

# *The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations*

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[Chapter M-2.01 Reg 3](#) (effective January 1, 2019, except for subsections 6(1) and (2) which come into force on a date set by Order in Council 32/2019 of the Lieutenant Governor in Council, effective February 14, 2019) as amended by Saskatchewan Regulations [91/2019](#) and [103/2020](#).

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER M-2.01 REG 3

### *The Management and Reduction of Greenhouse Gases Act*

#### PART 1

#### Preliminary Matters

##### Title

1 These regulations may be cited as *The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations*.

##### Definitions

2(1) In these regulations:

“**Act**” means *The Management and Reduction of Greenhouse Gases Act*;

“**baseline emissions intensity**” means the result obtained by dividing the baseline emissions level for a product or production class in commercial production at a regulated facility by the baseline production level for the product;

“**baseline emissions level**” means the regulated emissions by a regulated facility resulting from the commercial production of a product or within a production class averaged over the baseline years for the regulated facility;

“**baseline production level**” means the total annual quantity of a product or within a production class at a regulated facility commercially produced at a regulated facility averaged over the baseline years for the regulated facility;

“**baseline years**” means the baseline years that are established by the regulated emitter for a regulated facility and that are approved by the minister in accordance with an applicable standard;

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**commercial production**” means the act of producing a product for eventual sale, transfer or distribution;

“**compliance return**” means a return prepared in accordance with section 22 and an applicable standard by a regulated emitter for a regulated facility for the purpose of demonstrating how the regulated emitter has fulfilled a compliance obligation in a compliance year in which a compliance obligation is incurred respecting the regulated facility;

“**compliance year**” means a year in which a regulated facility is subject to these regulations and for which a regulated emitter is required to reduce the emissions intensity of products produced at that regulated facility in accordance with these regulations and an applicable standard;

“**emission**” means the emission of a greenhouse gas as measured in terms of tonnes of CO<sub>2</sub>e;

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**“emissions return”** means a return prepared in accordance with section 21 and an applicable standard by a regulated emitter for a regulated facility for the purpose of demonstrating:

- (a) whether the total regulated emissions by the regulated facility are below, meet or exceed its permitted emissions in each compliance year; and
- (b) whether the regulated facility has earned performance credits or has incurred a compliance obligation;

**“existing facility”** means any regulated facility that has been in commercial production for at least 3 years;

**“facility”** means:

- (a) any buildings, equipment, structures, on-site transportation machinery and stationary items that:
  - (i) are located on a single site, on multiple sites or between multiple sites that are owned or operated by the same person or persons; and
  - (ii) function as a single integrated site;

but does not include public roads; or

- (b) subject to subsection (2), any other site, plant or establishment that is approved by the minister based on any unique or special circumstances respecting an emitter or class of emitters;

**“new facility”** means any regulated facility that has been in commercial production for less than 3 years, or is a facility under construction, but does not include a facility that is in standby;

**“performance standard allocation”** means the percentages, established in Table 1 of the Appendix and an applicable standard, that are assigned to each regulated sector and that are used to determine the reduction requirement for the regulated emissions from a facility that are subject to reduction;

**“permitted emissions”** means, for a compliance year of a regulated facility, the emissions the regulated facility is permitted to emit without incurring a compliance obligation, as determined in accordance with an applicable standard, for all products in commercial production at the regulated facility;

**“production class”** means a production class as set out in an applicable standard;

**“qualified person”** means, for the purposes of these regulations, a person who meets the qualifications and eligibility requirements to be a qualified person established in these regulations and an applicable standard;

**“reduction period”** means the period determined pursuant to section 11 and an applicable standard;

**“regulated emissions”** means emissions from a regulated source category, as defined in an applicable standard;

“**regulated facility**” means a facility owned or operated by a regulated emitter that is described in section 3;

“**regulated sector**” means a sector listed in column 1 of Table 1 of the Appendix;

“**regulated source categories**” means the categories of the sources of emissions from which greenhouse gas emissions may originate and that are established in an applicable standard;

“**standard**” means a standard adopted by the minister pursuant to section 4;

“**standby**” means a period during which the regulated emitter satisfies the minister that no commercial production at a facility has occurred for a reason that was not provided in the information reported pursuant to section 13 to establish the baseline information for the facility;

“**stationary fuel combustion**” means the releases from stationary fuel combustion sources at a facility in which fuel is burned for the purpose of producing heat or work to be used at the facility;

“**stationary fuel combustion sources**” means devices that combust solid, liquid, gaseous, or waste fuel for the purpose of producing useful heat or work, including boilers, electricity generation units, co-generation units, combustion turbines, engines, incinerators, process heaters, and other stationary combustion devices, but does not include emergency flares;

“**total regulated emissions**” means the sum of all emissions from regulated source categories for a regulated facility in a calendar year or compliance year.

(2) For the purposes of the definition of “facility” in subsection (1), the minister may approve a site, plant or establishment, or a group of sites, plants or establishments, for an emitter or class of emitters based on:

- (a) a request by the emitter or class of emitters; or
- (b) the minister’s own initiative after notifying the emitter or class of emitters of the reasons for the approval.

(2.1) For the purposes of the definition of ‘new facility’ in subsection (1), a “**facility under construction**” means a facility that is in the process of being assembled and has not previously been in commercial production in the regulated sector in which it will operate.

(3) For the purposes of these regulations, a regulated facility is considered to commence commercial production in the year in which a product is first produced at the regulated facility for eventual sale, transfer or distribution.

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**Application of regulations**

3(1) For the purposes of the Act and these regulations, every person is a regulated emitter who owns or operates a facility in a regulated sector with total regulated emissions of 25,000 tonnes or more of CO<sub>2</sub>e in 2017 or in a subsequent year.

(2) **Repealed.** 13 Dec 2019 SR 91/2019 s3.

(3) Every person is a regulated emitter who owns or operates a facility in a regulated sector that is voluntarily registered in accordance with section 6 and:

(a) had total regulated emissions of 10,000 tonnes of CO<sub>2</sub>e or more but less than 25,000 tonnes of CO<sub>2</sub>e in the current or previous year;

(b) is an aggregate facility within the meaning of an applicable standard that had total regulated emissions of 0 tonnes of CO<sub>2</sub>e or more but less than 25,000 tonnes of CO<sub>2</sub>e in the current or previous year; or

(c) had emissions that meet another threshold that has been approved by the Lieutenant Governor in Council for the regulated sector.

(3.1) The minister must cause every order of the Lieutenant Governor in Council made for the purposes of subsection (3) to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

(4) **Repealed.** 13 Dec 2019 SR 91/2019 s3.

(5) These regulations do not apply to facilities in any sectors that are excluded in an applicable standard.

(6) For the purposes of this section, the determination of total regulated emissions is to be based on information that the person who owns or operates the facility provides to the minister and that the minister considers satisfactory.

(7) The minister may determine the regulated sector to which a regulated facility belongs in accordance with Table 1 of the Appendix and an applicable standard.

(8) If a facility in a regulated sector that is not already registered pursuant to section 5 or 6 meets the criteria set out in subsection (1):

(a) in 2017 or 2018, these regulations apply to the facility and the owner or operator of the facility is a regulated emitter on and after January 1, 2019; or

(b) in 2019 or in a subsequent year, these regulations apply to the facility and the owner or operator of the facility is a regulated emitter on and after January 1 of the year after the year in which the total regulated emissions are 25,000 tonnes or more of CO<sub>2</sub>e.

(9) The owner or operator of a facility mentioned in clause (8)(b) may apply to the minister in accordance with the requirements set out in an applicable standard:

(a) to become a regulated emitter in the year in which that facility has total regulated emissions of 25,000 tonnes or more of CO<sub>2</sub>e; and

(b) to have that facility be subject to these regulations in the year mentioned in clause (a).

**Standard**

- 4(1) The minister may adopt one or more standards respecting any matters dealt with by these regulations including the following:
- (a) registrations;
  - (b) establishing and calculating baseline emissions levels, baseline production levels, baseline emissions intensities and performance standard allocations;
  - (c) emissions returns and baseline submissions;
  - (d) compliance obligations and compliance returns;
  - (e) performance credits and offset credits;
  - (f) verification of baseline information, emissions returns and other reports and submissions;
  - (g) determining global warming potential for greenhouse gases;
  - (h) calculating performance standards, permitted emissions, and total regulated emissions;
  - (i) determining reduction periods.
- (2) In accordance with subsection 7(4) of the Act, the minister must cause every standard to be made public in any manner the minister considers appropriate, including publishing it on the ministry's website.
- (3) The minister must undertake any consultations with regulated emitters that the minister considers appropriate before amending an applicable standard.
- (4) No regulated emitter shall fail to comply with an applicable standard.

14 Dec 2018, c.M-2.01 Reg 3 s4; 13 Dec 2019 SR  
91/2019 s5.

## PART 2 Registrations

**Required registration**

- 5(1) Every regulated emitter mentioned in subsections 3(1) and (8) shall register with the minister, in accordance with an applicable standard, each regulated facility that it owns or operates.
- (1.1) Every owner or operator of a facility who applies to the minister for registration pursuant to subsection 3(9) must register in accordance with an applicable standard.
- (2) A registration must be made:
- (a) for an existing facility before baseline information is submitted in accordance with an applicable standard; or
  - (b) for a new facility by the date specified in an applicable standard in the year in which the regulations apply to the facility.
- (3) If the owner and operator of a regulated facility are different persons, only one registration is required for the regulated facility.

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- (4) A regulated emitter described in subsection (1) or (1.1) must immediately send written notice to the minister of any change in the information it submitted for the purposes of registration and provide the minister with the updated information as soon as is practicable after the change.
- (5) **Repealed.** 13 Dec 2019 SR 91/2019 s6.
- (6) **Repealed.** 13 Dec 2019 SR 91/2019 s6.
- (7) The minister shall provide written confirmation of registration status to the regulated emitter.

14 Dec 2018, c.M-2.01 Reg 3 s5; 13 Dec 2019 SR  
91/2019 s6.

**Voluntary registration**

- 6(1)** A person who owns or operates a facility may voluntarily register the facility with the minister in accordance with an applicable standard if the person provides evidence satisfactory to the minister to establish that the facility meets the criteria established in subsection 3(3).
- (2) The owner or operator of a facility who wishes to voluntarily register the facility must register at the time approved by the minister on the request of the person.
- (3) On registration:
- (a) the owner or operator of the facility is deemed to be a regulated emitter;
  - (b) the facility is deemed to be a regulated facility; and
  - (c) the other provisions of these regulations and any standards that govern regulated emitters and regulated facilities apply to:
    - (i) that owner or operator; and
    - (ii) the facility.
- (4) A registration pursuant to this section must be made:
- (a) for an existing facility before baseline information is submitted in accordance with the standard; or
  - (b) for a new facility by the date specified in an applicable standard.
- (5) A regulated emitter who has registered pursuant to this section must immediately send written notice to the minister of any change in the information it submitted for the purposes of registration and provide the minister with the updated information as soon as is practicable after the change.
- (6) The minister shall provide written confirmation of registration status to the regulated emitter.

13 Dec 2019 SR 91/2019 s7.



**Removal from registration and requesting standby and decommissioning status**

- 7(1) A regulated emitter may apply to the minister for an order removing a regulated facility from registration and specifying that the regulated facility is no longer subject to these regulations if the total regulated emissions by the regulated facility are less than 25,000 tonnes CO<sub>2</sub>e in each of the 3 consecutive compliance years before the date of the application.
- (2) An application for the purposes of subsection (1) must be made as part of the emissions return for the third or any subsequent consecutive year after the compliance year in which the total regulated emissions by the regulated facility are less than 25,000 tonnes CO<sub>2</sub>e.
- (3) Notwithstanding subsection (2), if an emissions return is not scheduled for the compliance year in which a regulated emitter satisfies the requirements of subsection (1), a regulated emitter may submit an emissions return and make an application for the purposes of subsection (1) by June 1 of the year following the compliance year in which the regulated emitter meets the requirements of subsection (1).
- (4) A regulated emitter may apply to the minister for an order declaring a regulated facility to be in standby or that a facility has been, or is being, decommissioned:
- (a) if a baseline has been established for the regulated facility, by providing evidence satisfactory to the minister that commercial production at the facility has halted for a period of 3 months for a reason that was not provided in the information reported pursuant to section 13 to establish the baseline information for the facility;
  - (b) if a baseline has not been established for the regulated facility, by providing a reason satisfactory to the minister as to why the commercial production has halted for a period of 3 months; or
  - (c) by providing evidence satisfactory to the minister that the facility has been, or is being, decommissioned.
- (5) A regulated facility is exempt from requirements to have an emissions return verified and from accruing compliance obligations for the period in which it is in standby.
- (6) Any regulated facility that enters standby during a compliance year is subject to requirements for the verification of its emissions return and accrues compliance obligations for any part of the compliance year before which it is in standby.
- (7) At the times required by the minister, a regulated emitter must submit a signed declaration to the minister to attest that its regulated facility or facilities are still in standby.
- (8) A regulated emitter must immediately send written notice to the minister as soon as is practicable after a decision has occurred for the regulated facility to resume commercial production.
- (9) A regulated facility that is exiting standby continues to be exempt from accruing compliance obligations for a period of 3 months after the date on which commercial production resumes at the facility.

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- (10) After the expiry of the 3-month period mentioned in subsection (9), the regulated emitter:
- (a) is subject to the accrual of compliance obligations; and
  - (b) must submit a verified emissions return to the minister in the next compliance year, in the manner established in an applicable standard.
- (11) If a regulated emitter has provided evidence pursuant to clause (4)(c) that a facility it owns or operates is decommissioned, the facility that has been decommissioned is no longer subject to these regulations, other than those terms and conditions that the minister may impose.
- (12) If total regulated emissions from a regulated facility remain less than 10,000 tonnes CO<sub>2</sub>e for 3 or more consecutive years, or if an order has been issued declaring that the regulated facility is being decommissioned in accordance with clause (4)(c):
- (a) the minister may remove the regulated facility from registration; and
  - (b) if the minister acts pursuant to clause (a), the minister shall provide the regulated emitter who owns or operates the facility with written notice of the minister's action.
- (13) If a regulated facility enters standby status before the establishment of a baseline in accordance with clause 7(4)(b), the regulated emitter must establish the baseline information required by section 13 when the facility exits standby at the time approved by the minister.
- (14) If a regulated emitter has requested standby status for a regulated facility before the establishment of a baseline, the minister may require the regulated emitter to provide evidence to the satisfaction of the minister that the facility has the required emissions to be deemed a regulated facility pursuant to these regulations.

14 Dec 2018, c.M-2.01 Reg 3 s7; 13 Dec 2019 SR  
91/2019 s8; 25 Sep 2020 SR 103/2020 s5.

**Terms and conditions registrations**

- 8(1)** The minister may impose terms and conditions on the regulated emitter who owns or operates the regulated facility if the regulated emitter:
- (a) has failed to comply with the Act, these regulations or an applicable standard;
  - (b) has made a false statement or provided false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;
  - (c) has omitted to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an environment officer, the ministry or any person acting on behalf of the minister;
  - (d) has failed to comply with an order of the minister issued pursuant to this Act, the regulations or an applicable standard; or
  - (e) has done something that the minister is satisfied is contrary to the public interest.

- (2) Before the minister acts pursuant to subsection (1), the minister must:
- (a) provide written notice of and written reasons for the proposed action to the regulated emitter; and
  - (b) provide the regulated emitter with an opportunity to make written representations respecting the proposed action within 30 business days after being served with the notice mentioned in clause (a).
- (3) No regulated emitter shall fail to comply with any terms and conditions imposed on it pursuant to this section.

14 Dec 2018, c.M-2.01 Reg 3 s8; 13 Dec 2019 SR 91/2019 s9.

### PART 3 Performance Standards re Emissions

#### Requirement to reduce emission intensities

**9** Every regulated emitter must reduce, in accordance with these regulations and the requirements of an applicable standard, the emissions intensity at every regulated facility it owns or operates.

13 Dec 2019 SR 91/2019 s10.

#### Compliance years

**10(1)** The first compliance year for a regulated facility is the first year in which that regulated facility is subject to these regulations.

(2) Notwithstanding subsection (1), the first compliance year for a new facility is the third year after the year in which the new facility commences commercial production of a product.

14 Dec 2018, c.M-2.01 Reg 3 s10; 13 Dec 2019 SR 91/2019 s11.

#### Reduction periods

**11** Every regulated emitter must determine reduction periods in accordance with an applicable standard for the purposes of determining the performance standard allocation for a product in commercial production at a regulated facility.

14 Dec 2018, c.M-2.01 Reg 3 s11; 13 Dec 2019 SR 91/2019 s12.

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**Performance standard allocations – products**

**12** For the purpose of calculating permitted emissions in accordance with the standard, the performance standard allocation in a given reduction period at a regulated facility within a particular sector is determined using Table 1 of the Appendix.

14 Dec 2018, c.M-2.01 Reg 3 s12; 13 Dec 2019  
SR 91/2019 s13.

**Determining certain baseline information**

**13(1)** Every regulated emitter must:

- (a) establish the baseline emissions level, baseline production level and baseline emissions intensity for each product or production class in commercial production at a regulated facility it owns or operates in accordance with an applicable standard;
- (b) report the baseline information mentioned in clause (a) to the minister in accordance with an applicable standard; and
- (c) include verification, to the satisfaction of the minister and in the manner required in an applicable standard, by a qualified person to establish the accuracy of the information.

(1.1) Notwithstanding clause (1)(c), the minister may approve an alternative verification process for a regulated sector or class of emitters in an applicable standard that does not require verification by a qualified person if the minister is satisfied that:

- (a) the alternative verification process is undertaken in accordance with accepted practices and ensures compliance by the regulated emitter with the Act and these regulations;
- (b) the application of the alternative verification process is based on a maximum threshold for total regulated emissions of less than 10,000 tonnes CO<sub>2</sub>e from a regulated facility within a compliance year; and
- (c) it is in the public interest.

(2) If the qualified person provides, in the qualified person's statement of verification, an assessment that is adverse to the regulated emitter, or qualifies any information of the regulated emitter, in accordance with the types of verification established in an applicable standard:

- (a) the minister may direct, in writing, that the regulated emitter undertake corrective actions specified in the direction and within the period specified in the direction; and
- (b) the regulated emitter must comply with the direction within the period specified.

(3) Subject to subsection (4), the minister may review baseline emissions intensities as submitted by the regulated emitter and either establish an adjusted baseline emissions intensity or require a regulated emitter to establish a new adjusted baseline emissions intensity satisfactory to the minister:

- (a) when a regulated facility commences commercial production of a new product at the regulated facility;
- (b) when a regulated facility ceases commercial production of an existing product at the regulated facility;
- (c) when production at a regulated facility has decreased, but not yet ceased, due to decommissioning of the facility;
- (d) on the minister's own initiative if the minister is satisfied that the established baseline emissions intensity is inaccurate;
- (e) if a reduction in emissions intensity occurs for a regulated facility that is equal to or greater than 10% in a compliance year, unless the regulated emitter can demonstrate to the satisfaction of the minister that:
  - (i) the reduction in emissions intensity occurred due to variability in emissions intensity that could reasonably be expected for the regulated facility; and
  - (ii) the reduction in emissions intensity does not indicate that the baseline emissions intensity established for the regulated facility is inaccurate;
- (f) when changes have been made to quantification methodologies that result in deviations from calculated emissions or to products;
- (g) when changes have been made to operational boundaries, ownership or control of greenhouse gas sources or sinks; or
- (h) on the application of a regulated emitter pursuant to section 14.

(4) Before the minister establishes an adjusted baseline emissions intensity or requires the regulated emitter to establish a new baseline emissions intensity pursuant to subsection (3), the minister shall, in accordance with an applicable standard:

- (a) provide the regulated emitter who owns or operates the regulated facility with written notice of the minister's decision along with reasons for it; and
- (b) give the regulated emitter an opportunity to make written representations within 30 business days after receiving the written notice respecting the minister's decision.

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**Application to re-establish baseline emission intensity**

**14(1)** In accordance with an applicable standard, a regulated emitter may apply to the minister for approval to re-establish a baseline emissions intensity on or before June 1 of the compliance year in which the re-established baseline emissions intensity is to apply.

(2) An application pursuant to subsection (1) must:

- (a) be submitted in the form and manner satisfactory to the minister;
- (b) provide evidence satisfactory to the minister that one or more of the circumstances mentioned in clauses 13(3)(a) to (h) are met; and
- (c) include the information reasonably required by the minister.

14 Dec 2018, c.M-2.01 Reg 3 s14; 13 Dec 2019  
SR 91/2019 s15.

**Determination of permitted emissions and total regulated emissions**

**15(1)** In accordance with an applicable standard, for every compliance year, every regulated emitter must determine:

- (a) the permitted emissions of the regulated facility; and
- (b) the total regulated emissions by the regulated facility.

(2) If the minister is satisfied that a regulated emitter has not complied with an applicable standard when making the determinations mentioned in subsection (1), the minister must:

- (a) provide the regulated emitter with a written explanation for the minister's decision and directions for how to make the determinations; and
- (b) require the regulated emitter to make new determinations in accordance with the directions.

14 Dec 2018, c.M-2.01 Reg 3 s15; 13 Dec 2019  
SR 91/2019 s16.

**PART 4**

**Limits on Emissions and Compliance Obligations**

**Total regulated emissions**

**16** The total regulated emissions by a regulated facility must not exceed the permitted emissions at the regulated facility during a compliance year.

14 Dec 2018, c.M-2.01 Reg 3 s16.

**Compliance obligations**

**17(1)** If the total regulated emissions by a regulated facility exceed the permitted emissions for that regulated facility during a compliance year, the regulated emitter incurs a compliance obligation.

(2) The compliance obligation for a regulated facility for a given compliance year is the positive amount CO determined in accordance with the following formula:

$$CO = TE - PE$$

where:

CO is the compliance obligation for the regulated facility measured in tonnes of CO<sub>2</sub>e;

TE is the total regulated emissions measured in tonnes of CO<sub>2</sub>e by the regulated facility during the compliance year; and

PE is the permitted emissions for the regulated facility during the compliance year measured in tonnes of CO<sub>2</sub>e.

14 Dec 2018, c.M-2.01 Reg 3 s17.

#### **Fulfilling compliance obligations**

18(1) Every regulated emitter must fulfil a compliance obligation that it has incurred on or before:

- (a) October 31 of the year in which the emissions return for that compliance year is submitted; or
- (b) another date that is requested by the regulated emitter and that the minister is satisfied is appropriate.

(2) Subject to any order made pursuant to section 20, a compliance obligation may be fulfilled by doing either or both of the following:

- (a) paying to the minister for deposit in the technology fund the dollar amount of the compliance obligation;
- (b) undertaking any other compliance option approved by the minister that, in the opinion of the minister, is related to reducing, sequestering or limiting the emission of greenhouse gases or that is consistent with the purposes of the Act.

(3) For the purposes of clause (2)(a), the dollar amount of the compliance obligation is the amount DCO calculated in accordance with the following formula:

$$DCO = CO \times A$$

where:

DCO is the dollar amount of the compliance obligation;

CO is the compliance obligation as determined in accordance with section 17 measured in tonnes of CO<sub>2</sub>e; and

A is the dollar amount per tonne of CO<sub>2</sub>e set by order of the Lieutenant Governor in Council.

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(4) The minister must cause every order of the Lieutenant Governor in Council made for the purposes of this section to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

(5) A payment pursuant to clause (2)(a) must be made in cash or in any other manner approved by the Minister of Finance.

14 Dec 2018, c.M-2.01 Reg 3 s18; 13 Dec 2019  
SR 91/2019 s17.

**Failure to fulfil a compliance obligation**

**19(1)** If a regulated emitter fails to fulfil a compliance obligation as required by section 18, the dollar amount of the compliance obligation is a debt owing to the Government of Saskatchewan and may be recovered by the minister in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

(2) An unfulfilled compliance obligation bears interest at the rate equal to the sum of:

- (a) the prime lending rate of the bank holding Saskatchewan's general revenue fund as determined and adjusted in accordance with this section; and
- (b) 3 percentage points.

(3) The interest rate set out in this section must be determined on June 15 and December 15 in each year and:

- (a) the interest rate as determined on June 15 applies to unpaid compliance obligations that are owing on or after July 1; and
- (b) the interest rate as determined on December 15 applies to unpaid compliance obligations that are owing on or after January 1 of the following year.

14 Dec 2018, c.M-2.01 Reg 3 s19.

**Credits and compliance options**

**20(1)** The Lieutenant Governor in Council may make an order respecting performance credits, offset credits and compliance options, including:

- (a) how the credits may be awarded;
- (b) the threshold of emissions below an emissions level set out in the order at which point performance credits will be awarded;
- (c) the activities that may qualify as generating offset credits;
- (d) the manner in which credits may be used;
- (e) any terms, conditions and restrictions that must be complied with in the use of credits or compliance options; and
- (f) any other matter or thing related to credits or compliance options that the Lieutenant Governor in Council considers necessary or appropriate.



(2) The minister must cause every order of the Lieutenant Governor in Council made for the purposes of this section to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

14 Dec 2018, c.M-2.01 Reg 3 s20.

## PART 5 Returns and Qualified Persons

### Emissions returns required

**21(1)** Every regulated emitter must submit to the minister an emissions return for each compliance year for each regulated facility it owns or operates in accordance with the return schedule set out in an applicable standard.

(2) Every emissions return must contain all of the following:

- (a) the information required by an applicable standard;
- (b) verification to the satisfaction of the minister of the information by a qualified person to establish the accuracy of the information, in the manner required by an applicable standard;
- (c) confirmation of whether the total regulated emissions produced at the regulated facility are equal to or less than the permitted emissions for the regulated facility during the compliance year;
- (d) a signed declaration from the regulated emitter, in the manner required by an applicable standard.

(2.1) Notwithstanding clause (2)(b), the minister may approve an alternative verification process for a regulated sector or class of emitters in an applicable standard that does not require verification by a qualified person if the minister is satisfied that:

- (a) the alternative verification process is undertaken in accordance with accepted practices and ensures compliance by the regulated emitter with the Act and these regulations;
- (b) the application of the alternative verification process is based on a maximum threshold for total regulated emissions of less than 10,000 tonnes CO<sub>2</sub>e from a regulated facility within a compliance year; and
- (c) it is in the public interest.

(3) If the minister is satisfied that the emissions return contains any errors, omissions or other concerns that are identified within the period for the retention of records established in section 29:

- (a) the minister may direct, in writing, that the regulated emitter make any corrections specified in the direction and resubmit the emissions return within the period specified in the direction; and
- (b) the regulated emitter must comply with the direction within the period specified.

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- (4) If the qualified person provides, in the qualified person's verification of the emissions return, a report that is adverse to the regulated emitter:
- (a) the minister may direct, in writing, that the regulated emitter make any corrections specified in the direction and resubmit the emissions return within the period specified in the direction; and
  - (b) the regulated emitter must comply with the direction within the period specified.

14 Dec 2018, c.M-2.01 Reg 3 s21; 13 Dec 2019  
SR 91/2019 s18; 25 Sep 2020 SR 103/2020 s7.

**Compliance returns**

**22(1)** In accordance with an applicable standard, a regulated emitter must submit a compliance return to the minister for any compliance year in which the total regulated emissions produced by a regulated facility owned or operated by the regulated emitter are greater than the permitted emissions for the regulated facility during the compliance year.

- (2) A compliance return must be submitted on or before:
- (a) October 31 of the year in which the emissions return for that compliance year is submitted; or
  - (b) another date as requested by the regulated emitter and that the minister is satisfied is appropriate.
- (3) Every compliance return must contain all of the following:
- (a) confirmation satisfactory to the minister that the regulated emitter met any compliance obligation owed by the regulated emitter for the compliance year;
  - (b) any other information required by an applicable standard.

14 Dec 2018, c.M-2.01 Reg 3 s22; 13 Dec 2019  
SR 91/2019 s19.

**Qualified persons**

**23(1)** Subject to subsection (2), for the purposes of the Act and these regulations, a qualified person is a person who meets the qualifications set out in an applicable standard.

- (2) A person is not eligible to be a qualified person for a regulated facility if any of the following apply:
- (a) the person is an employee, agent or officer of the owner or operator of the regulated facility or the manager, owner or operator of the regulated facility;
  - (b) the person is an employee, agent or officer of an affiliate of the owner or operator of the regulated facility;
  - (c) the person is an employee, agent or officer of the Government of Saskatchewan.

(3) For the purposes of this section, a person who is engaged as an external consultant to the owner or operator of a regulated facility is deemed not to be an agent of the owner or operator.

(4) The minister may request that a qualified person produce evidence to the minister of the person's qualifications and eligibility to be a qualified person.

(5) In verifying information, every qualified person must comply with the requirements established in an applicable standard.

14 Dec 2018, c.M-2.01 Reg 3 s23; 13 Dec 2019  
SR 91/2019 s20.

## PART 6 Technology Fund

### Applications for money in the technology fund

**24(1)** A regulated emitter may apply to the minister to obtain a payment of moneys from the technology fund.

(2) An application must be made in accordance with an applicable standard and contain the information required by an applicable standard.

14 Dec 2018, c.M-2.01 Reg 3 s24; 13 Dec 2019  
SR 91/2019 s21.

### Payments from the fund

**25(1)** If the minister is satisfied that an application by a regulated emitter is made for a purpose of the fund as set out in section 23.1 of the Act and that it is in the public interest to do so, the minister may approve the application and pay moneys from the technology fund to the regulated emitter.

(2) Moneys from the technology fund may be paid in the form of a grant, loan or other form of financial assistance, other than an equity investment, that the minister considers appropriate.

(3) If the minister does not approve an application, the minister shall provide a written notice of the minister's decision along with reasons for the decision to the regulated emitter who submitted the application.

(4) The minister may impose any terms and conditions on the use of moneys paid pursuant to this section, and every regulated emitter on whom terms and conditions are imposed shall comply with those terms and conditions.

14 Dec 2018, c.M-2.01 Reg 3 s25; 13 Dec 2019  
SR 91/2019 s22.

### Reports

**26(1)** Every regulated emitter to whom moneys are paid from the technology fund shall submit a report to the minister respecting the use of those moneys.

(2) A report required pursuant to this section must:

- (a) contain the information required by the minister; and
- (b) be submitted in the manner and on or before the date required by the minister.

14 Dec 2018, c.M-2.01 Reg 3 s26.

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**Overpayments**

**27(1)** The minister may declare all or any portion of a payment made to a regulated emitter pursuant to this Part to be an overpayment if the minister is satisfied that:

- (a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;
  - (b) the applicant has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or
  - (c) the regulated emitter has failed to comply with the Act, these regulations or the requirements of an applicable standard.
- (2) If the minister declares all or any portion of a payment to be an overpayment, the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the regulated emitter in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

14 Dec 2018, c.M-2.01 Reg 3 s27; 13 Dec 2019  
SR 91/2019 s23.

**PART 7**  
**General**

**Administrative penalties**

- 28(1)** For the purposes of section 78 of the Act, the minister may assess a penalty for a contravention of a provision of the Act or these regulations set out in Table 2 of the Appendix.
- (2) An administrative penalty may be imposed only on a regulated emitter.
- (3) The maximum penalty the minister may assess with respect to each contravention is \$10,000.

14 Dec 2018, c.M-2.01 Reg 3 s28.

**Record keeping**

**29** Every person who submits a report or return to the minister pursuant to these regulations must retain all documents and information used to prepare the report or return, including a record of any methodologies, procedures or instruments that are used, for a minimum of 7 years after the date on which the report or return was submitted.

14 Dec 2018, c.M-2.01 Reg 3 s29.

**Confidentiality requests**

**30(1)** For the purposes of subsections 61(3) and (4) of the Act, requests to keep confidential all or any part of a return or other submission to the minister must be made in writing in conjunction with the submission of the return or submission.

(2) The minister shall provide a written response within 30 days after receiving a request for confidentiality to indicate if the request has or has not been accepted and provide reasons for the minister's decision.

(3) If the minister proposes to not accept the request for confidentiality, the minister shall provide written notice along with written reasons to the person making the request and give that person 7 business days from the date of receipt to make written representations.

(4) After reviewing any written representations made pursuant to subsection (3) or, if no written representations are made, after the expiry of the 7-day period mentioned in subsection (3), the minister:

(a) may make a final decision to accept or not accept the request for confidentiality; and

(b) shall provide a written notice to the person of the minister's decision.

14 Dec 2018, c.M-2.01 Reg 3 s30; 13 Dec 2019  
SR 91/2019 s24.

## PART 8 Coming into Force

### Coming into force

**31(1)** Subject to subsections (2) and (3), these regulations come into force on January 1, 2019.

(2) Subject to subsection (3), if these regulations are filed with the Registrar of Regulations after January 1, 2019, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

(3) **Repealed.** 13 Dec 2019 SR 91/2019 s25.

14 Dec 2018, c.M-2.01 Reg 3 s31; 13 Dec 2019  
SR 91/2019 s25.

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**APPENDIX**

**Table 1  
Performance Standard Allocation**

Sector <i>Column 1</i>	Reduction Period <i>Column 2</i>											
	1	2	3	4	5	6	7	8	9	10	11	12
Mining	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Iron and steel mills	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Fertilizer manufacturing	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Pulp mills	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Ethanol manufacturing	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Grain and oil-seed processing	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Char production	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Activated carbon production	.9958	.9917	.9875	.9833	.9792	.9750	.9708	.9667	.9625	.9583	.9542	.9500
Refining and upgrading of petroleum	.9917	.9833	.9750	.9667	.9583	.9500	.9417	.9333	.9250	.9167	.9083	.9000
Upstream oil and gas stationary fuel combustion <sup>1</sup>	.9875	.9750	.9625	.9500	.9375	.9250	.9125	.9000	.8875	.8750	.8625	.8500
Other sectors <sup>2 3</sup>	.9917	.9833	.9750	.9667	.9583	.9500	.9417	.9333	.9250	.9167	.9083	.9000

<sup>1</sup>Upstream oil and gas sector includes straddle and gas processing plants

<sup>2</sup> Other sectors include any other sector as identified in an applicable standard.

<sup>3</sup> The listed reduction periods for other sectors apply unless otherwise established in an applicable standard or by order of the minister

**Table 2**  
**Provisions for which an Administrative Penalty May be Imposed**  
*[Subsection 28(1)]*

<b>Item</b>	<b>Description of Contravention</b>	<b>Provision of Act or regulations</b>
<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
1	Failure to provide reports to the minister	21 of the Act
2	Failure to comply with an applicable standard	4(4) of the regulations
3	Failure to register a regulated facility	5(1) of the regulations
4	Failure to provide information to the minister as required	5(4) of the regulations
5	Failure to provide information to the minister as required	6(5) of the regulations
6	Failure to comply with a direction	13(2) of the regulations
7	Failure to fulfil a compliance obligation as required	18 of the regulations
8	Failure to submit emissions return	21(1) of the regulations
9	Failure to comply with a direction	21(3) of the regulations
10	Failure to comply with a direction	21(4) of the regulations
11	Failure to submit compliance return	22 of the regulations
12	Failure to submit report respecting use of moneys	26 of the regulations
13	Failure to retain documents and information used to prepare a report for the minimum period required	29 of the regulations

