

Proposed Manitoba Water Quality Standards, Objectives and Guidelines Regulation  
made under W65 — *The Water Protection Act*  
FOR CONSULTATION PURPOSES ONLY

---

PART 1

INTERPRETATION AND APPLICATION

**Definitions**

**1(1)** The following definitions apply in this regulation.

"**30-day rolling average**" means the arithmetic average of any daily reported data plus the preceding 29 consecutive days of reported data. (« moyenne mobile de 30 jours »)

"**Act**" means *The Water Protection Act*.

"**class 1 development**", "**class 2 development**", "**class 3 development**" and "**development**" have the same meanings as in *The Environment Act*.

"**Manitoba Water Quality Standards, Objectives and Guidelines**" means Manitoba Water Stewardship Report 2011-XX, entitled *Manitoba Water Quality Standards, Objectives and Guidelines*.

"**proponent**" means a proponent as defined in *The Environment Act*.

"**sewage treatment plant**" means a sewage treatment plant as defined in the *Classes of Development Regulation*, M.R. 164/88.

"**wastewater treatment lagoon**" means a wastewater treatment lagoon as defined in the *Classes of Development Regulation*, M.R. 164/88.

"**water quality guidelines**" mean the water quality guidelines adopted under section 11.

"**water quality objectives**" mean the water quality objectives adopted under section 10.

"**water quality standards**" mean the water quality standards adopted under section 2, including the standards for phosphorus described in subsections 4(2) and 5(2).

**Interpretation**

**1(2)** For greater certainty, in this regulation "**water body**" includes a drainage ditch, whether or not the flow or presence of water in the drainage ditch is continuous, intermittent or occurs only during a flood.

Proposed Manitoba Water Quality Standards, Objectives and Guidelines Regulation  
made under W65 — *The Water Protection Act*  
FOR CONSULTATION PURPOSES ONLY

---

PART 2

WATER QUALITY STANDARDS

**Adoption of water quality standards**

**2** The "Tier I — Water Quality Standards" set out in the Manitoba Water Quality Standards, Objectives and Guidelines, are hereby adopted as Manitoba's water quality standards.

**Approvals under *The Environment Act***

**3(1)** In accordance with clause 4(2)(b) of the Act and section 12.1 of *The Environment Act*, a person must not issue a licence, or an alteration to a licence, under section 10, 11 or 12 of *The Environment Act*, in respect of a development that affects or may affect water, unless the development, operating in accordance with the licence, or the licence as altered, will comply with or be consistent with all applicable water quality standards, including, without limitation, all applicable nutrient standards.

**Non-application — minor alterations**

**3(2)** For greater certainty, subsection (1) does not apply in the case of an approval granted under subsection 14(2) of *The Environment Act*.

**Exception — emergency or exceptional circumstances**

**3(3)** Despite subsection (1), if a person issuing a licence or an alteration to a licence described in that subsection determines, after receiving advice from a director designated under *The Water Protection Act*, that emergency or exceptional circumstances exist, the person may

(a) issue the licence or alteration with such terms, limits or conditions that the development, operating in accordance with the licence, or the licence as altered, is not required to be in compliance with or consistent with all applicable water quality standards until a specified later date; or

(b) issue the licence or alteration without regard to subsection (1).

**License may impose more stringent limits**

**3(4)** For greater certainty, nothing in subsection (1) prohibits the issuance of a licence under *The Environment Act*, or an alteration to such a licence, that places more stringent limits on a development than would otherwise be required by the water quality standards.

**Phosphorus standard — existing developments**

**4(1)** This section applies to a class 1 development, class 2 development or class 3 development

(a) that discharges 820 kg or more of total phosphorus per year to a water body; and

(b) that was licensed under *The Environment Act* before the day that section 3 came into force.

Proposed Manitoba Water Quality Standards, Objectives and Guidelines Regulation  
made under W65 — *The Water Protection Act*  
FOR CONSULTATION PURPOSES ONLY

---

**Phosphorus standard and compliance date**

**4(2)** The proponent of a development to which this section applies must ensure that the concentration of phosphorus in wastewater effluent discharged from the development does not exceed 1.0 mg/L total phosphorus, beginning on the later of the following:

(a) January 1, 2016;

(b) a date specified in a compliance plan approved by the director under subsection 9(2).

**Compliance plan required**

**4(3)** The proponent of a development to which this section applies must, before January 1, 2013, provide a compliance plan as described in subsection 9(1) to the director, for the director's approval.

**Phosphorus standard — facilities owned or operated by the provincial government**

**5(1)** This section applies to a sewage treatment plant or wastewater treatment lagoon owned or operated by the government or an agency of the government.

**Phosphorus standard and compliance date**

**5(2)** Beginning on January 1, 2016, the maximum allowable concentration of phosphorus in wastewater effluent discharged from a development to which this section applies is 1.0 mg/L total phosphorus.

OTHER PROVISIONS — WATER  
QUALITY STANDARDS

**Development must comply with water quality standards**

**6** The proponent of a development to which a water quality standard applies must ensure that the development complies with or is consistent with the standard.

**Environment Act licence may require earlier compliance**

**7** Despite sections 4 and 5, if a licence, or an alteration to a licence, issued under section 11, 12 or 13 of *The Environment Act* requires an earlier date for compliance with one or more water quality standards than the date set out in the otherwise applicable section, the compliance date set out in the licence applies.

**How to determine phosphorus concentrations**

**8** For the purpose of determining compliance with sections 4 and 5, the concentration of phosphorus in wastewater effluent discharged from a development is to be determined as follows:

(a) for developments that discharge continuously, concentrations of total phosphorus are to be determined based on a 30-day rolling average;

(b) for developments that discharge intermittently, concentrations of total phosphorus are to be determined

Proposed Manitoba Water Quality Standards, Objectives and Guidelines Regulation  
made under W65 — *The Water Protection Act*  
FOR CONSULTATION PURPOSES ONLY

---

(i) as an average per discharge period, if the discharge period is less than 30 days;  
or

(ii) as a 30-day rolling average, if the discharge period is 30 days or more.

**Requirements of compliance plan**

**9(1)** A compliance plan under subsection 4(3) must describe the actions taken and proposed to be taken to achieve compliance with the phosphorus standard, including the dates when action was taken or is proposed to be taken.

**Approval of compliance plan**

**9(2)** After receiving a compliance plan from a proponent, the director may

(a) approve the compliance plan as submitted;

(b) approve the compliance plan subject to any terms or conditions that the director considers appropriate; or

(c) refer the compliance plan back to the proponent to be revised in accordance with any directions that the director considers appropriate.

PART 3

WATER QUALITY OBJECTIVES

**Adoption of water quality objectives**

**10** The "Tier II — Water Quality Objectives" set out on pages [14 to 37] of the Manitoba Water Quality Standards report are hereby adopted as Manitoba's water quality objectives.

PART 4

WATER QUALITY GUIDELINES

**Adoption of water quality guidelines**

**11** The "Tier III — Water Quality Guidelines" set out on pages [40 to 60] of the Manitoba Water Quality Standards report are hereby adopted as Manitoba's water quality guidelines.

PART 5

COMING INTO FORCE

**Coming into force**

**12** This regulation comes into force on the day it is registered under *The*

Proposed Manitoba Water Quality Standards, Objectives and Guidelines Regulation  
made under W65 — *The Water Protection Act*  
FOR CONSULTATION PURPOSES ONLY

---

*Regulations Act.*