code (73/2009)</p>		<p><b>Supporting sections from the order:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p>The Planning Act[ C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>section 1</b> : development is:</p> <ul style="list-style-type: none"> <li>(cc) The construction of a building on, over or under land;</li> <li>(dd) A change in the use or intensity of use of a building;</li> <li>(ee) The removal of soil or vegetation from land; and</li> <li>(ff) The deposit or stockpiling of soil or material on land and the excavation of land.</li> </ul> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b></p> <p><b>Development plans</b></p> <p><b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.</p> <p><b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL</b></p> <p>To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.</p> <p><b>POLICIES</b></p> <p>1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:</p> <ul style="list-style-type: none"> <li>a) addressing the needs of persons with disabilities, by meeting standards for universal design;</li> <li>b) conserving or maximizing efficiencies of natural resources, including energy and water;</li> <li>c) minimizing contributions of harmful emissions, including greenhouse gases;</li> <li>d) supporting the use of renewable and alternative energy sources;</li> <li>e) minimizing soil nutrients being lost through strategies such as stormwater retention and</li> </ul>

		<p>treatment, and <i>erosion</i> control;</p> <p>f) minimizing and mitigating conflicts between humans and wildlife;</p> <p><b>5.1.1 Water bodies, groundwater and riparian areas</b> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>
<p><b>The Provincial Parks Act</b> [ C.C.S.M. c P20]</p> <p><b>- Parks Activities Regulations[102/2009]</b></p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;</p> <p>(b) to preserve unique and representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b></p> <p><b>Restrictions on use</b></p> <p>7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in</p> <p>(a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or</p> <p>(b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b></p> <p>2 This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.</p> <p>4 A person who enters a provincial park shall comply with</p> <p>(a) any lawful orders and instructions made or issued by an officer under this regulation; and</p> <p>(b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12 )</b>Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b></p> <p>14 No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p><b>The Water Rights Act</b> [W80]</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p>Prohibition against use of water</p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p>

<p>-Water Rights Regulation (126/87)</p>		<p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Issue of licences</b></p> <p>5(1) Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p> <p>(a) the use or diversion of water for any purpose; or</p> <p>(b) the construction, establishment, operation or maintenance of works for any purpose; or</p> <p>(c) the control of water and the construction, establishment, operation or maintenance of water control works.</p>
<p>The Water Resources Administration Act (W70)</p> <p>-Designated Reservoir Area Regulation (22/88R)</p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Removal of unauthorized works or water control works</b></p> <p>4(1) Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <p>(a) to cease using or diverting the water; or</p> <p>(b) to remove the works or water control works; or</p> <p>(b.1) to cease controlling the water; or</p> <p>(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;</p> <p>as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>The regulation provides a list of reservoir in Manitoba close to which operations are restricted.</b></p>

The Wildlife Act [ C.C.S.M  
c. W130]

-Use of wildlife land  
regulation (77/99)

The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.

**Some of the supporting Sections from the Act:**

**50(1) Destruction of habitat:** No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.

**50(2) Action for damages to habitat:** The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend for rehabilitation of the habitat to a state approved by the minister.

**Some of the supporting sections from the use of wildlife land regulation:**

**7(1) Prohibition** Except as otherwise provided in this regulation, no person shall, in a wildlife management area:

- (a) grade, gravel or clear a road or trail;
- (b) install or modify a stream crossing;
- (c) drain, dyke, or block a manmade or natural waterway or wetland;

**Activity : Blasting, Drilling/Boring and Rock Excavation, Quarrying**

**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p>Explosives Act (R.S.C., 1985, c. E-17)</p> <p>-Explosives Regulation (c.599)</p>	<p>The purpose of the Explosives Act is to regulate manufacture, possession, use, sale, transport (import, export) of explosives.</p>	<p><b>Some of the supporting sections from the Act:</b>  <b>PROHIBITED ACTIVITIES INTERDICTIONS</b>  <b>6.</b> Except as authorized under this Act and subject to such exemptions as may be provided by regulation, no person shall  <b>(a)</b> make or manufacture explosives either wholly or in part except in a licensed factory;  <b>(b)</b> sell any authorized explosive unless that person is the operator of a licensed factory or licensed magazine and is authorized to sell explosives;  <b>(c)</b> store any explosive in a magazine that is not a licensed magazine;  <b>(d)</b> have in his possession any explosive; or  <b>(e)</b> carry on, except in a licensed factory, any of the following processes, namely,  <b>(i)</b> dividing into its component parts, or otherwise breaking up or unmaking, any explosive,</p> <p><b>Some of the supporting sections from the regulation:</b>  <b>LICENCES AND PERMITS</b>  <b>7. (1)</b> The Minister may issue  <b>(a)</b> licences for factories and magazines;  <b>(b)</b> permits for vehicles used for the transportation of explosives; and  <b>(c)</b> certificates for carrying out, on an occasional and temporary basis, activities relating to the manufacture, testing or storage of explosives or the use of fireworks or the training of persons in the use of fireworks.</p> <p><b>Some Of The Supporting Sections From The Regulation:</b>  The explosives regulation provides a classification of explosives. According to <b>section 124</b> ,  <b>124.</b> No person shall keep any explosive, other than one belonging to division 1 of class 6 (ammunition), on the same premises where explosives of class 7 (Fireworks) are kept.  <b>Part VI</b> of the regulation provides requirements for transportation by road and private railway.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>  <b>(41)</b> At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>	<p>Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p>required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.</p> <p>(42) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.</p> <p>(43) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p>

<p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>-prohibits construction in navigable waters</p> <p>-regulates the removal of wreck and other obstacles to navigation and</p> <p>-prohibits the throwing or depositing of any material into navigable waters.</p>	<p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p>	<p>The Canada National Parks Act applies to all national parks and national marine</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p>

-National Historic Park  
General Regulation [SOR/82-263]

parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance."

**32. (1)** Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.

**Powers of superintendent and Minister (2)** If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.

**Expenses of clean-up (3)** A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12.** (1) The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(44) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609]</p>	<p>The purpose of the Act is to provide a framework for the establishment, management and protection of wildlife areas, and for the conservation of wildlife. The Wildlife Area Regulation prohibits activities that are harmful to species and to their habitat, unless a permit issued indicating the permitted activity.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(45) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p>3. (1) Subject to subsection (2), no person shall, in any wildlife area, (m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p>4. <b>Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>
<p>The Species at Risk Act [ S.C., 2002, c.29]</p> <p>-Order Acknowledge Receipt of The Assessments Done Pursuant To Subsection 23(1) of the Act ( SI/2007-57, May 16 2007; and SI/2008-70 June 25 2008)</p>	<p>The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General Prohibitions:</b></p> <p>32. (1) No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.</p> <p>58. (1) Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if</p> <p>(a) the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;</p> <p>(b) the listed species is an aquatic species; or</p> <p>(c) the listed species is a species of migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i>.</p> <p><b>Some of the supporting sections from the order:</b></p> <p><b>AGREEMENTS AND PERMITS</b></p> <p>73. (1) The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.</p> <p>- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act</p> <p>Some of the species that are identified in this order exist in Manitoba, which make them be of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.</p>

Some of these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and recovery of species.

## *Some of the Applicable Guidelines & Codes of Practice*

- Environmental protection guidelines for construction, operation, and decommissioning. Manitoba Hydro work sites and facilities. 2007
- Transportation, Storage, and Handling of Explosives. Workplace Environment Department. Publication Number: 0016/10R, 2010
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- CSA Z662-11, CSA Standards Oil and Gas Pipeline Systems, 2011, Canadian Standards Association.
- Guidelines for excavation of cables by water pressure/vacuum systems (Hydro-Vac), Corporate Safety and Health Division, Publication # 0065/07R, 2008
- Guidelines for Excavation Work, Corporate Safety and Health Division, Publication #0002/05, 2009
- Directional Boring Guidelines, Corporate Safety and Health Division, Publication # 0086/06, 2009
- Safe Excavation & Safety Watch Guidelines, Manitoba Hydro
- Directional Boring Guidelines, Corporate Safety and Health Division, Publication # 0086/06, 2009

- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

**Activity : Generation, Storage and Handling of Hazardous Waste**  
**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p>The Dangerous Goods Handling and Transportation Act [D12]</p> <p>-Dangerous goods handling and transportation regulation(955/2003)</p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Some of the Supporting Sections from the Act:</b></p> <p><b>3</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations. <b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>(13)</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants.</p> <p><b>Some of the supporting sections from the Dangerous Goods Handling And Transportation Regulation(955/2003):</b></p> <p><b>Important Notice: As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b></p> <p><b>4.1</b> Requirements for Dangerous Goods Safety Marks. <b>4.4</b> Consignor Responsibilities. <b>4.5</b> Carrier Responsibilities. <b>5.1</b> Selecting and Using Means of Containment. <b>5.4</b> Loading and Securing. <b>6.1</b> Training Certificate Requirements. <b>7.1</b> Requirement for an Emergency Response Assistance Plan (ERAP). <b>8.</b> Accidental release and imminent accidental release report requirements. <b>8.1</b> Immediate Reporting.</p>

**-Dangerous Goods Handling and Transportation Fees Regulation (164/2001)**

**- Environmental accident reporting regulation(439/87)**

**- Generator registration and carrier licensing regulation(175/87)**

**Manifest Regulation (139/88)**

**Supporting Sections from Dangerous Goods Handling and Transportation Fees Regulation:**

**Fee for license or permit (2)** A person who applies for or obtains a license or permit that subsection 8(3) or (4) of the Act requires the person to have shall pay a fee of \$250. Fee for order (3 )A person who applies for or obtains an order under section 13 of the Act shall pay a fee of \$250.

**Supporting Sections from the Environmental accident reporting regulation:**

**Reporting of environmental accidents 3(1)** A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant;(e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation:**

**3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.

**4(2)** An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.

**Some of the Supporting Sections from the Manifest Regulation (139/88):**

**Obtaining manifest forms:**

**3(1)** A carrier of hazardous waste (a) may obtain blank intact manifests from the department or a designated alternate;

**5.** No carrier shall permit hazardous waste to pass from the carrier's custody or control except from (a) by delivering the waste (i) to a consignee registered with the department for that type of hazardous waste,(ii) in case of non-acceptance of hazardous waste by the consignee, to the consignor from which the hazardous waste originated, (iii) to a second carrier who is in possession of a valid and subsisting license under subsection 8(2) of the Act, or (iv) to another person designated by an environment officer;

<p>- PCB Storage Site Regulation (474/88)</p>		<p><b>6.1(1)</b> Transport or transfer by single consignor Multiple pickups within Manitoba</p> <p><b>7(1)</b> Every carrier who collects hazardous waste from more than one consignor and intends to transport or transfer the waste in one load within Manitoba and list the waste of more than one consignor on the same manifest shall (a) prior to the first collection, complete part B of the manifest; and (b) obtain a waste multiple pickup record from the department or a designated alternate and ensure that each consignor completes and signs it at the time of collection.</p> <p>Manifest discrepancy 11(1) Where a consignee refuses to accept a consignment of hazardous waste from a carrier because of a manifest discrepancy, (a) the carrier shall notify the department immediately by telephone of the refusal and the discrepancy; and (b) the consignee shall note the reason for refusal on the manifest, retain copy 5 for at least two years, and return copies 3, 4 and 6 to the carrier.</p> <p><b>Highlights from the PCB Storage Site Regulation(474/88):</b></p> <p><b>Important Notice: As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b></p> <p><b>(3) PCB waste at storage sites only</b>  <b>(5) Requirements for all storage sites</b>  <b>(8) Maintenance and inspection</b>  <b>(9) Labeling requirements</b>  <b>(10) Information to be provided</b>  <b>(11) Maintenance of books and records</b>  <b>(12) Reporting requirements</b>  <b>(13) New storage sites</b>  <b>(14) No disposal without authorization.</b></p>
<p>The Environment Act[C.C.S.M. c. E125]</p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that  (a) a pollutant may be released, is being released, or has been released; and  (b) the release may cause, is causing or has caused an adverse effect on the environment;  the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to  (a) the director;</p>

<p><b>-Notice and Reporting Regulation (E125)</b></p>		<p>(b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and</p> <p>(c) any other person who the person reporting knows or ought to know may be directly affected by the release.</p> <p><b>Reporting by person responsible for pollutant</b></p> <p><b>30.1(4)</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p><b>30.2</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p> <p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <p>(a) the location and time of the release;</p> <p>(b) the name and telephone number of the person reporting the release;</p> <p>(c) a brief description of the circumstances of the release and its status at the time of the report;</p> <p>(d) the identity and quantity, if known, of the pollutant released;</p> <p>(e) the action that the person making the report has taken or intends to take with respect to the release.</p> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Apprenticeship and Trades Qualifications Act (C.C.S.M. c. A110)</b></p>	<p>The purpose of the act is to develop objectives, standards and requirements for apprenticeship training, and to monitor and assess practical experience offered by employers in designated trades and technical training provided in those trades in Manitoba. The trade of insulator (heat and frost) regulation provides description on how to remove asbestos.</p>	<p><b>Supporting sections from the Trade of Insulator (Heat and Frost) Regulation:</b></p> <p>"insulator (heat and frost)" means a person who, to the standard indicated in the occupational analysis, insulates, services, maintains, repairs and removes insulation items in commercial, industrial and institutional establishments, and includes a person who does any of the following tasks to the standard indicated in the occupational analysis:</p> <p>(a) fabricates insulation covers for tanks, vessels and fittings;</p> <p>(b) installs insulation for</p> <p>(i) thermal, refractory and cryogenic applications,</p> <p>(ii) plumbing, mechanical, heating, ventilation and air-conditioning systems,</p> <p>(iii) fittings, and</p>

<p>- Trade of Insulator (Heat and Frost) Regulation (17/2006)</p>		<p>(iv) soundproofing;</p> <p>(c) applies sealants and fireproofing materials;</p> <p>(d) installs protective coverings, underground insulation systems, finishing materials and firestopping materials;</p> <p>(e) removes, encloses and encapsulates asbestos;</p> <p><b>Some of the Supporting Sections from the Regulation:</b></p> <p><b>Term of apprenticeship</b></p> <p><b>4</b> The term of apprenticeship in the trade is four levels consisting of the following: (a) a first, second and third level each consisting of a period of at least 12 months during which the apprentice must complete 1,500 hours of technical training and practical experience; (b) a fourth level consisting of at least 12 months during which the apprentice must complete 1,500 hours of practical experience.</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	<p>processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	
<p>The Manitoba Hydro Act[H190]</p> <p>-Manitoba Electrical Code (73/2009)</p>	<p>The Manitoba Hydro Act governs Manitoba Hydro. The purpose of the Manitoba Hydro Act is to provide for efficient, economical supply of electric power for the needs of the province.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Power to make use of highways, etc. 23(1)</b> The corporation has authority, power, and right, to construct, place, leave in place, and maintain its poles, wires, anchors, conduits, mains, pipes, and equipment anywhere on, under, over, across, or along, any public highway, street, lane, or other public place, notwithstanding any rights or powers given to, or conferred upon, any person or municipality by or under any Act of the Legislature. Apportionment of costs of removing works:</p> <p><b>23(2)</b>Where in the course of improving any public highway, street, lane, or other public place, it becomes necessary to take up, remove, or change the location of any of the works of the corporation constructed or placed on, under, over, across, or along a public highway, street, lane, or other public place, the costs and expenses incurred thereby shall be apportioned between the corporation and the municipality or other authority making the improvement, in such manner as they may agree upon or, in the case of disagreement, shall be apportioned in the manner determined by The Public Utilities Board. Liability for projection of equipment, etc.</p> <p><b>23(4)</b>Where any wires, anchors, cross arms, or equipment attached to poles of the corporation on, under, over, across, or along any public highway, street, lane or other public place, project over land adjoining the public highway, street, lane, or other public place, the corporation is liable only for actual physical damage, if any, caused thereby.</p> <p><b>Some of the supporting Sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>

<p>The Ozone depleting Substances Act [C.C.S.M. c O80]</p> <p>-Ozone depleting substances and other Halocarbons Regulation (103/94)</p>	<p>The purpose of the Act is to prevent and reduce the release of ozone-depleting substances. The final goal of the Act is to eventual elimination of ozone-depleting substances. The Act prohibits the use of ozone-depleting substances unless the substance is in accordance with the Act and its regulation.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Offences and penalties: corporations</b></p> <p><b>8(2)</b> Where a corporation is guilty of an offence under section 7, the corporation is liable,</p> <p>(a) in the case of a first offence, to a fine not exceeding \$500,000.;</p> <p>(b) in the case of a second or subsequent offence, to a fine not exceeding \$1,000,000.;</p> <p>and for each day or part of a day that the offence continues after the day in respect of which the corporation is first charged with the offence, the corporation is liable to a fine not exceeding \$10,000.</p> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p><b>Leak test requirement</b></p> <p><b>12(1)</b> No person shall charge, recharge or top-up equipment that contains a Class 1, 2 or 3 substance unless the person first: (a) conducts a leak test.</p> <p><b>Releases prohibited</b></p> <p><b>5(1)</b> Except where permitted by or under an enactment of Manitoba or Canada, no person shall release or permit the release of a Class 1, 2 or 3 substance into the environment.</p> <p><b>Service and repair by trained service technicians</b></p> <p><b>6</b> No person other than a trained service technician shall (a) install, repair or service air conditioning, fire extinguishing, refrigeration or other equipment that contains or uses a Class 1, 2 or 3 substance; (b) repair or service a white good that contains or uses a Class 1, 2 or 3 substance; or (c) do other work on anything referred to in clause (a) or (b) that may result in the release of a Class 1, 2 or 3 substance.</p>
<p>The Water Rights Act [W80]</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Issue of licences</p> <p><b>5(1)</b> Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p>

<p><b>-Water Rights Regulation (126/87)</b></p>		<p>(a) the use or diversion of water for any purpose; or  (b) the construction, establishment, operation or maintenance of works for any purpose; or  (c) the control of water and the construction, establishment, operation or maintenance of water control works.</p> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p><b>(2)</b> every application for a licence or permit under the Act shall be made in writing on a form approved by the minister.</p> <p>3(1) each fee set out in schedule B is the fee payable in respect of the license set out and described opposite thereto in the schedule.</p>
<p><b>The Water Resources Administration Act (W70)</b></p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or  (b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or  (c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Removal of unauthorized works or water control works</p> <p><b>4(1)</b> Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <p>(a) to cease using or diverting the water; or  (b) to remove the works or water control works; or  (b.1) to cease controlling the water; or  (c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;</p> <p>as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).</p>

-Designated Reservoir  
Area Regulation (22/88R)

Some of the supporting sections from the regulation:

The regulation provides a list of reservoir in Manitoba close to which operations are restricted.

## Activity : Generation, Storage and Handling of Hazardous Waste

Activity's Significance: Low

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the</p>

<p>-The PCB Regulations ( SOR/2008-73)</p> <p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Some of the supporting sections from the PCB Regulations ( SOR/2008-73):</b>  <b>Important Notice: As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b>  <b>(4) Compliance.</b> In addition to the persons who must comply with the requirements set out in These Regulations, a person who owns PCBs or products containing PCBs shall ensure that the requirements of these Regulations with respect to those PCBs or products are met.  <b>(5) Prohibitions Release into the Environment.</b> (1) No person shall release PCBs into the environment, other than from the equipment referred to in subsection (2), in DEFINED concentration. <b>Release from equipment (2)</b> No person shall release more than one gram of PCBs into the environment from equipment referred to in section.  <b>(16) Permitted Activities (7) Laboratory Analysis. (8) Research. Processing and Use .</b></p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>  (46) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.  (47) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.  (48) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>		<p>shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat. <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p> <p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the throwing or depositing of any material into navigable waters.</li> </ul>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>

<p><b>The National Fire Code of Canada, 2010</b></p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p><b>Compliance Promotion Guide on PCB Regulations Requirements , Environment Canada, accessible through:</b>  <a href="http://www.ec.gc.ca/bpc-pcb/default.asp?lang=En&amp;n=78635459-1">http://www.ec.gc.ca/bpc-pcb/default.asp?lang=En&amp;n=78635459-1</a></p>	<p>According to Environment Canada the purpose of this guide is to “clarify the requirements set out in the <i>PCB Regulations</i> and help the regulated community better understand them.” It also answers frequently asked questions about technical, compliance or enforcement sides of the Regulations' requirements. Not all regulatory requirements are discussed in the guide, therefore as Environment Canada stated the guide cannot be used as a replacement to the Regulations. The guide is helpful to develop compliance programs and align them with Federal and Provincial Regulations.</p>	

## *Manitoba Hydro's Guidelines & Codes of Practice Applicable to this Activity*

- Code of practice for the storage of PCBs at Manitoba Hydro facilities. Corporate Safety and Health Division. Publication Number: 0126/08
- Hazardous Materials Management Handbook, Corporate Safety and Health
- PCB color dot identification system. Corporate Safety and Health Division.
- Sampling transformers and applying dots. Corporate Safety and Health Division. Publication Number : 0124/08
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Guideline for working with asbestos, Workplace Safety & Health Division, Manitoba Government, March 2008.
- Canadian Standards Association, CSA Z180.1-00, Compressed Breathing Air and Systems.
- Canadian Standards Association, CSA Z94.4-02, Use and care of respirators.
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA)
- Working with or around asbestos, Employee Safety And Health Department, Manitoba Hydro, Publication Number: 0074/06

## *Some of the Applicable Guidelines & Codes of Practice*

- SAFETY ALERT: ASBESTOS IN MAGNETIC AIR CIRCUIT BREAKERS, Employee Safety And Health Department, Manitoba hydro, Publication Number: 0029/06
- Fire Manual, Part 1, Publication Number: 0178/09, 2009, Corporate safety and Health.
- CS&D Safety Environmental Building Inspection Guidance

### **For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”

### **Important eForms with respect to reporting spills:**

- Hazardous Material Incident Report (eForm H2875)
- Activation of Spill Plan/Exercise (eForm 285)

**Activity : Storage, Handling and Use of Glycol**  
**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Environment Act</b>[C.C.S.M. c. E125]</p>	<p>The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that            (a) a pollutant may be released, is being released, or has been released; and            (b) the release may cause, is causing or has caused an adverse effect on the environment;            the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to            (a) the director;            (b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and            (c) any other person who the person reporting knows or ought to know may be directly affected by the release.</p> <p><b>Reporting by person responsible for pollutant</b></p> <p><b>30.1(4)</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p><b>30.2</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p>

<p><b>-Notice and Reporting Regulation (C.C.S.M. c. E125)</b></p>		<p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Dangerous Goods Handling and Transportation Act[D12]</b></p> <p><b>- Storage and handling of petroleum products and allied petroleum products regulation(188/2001) [Amendments: 19/2001]</b></p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>3.</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.</p> <p><b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>13.</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;</p> <p><b>Supporting sections from Storage and handling of petroleum products and allied petroleum products regulation:</b></p> <p><b>According to the regulation glycol is classified under the category of allied petroleum products.</b></p> <p><b>37</b> No person shall cause or allow the dumping, depositing, dropping or discarding of a petroleum product or allied petroleum product in such a manner that it might contaminate water or be carried away with run-off water or surface drainages.</p>

<p>The Fires Prevention and Emergency Response Act [ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3</b> (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Public Health Act [ C.C.S.M c. P210]</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that</p> <p>(a) a health hazard exists or might exist</p>

<p>-Protection of Water Sources Regulation [326/88 R]</p>	<p>public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.</p>	<p>(i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,  (ii) because of a failure or suspected failure to comply with a regulation made under this Act,  (iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or  (iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and  (b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</p> <p><b>To whom order may be directed</b></p> <p><b>25</b> A health hazard order may be directed to one or more of the following:  (a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;  (b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;  (c) a person who is engaged in or carries out a business, activity or process;  (d) any other person or member of a class of persons specified in the regulations.</p> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p> <p><b>Prohibitions</b></p> <p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p>The Water Rights Act [W80]</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall  (a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or  (b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or  (c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid</p>

<p><b>-Water Rights Regulation (126/87)</b></p>		<p>and subsisting licence to do so.</p> <p><b>Issue of licences</b></p> <p><b>5(1)</b> Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p> <ul style="list-style-type: none"> <li>(a) the use or diversion of water for any purpose; or</li> <li>(b) the construction, establishment, operation or maintenance of works for any purpose; or</li> <li>(c) the control of water and the construction, establishment, operation or maintenance of water control works.</li> </ul> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p>(2) every application for a licence or permit under the Act shall be made in writing on a form approved by the minister.</p> <p>3(1) each fee set out in schedule B is the fee payable in respect of the license set out and described opposite thereto in the schedule.</p>
<p><b>The Water Resources Administration Act (W70)</b></p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p>3(1) Except as otherwise provided in this Act or the regulations, no person shall</p> <ul style="list-style-type: none"> <li>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</li> <li>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</li> <li>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</li> </ul> <p><b>Removal of unauthorized works or water control works</b></p> <p><b>4(1)</b> Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <ul style="list-style-type: none"> <li>(a) to cease using or diverting the water; or</li> <li>(b) to remove the works or water control works; or</li> </ul>

**-Designated Reservoir  
Area Regulation (22/88R)**

(b.1) to cease controlling the water; or

(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;

as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).

**Some of the supporting sections from the regulation:**

**The regulation provides a list of reservoir in Manitoba close to which operations are restricted.**

**Activity : Storage, Handling and use of glycol**

**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p> <p>-Deposit out of the</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>  (49) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.  (50) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.  (51) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.  <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p>

<p><b>Normal Course of Events Notification Regulation(SOR 2011/91)</b></p>		<p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p><b>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</b></p> <p><b>-Navigable waters works regulations ( C.R.C., C. 1233)</b></p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>• prohibits construction in navigable waters</li> <li>• regulates the removal of wreck and other obstacles to navigation and</li> <li>• prohibits the throwing or depositing of any material into navigable waters.</li> </ul>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9. (1)</b> A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
<p><b>The National Fire Code of Canada, 2010</b></p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b>maintenance and operating procedures shall be established to prevent the escape of flammable liquids or</p>

hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.

combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.

**4.1.8.1** Containers and storage tanks shall not be filled beyond their safe filling level.

**4.2.3.2** containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.

*Some of the applicable guidelines & codes of practice*

- Safe work procedures Binder, Corporate safety and Health, 2011
- List Of Environmental Acts And Regulations Applicable To The Activities Of The Customer Service & Distribution Business Unit, Corporate Safety & Health, 2010, SWP.07.0037
- Order In Council, Department Of The Environment, Glycol Guidelines, 1994-106.
- Code of practice for storage and handling of petroleum products and allied products storage tank systems, Workplace Environment Department Corporate Safety & Health Division and Mechanical Engineering Department Engineering Services Division, 20
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- Department of Fisheries and Oceans (DFO) Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

**Activity : Infrastructure and Asset Design**

**Activity's Significance: Low**

This activity can be captured by a number of laws relating to the environment including, environment protection, wildlife, workplace health and safety, and so forth. Environmental laws and regulations should be considered while designing the infrastructure.

For example, legislation that might apply could include:

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<b>The Environment Act</b> [C.C.S.M. c. E125]	The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Environmental protection order</b></p> <p>24(1)If the director believes that</p> <ul style="list-style-type: none"><li>(a) a pollutant may be released, is being released, or has been released; and</li><li>(b) the release may cause, is causing or has caused an adverse effect on the environment;</li></ul> <p>the director may issue an environmental protection order against a person responsible for the pollutant.</p> <p><b>Duty to report release</b></p> <p>30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to</p> <ul style="list-style-type: none"><li>(a) the director;</li><li>(b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and</li><li>(c) any other person who the person reporting knows or ought to know may be directly affected by the release.</li></ul> <p><b>Reporting by person responsible for pollutant</b></p> <p><b>30.1(4)</b> A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has</p>

<p><b>-Notice and Reporting Regulation (E125)</b></p>		<p>reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>No release of pollutants in excess of limits</b></p> <p><b>30.2</b> No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.</p> <p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <ul style="list-style-type: none"> <li>(a) the location and time of the release;</li> <li>(b) the name and telephone number of the person reporting the release;</li> <li>(c) a brief description of the circumstances of the release and its status at the time of the report;</li> <li>(d) the identity and quantity, if known, of the pollutant released;</li> <li>(e) the action that the person making the report has taken or intends to take with respect to the release.</li> </ul> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Endangered Species Act[E111]</b></p>	<p>The purpose of this Act is to ensure the protection and to enhance the survival of endangered and threatened species by establishing a mechanism to designate species as endangered, threatened, extinct or extirpated. Species listed under each designation are recommended by the Endangered Species Advisory Committee. The</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition: 10(1) No person shall</b></p> <ul style="list-style-type: none"> <li>(a) kill, injure, possess, disturb or interfere with an endangered species, a threatened species, or an extirpated species that has been reintroduced;</li> <li>(b) destroy, disturb or interfere with the habitat of an endangered species, a threatened species or an extirpated species that has been reintroduced; or</li> <li>(c) damage, destroy, obstruct or remove a natural resource on which an endangered species, a threatened species or an extirpated species that has been reintroduced depends for its life and propagation.</li> </ul> <p>Permits by minister: 11(1) A person may apply to the minister for, and the minister may issue to the person, a permit authorizing the person to</p>

<p>- Threatened, Endangered and Extirpated Species Regulation(25/98)</p>	<p>Wildlife Branch is responsible for the Act's administration.</p>	<p>(a) kill, take, collect or capture; or</p> <p>(b) collect or capture and hold alive;</p> <p>members of an endangered or threatened species for scientific purposes or for purposes related to the protection or reintroduction of endangered, threatened or extirpated species.</p> <p><b>Exemption of developments: 12(1)</b></p> <p>The minister may exempt an existing or proposed development from the application of this Act if the minister is satisfied that</p> <p>(a) protection and preservation of the species or the habitat is assured; or</p> <p>(b) appropriate measures are established, or will be established, to reduce to a minimum the impact of the development upon an endangered or threatened species or upon a habitat of an endangered or threatened species.</p> <p><b><u>Threatened, Endangered and Extirpated Species Regulation:</u></b></p> <p>The regulation provides listings of threatened, endangered, and extirpated species. There are several amendments to the regulation to add new species.</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife.</p> <p>The Manitoba Fire Code</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p>

<p>(216/2006) [Amendments 6/2008]</p>	<p>was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Forest Act [F150]</p> <p>-Forest Use and Management Regulation (227/88 R)</p>	<p>The purpose of the Act is providing a framework for regulating forests within Crown lands and provincial forests. Under the authority of <i>The Forest Act</i>, the Forestry Branch manages provincial Crown forests by setting forest harvest levels, monitoring forest management activities, ensuring forests are regenerated, providing protection from insects and diseases and collecting revenues for use of Crown timber.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition on cutting timber on Crown forest lands: 28</b> Unless authorized to do so under a timber cutting right, no person shall enter upon forest land owned by the Crown for the purpose of cutting or removing timber, or shall cut, or remove, timber thereon or therefrom.</p> <p><b>Prohibitions re holders of timber cutting rights :</b></p> <p><b>28.1</b> No holder of a timber cutting right shall</p> <p>(a) cut or remove timber, except in accordance with the terms and conditions of the timber cutting right granted to the holder; or</p> <p>(b) otherwise fail to comply with the terms or conditions of the timber cutting right granted to the holder.</p> <p><b>Some Of the Supporting Sections From The Forest Use And Management Regulations:</b></p> <p><b>General conditions governing timber cutting</b></p> <p><b>5</b> The cutting of timber on Crown lands is subject to the following conditions:</p> <p>(a) except as authorized by a forest management licence, timber sale agreement or timber permit under the Act, only such timber designated by an officer for cutting and removal shall be cut or cut and removed; and (b) in every timber operation, the licensee, permittee, or operator authorized to cut timber shall</p> <p>(i) cut timber in a manner acceptable to an officer,</p> <p>(ii) remove the timber cut within such time, and to such place, as is acceptable to an officer,</p> <p>(iii) avoid waste in the cutting and manufacture of timber,</p> <p>(iv) avoid unnecessarily disturbing the surface of the land,</p> <p>(v) avoid unnecessarily disturbing or damaging trees reserved from cutting under the licence, timber sale agreement, or permit,</p> <p>(vi) cut all trees at a stump height not to exceed 30 centimetres,</p> <p>(vi.1) ensure that any tree top removed does not have a diameter greater than 10 cm class for softwood or 12 cm class for hardwood,</p>

		<p>(vii) cut and remove such merchantable fire killed or dead timber as may be designated for cutting and removing by an officer,</p> <p><u>9</u> Any timber cut in the construction of a road or in the clearing of a skidway, landing, or camp site shall be paid for in accordance with the dues and charges payable under the licence, timber sale agreement, or permit.</p>
<p><b>-The Heritage Resources Act [H39.1]</b></p> <p><b>- Heritage Resources Forms Regulation (99/86)</b></p>	<p>The Heritage Resources Act, providing for the conservation and protection of Manitoba's cultural heritage, and it was drafted to specifically address the central issues of affording better protection to heritage resources and greater public involvement. Its main provisions include:</p> <ul style="list-style-type: none"> <li>-Provision for impact assessments when designated heritage sites or potential heritage sites and resources are the subject of proposed alteration, damage, removal or development;</li> <li>-A new process with greater public involvement and stronger protective powers for sites and structures of provincial significance;</li> </ul>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Heritage permit required</b>  <b>14(1)</b> No person shall carry out any work, activity, development or project described in subsection 12(1), upon or within a site that is subject to a subsisting Notice of Intent or that is a heritage site or that is a site with respect to which the minister has made and served an order under subsection 12(2), unless and until the minister has issued a heritage permit under section 13 authorizing the work, activity, development or project, and unless the work, activity, development or project is carried out in accordance with such terms and conditions as the minister may impose and as may be set out in or attached to the heritage permit.</p> <p><b>Supporting sections from the Heritage Resource Form Regulation:</b>  <b>The regulation provides a list of forms and permits that must be obtained to work close to Heritage sites.</b></p>

	<p>-stronger powers, to deal with emergency situations when designated sites or potential heritage sites and resources are threatened;</p> <p>-new protection for heritage objects; and</p> <p>-new enabling powers for municipal governments to protect heritage sites, including buildings and structures, within the municipality.</p>	
<p><b>The Highway and Transportation Act [H40]</b></p> <p><b>-Highway and Transportation Department Permit</b></p>	<p>The Act controls the construction activities and erection of structures along certain highways to protect the safety of the public.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>Control of departmental roads</p> <p>8(1) Notwithstanding anything to the contrary in or any other Act of the Legislature, but subject to subsection (2), the jurisdiction over, and the control and possession of, every departmental road are vested in the government; and upon a highway within a municipality becoming a provincial trunk highway or a provincial road or an industrial road, the municipality is thereupon relieved of the responsibility of maintaining and repairing it.</p> <p>Responsibility of municipality</p> <p>8(2) A municipality in which a provincial trunk highway, a provincial road or an industrial road, or any part thereof, is situated is responsible for maintaining and repairing any sidewalks, poles, sewers, waterworks or other municipal works of a like nature, constructed or in the course of construction by the municipality on, over, or under, the highway.</p> <p>Materials, structures, etc., on departmental roads</p> <p>8(3) No person shall</p> <p>(a) place any material or cause any material to be placed; or</p> <p>(b) carry out, build, construct, reconstruct, establish or place any works, structures, fixtures, or improvements of any kind, or cause any works, structures, fixtures or improvements of any kind to be carried out, built, constructed, reconstructed, established or placed; or</p> <p>(c) place or erect any sign, signboard or advertising device, or cause any sign, signboard or advertising device to be placed; or</p> <p>(d) plant or place any tree, shrub, bush, brush, hedge, or other object or cause any tree, shrub, bush, brush, hedge, or other object to be planted or placed; or</p> <p>(e) abandon any vehicle or equipment; or</p> <p>(f) discharge water or other liquid materials into a ditch;</p> <p>on a departmental road, except with the minister's permission or in accordance with this Act or the regulations. The minister may impose on permission he or she gives any conditions that he or she considers appropriate.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p>Order for removal</p>

<p><b>Application Fees Regulation(477/88)</b></p>		<p>8(7) The justice by whom a person is convicted of an offence for contravening subsection (3) may, upon application of the Crown made either at the trial or within 30 days thereafter, order the person convicted to remove the thing in respect of which he or she is convicted from the highway within a time specified in the order.</p>
<p><b>The Manitoba Hydro Act [ H190]</b></p> <p><b>-Manitoba Electrical Code (73/2009)</b></p>	<p>The purpose and objectives of the Act are to provide the continuance of a supply of power adequate for the needs of the province, and to engage in and to promote economy and efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Act relates to the distribution and supply of power of entry, powers respecting wiring permits and inspection; assistance to customers; and regulations as supply of power.</p>	<p><b>SOME OF THE SUPPORTING Sections From The Act</b></p> <p><b>Entry for protection of works</b></p> <p><b>24(1)</b> The corporation, by its employees or authorized agents, may</p> <ul style="list-style-type: none"> <li>(a) enter upon any land or building at any reasonable hour to inspect, repair, alter, or remove property or works of the corporation or to inspect and test any electric wiring or related facilities using or intended to use power supplied by the corporation;</li> <li>(b) fell, trim, or remove trees, or parts thereof, and remove obstructions from any public highway, street, lane, or other public place, on, under, over, across or along which works of the corporation are situated, or are about to be constructed; and</li> <li>(c) enter upon any land upon either side of a public highway, street, lane, or other public place, or of land upon which works of the corporation are situated and fell, trim, or remove therefrom trees, or parts thereof, or remove any obstructions or any poles, towers, wires, antennae, or signs, that, in the opinion of the corporation, endanger the public or any works of the corporation or constitute a hazard.</li> </ul> <p><b>Supporting Sections from the Code:</b></p> <p><b>Compensation for damage</b></p> <p><b>24(2)</b> Where the corporation causes damage to the property of any person by exercising the powers conferred by this section, the corporation shall pay compensation therefor; and the amount thereof shall be determined in the manner provided in <i>The Expropriation Act</i>, substituting, in every case, the corporation for the minister.</p>
<p><b>The Planning Act[</b></p>		

<p>C.C.S.M. c P80]</p> <p>- Provincial Planning Regulation [ 81/2011]</p>	<p><i>The Planning Act</i> outlines the legislative framework for planning on private land in Manitoba, outside the City of Winnipeg (development in Winnipeg is legislated through The City of Winnipeg Charter). It authorizes the minister to establish special planning areas to provide for the protection and conservation of the environment and natural resources; and anything else for the purpose of preventing damage to and destructions of lands, sites or buildings or of preventing interference with their use.</p>	<p><b>Some of the supporting Sections from the Act:</b>  <b>section 1 :</b> development is:          (gg) The construction of a building on, over or under land;          (hh) A change in the use or intensity of use of a building;          (ii) The removal of soil or vegetation from land; and          (jj) The deposit or stockpiling of soil or material on land and the excavation of land.</p> <p><b>148(6)</b> If a development permit is issued in the circumstances set out in subsection (5), the owner of the affected property is entitled to compensation for damages resulting from the delay in issuing the permit. If the owner and the applicable board or council are unable to reach an agreement on compensation, subsections 88(3) and (4) (arbitration if no agreement) apply, with necessary changes.</p> <p><b>Some Of The Supporting Sections From The Provincial Planning Regulation:</b>  <b>Development plans</b>  <b>2</b> Development plans must be prepared in accordance with the requirements of Part 4 of the Schedule.  <b>1.4 PROMOTING SUSTAINABLE DEVELOPMENT GOAL</b>          To promote sustainable land use patterns and innovative development practices that minimize pollution, protect resources and reduce greenhouse gas emissions.  <b>POLICIES</b>          1.4.1 Innovative design concepts and development standards should be used and promoted to facilitate the following:          a) addressing the needs of persons with disabilities, by meeting standards for universal design;          b) conserving or maximizing efficiencies of natural resources, including energy and water;          c) minimizing contributions of harmful emissions, including greenhouse gases;          d) supporting the use of renewable and alternative energy sources;          e) minimizing soil nutrients being lost through strategies such as stormwater retention and treatment, and <i>erosion</i> control;          f) minimizing and mitigating conflicts between humans and wildlife;  <b>5.1.1 Water bodies</b>, groundwater and <i>riparian areas</i> must be identified and protected from the risks associated with development. In particular, land uses, activities and developments that have a high risk of causing pollution, such as disposal fields, fuel tanks, waste disposal grounds, lagoons and chemical and fertilizer storage facilities, must be considered and prevented or suitably mitigated.</p>
<p>The Provincial Parks Act [ C.C.S.M. c P20]</p>	<p>The purpose of the Provincial Parks Act are: (a) to conserve ecosystems and maintain biodiversity;  (b) to preserve unique and</p>	<p><b>Some of the supporting Sections from the Provincial Parks Act:</b>  <b>Restrictions on use</b>          7(5) In a wilderness park or in an area of any other provincial park that is categorized in the wilderness, backcountry or heritage land use categories, no person shall engage in          (a) mining or the development of oil, petroleum, natural gas or hydro-electric power; or</p>

<p>- Parks Activities Regulations[102/2009]</p>	<p>representative natural, cultural and heritage resources;</p> <p>(c) to provide outdoor recreational and educational opportunities and experiences in a natural setting.</p>	<p>(b) any other activity specified in a regulation made under clause 32(g).</p> <p><b>Some of the supporting Sections from the Parks Activities Regulations:</b></p> <p><b>Application</b></p> <p><b>2</b> This regulation applies to all land within provincial parks, including private land. Compliance with orders, signs, etc.</p> <p><b>4</b> A person who enters a provincial park shall comply with</p> <p>(a) any lawful orders and instructions made or issued by an officer under this regulation; and</p> <p>(b) the instructions, prohibitions and directions prescribed by all lawfully designated and erected signs and notices.</p> <p><b>Works and structures on water (12)</b> Subject to section 12.1, no person shall place any material on, remove any material from, or construct or place any works or structures on, over, in or across any waters in a provincial park, except under the authority of a permit issued by the minister.</p> <p><b>Pollution of waters</b></p> <p><b>14</b> No person shall use an area of a provincial park in such a way as to contaminate or pollute waters, or to cause injury to waters within a provincial park.</p>
<p>The Public Health Act [ C.C.S.M c. P210]</p> <p>-Protection of Water Sources Regulation [326/88 R]</p>	<p>The Act is establishing a new legislative framework that will help the province anticipate and respond to public health emergencies. It also creates a framework for the other provincial public health functions, such as health surveillance, disease and injury prevention, and population health assessments.</p>	<p><b>Some of the supporting Section from the Public Health Act:</b></p> <p><b>Health hazard order — inspector or health officer</b></p> <p><b>24(2)</b> An inspector or, if permitted by the regulations, a health officer, may make a health hazard order if he or she reasonably believes that</p> <p>(a) a health hazard exists or might exist</p> <p>(i) in relation to a food handling establishment, a swimming pool or other water recreational facility, or any other prescribed place, premises or activity,</p> <p>(ii) because of a failure or suspected failure to comply with a regulation made under this Act,</p> <p>(iii) because of a failure or suspected failure to comply with a term or condition of a licence, permit, approval or other authorization issued under this Act, or</p> <p>(iv) because of a failure or suspected failure to comply with a municipal by-law, or with a licence, permit, approval or other authorization issued under a municipal by-law; and</p> <p>(b) an order is necessary to prevent, eliminate, remedy, reduce or otherwise deal with the health hazard.</p> <p><b>To whom order may be directed</b></p> <p><b>25</b> A health hazard order may be directed to one or more of the following:</p> <p>(a) an owner or occupant of a place or premises, or a person who appears to be in charge of it;</p> <p>(b) a person who owns or is in charge of, or appears to be in charge of, a plant, animal or other organism, a substance or thing, or a solid, liquid or gas;</p> <p>(c) a person who is engaged in or carries out a business, activity or process;</p> <p>(d) any other person or member of a class of persons specified in the regulations.</p> <p><b>Some of the supporting sections from the Protection Of Water Sources Regulation:</b></p> <p><b>Prohibitions</b></p>

		<p><b>2(1)</b> No person shall deposit or discharge into, or on to the bank of, any river, stream, lake, creek, spring, coulee, reservoir, pond, or dugout, or on the ice thereof, any manure, excreta, filth, or refuse of any nature, or permit the fouling or contamination of ice or water on any such body of water by the congregating or watering of stock at any water hole or place.</p> <p><b>2(2)</b> No person shall commit any act that will or may contaminate any underground water supply by the discharge of any sewage, surface drainage, liquid waste, or filth into any well, abandoned well, hole, or other opening, and no person shall fill or replenish any existing well, except with water from an approved source satisfactory to the medical officer of health.</p> <p><b>2(3)</b> Notwithstanding subsection (2), where, in the case of a particular well or group of wells, a person who has been specifically authorized by The Oil and Natural Gas Conservation Board to do so, may (a) dispose of salt water produced from oil wells in salt water disposal wells; (b) inject salt water or fresh water into water injection wells; (c) follow such other oil drilling and oil production practices as may be authorized from time to time by The Oil and Natural Gas Conservation Board; and (d) dispose of all refinery wastes in an oil well approved by The Oil and Natural Gas Conservation Board, under such terms and conditions as may be specified by that board; or do any combination of the things referred to in sections (a) to (d).</p>
<p>The Water Rights Act [W80]</p> <p>-Water Rights Regulation (126/87)</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Issue of licences</p> <p><b>5(1)</b> Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p> <p>(a) the use or diversion of water for any purpose; or</p> <p>(b) the construction, establishment, operation or maintenance of works for any purpose; or</p> <p>(c) the control of water and the construction, establishment, operation or maintenance of water control works.</p> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p><b>(2) every application for a licence or permit under the Act shall be made in writing on a form approved by the</b></p>

		minister.
The Water Resources Administration Act (W70)	The Act sets out requirements for the construction activities that might affect water bodies.	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p>Removal of unauthorized works or water control works</p> <p><b>4(1)</b> Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,</p> <p>(a) to cease using or diverting the water; or</p> <p>(b) to remove the works or water control works; or</p> <p>(b.1) to cease controlling the water; or</p> <p>(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;</p> <p>as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>The regulation provides a list of reservoir in Manitoba close to which operations are restricted</b></p>
-Designated Reservoir Area Regulation (22/88R)		
The Wildlife Act [ C.C.S.M c. W130]	The Wildlife Act authorizes the Province of Manitoba to: designate special areas for the better management, conservation and enhancement of the wildlife	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>50(1) Destruction of habitat:</b> No person shall destroy or damage habitat on Crown lands, except pursuant to a licence, permit or other authorization issued or given under this or any other Act of the Legislature.</p> <p><b>50(2) Action for damages to habitat:</b> The Crown has a right of action against any person who wilfully or negligently destroys or damages habitat on Crown land, and may recover damages from him for any costs that the government may be required to expend</p>

**-Use of wildlife land regulation (77/99)**

resource, simulate what constitutes an offence, and determine licensing, permit and enforcement provisions. Authorization is required, in the form of a license or permit, to destroy or damage habitat on Crown lands or to willfully destroy the nest or eggs of any game bird or bird listed in the schedule.

for rehabilitation of the habitat to a state approved by the minister.

**Some of the supporting sections from the use of wildlife land regulation:**

**7(1) Prohibition** Except as otherwise provided in this regulation, no person shall, in a wildlife management area:

- (a) grade, gravel or clear a road or trail;
- (b) install or modify a stream crossing;
- (c) drain, dyke, or block a manmade or natural waterway or wetland;

**Activity : Infrastructure and Asset Design**

**Activity’s Significance: Low**

This activity can be captured by any number of laws relating to the environment including, environment protection, wildlife, workplace health and safety, and so forth. Environmental laws and regulations should be considered while designing the infrastructure.

For example, legislation that might apply could include:

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a sub- stance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may</p>

<p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>  (52) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.  (53) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.  (54) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.  <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>		<p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.  <b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p> <p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <p>-prohibits construction in navigable waters</p> <p>-regulates the removal of wreck and other obstacles to navigation and</p> <p>-prohibits the throwing or depositing of any material into navigable waters.</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9.</b> (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>

<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>Canada National Parks Act [S.C. 2000, c.32]</p> <p>-National Historic Park General Regulation [</p>	<p>The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the Act. It creates civil liability for discharge of substances that have harmful impact on the environment generally, regardless of whether substance is considered toxic. In particular the Act obligates any person having charge, management, or control of a substance that</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>MITIGATION OF ENVIRONMENTAL DAMAGE</b></p> <p><b>32. (1)</b> Where a substance that is capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health is discharged or deposited in a park, any person who has charge, management or control of the substance shall take reasonable measures to prevent any degradation of the natural environment and any danger to the fauna, flora or cultural resources or to persons that may result from the discharge or deposit.</p> <p><b>Powers of superintendent and Minister (2)</b> If the superintendent of a park is of the opinion that a person is not taking the measures required by subsection (1), the superintendent may direct the person to take those measures and, if the person fails to do so, the Minister may direct those measures to be taken on behalf of Her Majesty in right of Canada.</p> <p><b>Expenses of clean-up (3)</b> A person who fails to comply with a direction given by a superintendent under subsection (2) is liable for the expenses reasonably incurred by Her Majesty in right of Canada in taking the measures directed, and those expenses may be recovered from that person, with costs, in proceedings brought in the name of Her Majesty in any court of competent jurisdiction.</p>

SOR/82-263]

is “capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health” to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance.”

**Some of the Supporting Sections from the National Historic Park General Regulation:**

**7 Use of Water Resources:** No person shall pollute any watercourse in a Park.

**12 RESTRICTED AREAS AND ACTIVITIES 12.** (1) The Superintendent of a Park may designate any activity or area in the Park as restricted if, in his opinion, it is necessary to control activities or entry in such areas for the preservation, control or management of the Park.

(55) Where the Superintendent of a Park designates any activity or area as restricted pursuant to subsection (1), he shall so inform the public by the posting, at all information offices or centres located in the Park, of notices describing the activity and of maps showing the area.

<p>The Migratory Birds Convention Act [S.C. 1994 , C22]</p> <p>-Migratory Birds Regulations ( C.R.C., 1035)</p>	<p>The purpose of the act is to protect migratory birds in Canada. Excessive test water discharge rate or volumes could result in flooding of waterfowl nests, aquatic furbearer dens or a reduction in aquatic habitat. Aquatic furbearers, waterfowls, and their habitat could also be adversely affected by the discharge of test water that contains containments toxic to aquatic flora or fauna.</p>	<p><b>Some of the supporting Sections from the Migratory Birds Convention Act:</b></p> <p><b>Prohibition :5.1</b> (1) No person or vessel shall deposit a substance that is harmful to migratory birds, or permit such a substance to be deposited, in waters or an area frequented by migratory birds or in a place from which the substance may enter such waters or such an area.</p> <p>(2) No person or vessel shall deposit a substance or permit a substance to be deposited in any place if the substance, in combination with one or more substances, results in a substance — in waters or an area frequented by migratory birds or in a place from which it may enter such waters or such an area — that is harmful to migratory birds</p> <p><b>Supporting Section from the Migratory Birds Regulation:</b></p> <p><b>5. (1)</b> No person shall hunt a migratory bird except under authority of a permit therefor.</p> <p>(2) Subject to subsection (8), no person shall hunt murrelets unless the person is a resident of the Province of Newfoundland and Labrador, holds a migratory game bird hunting permit and is hunting murrelets for human consumption.</p> <p>(3) No person shall hunt a migratory game bird unless he is the holder of a migratory game bird hunting permit.</p> <p>(4) Subject to section 23.1, no person shall in any area described in Schedule I hunt a species of migratory bird except during an open season specified in that Schedule for that area and that species.</p>
<p>The Canada Wildlife Act [ R.S., 1985 c. W-9]</p> <p>-wildlife area regulations ( c.r.c., c.1609)</p>	<p>The Act allows for the creation, management and protection of wildlife areas for wildlife research activities, or for conservation or interpretation of wildlife.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>(56) The provisions of this Act respecting wildlife apply in respect of (a) any animal, plant or other organism belonging to a species that is wild by nature or that is not easily distinguishable from such a species; and (b) the habitat of any such animal, plant or other organism.</p> <p><b>Some of the supporting sections from the regulation:</b></p> <p><b>General Prohibitions</b></p> <p><b>3. (1)</b> Subject to subsection (2), no person shall, in any wildlife area,</p> <p>(m) dump or deposit any rubbish, waste material or substance that would degrade or alter the quality of the</p>

	<p>The purpose of the wildlife areas is to preserve habitats that are critical to migratory birds and other wildlife species, particularly those that are at risk.</p>	<p>environment, Unless he does so under and in accordance with a permit issued by the Minister pursuant to section 4.</p> <p><b>4. Permits.</b> the Minister may, on application, issue a permit to any person authorizing that person to carry on an activity described in section 3 in any wildlife area where that activity will not interfere with the conservation of wildlife.</p>
<p><b>The Species at Risk Act [ S.C., 2002, c.29]</b></p> <p><b>-Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act ( SI/2007-57, May 16 2007; and SI/2008-70 June 25 2008)</b></p>	<p>The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of the these measures establish how governments, organizations, and individuals in Canada work together, while others implement a species assessment process to ensure the protection and</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>General Prohibitions:</b></p> <p><b>32. (1)</b> No person shall kill, harm, harass, capture or take an individual of a wildlife species that is listed as an extirpated species, an endangered species or a threatened species.</p> <p><b>58. (1)</b> Subject to this section, no person shall destroy any part of the critical habitat of any listed endangered species or of any listed threatened species — or of any listed extirpated species if a recovery strategy has recommended the reintroduction of the species into the wild in Canada — if</p> <p><b>(a)</b> the critical habitat is on federal land, in the exclusive economic zone of Canada or on the continental shelf of Canada;</p> <p><b>(b)</b> the listed species is an aquatic species; or</p> <p><b>(c)</b> the listed species is a species of migratory birds protected by the <i>Migratory Birds Convention Act, 1994</i>.</p> <p><b>Some of the supporting sections from the order:</b></p> <p><b>AGREEMENTS AND PERMITS</b></p> <p><b>73. (1)</b> The competent minister may enter into an agreement with a person, or issue a permit to a person, authorizing the person to engage in an activity affecting a listed wildlife species, any part of its critical habitat or the residences of its individuals.</p> <p>- Order Acknowledge Receipt Of The Assessments Done Pursuant To Subsection 23(1) Of The Act</p> <p>Some of the species that are identified in this order exist in Manitoba, which make them be of special interest to Manitoba Hydro. Species include Arthropods, Birds, and plants.</p>

recovery of species.

## *Some of the Applicable Guidelines & Codes of Practice*

- Environmental protection guidelines for construction, operation, and decommissioning. Manitoba Hydro work sites and facilities. 2007.
- Training Catalogue, Corporate workplace safety and Health Division, Publication Number 0120/11R, 2011
- Workplace Hazardous Materials Information System in Manitoba Hydro, Corporate workplace safety and Health Division, Publication Number 0076/11R, 2011
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance

**For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”

**Important eForms with respect to reporting spills:**

- Hazardous Material Incident Report (eForm H2875)
- Activation of Spill Plan/Exercise (eForm 285)

**Activity : O/M of fire suppressant systems (including extinguishers)**

**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Fires Prevention and Emergency Response Act[ F80]</b></p> <p><b>-Manitoba Fire Code (216/2006)</b></p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	<p>processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	
<p><b>The Ozone depleting Substances Act [C.C.S.M. c O80]</b></p> <p><b>-Ozone depleting substances and other Halocarbons Regulation (103/94)</b></p>	<p>The purpose of the Act is to prevent and reduce the release of ozone-depleting substances. The final goal of the Act is to eventual elimination of ozone-depleting substances. The Act prohibits the use of ozone-depleting substances unless the substance is in accordance with the Act and its regulation.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p>"ozone depleting substance" means a substance or product that, after its release into the atmosphere, is capable, in combination with other substances or products of similar kind, of depleting the amount of ozone in the stratosphere and</p> <ul style="list-style-type: none"> <li>(a) includes a substance or product that is prescribed as an ozone depleting substance or that falls within a prescribed class or category of ozone depleting substances,</li> <li>(b) does not include an ozone depleting substance that is made or used as a prescription drug for medicinal purposes</li> </ul> <p><b>Some of the supporting Sections from the Regulation:</b></p> <p><b>Leak test requirement</b>  <b>12(1)</b> No person shall charge, recharge or top-up equipment that contains a Class 1, 2 or 3 substance unless the person first: (a) conducts a leak test.</p> <p><b>Releases prohibited</b>  <b>5(1)</b> Except where permitted by or under an enactment of Manitoba or Canada, no person shall release or permit the release of a Class 1, 2 or 3 substance into the environment.</p> <p><b>Service and repair by trained service technicians</b>  <b>6</b> No person other than a trained service technician shall (a) install, repair or service air conditioning, fire extinguishing, refrigeration or other equipment that contains or uses a Class 1, 2 or 3 substance; (b) repair or service a white good that contains or uses a Class 1, 2 or 3 substance; or (c) do other work on anything referred to in clause (a) or (b) that may result in the release of a Class 1, 2 or 3 substance.</p>

**Activity : O/M of fire suppressant systems (including extinguishers)**

**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>Supporting Sections from the ozone-depleting substances regulation:</b> The regulation controls the import, manufacture, use in some cases, sale, and export of ozone-depleting substances (ODS) and amended the list of toxic substances in schedule 1 of CEPA. According to the regulation consumption of hydro chloro fluoro carbons (HCFC) will be phased out by the year 2030. For methylbromide, an import permit for an essential purpose is required. One of the purposes is for critical use exemption. The regulation also requires that permits be obtained to import or export used, recovered, recycled and reclaimed ODS. Those Regulations include also controls on product that contains or is designed to contain ODS.</p> <p><b>Supporting Sections from the Federal Halocarbon Regulations:</b></p> <p>Recognizing that CFCs and Halons deplete the ozone layer and have adverse effects on the environment, Canada signed the Montreal protocol on substances that deplete the ozone layer on September 1987. Canada has implemented control</p>

<p>-Federal Halocarbon Regulations, 2003 (SOR/2003-289)</p> <p>- Ozone-depleting Substances Regulations, 1998 (SOR/99-7)</p>		<p>measures to achieve emissions reductions of ozone Depleting Substances. These reductions are intended to prevent damage resulting from the gradual destruction of the ozone layer and thus contribute to protecting the ecosystem and human health.</p> <p><b>Some of the supporting sections from the Ozone-depleting substances regulations:</b></p> <p>5. (1) No person shall import, without a permit issued under paragraph 33(1)(a) or (a.1), a controlled substance that is recovered, recycled, reclaimed, used or for destruction.</p> <p>(2) A person who imports for reclamation a recovered, recycled, reclaimed or used controlled substance, other than methyl bromide, an HCFC, a bromofluorocarbon or bromochlorodifluoromethane, shall within six months after its importation export it back to the country of origin.</p> <p>(3) No person shall import a recovered, recycled, reclaimed or used bromofluorocarbon or bromochlorodifluoromethane except if</p> <p>(a) the bromofluorocarbon or bromochlorodifluoromethane will be used for an essential purpose in another country; and</p> <p>(b) the bromofluorocarbon or bromochlorodifluoromethane will be exported to its country of destination within six months after its importation.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.</p>	<p><b>Some of the supporting sections from the National Fire Code of Canada:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

## *Some of the Applicable Guidelines & Codes of Practice*

- Fire Manual, Part 1, Publication Number: 0178/09, 2009, Corporate safety and Health.
- Fire prevention program, Manitoba Hydro.
- CS&D Safety Environmental Building Inspection Guidance
- Hazardous Materials Management Handbook, Part 4 Managing specific hazardous materials, section 13: ozone depleting substances

Activity : Off-loading (deliver) on-site packaged goods (<1100 gallons) for storage  
 Activity's significance: Low

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p>The Crown Lands Act[C340]</p> <p>-Vehicle Use on Crown Lands Resource Roads, Regulation(145/91)</p> <p>-Crown Lands Fees Regulation(130/91) [Amendments:215/98]</p>	<p>The purpose of the Act is to provide for the most effective use of Crown Lands by establishing effective administration and management policies and processes on Crown Lands. The Act provides the application of proven forest management techniques to enhance the productivity on Crown Lands, requires the leasing and licensing arrangements on Crown Lands, and integrates wildlife and outdoor recreation consideration in forest management planning process on Crown Lands.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>7(1)</b> The minister may, upon such terms and subject to such conditions, including the amount of any fee, rent or royalty payable, as are prescribed by the Lieutenant Governor in Council, (a) lease Crown lands, other than agricultural Crown lands, for a term not exceeding 21 years, with or without an option to purchase; (b) issue permits of occupation or use of Crown lands, other than agricultural Crown lands, from year to year; c) issue work permits authorizing specified work to be performed on Crown lands and authorizing entry upon the Crown lands for purposes of the work; (d) issue licenses for the occupation or use of Crown lands for specified purposes; (e) issue any easement or right-of-way upon, over, under or in respect of Crown lands.</p> <p><b>13.1(1)</b> Where an agreement entered into between the Crown and a person for the disposition of Crown lands contains a restriction on the development of all or part of the lands for the purpose of the protection of any natural resource and provides that the restriction may be enforced against a subsequent owner of the lands, and where a caveat is filed in accordance with subsection (2), the agreement shall be enforceable against the subsequent owner.</p> <p><b>Supporting Sections from the Vehicle Use on Crown Lands Resource Roads, Regulation:</b></p> <p><b>3(1)</b> The minister may cause signs to be posted on or adjacent to resource roads prohibiting, controlling or governing the operation of vehicles on those roads. 3(4) Except under the authority of a permit issued under section 5, no person shall operate a motor vehicle or an off-road vehicle in contravention of a sign posted under section 3.5(1) The minister may issue a permit authorizing the holder of the permit to operate a vehicle on a resource road.</p> <p><b>Supporting Sections from the Crown Lands Fees Regulation:</b></p> <p><b>2 (1)</b> person who uses or occupies land under the authority of a permit, lease, license or easement issued or granted by the minister under The Crown Lands Act shall pay the fee for that use or occupation that is required by this regulation.</p>

**The Dangerous Goods Handling and Transportation Act[D12]**

The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.

-Dangerous goods handling and transportation regulation(955/2003)

- Environmental accident reporting regulation(439/87)

- Generator registration and carrier licensing regulation(175/87)  
[Amendments: 140/88]

**Supporting Sections from the Act:**

**3.** No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations. **8(1)**No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.

**8(2)** No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.

**8(3)** No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.

**13.** The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;

**Supporting Sections from the Dangerous goods handling and transportation regulation(955/2003):**

**As most sections of the regulation are relevant to the activities in CS&D, only the important titles have been listed here.**

**4.1** Requirements for Dangerous Goods Safety Marks. **4.4** Consignor Responsibilities. **4.5** Carrier Responsibilities. **5.1** Selecting and Using Means of Containment. **5.4** Loading and Securing. **6.1** Training Certificate Requirements. **7.1** Requirement for an Emergency Response Assistance Plan (ERAP). **8.** Accidental release and imminent accidental release report requirements.

**Supporting Sections from the Environmental accident reporting regulation:**

Reporting of environmental accidents **3(1)** A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. **3(2)** The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation:**

**3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will

<p>- Storage and handling of petroleum products and allied petroleum products regulation(188/2001) [Amendments: 19/2001]</p>		<p>enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.</p> <p><b>4(2)</b> An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.</p> <p><b>Supporting Sections from Storage and handling of petroleum products and allied petroleum products regulation:</b></p> <p><b>The following parts of the regulation are applicable to transfer and storage of petroleum and allied petroleum products.</b></p> <p><b>Part2:</b> GENERAL PROVISIONS  <b>Part3:</b> INTERNAL-COMBUSTION ENGINE FUEL QUALITY  <b>Part 4;</b> PERMITS FOR CONSTRUCTION AND ALTERATION  <b>Part5:</b> PERMITS FOR OPERATION  <b>Part 6:</b> INVENTORY AND RECORD-KEEPING  <b>Part 7:</b> SPILLAGES AND LEAKAGES  <b>Part 8:</b> TRANSFER OF PERMITS OR REAL PROPERTY  <b>Part 9:</b> OUT-OF-SERVICE STORAGE TANK SYSTEMS  <b>Part 10:</b> LICENSED PETROLEUM TECHNICIANS  <b>Part11:</b> REQUIRED TESTS AND INSPECTIONS  <b>Part 12:</b> UPGRADING OR REMOVAL OF STORAGE TANK SYSTEMS</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to</p>

	<p>National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p>prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil. <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Environment Act[ E125]</p> <p>- Notice and Reporting Regulation(126/2010)</p>	<p>The purpose of the Act is to “develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life”. It also outlines an environmental assessment and licensing process for developments that may have potential for significant environmental effects.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>30.1(1)</b> No unauthorized release of pollutants: No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, unless expressly authorized or permitted to do so 30.1(3) Duty to report release A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations</p> <p><b>30.1(4)</b> Reporting by person responsible for pollutant A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>Supporting Sections from the Notice and Reporting Regulation:</b></p> <p><b>(3)</b>Reporting release of pollutants</p> <p><b>3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:(a) in the case of a report to the director, by telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; (b) subject to subsection (2), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report. 3(3) When making a report a person must provide the necessary information if it is known or is readily available.</p>

<p>The Water Rights Act [W80]</p> <p>-Water Rights Regulation (126/87)</p>	<p>The Act provides a framework for the construction or operation of certain water control works.</p>	<p><b>Some of the supporting Sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Issue of licences</b></p> <p><b>5(1)</b> Subject to section 7, the minister may issue a licence to any person who applies therefor, authorizing</p> <p>(a) the use or diversion of water for any purpose; or</p> <p>(b) the construction, establishment, operation or maintenance of works for any purpose; or</p> <p>(c) the control of water and the construction, establishment, operation or maintenance of water control works.</p>
<p>The Water Resources Administration Act (W70)</p>	<p>The Act sets out requirements for the construction activities that might affect water bodies.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Prohibition against use of water</b></p> <p><b>3(1)</b> Except as otherwise provided in this Act or the regulations, no person shall</p> <p>(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or</p> <p>(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.</p> <p><b>Removal of unauthorized works or water control works</b></p>

-Designated Reservoir  
Area Regulation (22/88R)

**4(1)** Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,

(a) to cease using or diverting the water; or

(b) to remove the works or water control works; or

(b.1) to cease controlling the water; or

(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;

as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).

**Some of the supporting sections from the regulation:**

The regulation provides a list of reservoir in Manitoba close to which operations are restricted.

**Activity : Off-loading (deliver) on-site packaged goods (<1100 gallons) for storage**

**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the</p>

<p>-Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations (SOR/2008-197)</p> <p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations:</b></p> <p>7. The owner or operator of a storage tank system must comply with the applicable requirements before any petroleum products or allied petroleum products are first transferred into that system.</p> <p>15. (1) The owner or operator of a storage tank system must ensure that petroleum product and allied petroleum product transfer areas are designed to contain spills that occur during the transfer process.</p> <p>29. A person that delivers petroleum products or allied petroleum products must comply with the following requirements: (a) they must immediately notify the operator of the storage tank system of any spill that occurs during the transfer or any evidence observed of a leak or spill; and(b) beginning two years after the day on which these Regulations come into force, (i) they must not transfer petroleum products or allied petroleum products into any storage tank system unless the storage tank system identification number is visible, and (ii) they must keep a record of the storage tank system identification number.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b></p> <p>(2) Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect Canada’s fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 22: Flow Limits:</b></p> <p>(57) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.</p> <p>(58) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.</p> <p>(59) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>		<p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	sustainable protection of buildings.	
<p><b>Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products ( CCME)</b></p>	<p>This publication updates, combines, and replaces CCME’s 1993 “Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products” and the 1994 “Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products.” It reflects the advances in technology and the experience gained by industry and government regulators in proactively managing storage tanks systems. The “storage and handling of petroleum products and allied petroleum products regulation 188/2001”, was adopted of the content of this code of practice.</p>	<p><b>Some of the supporting sections from the Code of Practice:</b></p> <p><b>5.3.1</b> The fill pipe on a <i>storage tank</i> with a capacity of 5 000 L or more shall be equipped for the attachment of a liquid and vapour-tight connection at the time of filling and shall be sealed with a liquid- and vapour-tight cap when not in use.</p> <p><b>5.3.2</b> The suction tube of a <i>used oil</i> tank shall be equipped for the attachment of a liquid-tight fitting and shall be sealed with a liquid-tight cap when not in use. Section 8.9: The <i>owner</i> of each registered <i>storage tank system</i> shall prepare and maintain an emergency response <i>contingency plan</i>. 8.9.2(1) The <i>owner</i> or <i>operator</i> of a <i>storage tank system</i> shall immediately notify the <i>authority having jurisdiction</i> (See Appendix D- Spill Reporting) and provide the information requested when the <i>owner</i> or <i>operator</i> discovers, suspects, or is notified by any person of:(a) any <i>leak</i> from a <i>storage tank system</i>;(b) any <i>spill</i> or overfill that is 100 L or more;or(c) any <i>spill</i> or overfill that could threaten fresh water supplies, groundwater, or the health and safety of the public.</p> <p><b>8.5.1</b> A person responsible for transferring <i>petroleum</i> or <i>allied petroleum product</i> to a <i>storage tank system</i> shall take all reasonable steps to prevent <i>spills</i>. 8.5.2(1) When a tank vehicle is being unloaded, the vehicle <i>operator</i> shall remain: (a) in constant view of the fill pipe; and (b) in constant attendance at the delivery control valve. (See Appendix B, note B.8.5.2(1)(b))</p> <p><b>8.5.3(1)</b> Transfer of <i>petroleum</i> or <i>allied petroleum product</i> into and out of a <i>storage tank system</i> shall be in conformance with procedures outlined in: (a) the NFCC; (b) API Std 2610-94, “Design, Construction, Operation, Maintenance, and Inspection of Terminal and Tank Facilities”; and (c) CPPI (1992), “Professional Driver’s Manual”. 8.5.3(2) Standard procedures for normal operation, as well as for emergencies, shall be given to an <i>operator</i> and posted in printed form for convenient reference. An employee involved with the transfer of <i>petroleum</i> or <i>allied petroleum product</i> shall be trained in the correct operating procedures for all equipment and shut-down devices.</p>

## *Some of the Applicable Guidelines & Codes of Practice*

- “Code of Practice” for Storage and Handling of Petroleum Products and Allied Products Storage Tank Systems, Mechanical Engineering Department Engineering Services Division and Workplace Environment Department Corporate Safety Division.
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- For further information with respect to the process of getting easement, or license of occupation as required by the Crown Lands Act, refer to Lands Branch website of Manitoba Conservation. Or, contact the Property Department, Corporate Services Division.
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance

**Activity : off-loading and on-site bulk storage of petroleum products (includes temporary storage)**  
**Activity's significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p>The Crown Lands Act[C340]</p> <p>-Vehicle Use on Crown Lands Resource Roads, Regulation(145/91)</p> <p>-Crown Lands Fees Regulation(130/91)</p>	<p>The purpose of the Act is to provide for the most effective use of Crown Lands by establishing effective administration and management policies and processes on Crown Lands. The Act provides the application of proven forest management techniques to enhance the productivity on Crown Lands, requires the leasing and licensing arrangements on Crown Lands, and integrates wildlife and outdoor recreation consideration in forest management planning process on Crown Lands.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>7(1)</b> The minister may, upon such terms and subject to such conditions, including the amount of any fee, rent or royalty payable, as are prescribed by the Lieutenant Governor in Council, (a) lease Crown lands, other than agricultural Crown lands, for a term not exceeding 21 years, with or without an option to purchase; (b) issue permits of occupation or use of Crown lands, other than agricultural Crown lands, from year to year; c) issue work permits authorizing specified work to be performed on Crown lands and authorizing entry upon the Crown lands for purposes of the work; (d) issue licenses for the occupation or use of Crown lands for specified purposes; (e) issue any easement or right-of-way upon, over, under or in respect of Crown lands.</p> <p><b>13.1(1)</b> Where an agreement entered into between the Crown and a person for the disposition of Crown lands contains a restriction on the development of all or part of the lands for the purpose of the protection of any natural resource and provides that the restriction may be enforced against a subsequent owner of the lands, and where a caveat is filed in accordance with subsection (2), the agreement shall be enforceable against the subsequent owner.</p> <p><b>Supporting Sections from the Vehicle Use on Crown Lands Resource Roads, Regulation:</b></p> <p><b>3(1)</b> The minister may cause signs to be posted on or adjacent to resource roads prohibiting, controlling or governing the operation of vehicles on those roads. 3(4) Except under the authority of a permit issued under section 5, no person shall operate a motor vehicle or an off-road vehicle in contravention of a sign posted under section 3.5(1) The minister may issue a permit authorizing the holder of the permit to operate a vehicle on a resource road.</p> <p><b>Supporting Sections from the Crown Lands Fees Regulation:</b></p> <p><b>2 (1)</b> person who uses or occupies land under the authority of a permit, lease, license or easement issued or granted by the minister under The Crown Lands Act shall pay the fee for that use or occupation that is required by this regulation.</p>

**The Dangerous Goods Handling and Transportation Act[D12]**

The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.

-Dangerous goods handling and transportation regulation(955/2003)

- Environmental accident reporting regulation(439/87)

- Generator registration and carrier licensing regulation(175/87)

**Supporting Sections from the Act:**

**3.** No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations. **8(1)**No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.

**8(2)** No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.

**8(3)** No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.

**13.** The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;

**Supporting Sections from the Dangerous goods handling and transportation regulation(955/2003):**

**As most sections of the regulation are relevant to the activities in CS&D, only the important titles have been listed here.**

**4.1** Requirements for Dangerous Goods Safety Marks. **4.4** Consignor Responsibilities. **4.5** Carrier Responsibilities. **5.1** Selecting and Using Means of Containment. **5.4** Loading and Securing. **6.1** Training Certificate Requirements. **7.1** Requirement for an Emergency Response Assistance Plan (ERAP). **8.** Accidental release and imminent accidental release report requirements.

**Supporting Sections from the Environmental accident reporting regulation:**

Reporting of environmental accidents **3(1)** A person who is responsible for or who has custody and control of a contaminant involved in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. **3(2)** The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.

**Supporting Sections from the Generator registration and carrier licensing regulation:**

**3(1)** No person shall (a) generate in any month hazardous waste in quantities equal to or greater than those specified in the Schedule; **3(2)** Every Generator Registration Report referred to in subsection (1) or (3) shall contain such data, analysis and information as will

<p>- Storage and handling of petroleum products and allied petroleum products regulation(188/2001)</p>		<p>enable the director to satisfactorily identify the quantity, quality and nature of the hazardous waste.</p> <p><b>4(2)</b> An application for a license to transport hazardous waste in Manitoba shall include (a) the name and address of the carrier, and if the carrier is a corporation, the Manitoba registered name and address;(b) the number, type and net carrying capacity in kilograms and liters of each transport vehicle and trailer to be operated by the carrier to transport hazardous waste;(c) the amount and type of liability insurance coverage of the carrier;(d) the type of hazardous waste to be transported; and (e) a statement of the training received by each vehicle operator.</p> <p><b>Supporting Sections from Storage and handling of petroleum products and allied petroleum products regulation:</b></p> <p><b>The following parts of the regulation are applicable to transfer and storage of petroleum and allied petroleum products.</b></p> <p><b>Part2:</b> GENERAL PROVISIONS  <b>Part3:</b> INTERNAL-COMBUSTION ENGINE FUEL QUALITY  <b>Part 4;</b> PERMITS FOR CONSTRUCTION AND ALTERATION  <b>Part5:</b> PERMITS FOR OPERATION  <b>Part 6:</b> INVENTORY AND RECORD-KEEPING  <b>Part 7:</b> SPILLAGES AND LEAKAGES  <b>Part 8:</b> TRANSFER OF PERMITS OR REAL PROPERTY  <b>Part 9:</b> OUT-OF-SERVICE STORAGE TANK SYSTEMS  <b>Part 10:</b> LICENSED PETROLEUM TECHNICIANS  <b>Part11:</b> REQUIRED TESTS AND INSPECTIONS  <b>Part 12:</b> UPGRADING OR REMOVAL OF STORAGE TANK SYSTEMS</p>
<p>The Fires Prevention and Emergency Response Act[ F80]</p> <p>-Manitoba Fire Code (216/2006) [Amendments 6/2008]</p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to</p>

	<p>National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p>prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil. <b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>
<p>The Environment Act[ E125]</p> <p>- Notice and Reporting Regulation(126/2010)</p>	<p>The purpose of the Act is to “develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life”. It also outlines an environmental assessment and licensing process for developments that may have potential for significant environmental effects.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>30.1(1)</b> No unauthorized release of pollutants: No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that causes or may cause a significant adverse effect, unless expressly authorized or permitted to do so 30.1(3) Duty to report release A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations</p> <p><b>30.1(4)</b> Reporting by person responsible for pollutant A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.</p> <p><b>Supporting Sections from the Notice and Reporting Regulation:</b></p> <p><b>(3)</b>Reporting release of pollutants</p> <p><b>3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:(a) in the case of a report to the director, by telephoning Manitoba Conservation at (204) 944-4888 and reporting the release to the person who answers the call; (b) subject to subsection (2), in the case of a report to any other person, by reporting the release in person or telephoning the person and making the report. 3(3) When making a report a person must provide the necessary information if it is known or is readily available.</p>



-Designated Reservoir  
Area Regulation (22/88R)

4(1) Where a person is using, diverting or controlling water or has constructed or established or is operating or maintaining any works or water control works in breach of section 3, the minister may make an order requiring the person, within a period of time stated in the order,

(a) to cease using or diverting the water; or

(b) to remove the works or water control works; or

(b.1) to cease controlling the water; or

(c) to repair or reconstruct or alter the works or water control works in a manner stated in the order;

as the case may be, and the order shall further state that if the person to whom it is directed fails to comply with the order, an officer or another person authorized by the minister may, without further notice or legal process and at the expense of the person, take or cause to be taken the steps set out in subsection (3).

**Some of the supporting sections from the regulation:**

**The regulation provides a list of reservoir in Manitoba close to which operations are restricted.**

**Activity : Off-loading and on-site bulk storage of petroleum products (includes temporary storage)**

**Activity's Significance: Low**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the</p>

<p>-Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations (SOR/2008-197)</p> <p>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</p>		<p>circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations:</b></p> <p>7. The owner or operator of a storage tank system must comply with the applicable requirements before any petroleum products or allied petroleum products are first transferred into that system.</p> <p>15. (1) The owner or operator of a storage tank system must ensure that petroleum product and allied petroleum product transfer areas are designed to contain spills that occur during the transfer process.</p> <p>29. A person that delivers petroleum products or allied petroleum products must comply with the following requirements: (a) they must immediately notify the operator of the storage tank system of any spill that occurs during the transfer or any evidence observed of a leak or spill; and (b) beginning two years after the day on which these Regulations come into force, (i) they must not transfer petroleum products or allied petroleum products into any storage tank system unless the storage tank system identification number is visible, and (ii) they must keep a record of the storage tank system identification number.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b></p> <p>(2) Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p>The Fisheries Act[ R.S.C., 1985, c. F-14]</p>	<p>The purpose of the Act is to manage and protect Canada’s fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Section 22: Flow Limits:</b></p> <p>(60) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.</p> <p>(61) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.</p> <p>(62) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p>

<p>-Deposit out of the Normal Course of Events Notification Regulation(SOR 2011/91)</p>		<p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.</p> <p><b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b></p> <p><b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The National Fire Code of Canada, 2010</p>	<p>The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and</p>	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level.</p> <p><b>4.2.3.2</b> containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

	sustainable protection of buildings.	
<p><b>Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products ( CCME)</b></p>	<p>This publication updates, combines, and replaces CCME's 1993 "Environmental Code of Practice for Underground Storage Tank Systems Containing Petroleum Products and Allied Petroleum Products" and the 1994 "Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products." It reflects the advances in technology and the experience gained by industry and government regulators in proactively managing storage tanks systems. The "storage and handling of petroleum products and allied petroleum products regulation 188/2001", was adopted of the content of this code of practice.</p>	<p><b>5.3.1</b> The fill pipe on a <i>storage tank</i> with a capacity of 5 000 L or more shall be equipped for the attachment of a liquid and vapour-tight connection at the time of filling and shall be sealed with a liquid- and vapour-tight cap when not in use.</p> <p><b>5.3.2</b> The suction tube of a <i>used oil</i> tank shall be equipped for the attachment of a liquid-tight fitting and shall be sealed with a liquid-tight cap when not in use. Section 8.9: The <i>owner</i> of each registered <i>storage tank system</i> shall prepare and maintain an emergency response <i>contingency plan</i>. 8.9.2(1) The <i>owner</i> or <i>operator</i> of a <i>storage tank system</i> shall immediately notify the <i>authority having jurisdiction</i> (See Appendix D- Spill Reporting) and provide the information requested when the <i>owner</i> or <i>operator</i> discovers, suspects, or is notified by any person of:(a) any <i>leak</i> from a <i>storage tank system</i>;(b) any <i>spill</i> or overflow that is 100 L or more;or(c) any <i>spill</i> or overflow that could threaten fresh water supplies, groundwater, or the health and safety of the public.</p> <p><b>8.5.1</b> A person responsible for transferring <i>petroleum</i> or <i>allied petroleum product</i> to a <i>storage tank system</i> shall take all reasonable steps to prevent <i>spills</i>. 8.5.2(1) When a tank vehicle is being unloaded, the vehicle <i>operator</i> shall remain: (a) in constant view of the fill pipe; and (b) in constant attendance at the delivery control valve. (See Appendix B, note B.8.5.2(1)(b))</p> <p><b>8.5.3(1)</b> Transfer of <i>petroleum</i> or <i>allied petroleum product</i> into and out of a <i>storage tank system</i> shall be in conformance with procedures outlined in: (a) the NFCC; (b) API Std 2610-94, "Design, Construction, Operation, Maintenance, and Inspection of Terminal and Tank Facilities"; and (c) CPPI (1992), "Professional Driver's Manual". 8.5.3(2) Standard procedures for normal operation, as well as for emergencies, shall be given to an <i>operator</i> and posted in printed form for convenient reference. An employee involved with the transfer of <i>petroleum</i> or <i>allied petroleum product</i> shall be trained in the correct operating procedures for all equipment and shut-down devices.</p>

## *Some of the Applicable Guidelines & Codes of Practice*

- “Code of Practice” for Storage and Handling of Petroleum Products and Allied Products Storage Tank Systems, Mechanical Engineering Department Engineering Services Division and Workplace Environment Department Corporate Safety Division.
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- SAFETY MANAGEMENT SYSTEM The Safety Program for Manitoba Hydro-2011 / 2012- Publication Number: 0089/07, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).
- For further information with respect to the process of getting easement, or license of occupation as required by the Crown Lands Act, refer to Lands Branch website of Manitoba Conservation. Or, contact the Property Department, Corporate Services Division.
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance

### **For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”

- **Important eForms with respect to reporting spills:**
  - Hazardous Material Incident Report (eForm H2875)
  - Activation of Spill Plan/Exercise (eForm 285)

**Activity : Resource, Energy or Material Use and Reduction Initiatives**  
**Activity's Significance: Medium**

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Provincial</b>		
<p><b>The Winter Heating Cost Control Act [C.C.S.M. c W165]</b></p>	<p>The purpose of the Act is to protect consumers from the impact of rising heating costs during the winter seasons. Also, the Act provides support for program and services for electricity and natural gas energy efficiency, enhanced space heat retention and heating efficiency. The Act tries to develop alternatives to natural gas in order to ensure that sufficient and sustainable energy resources are available in the future.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>Affordable energy fund</b></p> <p><b>6(1)</b> Manitoba Hydro must establish an affordable energy fund sufficient to carry out the purpose described in subsection (2).</p> <p><b>6(2). (a)</b> encourage energy efficiency and conservation;</p> <p><b>(b)</b> encourage the use of alternative energy sources, including earth energy;</p> <p><b>(c)</b> facilitate research and development of alternative energy sources and innovative energy technologies.</p> <p><b>Energy efficiency and conservation programs and services</b></p> <p><b>6(3)</b> the programs and services for energy efficiency and conservation referred to in clause (2)(a) must be designed and delivered to ensure:</p> <p><b>(b)</b> that Manitoba Hydro's residential customers have access to comparable programs and services, regardless of the energy source they use to heat their homes.</p>
<p><b>The Energy Act[C.C.S.M. c E112]</b></p>	<p>The Energy Act provides a framework for promoting and facilitating development of energy resources in Manitoba. The Act aims to</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>Principles of sustainable development</b></p> <p><b>3</b> For the purpose of this Act, the principles of sustainable development include the following:</p> <p><b>(a)</b> that decisions respecting the development, production, supply, distribution and use of energy be made with due regard for</p>

**-Energy Efficiency  
Standards for  
Replacement Forced Air  
Gas and Small Boilers  
Regulation (181/2009)**

ensure a reliable supply of energy to consumers at the least possible cost, and to promote the conservation and efficient use of energy in accordance with the principles of sustainable development.

their impact on the environment, including human health, and that environmental programs and initiatives be instituted with due regard for their economic impact;

- (b) that government and industry acknowledge their stewardship of the energy resources of the province so that the economy is developed and the environment is preserved for the benefit of the present generation and future generations of Manitobans;
- (c) that responsibility for sustaining a sound and healthy environment alongside development and use of energy resources is shared by all Manitobans;
- (d) that any adverse impact on the environment or the economy of policies, programs and decisions respecting energy be prevented or minimized;
- (e) that conservation policies and practices be applied to enable the development and use of energy resources in the province in a manner that is wise and efficient in both environmental and economic terms;
- (f) that the reduction, reuse, recycling and recovery of the products and waste energy of our society be encouraged;
- (g) that policies, programs and decisions respecting energy be made with due regard for the need to protect and enhance the ecosystems of the province;
- (h) that policies, programs and decisions respecting energy take into account the need to rehabilitate any part of the environment that is damaged or degraded as a result of the development, production, supply, distribution or use of energy;
- (i) that scientific research and technological innovations respecting the development and use of energy resources be encouraged with a view to improving the environment and to preventing or reducing adverse impact on the environment;
- (j) that the ecological interdependence among the provinces and territories of Canada and of the nations of the world is recognized by integration of considerations respecting the environment and the economy in the decisions of governments and industry.

**Constructive corporate acts**

10(4) In construing and enforcing this Act, an act, omission, neglect or failure of an officer, director, employee or agent of a corporation acting within the scope of responsibility or employment of the officer, director, employee or agent is an act, omission, neglect or failure of the corporation.

**Some of the supporting sections from the regulation:**

**Designation of testing and certification bodies**

**3 A** testing agency or other organization accredited by the Standards Council of Canada as a certification body for verifying the energy efficiency of gas-fired appliances and equipment is designated for the purpose of testing and certifying or verifying the AFUE of a gas furnace or a gas boiler.

**The Sustainable Development Act  
[ C.C.S.M. c S270]**

**- Sustainably Guidelines For Local Governments, School Divisions, Universities, Colleges And Regional Health Authorities Regulation (4/2004)**

The purpose of the Manitoba “Sustainable Development Act” is to promote sustainable development in Manitoba and provide advice and recommendations to government in accordance with the Act. A round table was established under the Act to provide an advisory body to the provincial government that provides advice and support to decision makers toward making responsible resource, land use, environment, and social and economic development decisions for the province. The Manitoba Round Table is an integral component of the province’s sustainable development strategy. The principles of Sustainable Development are defined in the schedule A, and they comprise important elements such as Stewardship, Conservation, and Enhancement.

**Some of the supporting Sections from the Regulation:**

**Guidelines for sustainable procurement**

2. When a local public sector organization makes procurement decisions, it should be guided by the following considerations:

- (e) conserving energy, including, but not limited to, purchasing goods, materials and services that
  - (i) minimize the consumption of electricity and fossil fuels during production, transportation, delivery and use,
  - (ii) substitute renewable for non-renewable forms of energy during production, transportation, delivery and use.

*Some of the Applicable Guidelines & Codes of Practice*

- The Canadian Standards Association, CSA-P 2-07: Testing method for measuring the annual fuel utilization efficiency of residential gas-fired furnaces and boilers

**Activity : Resource, Energy or Material Use and Reduction Initiatives**

Activity's Significance: Low

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Energy Efficiency Act (S.C.1992 , c.36)</b></p> <ul style="list-style-type: none"> <li>• <b>Energy Efficiency Regulation (SOR/94-651)</b></li> </ul>	<p>The Act and its regulation set out minimum energy efficiency standards for specific energy using-products and provide descriptions of the responsibilities of dealers with respect to these products. The Act defines a dealer as a manufacturer of energy using products in Canada, a person engaged in the business of importing energy using products in Canada, or a person who sells or leases energy using products obtained directly or indirectly from the manufacturer or importer.</p>	<p><b>Some of the supporting sections from the Act:</b></p> <p><b>PART II</b>  <b>Promotion of energy efficiency and alternative energy sources</b>  <b>22.</b> The Governor in Council may make regulations requiring prescribed persons to file with the Minister, in the prescribed form and manner, at the prescribed time and for each prescribed reporting period, a report setting out prescribed statistics and information respecting</p> <ul style="list-style-type: none"> <li>(a) The value, quantity and use of energy, including alternative energy, purchased, consumed or sold by that person;</li> <li>(b) The expenditures of that person on the research, development, acquisition and operation of energy -using equipment and related technology; and</li> <li>(c) The sales of prescribed energy-using products or classes of energy-using products by that person, including the revenue from, and geographic disruption of, the sale.</li> </ul> <p><b>Supporting Section from the Regulation:</b></p> <p>2) energy-using product shipped or imported as described in subsection 4(1) of the Act shall be labelled with at least one of the following:</p> <ul style="list-style-type: none"> <li>○ (a) a verification mark issued by a certification body that is accredited in respect of the class of products to which the product belongs; or</li> <li>○ (b) a verification mark issued by a province whose provincial energy efficiency standard for the product is equivalent to or exceeds the energy efficiency standard for the product referred to in section 4 of these Regulations.</li> </ul>

## Activity : Transport & Transfer of Natural Gas Odorant Mercaptan

Activity's Significance: Low

### Related Acts & Regulations

### General Description of the Act

### Supporting Sections

#### Provincial

#### The Environment Act[C.C.S.M. c. E125]

The purpose of the Act is to develop and maintain an environmental protection and management system in Manitoba which will ensure that the environment is protected and maintained in such a manner as to sustain a high quality of life.

#### Some of the supporting sections from the Act:

##### Environmental protection order

24(1)If the director believes that

- (a) a pollutant may be released, is being released, or has been released; and
- (b) the release may cause, is causing or has caused an adverse effect on the environment;

the director may issue an environmental protection order against a person responsible for the pollutant.

##### Duty to report release

30.1(3)A person who releases or causes or allows the release of a pollutant that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to

- (a) the director;
- (b) the person responsible for the pollutant, if the person reporting is not the person responsible for the pollutant but he or she knows or is readily able to determine the identity of that person; and
- (c) any other person who the person reporting knows or ought to know may be directly affected by the release.

##### Reporting by person responsible for pollutant

30.1(4) A person responsible for a pollutant that is released into the environment that may cause, is causing or has caused an adverse effect must report the release, in accordance with the regulations, to the persons referred to in subsection (3), unless he or she has reasonable grounds to believe that those persons are already aware of the release.

##### No release of pollutants in excess of limits

30.2 No person shall release or allow the release of a pollutant in an amount or concentration, or at a level or rate of release, that exceeds the limit that is expressly provided under this Act, another Act of the Legislature, or an Act of Parliament, or in a regulation, licence, permit, order, instruction, directive or other approval or authorization issued or made under one of those Acts.

<p><b>-Notice and Reporting Regulation (C.C.S.M. c. E125)</b></p>		<p><b>Some the supporting sections from the Notice and Reporting Regulation:</b></p> <p><b>Reporting release of pollutants 3(1)</b> For the purpose of subsections 30.1(3) and (4) of the Act, a person who is required to report the unauthorized release of a pollutant must — as soon as the person knows or ought to know of the release — report it as follows:</p> <p><b>3(3)</b> When making a report a person must provide the following information if it is known or is readily available:</p> <p>(a) the location and time of the release;</p> <p>(b) the name and telephone number of the person reporting the release;</p> <p>(c) a brief description of the circumstances of the release and its status at the time of the report;</p> <p>(d) the identity and quantity, if known, of the pollutant released;</p> <p>(e) the action that the person making the report has taken or intends to take with respect to the release.</p> <p><b>3(4)</b> If requested by an environment officer, a person making a report must file a written report with the department setting out such information as is requested by the environment officer.</p>
<p><b>The Dangerous Goods Handling and Transportation Act[D12]</b></p> <p><b>-Dangerous goods handling and transportation regulation(955/2003)</b></p> <p><b>- Environmental accident reporting regulation(439/87)</b></p>	<p>The Act provides a framework for transportation of dangerous goods. It sets safety standards and shipping requirements for different dangerous goods. The regulations also provide a means of communicating the nature and level of danger associated with various chemicals and other products.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>3.</b> No person shall handle or dispose of dangerous goods or cause dangerous goods to be handled or disposed of except in compliance with this Act and the regulations.</p> <p><b>8(1)</b>No person shall handle licensable hazardous wastes unless that person or that person's employer is in possession of a valid and subsisting license issued by the director for the purpose specified on the license.</p> <p><b>8(2)</b> No person shall (a) accept for transport hazardous wastes generated in Manitoba; or (b) transport hazardous wastes into Manitoba for storage, treatment or disposal; unless that person or that person's employer is in possession of a valid and subsisting license issued by the director, or by any other person authorized to issue a license in the province wherein the transporter is based.</p> <p><b>8(3)</b> No person shall dispose of hazardous wastes, or cause hazardous wastes to be disposed of, except at a licensed hazardous waste disposal facility or in a manner approved or specified by the director or an environment officer.</p> <p><b>13.</b> The director may by order (a) direct any person handling or disposing of dangerous goods or contaminants to furnish all information specified in the order that he has in his possession or may reasonably be expected to have access to relating to the dangerous goods or contaminants;(b) restrict or place conditions on the handling or disposal of any dangerous goods or contaminants in Manitoba;</p> <p><b>Supporting Sections from the Dangerous goods handling and transportation regulation(955/2003):</b></p> <p><b>As most sections of the regulation are relevant to the activities in CS&amp;D, only the important titles have been listed here.</b></p> <p><b>4.1</b> Requirements for Dangerous Goods Safety Marks. <b>4.4</b> Consignor Responsibilities. <b>4.5</b> Carrier Responsibilities. <b>5.1</b> Selecting and Using Means of Containment. <b>5.4</b> Loading and Securing. <b>6.1</b> Training Certificate Requirements. <b>7.1</b> Requirement for an Emergency Response Assistance Plan (ERAP). <b>8.</b> Accidental release and imminent accidental release report requirements.</p> <p><b>Supporting Sections from the Environmental accident reporting regulation:</b></p> <p>Reporting of environmental accidents <b>3(1)</b> A person who is responsible for or who has custody and control of a contaminant involved</p>

		<p>in an environmental accident shall immediately after the occurrence of the environmental accident report the accident by calling (a) the Manitoba Department of Environment and Workplace Safety and Health in Winnipeg at (204) 944-4888; or (b) the local police or fire department, as appropriate. 3(2) The report referred to in subsection (1) shall include the following information where it is either known or is readily available: (a) the location and time of the accident; (b) the name and telephone number of the person reporting the accident; (c) a brief description of the circumstances of the accident and its status at the time of the report; (d) the identity and quantity of the contaminant; (e) the name of the owner of the contaminant; (f) the action that the person making the report has taken or intends to take with respect to the accident; (g) other relevant information required by the person to whom the report is made.</p>
<p><b>The Fires Prevention and Emergency Response Act[ F80]</b></p> <p><b>-Manitoba Fire Code (216/2006)</b></p>	<p>The purpose of the Act is to provide a framework for control activities that are focused on prevention, detection, and extinguishment of fire in parts of the province that are not in urban areas where there could be a danger to human life, property, protective vegetation, and wildlife. The Manitoba Fire Code was adopted from the National Fire Code of Canada and it defines the requirements for fire safety in buildings, safety requirements for transport of combustible and flammable liquids, hazardous materials processes and operations, and requirements for installation, testing maintenance and operation of fire protection equipment.</p>	<p><b>Some of the Supporting sections from the Act:</b></p> <p><b>Local authority must comply with directions</b></p> <p><b>5(3)</b> At the site of an emergency or disaster, a local authority must (a) carry out an action; (b) cease an action it is carrying out; or (c) change the way it is carrying out an action; if directed to do so by the fire commissioner.</p> <p><b>20.</b> Local authorities to enforce fire code: Within its boundaries, a local authority must, in accordance with the procedures of this Act, enforce the <i>Manitoba Fire Code</i> as it is prescribed for the part for the province in which the local authority is situated.</p> <p><b>22(1)</b> Local incident management system to be established: A local authority must establish a local incident management system for directing and managing emergency response services at the site of any emergency or disaster within its boundaries.</p> <p><b>Supporting sections from the Manitoba Fire Code:</b></p> <p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources. 4.1.6.3 (1)maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3), all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.</p> <p><b>4.1.8.1</b> Containers and storage tanks shall not be filled beyond their safe filling level. 4.2.3.2 containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.</p>

**Activity : Transport & Transfer of Natural Gas Odorant Mercaptan**

Activity's Significance: Low

Related Acts & Regulations	General Description of the Act	Supporting Sections
<b>Federal</b>		
<p><b>Canadian Environmental Protection Act</b> [R.S.C., 1992, c. 37]</p>	<p>The Canadian Environmental Protection Act is an environmental legislation by which the federal government regulates activities affecting the environment. Its primary purpose is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.</p>	<p><b>Supporting Sections from the Act:</b></p> <p><b>95. Release of Toxic Substances Report and Remedial Measures:</b> Where there occurs or is a likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, responsible person described in subsection (2) shall, as soon as possible in the circumstances notify (a) an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent the release or, if it cannot be prevented, to remedy any dangerous condition or reduce or mitigate any danger to the environment or to human life or health that results from the release of the substance or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the release or likely release.</p> <p><b>96. Voluntary Report:</b> Where a person has knowledge of the occurrence or likelihood of a release into the environment of a substance specified on the List of Toxic Substances in Schedule 1, but the person is not required to report the matter under this Act, the person may report any information relating to the release or likely release to an enforcement officer or to any person to whom a report may be made under section 95.</p> <p><b>201. Environmental Matters Related To Emergencies: Remedial Measures :</b> if there occurs an environmental emergency in respect of a substance on a list established under the regulations or interim orders, any person described in subsection (2) shall, as soon as possible in the circumstances, (a) notify an enforcement officer or any other person designated by regulation or interim order and provide a written report on the environmental emergency to the enforcement officer or other person; (b) take all reasonable emergency measures consistent with the protection of the environment and public safety (i) to prevent the environmental emergency, or (ii) to repair, reduce or mitigate any negative effects on the environment or human life or health that result from the environmental emergency or that may reasonably be expected to result from it; and (c) make a reasonable effort to notify any member of the public who may be adversely affected by the environmental emergency.</p> <p><b>212. Report and Remedial Measures:</b> If a substance is released into the environment in contravention of a regulation, or if there is a likelihood of such a release, a person described in subsection (2) shall, as soon as possible in the</p>

<p><b>-Release and Environmental Emergency Notification Regulations(SOR 2011/90)</b></p>		<p>circumstances, (a) subject to the regulations, notify an enforcement officer or any other person designated pursuant to the regulations and provide a written report on the matter to the enforcement officer or other person; (b) take all reasonable measures consistent with the protection of the environment and public safety to prevent or eliminate any dangerous condition or minimize any danger to the environment or to human life or health that results from the release or may reasonably be expected to result if the substance is released; and (c) make a reasonable effort to notify any members of the public who may be adversely affected by the release or likely release.</p> <p><b>Supporting Sections from Release and Environmental Emergency Notification Regulations:</b>  <b>(2)</b> Any person required by paragraph 95(1)(a), 169(1)(a), 179(1)(a), 201(1)(a) or 212(1)(a) of the <i>Canadian Environmental Protection Act, 1999</i> to provide notification of the occurrence of a release of a substance, the likelihood of such a release, or the occurrence of an environmental emergency shall, as soon as possible in the circumstances, notify (a) in all cases other than those mentioned in paragraph (b), an enforcement officer or a person referred to in paragraph (1)(a) at the applicable telephone number set out in column 3 of the schedule.</p>
<p><b>The Fisheries Act[ R.S.C., 1985, c. F-14]</b></p> <p><b>-Deposit out of the Normal Course of Events Notification</b></p>	<p>The purpose of the Act is to manage and protect Canada's fisheries resources. It applies to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial, and territorial governments.</p>	<p><b>Supporting Sections from the Act:</b>  <b>Section 22: Flow Limits:</b>  (63) At every obstruction, where the Minister determines it to be necessary, the owner or occupier thereof shall, when required by the Minister, provide a sufficient flow of water over the spill-way or crest, with connecting sluices into the river below, to permit the safe and unimpeded descent of fish.  (64) The owner or occupier of any obstruction shall make such provision as the Minister determines to be necessary for the free passage of both ascending and descending migratory fish during the period of construction thereof.  (65) The owner or occupier of any obstruction shall permit the escape into the river-bed below the obstruction of such quantity of water, at all times, as will, in the opinion of the Minister, be sufficient for the safety of fish and for the flooding of the spawning grounds to such depth as will, in the opinion of the Minister, be necessary for the safety of the ova deposited thereon.</p> <p><b>Section 30:</b> Every water intake will have a fish guard or screen to prevent the passage of fish.</p> <p><b>Section 35: Fish Habitat Protection And Pollution Prevention:</b> Harmful alteration, etc., of fish habitat <b>35. (1)</b> No person shall carry on any work or undertaking that results in the harmful alteration, disruption or destruction of fish habitat.  <b>36. (1)</b> No one shall (a) throw overboard ballast, coal ashes, stones or other prejudicial or deleterious substances in any river, harbor or roadstead, or in any water where fishing is carried on; (b) leave or deposit or cause to be thrown, left or deposited, on the shore, beach or bank of any water or on the beach between high and low water mark, remains or offal of fish or of marine animals; or (c) leave decayed or decaying fish in any net or other fishing apparatus. <b>36(3):</b> No deposit of deleterious substances of any type in water frequented by fish.</p> <p><b>Supporting Sections from the deposit out of the Normal Course of Events Notification Regulation:</b>  <b>Duty to report (4)</b> Where, out of the normal course of events, there occurs a deposit of a deleterious substance in water frequented by fish or a serious and imminent danger thereof by reason of any condition, and where any damage or danger to fish habitat or fish or the use by man of fish results or may reasonably be expected to result therefrom, any</p>

Regulation(SOR 2011/91)		<p>person who at any material time(a) owns the deleterious substance or has the charge, management or control thereof, or(b) causes or contributes to the causation of the deposit or danger thereof,shall, in accordance with any regulations applicable thereto, report such occurrence to an inspector or such other person or authority as is prescribed by the regulations.</p> <p><b>Duty to take all reasonable measures (5)</b> Every person referred to in paragraph (4)(a) or (b) shall, as soon as possible in the circumstances, take all reasonable measures consistent with safety and with the conservation of fish and fish habitat to prevent any occurrence referred to in subsection (4) or to counteract, mitigate or remedy any adverse effects that result or may reasonably be expected to result therefrom.</p>
<p>The Navigable Waters Protection Act [ R.S., 1985, c. N-22]</p> <p>-Navigable waters works regulations ( C.R.C., C. 1233)</p>	<p>The Act ensures a balance between the public right to navigate and the need to build works such as bridges, dams or docks in navigable waters. The NWPA:</p> <ul style="list-style-type: none"> <li>prohibits construction in navigable waters</li> <li>regulates the removal of wreck and other obstacles to navigation and</li> <li>prohibits the throwing or depositing of any material into navigable waters.</li> </ul> <p>If hydrostatic testing equipment or activities could affect navigation. NWPA approval would be required.</p>	<p><b>Some of the Supporting Sections from The Navigable Waters Protection Act:</b></p> <p><b>5.1</b> Despite section 5, a work may be built or placed in, on, over, under, through or across any navigable water without meeting the requirements of that section if the work falls within a class of works, or the navigable water falls within a class of navigable waters, established by regulation or under section 13.</p> <p><b>9.</b> (1) A local authority, company or individual proposing to construct any work in navigable waters may apply to the Minister for approval by depositing the plans for its design and construction and a description of the proposed site with the Minister.</p> <p><b>Some of the supporting Sections from the Navigable waters works regulations:</b></p> <p><b>EQUIPMENT AND DEBRIS 5.</b> No person shall permit any tools, equipment, vehicles, temporary structures or parts thereof used or maintained for the purpose of building or placing a work in a navigable water to remain in such water after the completion of the project.</p> <p><b>6.</b> Where a work or a portion of a work that is being constructed or maintained in a navigable water causes debris or other material to accumulate on the bed or on the surface of such water, the owner of that work or portion of that work shall cause the debris or other material to be removed to the satisfaction of the Minister.</p>
The National Fire Code of Canada, 2010	The National Fire Code of Canada provides fire safety requirements for buildings, structures, and areas where hazardous materials are used, and addresses fire	<p><b>4.1.6</b> A spill of flammable liquids or combustible liquids shall be prevented from flowing outside the spill area and from reaching waterways, sewer system and portable water sources.</p> <p><b>4.1.6.3 (1)</b> maintenance and operating procedures shall be established to prevent the escape of flammable liquids or combustible liquids to areas where they could create a fire or explosion hazard.(2)Except as provided in Sentence (3),</p>

protection and fire prevention in the ongoing operation of buildings and facilities. The 2010 NFC is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire and sustainable protection of buildings.

all reasonable steps shall be taken to recover escape liquid and to remove or treat contaminated soil.

**4.1.8.1** Containers and storage tanks shall not be filled beyond their safe filling level.

**4.2.3.2** containers for flammable liquids or combustible liquids shall be distinctly marked or labeled in easily legible type that is in contrast to any other printed matter on the label with a warning to indicate that a) the material in the container is flammable, b) it should be kept away from heat, sparks, and open flames, and c) it should be kept closed when not in use.

## *Some of the Applicable Guidelines & Codes of Practice*

- Gas Apparatus Maintenance and control odorant spill response plan, 4.500.01. 2009
- TRANSPORTATION OF DANGEROUS GOODS (TDG) - Publication Number: 0184/09, Corporate Safety & Health Division
- Hazardous Materials Management Handbook, Corporate Safety and Health. Publication Number: 0126/08. Part 4
- Gas Apparatus Maint. & Control, Natural Gas Emergency, Gas operations Policy and Procedures, May 2005
- Fire Manual, Corporate Safety and Health Division, 2009
- CS&D Safety Environmental Building Inspection Guidance
- CS&D Safety Environmental Building Inspection Guidance
- Department of Fisheries and Oceans (DFO), Manitoba Operational Statements
  
- Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Section 5: environmental mitigation procedures, Section 6: Habitat mitigation and Compensation, section 7.1: environmental monitoring during construction. Canadian Association of Petroleum Producers (CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

### **For more information:**

- On how to report release to waterways refer to Hazardous Material Management Handbook, Part1, section 4: Notify Agencies and Appropriate People
  
- On how to clean up any release to soil, refer to the “Process For Cleaning Up Releases To Soil Involving Petroleum Products”

*Some of the Applicable Guidelines & Codes of Practice*

**Important eForms with respect to reporting spills:**

- Hazardous Material Incident Report (eForm H2875)
- Activation of Spill Plan/Exercise (eForm 285)

## References

The Following sources were consulted to develop this document:

- Manitoba Laws , retrieved from:  
<http://web2.gov.mb.ca/laws/index.php>
- Department of Justice, retrieved from:  
<http://laws-lois.justice.gc.ca/eng/>
- Environment Canada, retrieved from:  
<http://www.ec.gc.ca/default.asp?lang=En&n=FD9B0E51-1>
- Corporate Safe and Health Division at Manitoba Hydro, retrieved from (Manitoba Hydro Intranet):  
<http://fa.hydro.mb.ca/csh/Pages/default.aspx>
- Environmental Communiqué for Managers, CS&D Environmental Services, retrieved from( Manitoba Hydro Intranet):  
<http://csd.hydro.mb.ca/buss/environment/Pages/default.aspx>
- Canada Gazette, Part II: Official Regulations, retrieved from:  
<http://www.gazette.gc.ca/rp-pr/p2/index-eng.html#index>
- Guide to Environmental Legislation, Seventh Edition, January 2011, Manitoba Hydro

**Appendix I: Customer Service and Distribution Environmental Compliance Checklist**

**Manitoba Hydro**

Customer Service and Distribution  
Environmental Compliance Checklist

Issued: August, 2012

## Table of Contents

Guide to using the checklist.....	463
List of CS&D Activities.....	465
High-risk Activities Matrix.....	467
Medium-risk Activities Matrix.....	468
Provincial Acts and Regulations.....	470
The Apprenticeship and Certification Act (A110).....	471
The Contaminated Site Remediation Act [C205].....	472
The Crown Lands Act [C340].....	473
The Dangerous Goods Handling and Transportation Act [D12].....	474
The Endangered Species Act [E111].....	484
The Energy Act [E112].....	485
The Environment Act [E 125].....	487
The Fires Prevention and Emergency Response Act [F80].....	491
The Forest Act [F150].....	493
The Gas Pipeline Act [G50].....	494
The Heritage Resources Act [H39.1].....	496
The Highway and Transportation Act [H40].....	498
The Mines and Minerals Act [M162].....	500
The Manitoba Hydro Act [H190].....	502
The Noxious Weeds Act [N110].....	503
The Ozone depleting Substances Act [O80].....	504
The Pesticide and Fertilizers Control Act [P40].....	506
The Planning Act [P80].....	508
The Provincial Parks Act [P20].....	510
The Public Health Act [P210].....	512
The Public Utilities Board Act [P280].....	514
The Sustainable Development Act [S270].....	515
The Waste Reduction and Prevention Act [W40].....	516
The Water Rights Act [W80].....	517
The Water Resources Administration Act [W70].....	518
The Wildlife Act [W130].....	519
The Winter Heating Cost Control Act [W165].....	522
The Workplace Safety and Health Act [W210].....	523

Federal Acts and Regulations.....	524
Canadian Environmental Protection Act [S.C. 1999, c.33].....	525
The Energy Efficiency Act [S.C. 1992, c.36].....	529
Canada National Parks Act [S.C. 2000, c.32].....	530
The Canada Wildlife Act [c. W-9].....	532
The Explosives Act [c. E-17].....	533
The Fisheries Act [R.S.C., 1985, c. F-14].....	535
The Migratory Birds Convention Act [S.C. 1994 , C22].....	537
The National Fire Code of Canada (NFC), 2010.....	538
The Navigable Waters Protection Act (NWPA) [c.N-22].....	539
The Species at Risk Act [S.C., 2002, c.29].....	541

## **Guide to using the checklist**

The Environmental Compliance Checklist has been developed to assist management in meeting the requirements of environmental acts and regulations relevant to the activities of Customer Service & Distribution. For each of the acts and regulations, a series of questions was developed with a view to addressing compliance with legal requirements.

As the checklist is based on the activities of Customer Service & Distribution, three matrices have been provided to help managers identify the environmental requirements that apply to each activity. The matrices are categorized as high-risk, medium-risk, and low-risk depending on the risk level of the activities in each matrix.

To use the checklist, you need to review each matrix and:

1. identify the activities in your area of responsibility;
2. determine applicable acts and regulations to each activity;
3. find the relevant checklist in the document; and
4. complete the checklist for each applicable act and regulation(s).

At the end of each question or statement a reference number is provided. This number refers to the act, regulation code, internal or external resource used to develop that question. The Compliance Checklist is based on the “The List of Environmental Acts and Regulations Applicable to the Activities of the Customer service and Distribution Business Unit.” This list provides a comprehensive source of information from the important environmental acts, regulations, internal and external documents and data used to develop the Compliance Checklist. For further information on the requirements of each activity, you can refer to the List of Applicable Environmental Acts and Regulations.

**Disclaimer: Please note that the compliance checklist is a general guideline to assist managers in meeting the requirements of the environmental acts and regulations determined to be of the most significance to the main activities of the Customer Service & Distribution Business Unit. This document is not fully comprehensive and must not be used as a replacement for environmental acts and regulations. Please refer to the relevant environmental legislation and seek out legal advice when necessary.**

# List of CS&D Activities

## Environmental Activities Considered in Risk Ranking Matrix

Significance	CS&D Activities
High	fore bay and spill management
	watercourse modification (damming, rerouting)
	transmission line construction
	**transport and off-loading of petroleum products (>1100 gal)
	**storage, handling and transportation of PCBs
	**maintenance of oil filled equipment
	treatment and discharge of wastewater effluent (sewage)
	extraction of water for use
	generating station construction
	management of contaminated sites
Medium	burning of fossil fuels for power generation
	treatment of potable water
	**discharge of water used in or processed by non-sewage or septic operations
	converter station construction
	**distribution system and component construction
	**handling / removal & disposal of asbestos
	transmission and conversion of electricity
	operation & maintenance of SF6 breakers & switchgear
	**disposal of non-hazardous waste
	**vegetation management
	combustion of fossil fuels as an energy source
	water collection in fore bay / reservoir (including control structures)
	**procurement of materials
	**procurement of services
	stop log plugging
	**access development (roads, airstrips, water crossings)
	**site preparation (clearing, stripping, grading)
	**development of sources of aggregate, including borrow pits (gravel, fill)
Low	**decommissioning of buildings & plant, construction camps, construction infrastructure
	**vehicle maintenance; fueling vehicles, (including in field transport), and vehicle oil changes
	**transport of bulk natural gas and natural gas distribution
	**handling of treated wood products including during pole maintenance
	**protection workers, public, environment and property
	**off-loading and on-site bulk storage of petroleum products (includes temporary storage)
	**off-load (deliver) on-site packaged goods (<1100 gallons) for storage
**transport & transfer of natural gas odorant mercaptan	
**infrastructure and asset design	
use of water for power generation (moving the turbines)	

CS&D List of Environmental Activities  
 Distribution Construction  
 May 25, 2011  
 \*\* Indicates those activities relevant to CS&D

Page 1 of 2

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**Environmental Activities Considered in Risk Ranking Matrix**

operations of water drainage / dewatering systems (including oil-water separators)
**blasting, drilling/boring and rock excavation, quarrying
operation of PCBx unit (destruction of PCBs)
management of ash and ash waste
debris cleanup (including operation of debris removal, clamming for intake trash racks, equipment including boats, cranes, diggers)
coal handling and storage
burning of debris
transportation and disposal of hazardous waste
storage, handling and use of refrigerants
**O/M of Fire Suppressant Systems (including extinguishers)
**generation, storage and handling of hazardous waste
**storage, handling and use of glycol
**resource, energy or material use and reduction initiatives
purchase/sale of energy (wind, gas, electricity)
commercial, office and residential facility construction
dike maintenance and surveillance including shoreline restoration, stabilization, revegetation and clean up
maintenance of docks, beaches and portages

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CS&D List of Environmental Activities  
 Distribution Construction  
 May 25, 2011  
 \*\* Indicates those activities relevant to CS&D  
 Page 2 of 2

**UNCONTROLLED. REFERENCE DOCUMENT ONLY.**

# High-risk Activities Matrix

		transport and off-loading of petroleum products (>1100 gal)	storage, handling and transportation of PCBs	maintenance of oil filled equipment
Provincial	The Contaminated Site Remediation Act [C205]	●		
	The Crown Lands Act [C340]	●		
	The Dangerous Goods Handling and Transportation Act [D12]	●	●	●
	The Environment Act[E125]	●	●	●
	The Fires Prevention and Emergency Response Act [F80]	●	●	●
	The Provincial Parks Act [P20]	●	●	●
	The Waste Reduction and Prevention Act [W40]			●
	The Workplace Safety And Health Act [W210]	●	●	●
The Sustainable Development Act [S270]	●	●	●	
Federal	Canadian Environmental Protection Act [c.33]	●	●	●
	The Fisheries Act [F-14]	●	●	●
	The National Fire Code of Canada, 2010	●	●	●

## Medium-risk Activities Matrix

	discharge of water used in or processed by non-sewered septic operations	distribution system and component construction	handling / removal & disposal of asbestos	disposal of non-hazardous waste	vegetation management	procurement of materials	procurement of services	access development (roads, airstrips, water crossings)	development of sources of aggregate, including borrow pits (gravel fill)	decommissioning of buildings & plant, construction camps, construction infrastructure	vehicle maintenance, fueling vehicles, including in-field transport and vehicle oil change	transport of bulk natural gas and natural gas distribution	handling of treated wood products including chipping, pole maintenance	protection workers, public, environment and property
<b>Provincial</b>														
The Contaminated Site Remediation Act [C205]														
The Crown Lands Act [C340]														
The Dangerous Goods Handling and Transportation Act [D12]														
The Endangered Species Act [E111]														
The Environment Act [E125]														
The Fires Prevention and Emergency Response Act [F80]														
The Provincial Parks Act [P20]														
The Highway and Transportation Act [H40]														
The Heritage Resources Act [H39.1]														
The Forest Act [F150]														
The Manitoba Hydro Act [H190]														
The Noxious Weed Act [C.C.S.M c. N110]														
The Pesticides And Fertilizers Control Act [P40]														
The Planning Act [P80]														
The Public Health Act [P210]														
The Water Rights Act [W80]														
The Water Resources Administration Act [W70]														
The Waste Reduction and Prevention Act [W40]														
The Wildlife Act [W130]														
The Mines and Minerals Act [M162]														
The Apprenticeship and Trades Qualifications Act [A110]														
The Gas Pipeline Act [G50]														
The Workplace Safety And Health Act [W210]														
The Sustainable Development Act [S270]														
The Public Utilities Board Act [P280]														
<b>Federal</b>														
Canadian Environmental Protection Act [c.33]														
The Fisheries Act [c. F-14]														
The National Fire Code of Canada, 2010														
The Navigable Waters Protection Act [ c. N-22]														
Canada National Parks Act [c.32]														
The Migratory Birds Convention Act [C22]														
The Canada Wildlife Act [ c. W-9]														
The Species at Risk Act [c.29]														
Explosives Act [c. E-17]														
Pest control products act [c.28]														

## Low-risk Activities Matrix

	off-loading and on-site bulk storage of petroleum products (includes temporary storage)	off-load (deliver) on-site packaged goods (<1100 gallons) for storage	transport & transfer of natural gas odorant mercaptan	infrastructure and asset design	blasting, drilling/boring and rock excavation, quarrying	O/M of fire suppressant systems (including extinguishers)	generation, storage and handling of hazardous waste	storage, handling and use of glycol	resource, energy or material use and reduction initiatives
<b>Provincial</b>									
The Crown Lands Act [C340]	•	•							
The Dangerous Goods Handling and Transportation Act [D12]	•	•	•				•	•	
The Endangered Species Act [E111]				•	•				
The Environment Act [E125]	•	•	•	•	•		•	•	
The Fires Prevention and Emergency Response Act [F80]	•	•	•	•	•	•	•	•	
The Provincial Parks Act [P20]				•	•				
The Mines and Minerals Act [M162]					•				
The Gas Pipeline Act [G50]					•				
The Heritage Resources Act [H39.1]				•	•				
The Highway and Transportation Act [H40]				•	•				
The Manitoba Hydro Act [H190]				•	•		•		
The Planning Act [P80]									
The Water Rights Act [W80]	•	•		•	•		•	•	
The Water Resources Administration Act [W70]	•	•		•	•		•	•	
The Wildlife Act [C.C.S.M c. W130]				•	•				
The Apprenticeship and Trades Qualifications Act [A110]							•		
The Public Health Act [P210]				•				•	
The Forest Act [F150]				•					
The Ozone depleting Substances Act [c.080]						•			
The Winter Heating Cost Control Act [W165]									•
The Energy Act [E112]									•
The Workplace Safety And Health Act [W210]	•	•	•	•	•	•	•	•	•
The Sustainable Development Act [S270]	•	•	•	•	•	•	•	•	•
<b>Federal</b>									
Canadian Environmental Protection Act [c.33]	•	•	•	•	•	•	•	•	
The Fisheries Act [F-14]	•	•	•	•	•	•	•	•	
The National Fire Code of Canada, 2010	•	•	•	•	•	•	•	•	
The Navigable Waters Protection Act [N-22]			•	•	•	•	•	•	
Canada National Parks Act [c.32]				•	•				
The Migratory Birds Convention Act [C22]				•	•				
The Canada Wildlife Act [W-9]				•	•				
The Species at Risk Act [c.29]				•	•				
Explosives Act [E-17]					•				
Energy Efficiency Act [c.36]									•

## **Provincial Acts and Regulations**

## The Apprenticeship and Certification Act (A110)

- Trade of Insulator (Heat and Frost) Regulation (17/2006)

### Interpretation

The purpose of the act is to develop standards and requirements for apprenticeship training and for monitoring and assessing the trainings offered by employers in specific areas, such as removing, enclosing, and encapsulating asbestos. The Trade of Insulator (Heat and Frost) Regulation sets out specific training requirements for individuals who have to work around asbestos.

Regulatory Requirements	Comments
<p>If any of the staff has to remove, enclose, or encapsulate asbestos, have you checked:</p> <ul style="list-style-type: none"> <li>• If appropriate training has been provided for the staff according to the regulation (17/2006), and the requirements of the Corporate Safety and Health Division?</li> </ul> <p>According to the regulation " Term of Apprenticeship" for the individuals who work around asbestos, training must consist of the following:</p> <ol style="list-style-type: none"> <li>1) first, second and third level of training each consisting of a period of at least 12 months during which the apprentice must complete 1,500 hours of technical training and practical experience</li> <li>2) forth level consisting of at least 12 months during which the apprentice must complete 1,500 hours of practical experience.</li> </ol> <p>Have you ensured that the apprentice obtained the certification examination prior to working around asbestos?</p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Contaminated Site Remediation Act [C205]

- Contaminated sites remediation regulation (105/97)

### Interpretation

The act, and its accompanying regulation provide regulatory authority to designate and manage sites that have been exposed to environmental contaminants. Also, liability issues and remediation of these sites are addressed in the act and the regulation.

Regulatory Requirements	Comments
If you suspect a site is contaminated, <ul style="list-style-type: none"> <li>• Have you contacted the Project Engineer in Soil Remediation, Transmission Construction Department (360-4878)?</li> </ul>	
If there is a property in your area which is designated as a contaminated site, Have you sent the Notice of Contaminated Site Designation to the(C205): <ul style="list-style-type: none"> <li>• Manitoba Hydro contaminated site database?</li> <li>• municipality within which the site is located?</li> <li>• site registry administered by Manitoba Conservation?</li> </ul>	
Have you submitted the remedial action plan to Manitoba Conservation within 30 days after the date of the remediation order?(C205) <u>Note: You can contact Transmission Line Civil Construction Department (360-4971) for further information.</u>	
Have you asked for a Certificate of Compliance from Manitoba Conservation once remediation has been completed?(C205)	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Crown Lands Act [C340]

- **Crown Lands Fees Regulation (130/91)**
- **Vehicle Use on Crown Lands Resource Roads Regulation (145/91)**

### Interpretation

The act and its accompanying regulations provide a framework for the effective management of Crown lands and the protection of any natural resources on these lands.

Regulatory Requirements	Comments
<p>Have you filled out Manitoba Conservation's "Work Permit Application" for regional operations on Crown Lands? (C340)</p> <p>Have you submitted the "Work Permit Application" to Crown Lands and Property Agency of Manitoba Infrastructure and Transportation?[130/91]</p> <p><u>Work permits are no longer required for work within Department of Infrastructure and Transportation Right-of-Ways.</u></p>	
<p>Have you ensured that fees are paid for the occupation of the Crown land according to the Land Fees Regulation (130/91)?</p>	
<p>Have you obtained a permit to operate a motor vehicle on resource roads where signs prohibit or control the operation of motor vehicles? (145/91)</p> <p><b>Note:</b> If you have obtained the Crown Lands work permit, you do not need to apply for a separate road use permit for motor vehicle operation.</p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Dangerous Goods Handling and Transportation Act [D12]

- Dangerous Goods Handling And Transportation Regulation(55/2003)
- Storage and Handling of Petroleum Products and Allied Petroleum Products Regulation(188/2001)
- Environmental Accident Reporting Regulation(439/87)
- PCB Storage Site Regulation (474/88)
- Manifest Regulation (139/88)

### Interpretation

The act sets safety standards and shipping requirements for different dangerous goods. Specific regulations aim to improve the protection of the environment and the environmental health by minimizing the risks posed by transportation of dangerous goods and products.

Regulatory Requirements (Dangerous Goods Handling and Transportation Regulation, 55/2003)	Comments
Is adequate and relevant training provided for the employees who are involved in the transportation and handling of dangerous goods? (955/2003)	
<ul style="list-style-type: none"> <li>• Do the employees carry Manitoba Hydro TDG Certificate with them anytime they are handling, shipping or transporting dangerous goods? (955/2003)</li> <li>• Do the employees prepare and distribute proper documents before shipping dangerous goods? <u>Proper Documents include: Bill of Lading, Manifest forms.</u></li> </ul>	
Have employees attended the transportation of dangerous goods training prior to the expiry date of the TDG Certificate to ensure their certification remains valid? (955/2003)	
Have you defined emergency preparedness and response procedures through the spill response plans in your area? (955/2003) (Spill Plans should be developed by line management in consultation with the Area Spill Response Coordinator and/or their alternate and the Hazardous Materials Officer) <sup>1</sup>	
Are all the dangerous goods transport vehicles equipped with emergency spill response requirements?(955/2003)The requirements could include but are not limited to the <sup>2</sup> : <ul style="list-style-type: none"> <li>• use of fire extinguishers,</li> <li>• spill clean up materials,</li> <li>• use of respiratory protection and other</li> </ul>	

<sup>1</sup> Hazardous Material Management Handbook, Part 1, Section 1: Spill Response Plans, Corporate Safety & Health

<sup>2</sup> Transportation of Dangerous Goods (TDG) Surface, Corporate Safety & Health

personal protective equipment.	
Are the employees familiar with the process of notifying appropriate agencies in the event of an accidental release? (955/2003) (Manitoba Hydro Hazardous Materials Incident Report (eForm) H2875 may be used for immediate reporting to Manitoba Conservation and Environment Canada). <sup>1</sup>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

<b>Regulatory Requirements (Storage and Handling of Petroleum Products and Allied Petroleum Products, 188/2001)</b>	<b>Comments</b>
Did the employees involved in fuel storage and handling go through proper training? <sup>3</sup>	
Do you retain a licensed technician to construct, install and/or remove fuel tank systems? <sup>3</sup>	
<p>If there is any petroleum storage facility in your area:</p> <ul style="list-style-type: none"> <li>• Is it located at least 100 m from water bodies?<sup>3</sup></li> <li>• Are transfer areas designed to contain spills that occur during the transfer process? (188/2001)</li> <li>• Is the storage facility provided with spill containment at all connection points during a fuel delivery? (188/2001)</li> <li>• Is there any process in place to inspect all storage tanks and containers regularly for leaks? (188/2001)</li> <li>• <u>All the storage tanks must be protected from collision.</u><sup>3</sup></li> </ul>	
Do you know that all new and existing underground tanks (any capacity) and all aboveground tanks with a capacity greater than or equal to 5 000 L (1100 gallons) in your area must be registered with the Manitoba Conservation, Environment Program? (188/2001)	
<p>Is the process of transferring and handling petroleum products attended at all times while the transfer process is taking place? (188/2001)</p> <p><u>Overfilling of tanks must be avoided according to Manitoba regulation (188/2001)</u></p>	
Do the personnel know that any petroleum product spills or leaks in excess of 100L (22 gallons) must be immediately reported to the Manitoba Conservation 24 Hour Emergency Response System? (188/2001)	
Do the personnel collect and send used petroleum products (including containers) to Waverly? <sup>3</sup>	

<sup>3</sup> Code of practice for storage & handling of petroleum products and allied products storage tank systems, Manitoba Hydro, September 2011

Date:	Location/ Department:	
	Manager's Signature:	
Compliance Check Completed By:		

Regulatory Requirements (Environmental Accident Reporting Regulation, 439/87)	Comments
<p>Are the employees familiar with the process of "immediate reporting" of the release of dangerous goods in the event of an environmental accident? (MR 439/87)</p> <p><u>Line management is responsible for environmental incidents and consequent releases and should notify all appropriate persons and agencies.</u><sup>4</sup></p>	
<ul style="list-style-type: none"> <li>If the material released is classified as dangerous goods, is the form "H2875" filled out?<sup>5</sup></li> </ul>	
<p>Have you notified:</p> <ul style="list-style-type: none"> <li><b>Manitoba Conservation</b> in the event of the release of dangerous goods which meets or exceeds the reportable quantity?<sup>5</sup></li> <li><b>Manitoba Conservation</b> in the event of any release to waterways?<sup>5</sup></li> <li><b>Manitoba Conservation</b> in the event of any release to sensitive areas?<sup>5</sup></li> <li><b>Manitoba Conservation</b> in the event of the release of natural gas meeting the reporting criteria of Manitoba Conservation?<sup>5</sup></li> <li>Have you notified <b>Environment Canada</b> in the event of a: <ul style="list-style-type: none"> <li>release to waterways involving materials harmful to aquatic habitat?</li> </ul> </li> </ul> <p><u>In both cases you must confirm the verbal report by faxing a complete H2875 Form.</u><sup>5</sup></p> <p><b>In the event of any PCB release:</b><sup>5</sup></p> <ul style="list-style-type: none"> <li>Have you reported the release of PCB contaminated oil <u>immediately</u> to the Manitoba Conservation 24 Hour Emergency Line?</li> <li>Have you reported the release of PCB contaminated oil immediately to Environment Canada if the release of contaminated oil is greater than 45ppm?</li> </ul> <p><b>Note:</b> <u>In both cases you must confirm the verbal report by faxing a complete H2875 Form.</u></p>	
<p>Do the employees know that a release of any quantity is reportable to<sup>5</sup>:</p>	

<sup>4</sup> Hazardous Material Management Handbook, Part 1, Spill Response General Guidelines

<sup>5</sup> Hazardous Material Management Handbook, Part 3, Managing PCBs

<ul style="list-style-type: none"> <li>• Area Spill Response Coordinator</li> <li>• And, the Hazardous Material Officer?</li> </ul>	
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Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

<b>Regulatory Requirements (PCB Storage Site,474/88)</b>	<b>Comments</b>
<p>If there is any PCB storage site in your area, whether local or registered,</p> <ul style="list-style-type: none"> <li>• Are the sites registered with Environment Canada, Manitoba Conservation, and the Hazardous Material Officer at Manitoba Hydro? (MR 474/88)</li> </ul> <p><u>Note: PCB Storage Site Registration Form must be completed and sent to Environment Canada, Manitoba Conservation, and Hazardous Material Officer. (MR 474/88)</u></p>	
<ul style="list-style-type: none"> <li>• Are the PCB storage sites equipped with appropriate signage requirements?<sup>6</sup></li> <li>• Are the PCB storage sites equipped with appropriate storage requirements?<sup>6</sup></li> <li>• Requirements include, but are not limited to: <ul style="list-style-type: none"> <li>○ Having appropriate spill response material in the event of spills and leaks</li> <li>○ Having appropriate controls to prevent entry by unauthorized people</li> <li>○ Having effective fire control and emergency procedure plans</li> </ul> </li> </ul>	
<p>Are the PCB materials and equipment properly labeled? (MR 474/88)</p>	
<ul style="list-style-type: none"> <li>• Are you maintaining all inventories of all items received and shipped from the PCB storage site? <ul style="list-style-type: none"> <li>○ Manitoba Hydro PCB storage site inventory form CIIC # 99 or H527 should be used.<sup>6</sup></li> </ul> </li> <li>• Have you submitted the inventories of registered sites to Environment Canada, the Hazardous Material Officer, and the local fire department at specified intervals?<sup>6</sup></li> </ul>	
<p>Is the registered site inspected on a monthly basis to be maintained in good conditions as it is described in the regulation? (MR 474/88)</p>	
<ul style="list-style-type: none"> <li>• Have the employees who work in PCB storage area gone through appropriate training to be able to work with PCBs?<sup>6</sup></li> <li>• Is the documentation of training available for inspection?</li> </ul>	

<sup>6</sup> Code of Practice for the Storage of PCBs at Manitoba Hydro Facilities, Corporate Safety and Health Division, March 2011

<ul style="list-style-type: none"> <li>• Have you provided the required information with respect to the storage sites and PCB waste? (MR 474/88)</li> <li>• Information to be provided with respect to the storage site includes but is not limited to: <ul style="list-style-type: none"> <li>○ The civic address of the storage site,</li> <li>○ The name and telephone number of one or more individuals who can be contacted on a regular basis at the storage site and who are authorized to provide the information that is required,</li> <li>○ And, information with respect to PCB waste which stored at the site.</li> </ul> </li> </ul> <p><u>The record of all required information must be maintained.</u></p>	
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Date:	Location/Department:	
	Manager's Signature:	
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Regulatory Requirements (Manifest Regulation, 139/88)	Comments
<p>If the transportation of waste of dangerous goods is undertaken in your area in excess of:(MR 474/88)</p> <ul style="list-style-type: none"> <li>• 5 kg (for solid wastes)</li> <li>• 5 L (for liquid wastes)</li> <li>• 500 g (for PCB mixture contained in liquid or solid wastes)</li> </ul> <p>Have you prepared Manifest forms and submitted the forms to the Waste Management Coordinator (360-4366)?</p> <p><u>Note: If the shipment of Hazardous Waste is sent directly to a waste recycling facility in Manitoba only the Bill of Lading is required.<sup>7</sup></u></p>	
<p>Have the employees involved in transportation of dangerous goods gone through proper training to know:(MR 474/88)</p> <ul style="list-style-type: none"> <li>• How to fill out Manifest Forms?</li> <li>• How to prevent any discrepancies in Manifest forms?</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

<sup>7</sup> .Transportation of Dangerous Goods(TDG) Surface, Corporate and Health Division Manitoba Hydro

<b>Regulatory Requirements (Generator Registration and Carrier Licensing,175/87)</b>	<b>Comments</b>
<p>If any hazardous waste is generated in your area:</p> <ul style="list-style-type: none"> <li>• Have you been registered with Manitoba Conservation and assigned a Generator Registration Number?</li> <li>• <u>Note: The Provincial Generator Identification number must be used on Waste Manifests and Shipping Documents.</u></li> </ul> <p>You can contact:<sup>8</sup></p> <ul style="list-style-type: none"> <li>• Waste Management Coordinator at 360-4366,or</li> <li>• Hazardous Materials Officer</li> </ul> <p>To get more information on how to be registered.</p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

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<sup>8</sup> Hazardous Material Management Handbook, Part 2, Hazardous Waste Management General Guidelines

## The Endangered Species Act [E111]

- Threatened, Endangered and Extirpated Species Regulation(25/98)

### Interpretation

The primary purpose of the act is to ensure the protection and to enhance the survival of endangered and threatened species in Manitoba. The accompanying regulation designates species as endangered, threatened, extinct or extirpated species.

Regulatory Requirements	Comments
<p>Prior to commencement of any project in your area(E111),</p> <ul style="list-style-type: none"> <li>• Do you obtain information with respect to potential habitats that may exist for endangered species in the area? <u>Note: The information can be obtained from the "Species at Risk" information booklet published at Manitoba Hydro, and/or your local Conservation Officer.</u></li> </ul>	
<p>If any sort of vegetation clearing is involved in the project(E111),</p> <ul style="list-style-type: none"> <li>• Have you referred to the pre-clearing reviews for plants to minimize the project impact on rare plant species? <u>Note: You can contact your Conservation Officer for more details on plant species in the area.</u></li> </ul>	
<p>Do the project staff take precautions during the construction period to avoid any harm or disruption of endangered species and their habitats that may exist in the area?(E111) <u>Note: In the event of any damage or disruption of endangered species and their habitats contact Manitoba Conservation, Wildlife and Ecosystem Protection Branch (204-945-7775).</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Energy Act [E112]

- **Energy Efficiency Standards for Replacement Forced Air Gas and Small Boilers Regulation (181/2009)**

### Interpretation

The Energy Act provides a framework for promoting and facilitating development of energy resources in Manitoba. The act aims to ensure a reliable supply of energy to consumers at the least possible cost and to promote the conservation and efficient use of energy in accordance with the principles of sustainable development.

Regulatory Requirements	Comments
<p>Have you checked if decisions with respect to development, distribution, and use of energy have been made while considering the impact of such decisions on the environment? (E112)</p> <p>Have you checked that any adverse impact of development, distribution, and use of energy on the environment will be prevented or minimized? (E112)</p> <p>Have you checked that conservation policies and practices such as reduction, reuse, recycling and recovery of the products are incorporated in the decisions in your area? (E112)</p> <p>Have you checked if policies, programs and decisions with respect to energy development take into account the need to rehabilitate the environment and ecosystems? (E112)</p>	
<p>If there is a boiler or gas furnace in your area, have you ensured that:</p> <ul style="list-style-type: none"><li>• It is tested on a regular basis by organizations that are certified by the Standards Council of Canada? (181/2009)</li><li>• Boilers or gas furnaces have the AFUE rating tested or certified in accordance with the methods set out in the CSA Standard? (181/2009)</li></ul> <p><u>Note: AFUE means annual fuel utilization efficiency.</u> <u>The AFUE rating test and certification must be undertaken by a certified testing agency.</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Environment Act [E 125]

- **Notice and Reporting Regulation(126/2010)**
- **Pesticides Regulation (94/88)**

### Interpretation

One of the important purposes of the act is to prohibit the unauthorized release of pollutants that have a negative impact on the environment.

Regulatory Requirement (126/2010)	Comments
<p>Are the employees familiar with their "duty" to report the release of the following to appropriate individuals and agencies?(E 125)</p> <ul style="list-style-type: none"> <li>• Hazardous material such as flammable liquids and solids, gases, petroleum products, and PCBs?</li> <li>• Specific Hazards such as Battery Electrolyte &lt;20 L, Natural Gas odorant and ozone depleting substances?<sup>9</sup></li> </ul>	
<p>Are the employees familiar with the process of filling out appropriate forms, and providing adequate information to report releases? (126/2010)</p> <ul style="list-style-type: none"> <li>• If the material released is classified as dangerous goods, hazardous waste, controlled product, petroleum product, or PCBs is the form " H2875" filled out?<sup>10</sup></li> <li>• If the material released is classified as Ozone Depleting Substance, is the form " H0023" filled out? <sup>11</sup></li> </ul>	
<ul style="list-style-type: none"> <li>• Have you notified <b><u>Manitoba Conservation</u></b>, in the event of             <ul style="list-style-type: none"> <li>○ release of dangerous goods, hazardous waste, or petroleum products which meets or exceeds the reportable quantity?<sup>11</sup></li> <li>○ any release to waterways?</li> <li>○ any release to sensitive areas?</li> <li>○ release of natural gas meeting the reporting criteria of Manitoba Conservation?<sup>11</sup></li> </ul> </li> <li>• Have you notified <b><u>Environment Canada</u></b>, in the event of a:<sup>11</sup> <ul style="list-style-type: none"> <li>○ release to waterways involving materials harmful to aquatic habitat?</li> </ul> </li> </ul>	

<sup>9</sup> Hazardous Material Management Handbook, Part 4, Managing Specific Hazardous Material

<sup>10</sup> Hazardous Material Management Handbook, Part 1, Spill Response General Guidelines

<p><u>In both cases you must confirm the verbal report by faxing a complete H2875 Form.<sup>11</sup></u></p> <p><b>In the event of PCB release:<sup>11</sup></b></p> <ul style="list-style-type: none"> <li>• Have you reported the release of PCB contaminated oil <u>immediately</u> to the Manitoba Conservation 24 Hour Emergency Line?</li> <li>• Have you reported the release of PCB contaminated oil immediately to Environment Canada if the release of contaminated oil is greater than 45ppm?</li> </ul>	
<p>Do the employees know that a release of any quantity is reportable to:<sup>11</sup></p> <ul style="list-style-type: none"> <li>• Area Spill Response Coordinator</li> <li>• And, the Hazardous Material Officer?</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

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<sup>11</sup> Hazardous Material Management Handbook, Part3, Managing PCBs

<b>Regulatory Requirement (94/88)</b>	<b>Comments</b>
<p>If any pesticide is used in your projects:</p> <ul style="list-style-type: none"> <li>• Have you applied for the pesticide use permit?(94/88)</li> </ul> <p><u>Note: Permits must be obtained prior to project commencement. <sup>12</sup>(94/88)</u></p> <p><u>Note: Forestry section prepares the application forms and will submit the forms to Manitoba Conservation<sup>15</sup>.</u></p>	
<p>Are the project staff aware of prohibitions against certain uses of pesticides? The prohibitions include, but are not limited to:</p> <ul style="list-style-type: none"> <li>• On or in a body of water that is not contained within the person's own property,</li> <li>• On private property</li> </ul> <p><u>Note: Other prohibitions must be followed according the regulation and pesticide use permit.</u></p>	
<p>If you are using pesticides in accordance with pesticide use permits:<sup>15</sup> (94/88)</p> <ul style="list-style-type: none"> <li>• You must possess or be under the direct supervision of someone who possesses a valid applicator license.<sup>15</sup> (94/88)</li> </ul> <p><u>Note: The Forestry section should obtain all the necessary licenses including applicator's license from the relevant regulating agency.<sup>15</sup></u></p> <ul style="list-style-type: none"> <li>• The holder of the applicator's license must train and supervise the personnel involved in the application of pesticides, in accordance to the requirements of the pesticide use permit and internal documents at Manitoba Hydro?</li> </ul> <p><u>To comply with the requirements of this regulation (MR 94/88) all the requirements of the Pesticide and Fertilizers Control Act (P40) and its accompanying regulation must be followed.</u></p>	

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• <sup>12</sup> Pesticide Application requirements for Manitoba Hydro Employees and Contractors, Corporate Safety and Health Division, 2008

Date:	Location/Department:	
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## The Fires Prevention and Emergency Response Act [F80]

- **Manitoba Fire Code (216/2006)**
- **Fire Safety Inspections Regulation (73/2007)**

### Interpretation

The act provides fire safety requirements for buildings, structures and areas where hazardous materials are used, and addresses fire protection and fire prevention in the ongoing operation of buildings and facilities.

Regulatory Requirements	Comments
<p>Are the employees in your area familiar with fire prevention and emergency plans?(216/2006)</p> <ul style="list-style-type: none"> <li>• Are the employees in your area familiar with fire evacuation plans in their facilities?(216/2006)</li> </ul>	
<ul style="list-style-type: none"> <li>• Have you appointed the emergency response personnel to protect the employees and facilities?<sup>13</sup></li> <li>• Are the designated personnel (e.g. fire wardens) adequately trained with respect to the latest techniques available?<sup>10</sup></li> <li>• Have the designated personnel (e.g. fire wardens) reviewed the emergency evacuation plan to protect people and property?<sup>10</sup></li> </ul>	
<p>Are the inspections and adequate monitoring undertaken on a regular basis in your area to:</p> <ul style="list-style-type: none"> <li>○ Check that buildings are equipped with appropriate fire prevention equipment as described in the regulation and Manitoba Hydro's Fire Manual? (216/2006)(73/2007)</li> <li>○ Inspect fire extinguishers for servicing requirements?(216/2006)</li> <li>○ Check that firefighting equipment, resources and communication means are in accessible locations at all time? (216/2006)</li> <li>○ Check that containers for flammable liquids or combustible liquids are distinctly marked or labeled, and kept away from ignition sources?(216/2006)</li> </ul>	

<sup>13</sup> Fire Manual, Corporate Safety and Health Division,2009

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Forest Act [F150]

- Forest Use and Management Regulation (227/88 R)

### Interpretation

The purpose of the act is to manage provincial Crown forests by setting forest harvest levels, monitoring forest management activities, and collecting revenues for use of Crown timber.

Regulatory Requirements	Comments
<p>If the project is to be undertaken within Manitoba forests;</p> <ul style="list-style-type: none"> <li>• Have you applied for the Crown Land Work Permit to conduct the project?(F150)</li> </ul> <p><u>Note: The work permit application forms are available on the Lands Branch of Manitoba Conservation website. For further information you can contact the Regional and District Conservation offices, or your local Conservation Officer.</u></p> <p>If the project involves removing of timber beyond your easement agreement: (227/88R)</p> <ul style="list-style-type: none"> <li>• Have you applied for a Timber Permit?</li> </ul> <p><u>Note: The Timber Permit can be obtained from Forestry Branch of Manitoba Conservation (204-945-7989). For further information you can contact the Regional and District Conservation Offices, or your Conservation Officer.</u></p> <ul style="list-style-type: none"> <li>• Are you aware of Stumpage Fees for the extra amount of timber that is going to be removed? (227/88R)</li> </ul> <p><u>Note: For more information consult your local Conservation Officer, or your subject matter expert in the area.</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Gas Pipeline Act [G50]

- Gas pipeline Excavation Regulation (140/92)

### Interpretation

The Gas Pipeline Act provides a regulatory framework for the construction and operation of gas pipelines to ensure public safety and the public's interest. The Gas Pipeline Excavation Regulation (140/92) outlines some of the safety requirements for the excavation activities.

Regulatory Requirements	Comments
<p>Have you checked if gas pipeline construction and/or operation in your area:</p> <ul style="list-style-type: none"> <li>• is/are in accordance with the standards and specifications that may be required by the Public Utilities Board?(G50)</li> <li>• does not endanger public health and safety?(G50)</li> </ul> <p>If construction of the gas pipeline is to be done close to highways, have you checked that the construction:</p> <ul style="list-style-type: none"> <li>• is in accordance with the requirements of the Highway and Transportation Act (H40)? <u>Note: Checklist H40 can be consulted.</u></li> </ul>	
<p>-Have you checked that excavation is in compliance with Hydro VAC guidelines?<sup>11</sup></p> <p>-Have you discussed the need for Safety Watch during excavation?<sup>11</sup></p> <p>-If excavation for Power Lines is required, have you checked that excavation is done without exposing the power lines?<sup>14</sup></p> <p><b>Important notice:</b> <u>further information must be obtained with respect to the details of the excavation phase: sine the checklist does not cover the technicalities of such an activity.</u></p>	
<p>Are the personnel familiar with the steps that must be followed in the event of a natural gas release?(140/92)</p> <p>The requirements in the event of a release are as follows:</p> <ul style="list-style-type: none"> <li>• Whether or not the damage causes gas to release, the field safety officer must be immediately notified(140/92)</li> </ul>	

<sup>14</sup> Guidelines for excavation of cables by water pressure/vacuum systems (Hydro-Vac)

<ul style="list-style-type: none"> <li>• People must be evacuated of the vicinity of and be prevented from approaching the area where damage has caused the release of natural gas. (140/92)</li> <li>• All the vehicles and equipment must be shut off<sup>15</sup></li> <li>• All sources of ignition must be removed<sup>12</sup></li> <li>• Smoke or open flames must not be allowed<sup>12</sup></li> <li>• No attempt must be made to repair the leak, or stop the flow of the gas<sup>12</sup></li> <li>• gas must be allowed to vent into the atmosphere<sup>12</sup></li> </ul>	
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Date:	Location/Department:	
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<sup>15</sup> Safe Excavation & Safety Watch Guidelines, Manitoba Hydro

## The Heritage Resources Act [H39.1]

- Heritage Resources Forms Regulation (99/86)

### Interpretation

The purpose of the act is to protect heritage resources from disturbance during construction activities.

Regulatory Requirements	Comments
<p>If you are going to conduct any construction project within any heritage site:</p> <ul style="list-style-type: none"> <li>• Have you applied for a “Heritage Permit” authorizing for the proposed work?(H39.1)(99/86)</li> </ul> <p><u>Note: The Heritage Permit application forms can be obtained from and submitted to Manitoba Conservation, Historic Resources Branch(204-945-2118).</u></p>	
<p>If you are going to establish camps or marshaling yards:<sup>16</sup></p> <ul style="list-style-type: none"> <li>• Have you located camps and yards 200 m from heritage resources?</li> </ul> <p>If the construction is going to be done by the contractor,</p> <ul style="list-style-type: none"> <li>• Have you checked that contract-specific buffer areas have been defined from known heritage resources?</li> </ul>	
<p>Have you checked that project staff are aware that they should:<sup>11</sup></p> <ul style="list-style-type: none"> <li>• cease construction activities in the vicinity of the area where heritage resources are found?</li> <li>• report the findings immediately to the construction supervisor and/or site manager?</li> </ul> <p><u>Note: The construction supervisor or site manager should contact Manitoba Conservation, Historic Resources Branch (204-945-2118) in the event of any discoveries.</u></p> <p><u>Note: First Nation or Aboriginal communities must be notified if the discoveries are found on their lands.</u></p>	
<p>Are the project staff familiar with protecting discovery sites by:<sup>11</sup></p> <ul style="list-style-type: none"> <li>• Erecting a snow fence?</li> <li>• Redirecting water from the site?</li> <li>• Barricading access routes, until a permanent solution is agreed upon?</li> </ul>	

<sup>16</sup> Manitoba Hydro. 2011. Bipole III Transmission Project Draft Environmental Protection Plan (Draft 7.2)

Date:	Location/Department:	
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## The Highway and Transportation Act [H40]

- Highways and Transportation Department Permit Application Fees Regulation(477/88)

### Interpretation

The act controls the construction activities and erection of structures along certain highways to protect the safety of the public.

Regulatory Requirements	Comments
<p>If the project in your area is going to affect Manitoba Transportation:</p> <ul style="list-style-type: none"> <li>• Have you submitted project proposal to Manitoba Infrastructure and Transportation regional office prior to the project commencement?(H40) <u>Note: Projects that can affect Manitoba Transportation are: (H40)</u> <ul style="list-style-type: none"> <li>○ <u>Within or across a Provincial Trunk Highway or a Provincial Road Right-of-Way</u></li> <li>○ <u>Located within the controlled area that parallels an existing Provincial Trunk Highway or Provincial Road</u></li> <li>○ <u>Located within a control circle that has been established at the intersection of a Provincial Trunk Highway or Provincial Road or another road.</u></li> </ul> </li> </ul>	
<p>If the installation activities involve construction of a permanent or temporary access driveway, or modification of an existing exit or entrance onto a road,</p> <ul style="list-style-type: none"> <li>• Have you obtained permits in accordance with the Highways and Transportation Act prior to commencing any construction? <u>Note: Application forms are available from Manitoba Infrastructure and Transportation Regional offices.</u></li> </ul>	
<p>If there is a <u>non emergency</u> situation: <b><u>You should not commence any construction or maintenance affecting a Right-of-Way or Control Area prior to receiving written approval from Manitoba Infrastructure and Transportation.</u></b></p> <ul style="list-style-type: none"> <li>• Have you notified the designated Manitoba Infrastructure and Transportation contact as mentioned in the letter of approval at least 2</li> </ul>	

<p>days prior to commencing and/or completion of construction on a Departmental Road or within a Control Area?</p> <ul style="list-style-type: none"> <li>• If the construction has damaged the highway or has disrupted the normal flow of traffic, have you contacted the designated Manitoba Infrastructure and Transportation contact?</li> </ul>	
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Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Mines and Minerals Act [M162]

- Quarry Minerals Regulation (63/92)

### Interpretation

The purpose of the act is to provide a legal framework for the administration of mines and minerals in Manitoba. Also, the act and the accompanying regulation are applicable to borrow pits and commercial quarries in Manitoba.

Regulatory Requirements	Comments
<ul style="list-style-type: none"><li>• Do you know that rehabilitation plans must be approved prior to borrow pit development?(63/92)</li></ul> <p><u>Note: The plan must be submitted to Manitoba Industry, Economic Development and Mines, and Manitoba Conservation.</u></p> <ul style="list-style-type: none"><li>• Have you ensured that borrow pits will be located in areas where a minimum amount of overburden is needed to be removed?(63/92)</li><li>• Do you know that vegetated buffer areas must be left in place when borrow pits are cleared?(63/92)</li><li>• Have you checked that pits and quarries are not located within established buffer zones and setback distances from sensitive areas such as wildlife habitats, and heritage resources? (63/92)</li><li>• Have you checked if appropriate measures for erosion protection and sediment controls are in place before the borrow pit excavation starts?(63/92)</li><li>• Have you checked if drainage water from borrow pits and quarries is diverted through vegetated areas, before entering water bodies? (63/92)</li><li>• Have you adopted reasonable measures, to prevent contamination of ground waters?</li><li>• Do you know that garbage, debris or refuse should not be discarded into borrow pits and quarries?(63/92)</li></ul>	

<ul style="list-style-type: none"> <li>• Do you know that open burning of garbage and debris is not permitted on active quarries?(63/92)</li> </ul> <p><u>Note: Dispose of the slash and timber by burial, burning or removal, must be done as it is prescribed in a permit issued under the Forestry Act (F150) or the Crown Lands Act (C340).</u></p> <ul style="list-style-type: none"> <li>• Have you ensured that signs are posted at borrow pits and quarries to warn field staff of safety hazards?</li> <li>• Have you maintained a log book to record necessary information with respect to blasting on lands where the quarry is located?(63/92)</li> </ul>	
<ul style="list-style-type: none"> <li>• Do you know that rehabilitated borrow pits and quarries must be inspected to ensure the success of re-vegetation?(63/92)</li> </ul> <ul style="list-style-type: none"> <li>• <u>Note: The inspection may be undertaken by the Mines Branch of the Department of Industry, Trade and Mines, or the Environmental Stewardship Division of the Department of Conservation.</u></li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Manitoba Hydro Act [H190]

- **Manitoba Electrical Code (73/2009)**

### Interpretation

The purpose of the Manitoba Hydro Act is to provide the continuous supply of power adequate for the needs of the province and to promote efficiency in the development, generation, transmission, distribution, supply and end-use of power. Part II of the Manitoba Hydro Act relates to the distribution and supply of power, authority respecting wiring permits and inspection; and assistance to customers.

Regulatory Requirements	Comments
<p>For the security, reliability and quality control of the transmission and distribution lines of any individual whose lines are interconnected with the transmission and distribution lines of Manitoba Hydro,</p> <ul style="list-style-type: none"> <li>• Manitoba Hydro is authorized to set out, coordinate and enforce standards that follow the guidelines of the Manitoba Electrical Code (H190)(73/2009)</li> <li>• There should be an "Inspection of Wiring" by a person authorized by the corporation under the authority of a wiring permit.(H190)  <u>Note: Electrical inspection is undertaken by Customer Care and Marketing Business Unit, Electrical Codes and Standards Department.</u></li> </ul>	
<p>All the contractual and commitments must be followed to prevent any loss or damage resulting from a project (H190).</p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Noxious Weeds Act [N110]

- Noxious Weeds Regulation (35/96)

### Interpretation

The purpose of the act is to provide a legal framework for controlling noxious weeds and noxious weeds seeds in Manitoba.

Regulatory Requirements	Comments
<ul style="list-style-type: none"><li>• Are project staff familiar with weed control mechanisms according to contract specifications?</li><li>• Have you inspected existing borrow pits and quarries prior to use to check that they are weed free? <u>Note: An environmental inspector from Manitoba Conservation can certify the weed free areas.(35/96)</u></li><li>• Have you inspected vehicles, equipments, and machinery that arrive on site to check that they are free of weed seeds?(35/96)</li></ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Ozone depleting Substances Act [O80]

- Ozone depleting substances and other Halocarbons Regulation (103/94)

### Interpretation

The purpose of the act is to prevent and reduce the release of ozone-depleting substances. The final goal of the act is to eventually eliminate ozone-depleting substances. The act prohibits the use of ozone-depleting substances unless the usage of the substance is in accordance with the act and its regulation.

Regulatory Requirements	Comments
<p>Are you familiar with Ozone Depleting Substances used in the course of your activities and operations?  <u>Note: The Ozone Depleting Substances include substances such as: (103/94)</u></p> <ul style="list-style-type: none"> <li>• chlorofluorocarbons (CFCs)</li> <li>• hydrofluorocarbons (HCFs)</li> <li>• perfluorocarbons (PFCs)</li> </ul> <p><u>For more information on the list of substances refer to the schedule of the regulation103/94.</u></p>	
<p>Are the personnel familiar with the process of reporting releases of ozone depleting substances?(103/94)</p> <ul style="list-style-type: none"> <li>• According to the regulation any release of 10kg or greater of ozone depleting substances must be reported to Manitoba Conservation (103/94).</li> <li>• The Ozone Depleting Substances Incident Form must be used to report the release.<sup>18</sup></li> </ul> <p>In the event of any release of ozone depleting substances, the ODS incident report (Form 23) must be completed and sent to: <sup>17</sup></p> <ul style="list-style-type: none"> <li>• Hazardous Materials Officer Corporate Safety and Health,</li> <li>• Area spill response coordinator</li> <li>• Line management</li> <li>• Workplace safety and health committee.</li> </ul> <p><b>Important Notice:</b> the use of ozone depleting substances to fight fire or to contain a release due to a safety functioning of equipment do not need to be reported to Manitoba Conservation, however such a</p>	

<sup>17</sup> Hazardous Materials Management Handbook, Part 4 Managing specific hazardous materials, section 13: ozone depleting substances

release must be reported internally to the Fire Marshal. <sup>18</sup>	
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Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Pesticide and Fertilizers Control Act [P40]

- Pesticides and Fertilizers License Regulation (216/87)

### Interpretation

The pesticides and fertilizers control act provides a legal framework with respect to the supply, sale, distribution, and application of pesticides fertilizers in Manitoba.

Regulatory Requirements	Comments
<p>If any pesticide is used in the project area:</p> <ul style="list-style-type: none"> <li>• Have you submitted required information for pesticide use permit application to the Forestry section, Distribution Asset Maintenance Department?<sup>18</sup> (P40)</li> <li>• <u>Note: Permit must be obtained prior to project commencement.(P40)</u></li> <li>• <u>Forestry section prepares the application forms and will submit it to Manitoba Conservation.<sup>19</sup></u></li> </ul> <p>If you are using pesticides in accordance with pesticide use permits you must:<sup>19</sup> (P40)</p> <ul style="list-style-type: none"> <li>• Possess or be under the direct supervision of someone who possesses a valid applicator license.<sup>19</sup>(P40)</li> </ul> <p><u>The Forestry section shall obtain all the necessary licenses including applicator's license from the relevant regulating agency.<sup>19</sup></u></p> <ul style="list-style-type: none"> <li>• Do the employees know that they should hold a copy of pesticides permit and applicator license, all the time?<sup>19</sup>(216/87)</li> <li>• Does the licensed applicator of pesticides record and report application of pesticide in accordance with the Pesticide Application Permit?<sup>19</sup>(216/87)</li> <li>• <u>Note: The Forestry Section must submit the post seasonal reports to Manitoba Conservation.<sup>19</sup></u></li> </ul>	
<ul style="list-style-type: none"> <li>• Have the employees who are involved in using pesticides, successfully completed trainings prescribed by Manitoba Hydro?<sup>19</sup></li> <li>• Are the project staff involved in using pesticides aware of safety requirements such as wearing safety eyewear, safety boots, etc?<sup>19</sup></li> <li>• <u>Note: The SWP.10.006, vegetation control-Herbicide Application must be filled out</u></li> </ul>	

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- <sup>18</sup> Pesticide Application requirements for Manitoba Hydro Employees and Contractors, Corporate Safety and Health Division, 2008

<p><u>completely and its requirements must be followed.</u></p>	
<p>Do the pesticide applicators have a pesticide spill kit available all time?<sup>19</sup></p> <p>Note: In the event of any release of pesticides the applicator must notify the supervisor and the process should be followed according to the internal guidelines. <u>The hazardous materials incident report form must be filled out.</u></p> <p><u>Note: All the relevant agencies, depending on the scale of the release, must be notified as per the requirements of the Environment Act, and the Hazardous Material Management Handbook requirements.</u></p> <ul style="list-style-type: none"> <li>• Are the employees aware of the requirements for depositing empty waste containers of pesticides?<sup>19</sup>(216/87)</li> <li>• <u>Note: Empty waste containers must be deposited at the local pesticide container collection area or waste disposal grounds designated by the municipality.</u></li> <li>• Are the employees following the requirements for proper labeling of pesticide containers?<sup>16</sup> (216/87)</li> <li>• Are the employees aware of proper storage requirements for pesticides?<sup>19</sup>(216/87)</li> <li>• <u>Note: The storage requirements must be followed according to Manitoba Hydro Chemical Storage publication and the regulation requirements.</u></li> <li>• Are the employees aware of requirements for shipping and handling of pesticides?</li> <li>• <u>Note: Transportation and handling of pesticides is regulated by the Transportation and Handling of Dangerous Goods Act. The requirements for transportation of pesticides must be followed accordingly.</u></li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Planning Act [P80]

- Provincial planning regulation (81/2011)

### Interpretation

The Planning Act authorizes the minister to establish special planning areas to provide for the protection and conservation of the environmental and natural resources; and anything else for the purpose of preventing damage and destructions to lands.

Regulatory Requirements	Comments
<p>For the purpose of the act, development is defined as: (P80)</p> <ul style="list-style-type: none"><li>• removal of soil or vegetation from land,</li><li>• deposit or stockpiling of soil or material on land, and</li><li>• excavation of land</li></ul> <p>If your project involves any development, have you considered the following in the design stage of your project? (81/2011)</p> <ul style="list-style-type: none"><li>• Conserving or maximizing efficiency of natural resources, including energy and water;</li><li>• Minimizing the release of harmful emissions, including greenhouse gases;</li><li>• Minimizing soil nutrients being lost through strategies such as erosion control;</li><li>• Minimizing and mitigating conflicts between humans and wildlife;</li><li>• Identifying riparian areas, and protecting them from risks associated with development;</li><li>• Mitigating or preventing the risks associated with developments such as: fuel tanks, chemical and fertilizer storage facilities.</li></ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Provincial Parks Act [P20]

- Parks Activities Regulation [102/2009]

### Interpretation

The purpose of the Provincial Parks Act is to conserve ecosystems and to preserve unique and representative natural, cultural and heritage resources in Manitoba.

Regulatory Requirements	Comments
<p>If the project is to be undertaken in Provincial Parks,</p> <ul style="list-style-type: none"><li>• Have you contacted the provincial park regional office to notify the park officer and other park authorities? (P20)</li><li>• Have you prepared a proposal for the IRMT (Integrated Resource Management Team) to provide a detailed project description?[P20]</li><li>• If the proposal is approved, have you filled out Manitoba Conservation's "Work Permit Application" for regional operations?(P20)</li></ul> <p><u>Note: The application forms are available on Lands Branch of Manitoba Conservation website.</u></p>	
<p>If the work permit application is approved by Manitoba Conservation,(102/2009)</p> <ul style="list-style-type: none"><li>• Are you checking compliance with the work permit conditions on a regular basis?</li></ul> <p>Note: Conditions are listed in the work permit appendix. The important conditions are classified as, but are not limited to:</p> <ul style="list-style-type: none"><li>○ Vegetation Management</li><li>○ Water Crossing</li><li>○ Fuel Storage</li></ul>	
<p>For the operations that are going to be conducted in the Provincial Park (102/2009),</p> <ul style="list-style-type: none"><li>• Have you obtained all necessary authorization from the Department of Fisheries and Oceans and Transport Canada?</li><li>• Did you obtain all the certificates for the transportation of Dangerous Goods?</li><li>• Did you obtain burning permits for open fires?</li></ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Public Health Act [P210]

- Protection of Water Sources Regulation (326/88)
- Collection and Disposal of Waste Regulation (321/88)

### Interpretation

The Public Health Act provides a framework for provincial public health function and protection of public health from disease. The Protection of Water Sources Regulation (326/88) prohibits certain activities that can pollute water sources and put the public health at risk. The collection and Disposal of Waste Regulation (321/88) defines specific sanitary requirements for the occupants/owner of facilities.

Regulatory Requirements	Comments
<p>If there is any project in your area that has a risk of polluting water sources (pollution could include: sanitary waste, chemicals, etc):</p> <p>Are the project staff familiar with specific prohibitions as described in the regulations?</p> <p><u>Note: Prohibitions include but are not limited to:</u> <u>(326/88)(321/88)</u></p> <ul style="list-style-type: none"> <li>• Discharge of any kind of sanitary waste into water sources, underground water, and ice.</li> <li>• Discharge of any sewage, surface drainage, and liquid waste into water sources, underground water, and ice.</li> </ul>	
<p>To prevent water sources contamination:</p> <ul style="list-style-type: none"> <li>• Do you have any measures to plan, maintain, and inspect sanitary facilities, and to manage related waste? (326/88)(321/88)</li> <li>• Do you have appropriate facilities to collect sewage and grey water in holding tanks, chemical toilets or pit privies?(321/88)</li> <li>• If there is any holding tank in your area, is it compliant with the applicable legislation, and registered with Manitoba Conservation?(326/88)</li> <li>• Are the holding tanks located at least 100 meter from of any water body?(326/88)</li> <li>• If the project staff are involved in construction of camp sites, do they have any measures to inspect sanitary facilities regularly to prevent any leakage into water or soil? (326/88)(321/88)</li> </ul>	
<p><b>Note: Only if authorized by the Oil and Natural Gas</b></p>	

<u>Conservation Board. (326/88)</u> <ul style="list-style-type: none"> <li>Staff can inject salt water or fresh water into injection wells.</li> </ul>	
<p>Are the personnel familiar with appropriate methods of discarding air-tight containers? (321/88)</p> <p>Are the personnel familiar with storing ashes in a sanitary way? Ash should not be blown onto other premises or public property. (321/88)</p> <p><u>Note: The owner of the facility is responsible for following the sanitary requirements as defined in the regulation. (321/88)</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Public Utilities Board Act [P280]

- Construction of Telephone, Telegraph, and Power Transmission Lines Regulation (54/85)

### Interpretation

One of the purposes of the act is to supervise the construction and operation of natural gas and propane pipelines, as well as construction of all overhead and underground power transmission lines.

Regulatory Requirements	Comments
<ul style="list-style-type: none"><li>• According the regulation (54/84) the construction of all overhead and underground power transmission lines to which the Public Utilities Board Act applies, and those constructed after January 1973 must be compliant with CSA C22.3 No. 1-197 and its amendments.</li><li>• <u>Construction of all overhead and underground power transmission lines must be compliant with orders of the Board with respect to adopting specific CSA Standards.</u></li><li>• <u>Construction of Gas pipelines must be compliant with orders of the Board with respect to adopting specific CSA Standards.</u></li></ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Sustainable Development Act [S270]

- Sustainability Guidelines for Local Governments, School Division, Universities, Colleges and Regional Health Authorities Regulation [4/2004]

### Interpretation

The purpose of the act is to create a framework through which sustainable development can be implemented in the provincial public sector and be promoted in private industry and in society. The accompanying regulation provides a list of sustainable development principles as well as implementation guidelines. Manitoba Hydro's sustainable development principles were developed in response to the provincial sustainable development act.

Regulatory Requirements	Comments
<p>To comply with the act and its associated regulation, Manitoba Hydro's sustainable development principles should be taken into consideration while designing and developing action plans, and undertaking activities in CS&amp;D. The principles are as follows:</p> <ol style="list-style-type: none"> <li>1- Stewardship of the Economy and the Environment</li> <li>2- Shared Responsibility</li> <li>3- Integration of Environmental and Economic Decisions</li> <li>4- Economic Enhancement</li> <li>5- Efficient Use of Resources</li> <li>6- Prevention and Remedy</li> <li>7- Conservation</li> <li>8- Waste Minimization</li> <li>9- Access to Adequate Information</li> <li>10- Public Participation</li> <li>11- Understanding and Respect</li> <li>12- Scientific and Technological Innovation</li> <li>13- Global Responsibility</li> </ol>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Waste Reduction and Prevention Act [W40]

- Used Oil, Oil Filters and Containers Stewardship Regulation (86/97)

### Interpretation

The purpose of the act is to reduce and prevent the production and disposal of waste in the province. It also encourages consumers, manufacturers, distributors, retailers, governments, government agencies and other persons to develop and adopt practices and programs for the reduction and prevention of waste.

Regulatory Requirements	Comments
<p>If used oil, oil filters and containers are generated in your area,<sup>19</sup></p> <ul style="list-style-type: none"> <li>• Do the employees know that all used oils could be considered hazardous waste if they become contaminated with heavy metals, PCBs, or other hazardous material?</li> <li>• Do the employees send the contaminated used oil, oil filters and containers to Waverly Service Center to be disposed?</li> <li>• Do the employees follow the requirements of Dangerous Goods Regulation, and corporate safety guidelines to transport used oil, oil filters and containers?</li> </ul>	
<p>Do you have any appropriate management plans for used oil, oil filters, and containers?(86/97)</p> <ul style="list-style-type: none"> <li>• Procedures could include, but are not limited to: sending the reusable non-hazardous materials to the dealer, refurbishing transformers, recycling copper, etc.</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

<sup>19</sup> Hazardous Material Management Handbook, Part 2: Hazardous Waste Management General Guideline, and Part4: Managing specific hazardous waste.

## The Water Rights Act [W80]

- Water Rights Regulation (126/87)

### Interpretation

The Water Rights Act sets out a framework for certain construction and/or operation activities that can affect water bodies in Manitoba.

Regulatory Requirements	Comments
<p>If construction activities in your area are going to affect waterbodies, such as rivers, streams, etc.(126/87)(W80)</p> <ul style="list-style-type: none"> <li>• Have you obtained appropriate permits to undertake those construction activities?</li> <li>• The permit or license application must be submitted to the regulatory and operational division of Manitoba Water stewardship.</li> </ul>	
<p><u>Note: To undertake the construction activities that may affect fishways, appropriate permits must be obtained from Manitoba Water stewardship, and Department of Fisheries and Oceans (W80). For more information with respect to permits, licenses, and other requirements, contact: Water Stewardship Division, Manitoba Conservation (1-800-214-6497)</u></p> <p><u>Note: If the project is going to divert water, an additional annual fee must be paid for the license. The fee depends on the volume of the water diverted. (126/87)</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Water Resources Administration Act [W70]

- Designated Reservoir Area Regulation (22/88R)

### Interpretation

The act sets out requirements for the construction activities that might affect water bodies.

Regulatory Requirements	Comments
<p>If you are going to undertake any construction activity - within the designated areas as defined in the act and its regulations - including instream or nearshore construction, or diverting water in any water bodies including streams, rivers, etc.(W70)</p> <ul style="list-style-type: none"> <li>• Have you applied for a permit prior to project commencement?</li> </ul> <p><u>Note: For more information with respect to permits, licenses, and other requirements, contact: Water Stewardship Division, Manitoba Conservation (1-800-214-6497).</u></p> <ul style="list-style-type: none"> <li>• Are you familiar with the prohibitions as described by the regulation? The prohibitions include:               <ul style="list-style-type: none"> <li>○ Deposition of any material that may impede or restrict the flow of water</li> <li>○ Construction of a structure that can affect river's bank stability. <u>Unless:</u> You obtain a permit from Manitoba conservation and Water Stewardship to undertake such activities</li> </ul> </li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Wildlife Act [W130]

- Use of Wildlife Lands Regulation (77/99)

### Interpretation

The act sets out requirements for the conservation of wildlife and their habitats in Manitoba.

Regulatory Requirements	Comments
<p>If projects in your area has the potential to pose risks to wildlife and wildlife habitats, specifically in wildlife refuges, wildlife management areas, special conservation areas, and animal control areas (77/91):</p> <ul style="list-style-type: none"><li>• were the project staff as well as contractors trained and oriented with respect to the environmental protection measures for wildlife and wildlife habitats?</li><li>• Have you defined specific measures in the contracts for wildlife and wildlife habitat protection?</li><li>• Have you notified the contractors that all construction activities near/in wildlife and wildlife habitats must be conducted in accordance with contract specifications?</li></ul>	
<p>Do you know that:</p> <ul style="list-style-type: none"><li>• Construction activities should not be carried out within established buffer zones and setback distances for wildlife species?(77/99)</li><li>• Construction activities should not be carried out during prescribed timing windows for wildlife species?(77/99)</li><li>• Construction camps should not be located within wildlife and bird habitats?(77/99)(W130)</li><li>• Borrow pits and quarries should not be located within established buffer zones and setbacks from important wildlife habitats?(77/99)</li><li>• Access roads and trails should not be permitted within established buffer</li></ul>	

<p>zones and setbacks from important wildlife habitats, and water birds habitat except for watercourse?(77/99)</p> <ul style="list-style-type: none"> <li>• Hunting and harvesting of wildlife by project staff should not be permitted while working on the project sites?(W130)</li> <li>• No firearms are permitted at construction sites?(W130)</li> <li>• Manitoba Conservation must be notified if animal traps have been encountered and if those traps should be removed for project activities?(77/99)</li> <li>• Wildlife should not be fed, or harassed at constructions sites?(W130)(77/99)</li> <li>• Any wildlife killed or injured by vehicles must be reported to Wildlife and Ecosystem Protection Branch of Manitoba Conservation.(77/99)</li> <li>• <u>Please note that if the aforementioned activities must be undertaken as part of your project, you have to contact the Wildlife and Ecosystem Protection Branch of Manitoba Conservation (204-945-7775).</u></li> </ul> <p>If any habitat needs to be removed as part of the project,(W130)</p> <ul style="list-style-type: none"> <li>• Have you notified the Wildlife and Ecosystem Protection Branch of Manitoba Conservation (204-945-7775) to obtain appropriate permits?</li> <li>• Have you developed rehabilitation plans for wildlife habitat restoration and natural conditions?</li> <li>• Have you developed compensatory measures such as tree planting and habitat enhancement for construction areas and sites where important habitat is removed?</li> </ul>	
<p>Do you know that :</p> <ul style="list-style-type: none"> <li>• Blasting is not permitted around caribou</li> </ul>	

<p>calving habitats during timing windows as defined in the regulations?(113/91)</p> <ul style="list-style-type: none"> <li>• Clearing is not permitted within caribou and other large mammal habitats during established timing zones?(113/91)</li> </ul> <p><u>Note: For further information, contact the Wildlife and Ecosystem Protection Branch of Manitoba Conservation (204-945-7775), or contact Manitoba Conservation Regional offices.</u></p>	
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Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Winter Heating Cost Control Act [W165]

### Interpretation

One of the purposes of the act is to provide support for programs and services for electricity and natural gas energy efficiency, and to develop alternatives to natural gas. The act doesn't have any regulations to this date, which makes it difficult to comprehend the exact requirements. However section 6 of the act has defined specific requirements for Manitoba Hydro which can be considered in defining targets and objectives in the Business Unit. The following checklist presents summary of the requirements.

Regulatory Requirements	Comments
<p>-Manitoba Hydro should establish an affordable energy fund to carry out the purpose of the act,</p> <p>-The fund must provide support for programs and services that:</p> <ul style="list-style-type: none"> <li>• Encourage energy efficiency and conservation</li> <li>• Encourage the use of alternative energy sources,</li> <li>• Facilitate research and development of alternative energy sources and innovative energy technologies</li> </ul> <p>-The programs and services for energy efficiency and conservation must be designed and delivered to ensure:</p> <ul style="list-style-type: none"> <li>• that Manitoba Hydro's residential customers have access to comparable programs and services, regardless of the energy sources they use,</li> <li>• that people living in rural or northern Manitoba, those with low incomes and seniors have access to those programs and services.</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## **The Workplace Safety and Health Act [W210]**

- **Workplace Safety and Health Regulation (217/2006)**

The primary purpose of the Workplace Safety and Health Act is to protect workers, self-employed people and others from risks to their safety, health and welfare arising out of, or in connection with, activities in their workplaces. The Workplace Safety and Health Act requires employers to do all that is reasonable and practical to protect the safety, health and welfare of workers. This includes providing safe equipment, a safe working environment, adequate supervision, information and training.

The Corporate Safety and Health Division at Manitoba Hydro has developed several documents, guidelines, safe work procedures, and trainings that are based on the requirements of the Work Place Safety and Health Act and its associated regulations.

**Important Notice:** To avoid duplication of efforts, no separate checklist was developed for this act and the associated regulation, as safe work procedures and other safety related documents and checklists at Manitoba Hydro describe the requirements of the act. For instance, the self-administered checklist provided in appendix F of the “Workplace Hazardous Materials Information System in Manitoba Hydro” is based on Part 35 of Workplace Safety and Health Regulation and can be used to assess the level of compliance with the Workplace Hazardous Materials Information System (WHMIS) requirements. Also, SWPs (safe work procedures) developed for different activities, address the safety requirements of the Workplace Safety and Health Act and the associated regulation.

The list of publication on the Corporate Safety and Health Division website can be consulted to obtain further information.

## Federal Acts and Regulations

**Canadian Environmental Protection Act [S.C. 1999, c.33]**

- **Release and Environmental Emergency Notification Regulations (SOR 2011/90)**
- **Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations(SOR/2008-197)**

**Interpretation**

The primary purpose of the Canadian Environmental Protection Act (CEPA) is to identify, assess, and manage toxic substances and authorize regulations to control the discharge of toxic substances to the environment.

<b>Regulatory Requirement (Release and Environmental Emergency Notification Regulations) (SOR 2011/90)</b>	<b>Comments</b>
<p>Are you taking reasonable measures consistent with the protection of the environment and public safety to <u>prevent releases</u>? (S.C. 1999. c.33) The reasonable measures could include, but are not limited to:<sup>20</sup></p> <ul style="list-style-type: none"> <li>• Having “containment/mitigation system documentation and inspection” as required by component 3.4 of the Safety Management System</li> <li>• Conducting “spill response equipment &amp; supplies inspection” on a quarterly basis as required by component 3.4 of the Safety Management System?</li> </ul>	
<p>Are the employees familiar with the <u>appropriate process for reporting releases and notifying individuals and agencies</u> as required by the release and environmental emergency notification regulation?(SOR 2011/90)</p> <p><u>Note: The appropriate process for reporting releases can be fulfilled by checking the requirements of the Manitoba Regulation 439/87 (Environmental Accident Reporting Regulation), as described in this document.</u></p>	
<p>Do you have a <u>scheme for dealing with uncontrolled, unplanned, or accidental releases</u> (environmental emergencies)? (S.C. 1999. c.33) (SOR 2011/90) To fulfill the requirements for this question:</p> <ul style="list-style-type: none"> <li>• You have to develop a spill response plan in consultation with the Area Spill Response Coordinator<sup>15</sup></li> <li>• You have to activate the spill response</li> </ul>	

<sup>20</sup> Safety Management System, The Safety Program for Manitoba Hydro, 2011/2012, Component 3.4 Release-Responses and Prevention

<p>plan at least annually to practice responding to releases<sup>15</sup></p> <ul style="list-style-type: none"> <li>You have to conduct "spill response equipment &amp; supplies inspection" on a quarterly basis<sup>15</sup></li> </ul>	
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Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

Regulatory Requirement (Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations, SOR/2008-197)	Comments
<ul style="list-style-type: none"> <li>• The Manitoba Regulation 188/2001(Storage and Handling of Petroleum Products and Allied Petroleum Products) was adopted based on the requirements of the Federal Regulation (SOR/2008-197) and the Environmental Code of Practice for Aboveground and Underground Storage Tank Systems Containing Petroleum and Allied Petroleum Products (CCME).</li> <li>• <u>To comply with the federal regulatory requirements, the provincial checklist 188/2001 should be followed.</u></li> </ul>	

Regulatory Requirement (The PCB Regulations, SOR/2008-73)	Comments
<ul style="list-style-type: none"> <li>• The Manitoba Regulation (474/88), The Code of Practice for the Storage of PCBs at Manitoba Hydro Facilities, and the Hazardous Materials Management Handbook cover the requirements of the Federal PCB Regulations, and the Environment Canada Compliance Promotion Guide on PCB Regulations Requirements.</li> <li>• <u>To comply with the federal regulatory requirements, the provincial checklist (474/88) can be followed.</u></li> </ul>	

## The Energy Efficiency Act [S.C. 1992, c.36]

- Energy Efficiency Regulation (SOR/94-651)

### Interpretation

The act and the associated regulation set out minimum energy efficiency standards for specific energy using products and provide descriptions of the responsibilities of dealers with respect to these products. The act defines a dealer as a manufacturer of energy using products in Canada, a person engaged in the business of importing energy using products in Canada, or a person who sells or leases energy using products obtained directly or indirectly from the manufacturer or importer. The act has little or no direct application to CS&D unless any division leases the energy using products directly from a manufacturer or importer.

Regulatory Requirements	Comments
<p>If you are leasing any energy using products such as, water heaters, heating and air conditioning equipment, lighting products, household appliances, and other products as defined in the Regulation (94-651)</p> <ul style="list-style-type: none"><li>• Have you checked for the energy efficiency verification mark? This mark indicates that the energy performance of the product has been verified. The mark must belong to either a recognized verification agency or the provincial mark used in Manitoba.</li></ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## Canada National Parks Act [S.C. 2000, c.32]

- **National Historic Park General Regulation [SOR/82-263]**

### Interpretation

The Canada National Parks Act applies to all national parks and national marine parks as named and described in schedule 1 of the act. It creates civil liability for discharge of substances that have harmful impact on the environment. In particular the act requires any person having charge, management, or control of a substance that is "capable of degrading the natural environment, injuring fauna, flora or cultural resources or endangering human health" to take reasonable measures to prevent such damage that may result from the discharge or deposit of that substance.

Regulatory Requirements	Comments
<p>If the work in your area is going to be undertaken in National Parks:</p> <ul style="list-style-type: none"> <li>• Have you applied for appropriate permits for construction activities and any other activities that may pose risks to the environment?(c.32)(SOR/78-213) <u>Permits must be obtained from Parks Canada.</u></li> <li>• Are you following guidelines issued by the park authority to prevent any adverse impact on the environment? <u>You should consult park authority prior to commencement of any projects.</u></li> <li>• Have you made plans to take reasonable actions in the event of spills, or any other incident that can cause damages to the environment? (c.32)(SOR/78-213) <u>Reasonable measures include but are not limited to:</u> <ul style="list-style-type: none"> <li>• obtaining all necessary authorization from the Department of Fisheries and Oceans and Transport Canada</li> <li>• obtaining all the certificates for the transportation of Dangerous Goods</li> <li>• obtaining burning permits for open fires</li> </ul> </li> </ul>	
<p>If the work is going to be undertaken in National Historic Parks: (SOR/82-263)</p> <ul style="list-style-type: none"> <li>• Are project staff familiar with the restrictions on certain activities or in some areas in the national historic parks?</li> </ul> <p><u>Note: The purpose of the restrictions is to control activities or entry in sensitive areas in the park for</u></p>	

<p><u>the preservation, control, or management of the park. Consult park authorities to learn more about such restrictions prior to project commencement. (SOR/82-263)</u></p> <p>If you have to obstruct or divert, by means of a pipe or otherwise, any course of water: <u>(SOR/82-263)</u></p> <ul style="list-style-type: none"> <li>• Have you applied for the permits necessary to undertake that work?</li> </ul> <p><u>Note: Appropriate permits must be obtained from Parks Canada, and any other pertinent regulatory body.</u></p>	
<p>In the event of any spills or other incidents: <u>(SOR/82-263)(SOR/ 78-213).</u></p> <ul style="list-style-type: none"> <li>• Contact the park authority,</li> <li>• Contact the Hazardous Material Officer</li> <li>• Follow appropriate procedures to contain spill according to the internal documents at Manitoba Hydro, and relevant compliance checklists.</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Canada Wildlife Act [c. W-9]

- The wildlife area regulations (c.1609)

### Interpretation

The purpose of the act is to provide a framework for the establishment, management and protection of wildlife areas, and for the conservation of wildlife. The Wildlife Area Regulation prohibits activities that are harmful to species and to their habitat, unless a permit is issued indicating the activity is permitted.

Regulatory Requirements	Comments
<p>If any construction is going to be undertaken in or near wildlife habitats, have you checked that: (c.W-9) (c.1609)</p> <ul style="list-style-type: none"> <li>• Construction activities will not be carried out within established buffer zones and setback distances for wildlife species?</li> <li>• Construction activities will not be undertaken during prescribed timing windows for wildlife species?</li> <li>• Boundaries of important wildlife habitats have been flagged by prior to commencement of construction?</li> </ul>	
<p>Have you trained field staff with respect to wildlife considerations they should be familiar with while performing their duties? Some of the requirements are as follows: (c.1609)</p> <ul style="list-style-type: none"> <li>• Wildlife should not be fed or harassed at construction areas</li> <li>• Construction camps and fields should be kept clean, food should be kept in sealed storage areas</li> <li>• Hunting of wildlife is not permitted by project staff</li> <li>• No firearm is permitted in the area</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Explosives Act [c. E-17]

- Explosive Regulations (c. 599)

### Interpretation

The Explosive Act and its associated regulation set out the requirements for authorization, import, manufacture, and sale of explosives. These activities are done using a system of licenses, permits and standards for storage and handling of explosives. Transportation of explosives is regulated by the Transportation of Dangerous Goods Act and regulations.<sup>21</sup>

Regulatory Requirements	Comments
<ul style="list-style-type: none"> <li>• Prior to any blasting activity, have you notified:               <ul style="list-style-type: none"> <li>○ Manitoba Conservation,</li> <li>○ RCMP,</li> <li>○ municipalities,</li> <li>○ landowners,</li> <li>○ and resources users, as it is required by the act?(c. 599)</li> </ul> </li> <li>• Are you or the blasting contractor in possession of valid licenses, permits, and certificates required for blasting, transportation, storage, and loading/unloading of explosives? (c. E-17, c. 599)</li> </ul>	
<p>Transportation of Explosives:</p> <ul style="list-style-type: none"> <li>• Have you ensured that employees who are involved in transportation of explosives hold a valid Transportation of Dangerous Goods Certificate?<sup>22</sup></li> <li>• Have you ensured that employees who are involved in transportation of explosives follow all safety procedures to avoid fire or explosion during transport?<sup>22</sup></li> <li>• Have you ensured that storage of explosives meets the requirements of the legislative requirements and internal requirements at Manitoba Hydro?<sup>22</sup></li> </ul> <p><b>Important note:</b><sup>22</sup> <u>The part of the vehicle where explosives are transported is fully enclosed, locked and fire resistant.</u></p> <p>Do the employees who are involved in the loading and unloading of explosives:<sup>22</sup></p> <ul style="list-style-type: none"> <li>• Take all precautions to prevent accidents resulting from fire or explosion?</li> </ul>	

<sup>21</sup> Transportation, Storage, and Handling of Explosives, Corporate Safety and Health Division, 2010

<ul style="list-style-type: none"> <li>• Prevent unauthorized people from gaining access to the explosives?</li> </ul>	
<p>If blasting is done close to fish-bearing waters,(c.599)</p> <ul style="list-style-type: none"> <li>• Have you or the contractor submitted a blasting plan to the Department of Fisheries and Ocean for approval prior to blasting near waterbodies?</li> <li>• Do you know that all blasting materials and debris that have entered waterbodies should be removed immediately with minimum disruption to fish habitat?</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Fisheries Act [R.S.C., 1985, c. F-14]

- Deposit out of the Normal Course of Events Notification Regulation (SOR 2011/91)

### Interpretation

The Fisheries Act is applicable to all fishing zones, territorial seas and inland waters of Canada and is binding to federal, provincial and territorial governments. One of the important purposes of the Act is to protect fish habitat by establishing provisions for reviewing and minimizing negative effects of proposed projects.

Regulatory Requirements	Comments
<ul style="list-style-type: none"> <li>• Have you provided a written notification to the Department of Fisheries and Oceans (DFO) prior to work in, or close to water bodies? (c. F-14)</li> <li>• Have you sent a report to a Department of Fisheries and Oceans inspector, and a Manitoba Department of Conservation inspector in the event of the release of harmful substances, or any other risk to water frequented by fish? (SOR 2011/91)</li> </ul>	
<p>To protect fish habitat and prevent pollution (c. F-14)</p> <ul style="list-style-type: none"> <li>• Have you established buffer zones and setback distances from water bodies, and wetlands, prior to start construction activities?<sup>22</sup></li> <li>• Have you scheduled in-water operations outside timing windows for fish spawning? <u>If the spawning season of fish is unknown, assume all seasons.</u><sup>23</sup></li> <li>• Have you provided erosion protection and sediment control measures at the project locations where there is a risk of the flow of surface drainage to fish bearing waters?<sup>17</sup></li> <li>• Have you notified DFO and Manitoba Conservation if beaver dams must be cleared?<sup>17</sup></li> <li>• Do you have immediate plans to rehabilitate disturbed shorelines, riparian areas, and waterbodies upon completion of construction activities? (c. F-14)</li> <li>• Were the project staff prohibited from fishing at project locations or along rights-of-way?<sup>16</sup></li> </ul>	

<sup>22</sup> Pipeline Associated Watercourse Crossings, 4<sup>th</sup> Edition (Draft), 2012. Canadian Association of Petroleum Producers(CAPP), The Canadian Energy Pipeline Association(CEPA), The Canadian Gas Association (CGA).

<sup>23</sup> Department of Fisheries and Oceans (DFO), Manitoba Operational Statements.

<ul style="list-style-type: none"> <li>• Have you, or the contractor submitted the blasting plans to DFO for approval?<sup>17</sup></li> </ul>	
<p>Do you have any plans to monitor and inspect (c. F-14)</p> <ul style="list-style-type: none"> <li>• Construction in or adjacent to waterbodies to check that regulatory operations are in accordance with the requirements?</li> <li>• Rehabilitated areas to assess the effectiveness of rehabilitation and the need for further rehabilitation activities?</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Migratory Birds Convention Act [S.C. 1994 , C22]

- **Migratory Birds Regulations ( C.R.C., 1035)**

### Interpretation

The purpose of the act and its regulation is to ensure the conservation of migratory birds in Canada by regulating the harmful activities that can affect migratory birds.

Regulatory Requirements	Comments
<p>If land clearing is part of the activity in your area(C.R.C 1035),</p> <ul style="list-style-type: none"> <li>• Have you checked that clearing will not happen during the breeding period (April 1-July 31) for birds? <u>Land clearing has the potential to destroy migratory birds nests.</u></li> <li>• Have you planned to do pre-clearing nest searches to determine locations of active bird nests?</li> <li>• Have you applied appropriate buffer zones to the active nests identified in the area?</li> </ul>	
<p>Have you trained the field staff with respect to the requirements of the migratory birds convention act? The requirements include, but are not limited to (C22):</p> <ul style="list-style-type: none"> <li>• Hunting of migratory birds is prohibited</li> <li>• Release of any harmful substance in any place frequented by migratory birds is prohibited</li> <li>• Migratory birds should not be fed, or harassed at the constructions areas</li> </ul>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The National Fire Code of Canada (NFC), 2010

Regulatory Requirements	Comments
<ul style="list-style-type: none"><li data-bbox="240 501 797 768">• The Manitoba Fire Code was adopted based on the National Fire Code of Canada (NFC). The NFC (2010) is an objective based code format in which all requirements are linked to one or more of the following objectives: safety, health, fire, and sustainable protection of buildings.</li><li data-bbox="240 810 786 905">• <u>To comply with the NFC (2010), the requirements of the provincial checklist [F80] should be followed.</u></li></ul>	

## The Navigable Waters Protection Act (NWPA) [c.N-22]

- **Navigable Waters Works Regulations (c. 1232)**

### Interpretation

The NWPA prohibits construction in navigable waters, regulates the removal of wreck and other obstacles to navigation and prohibits depositing of any material into navigable waters, unless the work has approved by the Minister of Transport.

**Note:** for the purpose of this act navigable waters are defined as any body of water capable of being navigated by floating vessels of any description for the purpose of transportation, commerce or recreation.

Regulatory Requirements	Comments
<p>If the projects in your area have to be undertaken close to navigable waters:</p> <ul style="list-style-type: none"> <li>• Have you referred to <b>Minor Works and Waters Order</b> to determine the need to:               <ul style="list-style-type: none"> <li>○ Submit a determination of navigability, and/or</li> <li>○ Submit an application of work to Transport Canada?(c.1232)</li> </ul> </li> </ul> <p><u>Note: If the proposed watercourse crossings meet the criteria of the Minor Works and Waters Order, then notification to Transport Canada for the project is not required.</u></p> <p><u>Note: The Minor Works and Waters Order establishes classes of Navigable Waters and works that do not require application/notification under the NWPA since they are considered 'minor works' or on 'minor navigable waters'.</u></p>	
<p>If the proposed watercourse crossings does not meet the criteria of the Minor Works and Waters Order,</p> <ul style="list-style-type: none"> <li>○ Have you submitted the determination of navigability to Transport Canada?(c.1232)</li> </ul> <p>If Transport Canada determines the watercourse is navigable,</p> <ul style="list-style-type: none"> <li>○ have you submitted the work application under NWPA to Transport Canada?(c.1232)</li> </ul> <p><u>Note: The information required for determination of navigability can be obtained from Transport Canada regional offices.</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
Compliance Check Completed By:		

## The Species at Risk Act [S.C., 2002, c.29]

### Interpretation

The purposes of the Species at Risk Act (SARA) are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened. A series of measures applicable across Canada provides the means to accomplish these goals. Some of these measures establish how governments, organizations, and individuals in Canada should work together, while others implement a species assessment process to ensure the protection and recovery of species.

**Important Note:** Most of the requirements of the Species at Risk Act, relevant to CS&D activities, can be followed through the provincial legislation, the Endangered Species Act, checklist E111. However, the list of species at risk at the federal level, and the critical habitats should also be checked while undertaking any activity in, or near critical habitats. The Species at Risk Booklet developed in CS&D can be used for that purpose.

Regulatory Requirements	Comments
<p>Prior to any activity in or near habitats of species at risk,</p> <ul style="list-style-type: none"> <li>• Have you obtained information with respect to potential habitats that may exist for such species in the area?</li> </ul> <p><u>Note: The information can be obtained from the “Species at Risk” information booklet published at Manitoba Hydro, and/or your local Conservation Officer.</u></p>	
<p>To prevent any damage or destruction of the habitats of species at risk,</p> <ul style="list-style-type: none"> <li>• Have you referred to pre-project nest studies for the birds’ species of concern to ensure that the project does not destroy active nests or any other additional sensitive sites or habitats?</li> </ul> <p><u>You can contact your local Conservation Officer for more details on plant species, and/or refer to the “Species at Risk” booklet.</u></p>	
<p>Do the project staff take precautions during the construction period to avoid any harm or o disruption to the species at risk and their habitats?</p>	

<p><u>Note: In the event of any damage or disruption to the species at risk and their habitats contact Manitoba Conservation, Wildlife and Ecosystem Protection Branch (204-945-7775).</u></p>	
<p><u>For further information on permits that are relevant to this act, contact your local Conservation Officer, or the Wildlife and Ecosystem Protection Branch of Manitoba Conservation (204-945-7775).</u></p>	

Date:	Location/Department:	
	Manager's Signature:	
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