

COVID-19 Temporary Changes to Environmental Enforcement; Reporting Requirements; and Permit and Certification Deadlines

Manitoba Conservation and Climate recognizes that Manitobans and all industry and businesses operating across the province are facing extraordinary circumstances during the COVID-19 pandemic. Staff may be sick, or unable to work from home, travel restrictions across provincial borders and into the USA may be disrupting operations, and labs may not be available to take samples or provide analysis. All of this has an enormous impact on industry and businesses across the province.

Our top concern remains the health and safety of all Manitobans. There is a need for a concerted public and private sector approach that gives priority to protecting human health and preventing the spread of the virus by following Public Health Orders set out by the Manitoba Health, Seniors and Active Living. During the COVID-19 pandemic, Conservation and Climate will continue to enforce the mandate to protect Manitoba's environment today, for tomorrow, and to ensure environmental issues surrounding human health are addressed.

The department has always tried to respond to violations in a fair, predictable and consistent manner. During the COVID-19 pandemic there may be situations where operations are unable to fully meet provincial standards with regards to legislation, licences or permits. These situations will be managed on a case by case basis, giving consideration to the risk associated with the activities.

Conservation and Climate's legislation, and associated licences and permits remain in effect during the COVID-19 pandemic except for exemptions to some deadlines that surround reporting and expiry dates to select licences/permits. All these exemptions are time limited and are outlined in the Order in Council 117/2020, Emergency Measures Act – Suspensions and Extensions of Time Periods and Reporting Deadlines. These changes are outlined in **Appendix A**. Regulated facilities are still expected to comply with all other regulatory requirements where reasonably practical. This procedure does not provide leniency for intentional violation of the legislation.

Currently, the department has put low risk routine inspections on hold as a result of the COVID-19 pandemic in an effort to support social distancing requirements. Low risk inspections would include routine, or scheduled inspections that may be deferred without increasing risk. Inspections considered as high risk, such as those necessary to avoid, or help mitigate, immediate harm to the environment or issues surrounding human health will continue. This decision will be reassessed on a regular basis as the situation with the pandemic evolves.

Environment Officers, where possible, when completing necessary enforcement duties including high risk inspections, investigations, and service of enforcement related materials, will:

- Use social distancing techniques to conduct as much business as possible, including telephone and video conferencing.
- Minimize prolonged (more than 10 minutes), close (less than two meters/ six feet) contact between other individuals.

*Please contact your local Environment Officer if you have any specific questions. To report an Environmental Emergency call the 24/7 **Environmental Emergency Response Line at 204-944-4888, or Toll Free in Manitoba 1-855-944-4888.***

APPENDIX A - Summary of the Environmental Suspensions and Extensions under Order in Council 117/2020, The Emergency Measures Act – Suspensions and Extensions of Time Periods and Reporting Deadlines

The following deadlines are suspended and replaced:

1. The Environment Act

- A reporting deadline set out in a licence or permit issued under The Environment Act that expires on or after March 20, 2020 is suspended, and is extended to September 21, 2020, unless the deadline relates to any of the following:
 - a reporting requirement in respect of a class 3 development set out in a licence or permit
 - a reporting requirement applicable to a facility under construction
 - a reporting requirement in respect of odour, noise or dust complaints
 - a reporting requirement in respect of a fire or explosion
 - a reporting requirement in respect of a material disruption to a physical, chemical or biological process
 - a reporting requirement in respect of emissions or effluent limit exceedances
 - a requirement to provide notice of the start of construction of a facility

This extension does not apply to reporting requirements set out in the Act itself or in an Order issued under the Act.

2. Pesticides Regulation, MR 94/88R

- The requirement for a report to the department respecting the use of pesticides under a pesticide use permit for the previous calendar year is extended from March 31, 2020 to on or before September 21, 2020.

3. The Dangerous Goods Handling and Transportation Act

- A reporting deadline set out in a licence or permit issued under The Dangerous Goods Handling and Transportation Act that expires on or after March 20, 2020 is suspended, and is extended to September 21, 2020, unless the deadline relates to any of the following:
 - a reporting requirement applicable to a facility under construction
 - a reporting requirement in respect of odour, noise or dust complaints
 - a reporting requirement in respect of a fire or explosion
 - a reporting requirement in respect of a material disruption to a physical, chemical or biological process
 - a reporting requirement in respect of emissions or effluent limit exceedances
 - a requirement to provide notice of the start of construction of a facility
 - a requirement to report a change in the type of materials being processed set out in a licence or permit

This extension does not apply to reporting requirements set out in the Act itself or in an Order issued under the Act.

4. Hazardous Waste Regulation, MR 195/2015

- The requirement for an operator of a licenced hazardous waste disposal facility, a used oil burner or a used oil collection facility to provide the director with an annual report detailing the hazardous waste received each year, and the manner in which the waste was treated or disposed is extended from March 31, 2020 to on or before September 21, 2020.

5. Storage and Handling of Petroleum Products and Allied Products Regulation, MR 188/2001

- The requirement that a licensed petroleum technician must ensure that the as-built drawing is provided within 90 calendar days after the operating permit for a new or altered storage tank system is issued is extended to within 180 calendar days after the operating permit has been issued.
- The requirement that an owner of a storage tank system that is not being used to convey petroleum products or allied petroleum products for a period of 60 days shall, unless authorized in writing by the director or an environment officer, remove all petroleum products from the storage tank system is extended to a period of 120 days where a storage tank system is not being used to convey petroleum products or allied petroleum products

The following permits, certificates, registrations or licences that expire on or after March 20, 2020 are suspended and instead expire on September 21, 2020:

1. Under the Storage and Handling of Petroleum Products and Allied Products Regulation, MR 188/2001 the permit issued to a licenced petroleum technician to construct or alter a storage tank system; and the renewal of a Petroleum Technician's Licence.
2. Under the Onsite Wastewater Management Systems Regulation, MR 83/2003 the renewal of an Onsite Wastewater Management Systems Installer's Certificate; and the renewal of a Sewage Hauler's Registration.
3. Under the Water and Wastewater Facility Operators Regulation, MR 77/ 2003 the following are applicable:
 - Renewal of a Small System Water Works Operator's Certificate, including Conditional and Temporary Certificates
 - Renewal of a Small System Wastewater Operator's Certificate, including Conditional and Temporary Certificates
 - Renewal of a Water Treatment Facility Operator's Certificate, including Conditional and Temporary Certificates
 - Renewal of a Water Distribution Facility Operator's Certificate, including Conditional and Temporary Certificates
 - Renewal of a Wastewater Treatment Facility Operator's Certificate, including Conditional and Temporary Certificates
 - Renewal of a Wastewater Collection Facility Operator's Certificate, including Conditional and Temporary Certificates