

# Managing Impacted Sites in Saskatchewan

## Legislative Requirements

*The Environmental Management and Protection Act, 2010* (EMPA 2010) outlines requirements for the management of unauthorized discharges and environmentally impacted sites.

The [Saskatchewan Environmental Code](#) provides the results-based objectives, specifications, procedures, criteria and methods to manage impacted sites to limit the risk of adverse effects to the environment and/or human health. These include:

- Discharge and Discovery Reporting;
- Site Assessment;
- Corrective Action Plan;
- Transfer of Responsibility for an Environmentally Impacted Site; and
- Substances Characterization.

Where applicable, code chapters identify two possible solutions to meet the results-based objectives:

**Acceptable Solution** – activities are conducted in accordance with the accepted standards outlined in the code.

**Note:** Acceptable solution submissions may not be reviewed by the ministry, but can be subject to future ministry reviews or audits.

**Alternative Solution** – an Environmental Protection Plan (EPP) is developed proposing alternative methods and actions that meet the results-based objectives. A Qualified Person (QP) **must** certify that implementing the alternative methods in the EPP will meet the objectives.

**Note:** Approval by the ministry is required prior to proceeding with an alternative solution.

## Responsibility for Impacted Sites

Section 12 of EMPA 2010 defines **persons responsible** as those:

- Causing or contributing to the discharge of a substance;
- Transporting a substance, if discharge occurs during transport;
- Currently or subsequently owning or occupying land upon which a substance is discharged, if land is impacted due to actions or omission;
- To which responsibility has been legally transferred; and
- Who have agreed by contract to:
  - accept liability for the discharge or presence of a substance; or
  - mitigate, remedy, or reclaim the substance or impacted site.

Responsible persons **shall** undertake management and reclamation activities for impacted sites, as required by EMPA 2010. The ministry may take compliance or enforcement actions if appropriate measures are not voluntarily taken to meet the results-based objectives.

## Steps in Managing Impacted Sites

Discharges of a substance or discovery of environmental impacts that are causing, or may cause, an adverse effect trigger the management process. The process has four stages, which must be completed in accordance with the code:

- 1) Reporting the discharge or discovery;
- 2) Conducting a site assessment;
- 3) Formulation and execution of a Corrective Action Plan; and
- 4) Closure.

These stages should be completed voluntarily by the person or party responsible. Where insufficient action is being carried out, the Minister may direct cleanup.

## Reporting Discharges of Substances or Discovery of Environmental Impacts

Discharge of a substance or discovery of environmental impacts **must** be reported if the substance:

- May cause or is causing an adverse effect;
- Meets the criteria identified in the Discharge and Discovery Reporting Standard; and/or
- May pose a serious risk to the environment, public health or safety.

A discovery is where a previous spill of a substance is found. A discharge is a current drainage, deposit, release or emission of a substance into the environment

**Note:** The act of reporting does not make a person or party responsible for the discharge or discovery.

To report a discharge, immediately contact the 24-hour spill line at **1-800-667-7527** and submit a [Spill Report form](#).

Visit [saskatchewan.ca](http://saskatchewan.ca) for more information on reporting requirements.

**Note:** Discharges (spills) exceeding the reporting standard limit for the spilled substance must be reported to the 24-hour spill line.

Reporting a discovery involves one or more of the following:

- Contacting the ministry by:
  - Going to a ministry office;
  - Calling the ministry at 1-800-567-4224 during office hours; or
  - Emailing [centre.inquiry@gov.sk.ca](mailto:centre.inquiry@gov.sk.ca).
- Completing a [Discovery Report](#) and submitting it to the ministry through the [online portal](#).

## Site Assessment

The site assessment identifies the nature, magnitude and risk to the environment and/or human health from an impacted site.

A QP certificate is required when submitting a site assessment affirming that all applicable standards for the acceptable solution have been met, or alternative methods and activities proposed in the EPP to remediate an impacted site meet the results-based objectives.

All persons conducting a site assessment are required to complete and submit a [National Classification System for Contaminated Sites \(NCSCS\) scorecard](#). This scorecard classifies the level of risk from impacted sites to help prioritize remediation activities.

- A QP can assist in preparing and interpreting the NCSCS score and recommend management activities.

## Corrective Action Planning and Implementation

The Corrective Action Plan (CAP) considers the information from the site assessment to plan and implement remedial actions.

As with completion of a site assessment, a QP certificate is required when submitting a CAP.

## Closure Reporting

Upon completion of actions described in the CAP, a [Closure Report](#), along with supporting information and an updated NCSCS scoresheet must be submitted to the ministry.

The report must include a description of the work performed, evidence that shows endpoints have been achieved (where applicable) and an update on the environmental status of the site.

- Assistance on completing the closure reports can be found in the [Impacted Sites Guidance Document](#).

Further actions, monitoring and/or reporting may be required depending on whether selected endpoints have been met.

## Notice of Site Condition

An approved Notice of Site Condition (NSC) demonstrates that an acceptable level of risk remains at the site and the ministry will not require the preparation of a site assessment or CAP for the substances identified in the NSC.

An application for a NSC must include the [application form](#), completed site assessment, CAP and Closure Report prepared in accordance with EMPA 2010 and the code. A QP can provide assistance in determining whether an NSC application can be made.

The ministry reviews the NSC application and supporting information to determine whether the site condition is accurately depicted and meets regulatory requirements. Accepted NSC documents are filed in a registry available for public inspection.

The approved NSC **only** verifies that an acceptable risk level exists for the area of the site addressed in the CAP. A NSC is no longer valid when activities, conditions or controls on the site change, resulting in a different state from when the site assessment and corrective actions took place.

**Note:** Completion of a NSC is voluntary.

## Sales of Impacted Sites

An impacted site can be sold without ministry involvement. Lending institutions and potential buyers may require management or reclamation before financing a transaction.

Obtaining an approved NSC reduces the time and cost of land transactions, as well as the work required to demonstrate that risks are managed.

## Transfer of Responsibility

Transfer of responsibility for an environmentally impacted site follows the *Transfer of Responsibility for an Environmentally Impacted Site Chapter* of the code.

The person(s) or party accepting responsibility must provide a financial assurance sufficient to reclaim the site.

## Public Registry of Impacted Sites

The ministry maintains a registry of **all** environmentally impacted sites in Saskatchewan. It contains the following documents that are **accepted or received** by the Minister:

- Notices of site condition;
- Corrective action plans;
- Site assessments;
- Environmental protection orders; and
- Any other prescribed documents or prescribed classes of documents.

Information in the registry can be accessed through the Freedom of Information process. For more information, visit [oipc.sk.ca](http://oipc.sk.ca).

## More information?

Contact the Saskatchewan Ministry of Environment general inquiry line during business hours at 1-800-567-4224 (toll-free) or by email at [centre.inquiry@gov.sk.ca](mailto:centre.inquiry@gov.sk.ca)