

Read Me First

Key Proposed Changes to *The Environmental Management and Protection Act, 2010*

The Environmental Management and Protection Act, 2010 has been under review since summer 2023. The updated Act will be easier to enforce, align with provincial and federal laws, and have clear definitions. The following is a list of key proposed changes. Details are in the draft Summary of Proposed Amendments document.

1. Revised definitions

- a. The terms "waste," "industrial waste," and "industrial activity" were simplified, with more robust definitions included in The Saskatchewan Environmental Code. This will enable the ministry to be more responsive to industry changes.
- b. An "adverse effect" now includes harm to property, personal safety and business operations. The definition aligns better with the ministry's role to protect the environment and safeguard communities.
- c. The term "qualified person" was changed to allow qualified persons to be defined in regulations and Code chapters.
- d. "Waterworks" will now only include waterworks designed for human consumptive or hygienic use.
- e. A "permit" has been clarified to include a permit as well as a license or approval.

2. Environmentally impacted sites

- a. Site assessments, corrective action plans and the Minister's role in these plans have been updated to clarify responsibilities.
- b. The Minister can now order the creation of a corrective action plan to ensure the impacted sites are remediated quickly.
- c. Impacted sites that have been issued an environmental protection order can now apply for a notice of site condition once they have completed a corrective action plan.
- d. The Impacted Sites Fund may be used for environmental assessments, or other purposes if the minister deems it is in the public interest.

3. Modernization

- a. The phrase "air pollution problem" will now be "air contaminant" to be consistent with other legislation and regulations.
- b. Notices, orders and decisions can now be given electronically. This will allow information to be shared more efficiently.
- c. It has been clarified that people cannot dispose of hazardous or industrial waste on their private property without a permit. Only household and farm waste can be disposed of on private property, and only if local laws allow it.

4. Offences, Enforcement and Penalties

- a. A new section will make sure that responsible parties follow court orders.
- b. Environment officers can now arrest anyone violating the Act without requiring a warrant, which helps stop illegal activities immediately.

- c. A new section will criminalize someone for helping commit an offence or encouraging someone to commit an offence.
- d. Additional penalties may result if violations continue, encouraging faster compliance.
- e. A person cannot blame a violation on an employee/helper/agent, ensuring that owners/operators are held responsible for their role in violations.
- f. Waterworks and sewage works operators may now be held responsible for violations. Previously, only permittees could be held responsible.

5. Environmental Protection Orders

- a. Changes to orders can be made without notice to fix mistakes, if deadlines are not met, or if the Minister thinks it is necessary.

6. Ministry Authorities

- a. Any activity that is the responsibility of the Ministry of Environment and Water Security can now be audited. Previously, audits could only be conducted on a permit, approval or authorization issued pursuant to the Act, The Saskatchewan Environmental Code or an environmental protection plan.
- b. The Minister can waive the need for an environmental protection plan. This will enable the ministry to remove an unnecessary burden in certain low-risk scenarios.

7. Freedom of Information

- a. To clarify the jurisdiction of *The Freedom of Information and Protection of Privacy Act*, the subsections in the Act requiring the ministry to respond to confidentiality requests and to allow appeals of the Minister's decision to share information have been removed.

8. Reporting

- a. Reporting and tabling requirements for the State of Environment Report are removed to allow other options to make the information available to the public.