

## INDUSTRIAL SOURCE (AIR QUALITY)

Adopted pursuant to *The Environmental Management and Protection Act, 2010*

### Application

- 1-1** This chapter applies to every **person** who intends to establish an industrial source facility and to every industrial source facility owner, but does not apply to:
- (a) oil and gas activities regulated pursuant to *The Oil and Gas Conservation Act* and *The Pipelines Act, 1998*;
  - (b) equipment using natural gas, commercial fuel oil or other commercially available fuel solely for the purposes of domestic, commercial or institutional comfort heating, recreation or food preparation;
  - (c) fuel-burning equipment used for the construction or maintenance of public roads, rail lines, pipelines or any other right of way;
  - (d) equipment used for seeding, harvesting, fertilizing or controlling pests or weeds;
  - (e) an intensive livestock operation;
  - (f) an on-road or off-road motor vehicle, rail locomotive, boat or aircraft; or
  - (g) an industrial source facility that has permanently ceased to operate.

#### Information Note

Upstream and midstream oil and gas activities regulated pursuant to *The Oil and Gas Conservation Act* and *The Pipelines Act, 1998* include flares, incinerators, wells, oil and gas batteries, enhanced oil recovery (CO<sub>2</sub>, steam-assisted gravity drainage, solvents and polymers injection), gas processing plants, gas compressors, natural gas pipelines and oil sands facilities.

This chapter comes into force on June 1, 2015.

In accordance with section 84 of the Act, it is an offence to fail to comply with the code.

### Notification required

- 1-2(1)** No person shall establish an industrial source facility unless that person has:
- (a) notified the **minister** in the form provided by the minister and provided the minister with any other information or material that the minister may reasonably require; and
  - (b) received a notification number from the minister.
- (2) Every person who has received a notification number pursuant to clause (1)(b) shall ensure that the notification number is included on all documents required by this chapter to be kept and retained.

**Information Note**

A person may notify the minister:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by sending a written notification, in the form provided by the minister, to the Saskatchewan Ministry of Environment. A form may be requested from the Saskatchewan Ministry of Environment at:

Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
Centre.Inquiry@gov.sk.ca

The completed form may be submitted to the minister in accordance with the directions set out in the form.

**Transitional-permits**

- 1-3(1) Notwithstanding subsection (2), for the purposes of subsection 103(4) of the Act, every permit issued pursuant to *The Clean Air Act* to operate an industrial source, an incinerator or fuel-burning equipment remains in force until January 1, 2020 unless the permit is suspended or cancelled in accordance with the Act.
- (2) Subject to subsection (1), for the purposes of subsection 103(3) of the Act, every permit issued pursuant to *The Clean Air Act* is cancelled on the day on which section 1 of *The Environmental Management and Protection (Saskatchewan Environmental Code Adoption) Regulations* comes into force.
- (3) Every industrial source facility owner who holds a permit mentioned in subsection (1) shall:
  - (a) on or before January 1, 2019, provide a report to the minister that sets out the progress that has been made with respect to the plans required pursuant to clause (c);
  - (b) on or before October 1, 2019, provide the minister with the notification required pursuant to subsection 1-2(1); and
  - (c) on or before December 31, 2019, have an environmental protection plan prepared and certified in accordance with section 1-9, and accepted by the minister pursuant to section 27 of the Act.

**Qualified person and certificates**

- 1-4(1) For the purposes of clause 2(1)(bb) of the Act, in this chapter, “qualified person” means:
  - (a) for the purposes of certifying an environmental protection plan:
    - (i) a person licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*; or
    - (ii) an individual who is designated by the minister or who is a member of a class of persons designated by the minister pursuant to the Act to undertake that activity;
  - (b) for the purposes of certifying the quality assurance and quality control sampling and analytical procedures, any person mentioned in clause (a).

- (2) Every industrial source facility owner shall ensure that any certificate provided by a qualified person in accordance with this chapter satisfies the requirements set out in the Qualified Person Certification Standard.

**Information Note**

The identification of a person as a qualified person does not entitle that person to engage in an activity if that activity is within the exclusive scope of practice of a profession and that person is not a member of that profession.

**Environmental samples and laboratory analysis**

- 1-5(1)** Subject to subsection (2), every industrial source facility owner shall ensure that **environmental** samples are:
- (a) collected, preserved, stored, handled or analysed in accordance with a method approved by a standards-setting organization; and
  - (b) if analysed by a laboratory, analysed by a laboratory accredited pursuant to the requirements of the Canadian Association for Laboratory Accreditation in accordance with the parameters for which the laboratory has been accredited.
- (2) If no parameter-specific environmental sampling method or analytical method accreditation process exists, every industrial source facility owner shall ensure that a qualified person provides a certificate stating that, in his or her opinion, the quality assurance and quality control for sampling and analytical procedures produce accurate, precise and reliable results.

**Information Note**

Standards-setting organizations include bodies such as the Standards Council of Canada, the Canadian Standards Association, the Underwriters Laboratories of Canada, the International Organization for Standardization, the American Society for Testing and Materials (ASTM) International and the United States Environmental Protection Agency.

**General records**

- 1-6(1)** Every industrial source facility owner shall ensure that the following records are kept and retained for at least 7 years from the date the record was created:
- (a) records of any environmental sampling, analysis or monitoring that has been conducted, including:
    - (i) the results of any environmental analysis;
    - (ii) the date, location and time of environmental sampling or monitoring;
    - (iii) the name of the person collecting the environmental sample;
    - (iv) an identification of the environmental sample type;

- (v) the date of analysis of the environmental sample;
  - (vi) the sampling method used;
  - (vii) the name of the laboratory that performed the analysis of the environmental sample;
  - (viii) the name of the person responsible for performing the analysis of the environmental sample; and
  - (ix) the quality assurance and quality control records of any environmental samples;
  - (b) any certificate received from a qualified person.
- (2) Every industrial source facility owner shall ensure that the records required to be kept pursuant to this section are made available to the minister on request.

### Industrial sources

- 1-7** For the purposes of clause 51(e) of the Act, the following are **prescribed** categories of facilities, operations and equipment:
- (a) an incinerator;
  - (b) a coal-fired power plant;
  - (c) a mine or solution mine, and its associated facilities;
  - (d) a manufacturing plant that produces steel, fertilizer, cement or chemicals;
  - (e) a petroleum refinery;
  - (f) a petroleum upgrader;
  - (g) a pulp, or pulp and paper, facility;
  - (h) an oriented strand board facility;
  - (i) an asphalt refinery;
  - (j) an ethanol plant;
  - (k) an oil seed processing and dehydration facility;
  - (l) an edible oil facility;
  - (m) a facility that annually emits, or is expected to annually emit:
    - (i) more than 10 metric tonnes of one type of Class I **air contaminant** listed in the Appendix;  
or
    - (ii) more than 25 metric tonnes of any combination of three or more types of Class I air contaminants listed in the Appendix.

## Results-based objective

- 1-8(1)** The results-based objective of this chapter is to limit the probability of unacceptable **adverse effects** resulting from the activity addressed by this chapter.
- (2) The results-based objective mentioned in subsection (1) must be satisfied by managing direct and passive contact with air emissions by taking reasonable and prudent measures to:
- (a) site an industrial source facility in an acceptable location with respect to:
    - (i) environmental and human receptors and places of concern, including, but not limited to, cemeteries and historical sites; and
    - (ii) topography and **surface water** hydrology;
  - (b) ensure that the **ambient air** quality standards set out in Table 20 of the Saskatchewan Environmental Quality Standard are met;
  - (c) ensure that the applicable sector-specific emission limit standards set out in Table 21 of the Saskatchewan Environmental Quality Standard are met;
  - (d) calculate or measure annual air contaminants in a manner that:
    - (i) is scientifically defensible; and
    - (ii) accurately determines the level of air contaminants with sufficient detail to allow the determination to be verified;
  - (e) minimize the effects of air contaminants on ground and surface water quality and on the aquatic and terrestrial ecology;
  - (f) minimize the release of fugitive air contaminants from industrial source facilities;
  - (g) prepare and maintain an emergency response contingency plan for industrial source facilities; and
  - (h) include components on monitoring, recording and reporting.

## Environmental protection plan

- 1-9** Every person who intends to become an industrial source facility owner shall:
- (a) have an environmental protection plan prepared that sets out the methods that will be employed to satisfy the results-based objective described in section 1-8;
  - (b) ensure that a qualified person provides a certificate stating that, in his or her opinion, the methods and components in the environmental protection plan, if carried out in accordance with that plan, will satisfy the results-based objective described in section 1-8; and
  - (c) submit the following documents to the minister:
    - (i) the environmental protection plan for acceptance pursuant to section 27 of the Act;
    - (ii) the certificate from a qualified person obtained pursuant to clause (b).

**Information Note**

The environmental protection plan, and the certificate(s) from a qualified person, may be submitted to the minister:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment

1-800-567-4224 (toll free in Canada)

Centre.Inquiry@gov.sk.ca

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

## Appendix

<b>Class I Air Contaminants</b>
sulphur dioxides (SO <sub>2</sub> )
oxides of nitrogen (expressed as NO <sub>2</sub> )
fine particulate matter (PM <sub>2.5</sub> )
coarse particulate matter (PM10)
carbon monoxide (CO)
volatile organic compounds (VOCs)

## Glossary of Terms

### Act

*The Environmental Management and Protection Act, 2010.*

### Carbon monoxide (CO)

A colourless, odourless, poisonous gas formed during the incomplete combustion of fossil fuels or the incomplete oxidation of carbon to carbon dioxide.

### Coarse particulate matter (PM<sub>10</sub>)

Any particulate matter with a diameter less than or equal to 10 microns.

### Emergency response contingency plan

A plan of action to address the measures that may be taken to deal with an unexpected event or emergency that may occur at an industrial source facility.

### Fine particulate matter (PM<sub>2.5</sub>)

Any particulate matter with a diameter less than or equal to 2.5 microns.

### Fugitive air contaminant

A fugitive air contaminant is any of the following:

- (a) a leak of an air contaminant from equipment, but does not include mobile sources;
- (b) dust from an unpaved road, an aggregate storage pile or any heavy construction operation.

### Incinerator

Any equipment, apparatus, device, mechanism or structure that is designed to incinerate garbage, wood waste, refuse, liquid or gaseous waste, or any other waste materials and that is capable of controlling the combustion temperature, the degree of gaseous mixing and the length of time that combustion gases reside in the incinerator.

### Industrial source facility

A facility, an operation or any equipment that falls within any of the categories prescribed in section 1-7.

**Industrial source facility owner**

A person who owns a facility, an operation or any equipment that falls within any of the categories prescribed in section 1-7.

**Intensive livestock operation**

An intensive livestock operation as defined in *The Agricultural Operations Act*.

**Oxides of nitrogen (expressed as NO<sub>2</sub>)**

Includes nitric oxide (NO) (CAS No. 10102-43-9) and nitrogen dioxide (NO<sub>2</sub>) (CAS No. 1012-44-0).

**Qualified Person Certification Standard**

The Qualified Person Certification Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

**Saskatchewan Environmental Quality Standard**

The Saskatchewan Environmental Quality Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

**Sulphur dioxide (SO<sub>2</sub>)**

A gas formed during oxidation reactions involving sulphur and oxygen.

**Volatile organic compounds (VOCs)**

Volatile organic compounds that participate in atmospheric photochemical reactions.

## Standards Referenced in this Chapter

The following standards, adopted pursuant to the Adoption of Standards Chapter, are referenced in this chapter:

- Qualified Person Certification Standard
- Saskatchewan Environmental Quality Standard