

Summary of Proposed Amendments to *The Environmental Management and Protection Act, 2010*

EXISTING STATE	PROPOSED STATE	WHY IT'S PROPOSED
<p>2(1)(b) “adverse effect” means impairment of or damage to the environment or harm to human health, caused by any chemical, physical or biological alteration or any combination of any chemical, physical or biological alterations;</p>	<p>2(1)(b) “adverse effect” means an environmental change that causes one or more of:</p> <ul style="list-style-type: none"> (i) impairment of the quality of the natural environment for any use that can be made of it; (ii) injury or damage to the environment or to plant or animal life; (iii) harm or material discomfort to any person; (iv) impairment of the safety of any person; (v) rendering any property or plant or animal life unfit for human use; (vi) loss of enjoyment of normal use of property; and (vii) interference with the normal conduct of business; 	<p>The new, expanded definition is broader, with well-defined criteria. The definition aligns better with the ministry’s role to protect the environment and safeguard communities.</p>
<p>2(1)(r) “industrial waste” means any waste that:</p> <ul style="list-style-type: none"> (i) is generated by any process of industry, manufacturing, trade or business or by the development of a natural resource; and (ii) is prescribed or is set out in the code; <p>and includes seepage, rainwater or storm water that enters industrial waste works;</p>	<p>2(1)(r) “industrial waste” means any waste that is prescribed or is set out in the code;</p>	<p>This proposed change simplifies the definition and allows further expansion by the code chapters.</p>
<p>2(1)(y) “permit” means a permit issued pursuant to this Act or the regulations and</p>	<p>2(1)(y) “permit” means a permit, license or approval issued pursuant to this Act or the</p>	<p>This proposed definition encompasses all existing language.</p>

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<p>includes a permit continued as a permit issued pursuant to this Act;</p>	<p>regulations and includes a permit continued as a permit issued pursuant to this Act.</p>	
<p>2(1)(bb) “qualified person” means: (i) a member of a class of persons that is prescribed or is set out in the code; or (ii) an individual designated by the minister for one or more purposes or activities that are governed by this Act;</p>	<p>2(1)(bb) “qualified person” means: (i) a member of a class of persons that is prescribed or is set out in the code, regulations or standards; or (ii) an individual designated by the minister for one or more purposes or activities that are governed by this Act;</p>	<p>The addition of “regulations” allows qualified persons to be defined in regulations as well as code chapters.</p>
<p>2(1)(ll) “waste” means a solid or liquid that is one or more of the following: (i) rubbish; (ii) tailings; (iii) effluent; (iv) sewage; (v) garbage; (vi) refuse; (vii) scrap; (viii) discarded articles, bottles or cans; (ix) any other material that is prescribed or is set out in the code;</p>	<p>2(1)(ll) “waste” means any solid waste or liquid waste that is prescribed or is set out in the code or regulations;</p>	<p>This proposed change simplifies the definition and allows further expansion by the regulations and code chapters.</p>
<p>2(1)(pp) “waterworks” means any works that: (i) are designed to supply, collect, treat, store or distribute water that is intended or actually used for human consumption or hygiene, regardless of whether any other</p>	<p>2(1)(pp) “waterworks” means any works that: (i) are designed to supply, collect, treat, store or distribute water for human consumption or hygienic use; and (ii) are designated in the regulations or in the code;</p>	<p>Simplifies the definition and includes only waterworks designed for human consumptive or hygienic use.</p>

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<p>uses have been made of that water; and (ii) are designated in the regulations or in the code;</p>		
<p>DIVISION 2 State of the Environment Report</p> <p>Preparation of report 5(1) In this Division, “report” means the State of the Environment Report prepared in accordance with this section.</p> <p>(2) The minister shall ensure that a report is prepared every two years, to be known as the State of the Environment Report, concerning the current condition of the environment in Saskatchewan and the relationships between the condition of the environment and the economy of Saskatchewan.</p> <p>(3) The minister may use any environmental indicators that the minister considers relevant in the preparation of a report.</p> <p>(4) The report must: (a) present baseline information on the environmental indicators mentioned in subsection (3); (b) present the relationships between the condition of the environment and the economy of Saskatchewan;</p>	<p>[Note: Division 2 removed]</p>	<p>The reporting requirements for the State of the Environment Report is under review. The ministry is looking at other options to make information available to the public.</p>

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<p>(c) identify, and present analyses, respecting how the environment is changing; and (d) identify emerging concerns for the environment.</p> <p>Presenting of report 6 In accordance with section 13 of <i>The Executive Government Administration Act</i>, the minister shall lay before the Legislative Assembly every report prepared pursuant to this Division.</p> <p>Report of the state of provincial forests 7 Notwithstanding any other provision of this Act, if a report on the state of provincial forests is prepared and laid before the Assembly pursuant to section 9 of <i>The Forest Resources Management Act</i>, that report is to serve as the State of the Environment Report and is deemed to have been prepared and laid before the Assembly in accordance with this Act.</p>		
<p>8(1) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that may cause or is causing an adverse effect unless otherwise expressly authorized pursuant to: (a) this Act or the regulations; ...</p>	<p>8(1) No person shall discharge or allow the discharge of a substance into the environment that may cause or is causing an adverse effect unless otherwise expressly authorized pursuant to: (a) this Act or the regulations; ...</p>	<p>Removes the requirement to base adverse effects on a specified amount, concentration or rate of release.</p>

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<p>12(3) Subject to subsection (4), the following persons are not persons responsible in the following circumstances:</p> <p>...</p> <p>(d) a person:</p> <p>...</p> <p>(ii) who could not reasonably have been expected to know about or discover the existence of a substance at the time the person became the owner or occupant;</p>	<p>12(3) Subject to subsection (4), the following persons are not persons responsible in the following circumstances:</p> <p>...</p> <p>(d) a person:</p> <p>...</p> <p>(ii) who the minister reasonably believes could not have been expected to know about or discover the existence of a substance at the time the person became the owner or occupant;</p>	<p>Clarifies that it is the reasonable belief to the judgement of the ministry.</p>
<p>13(1) The minister may require a person who is or may be a person responsible to conduct a site assessment if the minister reasonably believes that a site may be an environmentally impacted site.</p> <p>(2) If the person responsible mentioned in subsection (1) does not own or occupy the land on which a site assessment is to be conducted, the person shall obtain the consent from the owner and occupant of the land to enter on the property and to engage in the activity necessary to conduct the site assessment.</p> <p>(3) If the owner or occupant of land does not consent, the person responsible who</p>	<p>13(1) Any person who conducts a site assessment shall follow any prescribed requirements or any requirements set out in the code.</p> <p>(2) The minister may direct a person who is or may be a person responsible to conduct a site assessment if the minister reasonably believes that a site may be an environmentally impacted site.</p> <p>(3) If the persons mentioned in subsections (1) or (2) do not own or occupy the land on which a site assessment is to be conducted, the person shall obtain consent from the owner and occupant of the land to enter the property and to engage in the activity necessary to conduct the site assessment.</p> <p>(4) If the owner or occupant of the land does not consent, the person conducting the</p>	<p>This subsection is added to require that both self-directed and directed site assessments shall follow the code.</p>

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<p>is required to conduct the assessment in accordance with subsection (1) may request the minister's assistance in obtaining access to the site.</p> <p>(4) If the minister believes it is in the public interest, the minister may obtain access to the site, and for that purpose, the minister may use the powers set out in section 77 and that section applies, with any necessary modification.</p> <p>(5) The site assessment must be conducted in accordance with any prescribed requirements or any requirements set out in the code.</p> <p>(6) The site assessment conducted in accordance with this section must be submitted to the minister immediately after it is completed.</p> <p>(7) If the minister is not satisfied with a site assessment submitted pursuant to subsection (6), the minister may direct the person who submitted the site assessment to conduct a further investigation in the manner directed by the minister.</p>	<p>assessment in accordance with subsections (1) or (2) may request the minister's assistance in obtaining access to the site.</p> <p>(5) If the minister believes it is in the public interest, the minister may obtain access to the site, and for that purpose, the minister may use the powers set out in section 77, and that section applies, with any necessary modification.</p> <p><i>[Note: the former subsection 5 was revised and renumbered as subsection 1]</i></p> <p>(6) If a person is directed to conduct a site assessment in accordance with subsection (2), the site assessment report shall be filed with the minister within 180 days of the date the minister gave the direction or any other date set by the minister.</p> <p>(7) If the minister is not satisfied with a site assessment submitted, the minister may direct the person who submitted the site assessment to conduct a further investigation in the manner directed by the minister.</p>	<p>Sets a clear 180-day deadline for directed site assessments, but also enables the Minister to adjust that deadline.</p> <p>If a self-directed site assessment is unsatisfactory, additional investigations may be required.</p>
<p>14(1) If a site assessment discloses that the site is an environmentally impacted site, the person required to conduct the site assessment in accordance with subsection 13(1) shall prepare a corrective action plan that satisfies any prescribed</p>	<p>14(1) Any person who prepares a corrective action plan for an environmentally impacted site shall follow any prescribed requirements or any requirements set out in the code.</p> <p><i>New subsection</i></p>	<p>Requires all CAPs to be prepared as specified in the code.</p>

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<p>requirements or any requirements set out in the code.</p> <p>(2) The corrective action plan must be prepared within six months after completing the site assessment or any other period set by the minister.</p>	<p>(2) The minister may direct a person who is or may be a person responsible to prepare a corrective action plan for an environmentally impacted site.</p> <p>(3) If the minister directs a person to prepare a corrective action plan, the corrective action plan report shall be filed with the ministry within 180 days of the date the minister gave the direction or any other date set by the minister.</p>	<p>Enables the ministry to require a responsible person to prepare a corrective action plan (CAP).</p> <p>Sets a clear 180-day deadline for directed CAPs, but also enables the Minister to adjust that deadline.</p>
<p>15(1) If more than one person qualifies or may qualify as a person responsible, all persons who so qualify shall jointly prepare the corrective action plan required by section 14.</p>	<p>15(1) If more than one person qualifies or may qualify as a person responsible, the minister may require all persons who so qualify to jointly prepare a corrective action plan.</p>	<p>Enables the minister to decide if a CAP shall be jointly prepared.</p>
<p>16(1) The corrective action plan prepared in accordance with section 14 or 15 must be immediately submitted to the minister for review after it has been prepared.</p> <p>(2) If the minister is not satisfied with the corrective action plan, the minister may require that the person preparing the corrective action plan resubmit it with any changes that the minister may direct</p>	<p>16(1) The corrective action plan prepared in accordance with section 14(2) or 15 must be immediately submitted to the minister for review after it has been prepared.</p> <p>(2) If the minister is not satisfied with any corrective action plan, the minister may require that the person preparing the corrective action plan resubmit it with any changes the minister may direct.</p>	<p>Once a directed CAP is prepared, it will need to be submitted right away.</p> <p>Any CAP that doesn't meet requirements may need to be revised and resubmitted.</p>
<p>18(1) If a person responsible reclaims an environmentally impacted site in the manner set out in the corrective action plan that was submitted pursuant to subsection 16(1) and that includes any changes directed by the minister pursuant to subsection 16(2), the</p>	<p>18(1) A person may apply to the minister to file a notice of site condition in the registry if an environmentally impacted site is reclaimed in accordance with a corrective action plan that satisfies any prescribed requirements or any requirements of the code.</p>	<p>Clarifies that CAPs must meet code requirements to apply for a notice of site condition (NoSC).</p>

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<p>person responsible may apply to the minister to file a notice of site condition in the registry.</p> <p>(2) A notice of site condition that is the subject of an application pursuant to subsection (1) must satisfy any prescribed requirements or any requirements set out in the code.</p> <p>(3) A notice of site condition must not be filed in the registry if the site has been reclaimed only after an environmental protection order has been issued for the site.</p> <p>(4) If the minister is satisfied that the notice of site condition accurately depicts the state of the site and that it complies with the requirements of this Act, the minister shall direct that the notice of site condition be filed in the registry.</p>	<p>(2) A notice of site condition that is the subject of an application pursuant to subsection (1) must satisfy any prescribed requirements or any requirements set out in the code.</p> <p>[<i>Note: former subsection 3 removed</i>]</p> <p>(3) If the minister is satisfied that the notice of site condition accurately depicts the state of the site and that it complies with the requirements of this Act, the minister shall direct that the notice of site condition be filed in the registry.</p>	<p>Allows sites that have been issued an environmental protection order to apply for a NoSC.</p>
<p>22 ...</p> <p>(3) Every person required to prepare a site assessment in accordance with section 13 shall register a notice respecting the site that satisfies any prescribed requirements or any requirements set out in the code.</p> <p>(4) Every person required to prepare a corrective action plan in accordance with section 14 or 15 shall register that plan in the prescribed format or a format that is set out in the code.</p>	<p>22 ...</p> <p>(3) Every person who prepares a site assessment in accordance with section 13 shall register a notice respecting the site that satisfies any prescribed requirements or any requirements set out in the code.</p> <p>(4) Every person who prepares a corrective action plan in accordance with Section 14 or 15 shall register that plan in the prescribed format or a format that is set out in the code.</p>	<p>Ensures Section 22 applies to any site assessment or CAP, not just site assessments or CAPs directed by the minister.</p>

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<p>26 ... (2) Notwithstanding any other provision of this Act or the regulations but subject to subsection (4), at the request of a person proposing to engage in an activity for which a permit is required pursuant to this Act, the regulations or the code, the minister may, in writing, waive the requirement for the permit if the minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the person will otherwise comply with this Act, the regulations and the code; (b) the person will engage in the activity in a manner that provides an equivalent or better level of safety or protection to human health and the environment to that provided by this Act, the regulations and the code; and (c) it is in the public interest to do so. 	<p>26 ... (2) Notwithstanding any other provision of this Act or the regulations but subject to subsection (4), at the request of a person proposing to engage in an activity for which a permit or environmental protection plan is required pursuant to this Act, the regulations or the code, the minister may, in writing, waive the requirement for the permit or environmental protection plan if the minister is satisfied that:</p> <ul style="list-style-type: none"> (a) the person will otherwise comply with this Act, the regulations and the code; (b) the person will engage in the activity in a manner that provides an equivalent or better level of safety or protection to human health and the environment to that provided by this Act, the regulations and the code; and (c) it is in the public interest to do so. 	<p>Allows for very small low-risk facilities to be exempted from preparing an environmental protection plan.</p>
<p>27 ... (2) On receipt of an application for a permit, the minister may:</p> <ul style="list-style-type: none"> (a) if the minister is satisfied that the application complies with this Act, the regulations and the code, issue the permit, subject to any terms and conditions that the minister considers appropriate; or (b) refuse to issue the permit. 	<p>27 ... (2) On receipt of an application for a permit, the minister may:</p> <ul style="list-style-type: none"> (a) if the minister is satisfied that the application complies with this Act, the regulations and the code, issue the permit, subject to any terms and conditions that the minister considers appropriate; or (b) refuse to issue the permit. 	

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<p>(3) On receipt of an application to accept an environmental protection plan, the minister may:</p> <ul style="list-style-type: none"> (a) if the minister is satisfied that the application complies with this Act, the regulations and the code, accept the environmental protection plan; (b) if the minister is satisfied that the application complies with this Act, the regulations and the code, accept the environmental protection plan and impose terms and conditions on the environmental protection plan; or (c) refuse to accept the environmental protection plan. <p>(4) Before the minister acts pursuant to clause (2)(b) or clause (3)(b) or (c), the minister shall provide the person submitting the application with:</p> <ul style="list-style-type: none"> (a) written notice of the minister's intended action and the reasons for that intended action; and (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken. <p>...</p> <p>(6) Subject to subsection (7), after considering the representations mentioned in subsection (4), the minister shall issue a written decision and shall serve a copy of</p>	<p>(3) On receipt of an application to accept an environmental protection plan, the minister may:</p> <ul style="list-style-type: none"> (a) if the minister is satisfied that the application complies with this Act, the regulations and the code, accept the environmental protection plan; (b) if the minister is satisfied that the application complies with this Act, the regulations and the code, accept the environmental protection plan and impose terms and conditions on the environmental protection plan; or (c) refuse to accept the environmental protection plan. <p>(4) Before the minister acts pursuant to clause (2)(b) or clause (3)(b) or (c), the minister shall provide the person submitting the application with:</p> <ul style="list-style-type: none"> (a) written notice of the minister's intended action and the reasons for that intended action; and (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken. <p>...</p> <p>(6) After considering the representations mentioned in subsection (4), the minister shall issue a written decision and shall serve a copy</p>	
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<p>the decision on the person submitting the application.</p> <p>(7) In the prescribed circumstances, the minister shall obtain the approval of the Lieutenant Governor in Council before issuing a written decision pursuant to subsection (6).</p>	<p>of the decision on the person submitting the application.</p> <p>[<i>Note: former subsection 7 removed</i>]</p>	<p>Removes the requirement for the minister to get approval from the Lieutenant Governor to refuse a permit or EPP, or to impose conditions on an EPP.</p>
<p>34 ...</p> <p>(2) If the minister is satisfied that any sewage works will adversely affect any land other than that on which those works are to be constructed or are situated, the minister shall provide a written request to the permit holder or owner of the sewage works requiring the permit holder or owner of the sewage works to:</p> <ul style="list-style-type: none"> (a) obtain from the registered owner of the other land an easement, in the prescribed form; (b) obtain from any other person having a registered interest in the land mentioned in clause (a) a consent to the granting of the easement; and <p>apply to the Registrar of Titles to register the easement against the titles to the affected lands.</p>	<p>34 ...</p> <p>(2) If the minister is satisfied that any sewage works will discharge onto land not owned by the permittee or adversely affect any land other than that on which those works are to be constructed or are situated, the minister may provide a written request to the permit holder or owner of the sewage works requiring the permit holder or owner of the sewage works to:</p> <ul style="list-style-type: none"> (a) obtain from the registered owner of the other land an easement, in the prescribed form; (b) obtain from any other person having a registered interest in the land mentioned in clause (i) a consent to the granting of the easement; and <p>apply to the Registrar of Titles to register the easement against the titles to the affected lands.</p>	<p>The proposed amendment now captures potential adverse effects directly related to the discharge from the sewage works. It will apply to both planned and existing sewage work.</p>
<p>38(1) No person shall discharge a substance, or allow the discharge of a substance, into any part of a waterworks that may cause or is causing:</p>	<p>38(1) No person shall discharge a substance, or allow the discharge of a substance, into any part of a waterworks that may cause or is causing:</p>	

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<p>(a) the water supplied by the waterworks to be unsafe for human consumption; or (b) the concentration of the substance or of any other substance in the water supplied from the waterworks to vary from the specified concentration for the substance set out in the operating permit for the waterworks or in the regulations.</p> <p>(2) No person shall knowingly operate a waterworks in contravention of the operational requirements set out in the operating permit for that waterworks.</p>	<p>(a) the water supplied by the waterworks to be unsafe for human consumption; or (b) the concentration of the substance or of any other substance in the water supplied from the waterworks to vary from the specified concentration for the substance set out in the operating permit for the waterworks or in the regulations.</p> <p>(2) No person shall knowingly operate a waterworks or sewage works or any part of a waterworks or sewage works in contravention of the operational requirements set out in the operating permit for that waterworks or sewage works.</p> <p>(3) The following are the persons listed for the purposes of subsection (1) and (2): (a) the owner or operator of a waterworks or sewage works; (b) a person responsible or who at any time was responsible for the construction, modification or operation of the waterworks or sewage works; (c) a person having the charge, management and control of the waterworks or sewage works; and (d) a person to whom a permit or approval has been issued with respect to the waterworks or sewage works.</p>	<p>Requires sewage works to be operated in accordance with the operating permit.</p> <p>Allows waterworks operators to be held responsible for contraventions. Previously only permittees could be held responsible.</p>
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<p>49 No person shall discard or abandon or cause to be discarded or abandoned or allow to be discarded or abandoned, any waste other than:</p> <ul style="list-style-type: none"> (a) in a waste management works for which a permit has been issued pursuant to this Act or that is operating in accordance with the code or an accepted environmental protection plan; (b) to an operator of a stewardship program established in accordance with section 46; or (c) on land owned or occupied by the person generating the waste but only if: <ul style="list-style-type: none"> (i) the waste is generated on that land; and (ii) the disposal is not prohibited by a municipal bylaw enacted by the municipality in which the land is located or by any other Act or law. 	<p>49 No person shall discard or abandon or cause to be discarded or abandoned or allow to be discarded or abandoned, any waste other than:</p> <ul style="list-style-type: none"> (a) in a waste management works for which a permit has been issued pursuant to this Act or that is operating in accordance with the code or an accepted environmental protection plan; (b) to an operator of a stewardship program established in accordance with Section 46; or (c) on land owned or occupied by the person generating the waste but only if: <ul style="list-style-type: none"> (i) the waste is generated on that land; (ii) the waste is not hazardous waste or industrial waste; (iii) the waste is limited to household waste and waste generated by an agricultural operation, as defined in <i>The Agricultural Operations Act</i>; and (iv) the disposal is not prohibited by a municipal bylaw enacted by the municipality in which the land is located or by any other Act or law. 	<p>This will ensure that it is clearly defined what types of waste are permitted, while avoiding potential for agricultural waste to be more broadly interpreted.</p>
<p>51(d) “industrial activity” means prescribed activity that is a source of air contaminants that may cause or are causing an adverse effect;</p>	<p>51(d) "industrial activity" means an activity prescribed in the regulations or code chapters that is a source of air contaminants;</p>	<p>This proposed definition allows “industrial activity” to be further expanded by the regulations and code chapters.</p>

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<p>54(1) The minister may issue a control order to any person who contravenes this Part or the regulations made for the purposes of this Part.</p> <p>(2) In a control order issued pursuant to subsection (1), the minister may require the person to whom the order is directed to do any one or more of the following:</p> <p>...</p> <p>(i) carry out studies or investigations in response to a specific air pollution problem that may cause or is causing an adverse effect;</p>	<p>54(1) The minister may issue an environmental protection order to any person who contravenes this Part, or the regulations made for the purposes of this Part.</p> <p>(2) In an environmental protection order issued pursuant to subsection (1), the minister may require the person to whom the order is directed to do any one or more of the following:</p> <p>...</p> <p>(i) carry out studies or investigations in response to a specific air contaminant that may cause or is causing an adverse effect;</p>	<p>Removes the outdated reference to “control order”.</p> <p>Removes the outdated reference to “pollution problem”.</p>
<p>58(1) The minister may amend, alter, or replace an environmental protection order, in whole or in part, if:</p> <p>(a) the person to whom the environmental protection order is issued fails to comply with the terms of the order; or</p> <p>(b) the minister considers it appropriate to do so.</p> <p>(2) Before the minister issues an environmental protection order, or takes any action pursuant to subsection (1), the minister shall give to the person to whom the order is intended to be issued or whose order is to be amended, altered, or replaced:</p>	<p>58(1) The minister may replace an environmental protection order if:</p> <p>(a) the person to whom the environmental protection order is issued fails to comply with the terms of the order; or</p> <p>(b) the minister considers it appropriate to do so.</p> <p>(2) Before the minister issues an environmental protection order, or takes any action pursuant to subsection (1), the minister shall give to the person to whom the order is intended to be issued or replaced:</p> <p>(a) written notice of the minister's intended action and the reasons for that intended action; and</p>	<p>The wording is simplified and provides flexibility to amend or alter Environmental Protection Orders.</p>

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<p>(a) written notice of the minister's intended action and the reasons for that intended action; and (b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.</p> <p>(3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).</p> <p>(4) After considering the representations mentioned in clause (2)(b), the minister shall issue a written decision: (a) confirming the environmental protection order; (b) amending, altering, or replacing the environmental protection order; or (c) revoking the environmental protection order.</p> <p>(5) The minister shall serve a copy of the decision made pursuant to this section on the person who made the representations as soon as is practicable after the decision is made.</p>	<p>(b) an opportunity to make written representations to the minister, within a period set by the minister, as to why the intended action should not be taken.</p> <p>(3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).</p> <p>(4) After considering the representations mentioned in clause (2)(b), the minister shall issue a written decision: (a) confirming the environmental protection order; (b) replacing the environmental protection order; or (c) revoking the environmental protection order.</p> <p>(5) The minister shall serve a copy of the decision made pursuant to this section on the person who made the representations as soon as is practicable after the decision is made.</p> <p>(6) The minister may amend or alter an environmental protection order without notice: (a) if the person to whom the environmental protection order is issued fails to comply with the deadline(s) of the order; or (b) to correct a clerical error; or</p>	
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	(c) if the minister considers it appropriate to do so.	
<p>78 ... (3) An audit may be conducted on any person who has been issued a permit pursuant to this Act or who engages in an activity that is governed by an accepted environmental protection plan or the code.</p>	<p>78 ... (3) An audit may be conducted on any person who engages in an activity that is governed by: (a) this Act; (b) <i>The Water Security Agency Act</i>; (c) any other Act administered by the minister; (d) the regulations made pursuant to this Act, <i>The Water Security Agency Act</i> or any other Act administered by the minister; or (e) any permit, approval, licence or order adopted, developed or issued pursuant to this Act, the regulations, the code, <i>The Water Security Agency Act</i>, any other Act administered by the minister or any regulations made pursuant to <i>The Water Security Agency Act</i> or any other Act administered by the minister.</p>	<p>Enables audits to be conducted on any activity administered by the Ministry of Environment and Water Security Agency.</p>
<p>83(1) Subject to subsections (3) to (11), all applications, information, data, test results, reports, returns and records and responses to a direction of the minister submitted to the minister pursuant to this Act, the regulations, the code or an accepted environmental protection plan are deemed to be public information.</p> <p>(2) The minister may disclose to the public any application, information, data, test result, report, return or record or response to a</p>	<p>83(1) All applications, information, data, test results, reports, returns and records, and responses to a direction of the minister submitted to the minister pursuant to this Act, the regulations, the code or an accepted environmental protection plan are deemed to be public information.</p> <p>(2) The minister may disclose to the public any application, information, data, test result, report, return or record, or response to a</p>	<p>Eliminating these subsections removes duplicate processes related to government record disclosure and clarifies the jurisdiction of <i>The Freedom of Information and Protection of Privacy Act</i>.</p> <p>Protecting sensitive information and allowing for appeal to fall under <i>The Freedom of Information and Protection of Privacy Act</i> for all government records.</p>

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<p>direction of the minister mentioned in subsection (1) at any time and in any manner that the minister considers appropriate.</p> <p>(3) Subject to the regulations, a person who submits an application or any information, data, test result, report, return or record or responds to a direction of the minister pursuant to this Act may request in writing that all or any part of the application, information, data, test result, report, return, record or response be kept confidential for a period of up to 5 years after the date of submission.</p> <p>(4) Before the expiry of the period mentioned in subsection (3) or, if a request by that person has been approved pursuant to this subsection, before the expiry of the most recent period, the person may request in writing that the application, information, data, test result, report, return, record or response be kept confidential for a further period of up to 5 years.</p> <p>(5) A request made pursuant to this section is to be dealt with in the prescribed manner.</p> <p>(6) On receipt of a written request pursuant to subsection (3) or (4), the minister may approve the request if the minister is satisfied that the application, information, data, test result, report, return, record or response:</p> <p style="padding-left: 20px;">(a) contains matters that:</p>	<p>direction of the minister mentioned in subsection (1) at any time and in any manner that the minister considers appropriate.</p> <p>(3) An application, information, data, test result, report, return or record or response to a direction mentioned in subsection (2) must not disclose personal information or third-party information as defined in <i>The Freedom of Information and Protection of Privacy Act</i>, unless that information may be disclosed pursuant to that Act or its regulations.</p> <p>[Note: former subsections 4-11 removed]</p>	
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<p>(i) are of a commercial, financial, scientific or technical nature; and (ii) would reveal proprietary business, competitive or trade secret information about that person's business; or (b) meets any prescribed criteria.</p> <p>(7) If the minister does not approve the written request pursuant to subsection (3) or (4), the minister shall:</p> <p>(a) notify the person who made the request of the minister's decision along with reasons for the decision; and (b) wait for a period of 30 days after sending the notice mentioned in clause (a) before disclosing the application, information, data, test result, report, return, record or response with respect to which the request was made to the public.</p> <p>(8) A person who makes a request pursuant to subsection (3) or (4) may appeal the minister's decision made pursuant to subsection (7) on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the decision.</p> <p>(9) The record of an appeal pursuant to subsection (8) consists of:</p>		
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<p>(a) the application, information, data, test result, report, return, record or response to a direction of the minister with respect to which the request was made;</p> <p>(b) the written representations made to the minister by the person concerning the request that the person made;</p> <p>(c) the minister’s decision; and</p> <p>(d) any other material that the Court of Queen’s Bench may require.</p> <p>(10) On hearing an appeal pursuant to this section, the judge of the Court of Queen’s Bench may issue an order:</p> <p>(a) confirming the minister’s decision to disclose the application, information, data, test result, report, return, record or response to the public; or</p> <p>(b) directing that all or any portion of the application, information, data, test result, report, return, record or response with respect to which the request was made be kept confidential for a period of up to 5 years.</p> <p>(11) Unless otherwise ordered by the judge of the Court of Queen’s Bench, an appeal pursuant to this section stays the operation of the decision of the minister with respect to which the appeal is made.</p>		
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<p>84(1) No person shall:</p> <p>(a) make a false statement or provide false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;</p> <p>(b) omit 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;</p> <p>(c) fail to comply with an order of the minister issued pursuant to this Act or the regulations; or</p> <p>(d) fail to comply with any provision of this Act, the regulations or the code.</p>	<p>84(1) No person shall:</p> <p>(a) make a false statement or provide false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;</p> <p>(b) omit 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;</p> <p>(c) fail to comply with an order of the minister issued pursuant to this Act or the regulations;</p> <p>(d) fail to comply with any provision of this Act, the regulations or the code; or</p> <p>(e) fail to comply with an order of the court issued pursuant to this Act or the regulations.</p>	<p>This addition will ensure responsible parties complete court orders.</p>
<p>86 In any prosecution of a person for a contravention of this Act the regulations or the code, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person’s knowledge, that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:</p> <p>(a) is identified; or</p> <p>(b) has been prosecuted or convicted for the offence.</p>	<p>86 In any prosecution of a person for a contravention of this Act the regulations or the code, it is sufficient proof of the offence to establish that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:</p> <p>(a) is identified; or</p> <p>(b) has been prosecuted or convicted for the offence.</p>	<p>Prevents a person from putting responsibility for a contravention entirely onto an employee, helper or agent.</p>

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<p>88(1) The minister may assess a penalty in the prescribed amount against a prescribed person, or prescribed class of persons, for prescribed contraventions of this Act, the regulations, the code or an accepted environmental protection plan.</p> <p>...</p> <p><i>[Note: EMPA General Regs section 18 sets the maximum amount of an administrative penalty at \$10,000]</i></p>	<p>88(1) The minister may assess a penalty in the prescribed amount against any person for contraventions of this Act, the regulations, the code or an accepted environmental protection plan.</p> <p>...</p> <p>(11) The maximum amount of an administrative penalty is \$10,000 for each contravention or for each day or part of a day on which the contravention occurred.</p>	<p>This proposed new subsection allows penalties to be given for each day of non-compliance, as opposed to a one-time penalty.</p>
<p>90 ...</p> <p>(6) The minister may use moneys in the fund to:</p> <p style="padding-left: 40px;">(a) reclaim, restore and remedy orphaned environmentally impacted sites, as defined in the regulations, which meet the prescribed conditions;</p> <p>...</p>	<p>90 ...</p> <p>(6) The minister may use moneys in the fund to:</p> <p style="padding-left: 40px;">(a) assess, reclaim, restore and remedy orphaned environmentally impacted sites, as defined in the regulations, which meet the prescribed conditions;</p> <p>...</p>	<p>Allows the minister to spend Impacted Sites Funds on environmental assessment.</p>
<p>93(1) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.</p> <p>(2) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through</p>	<p>93(1) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally, mailed by ordinary or registered mail, or in electronic form to the last known address of the person being served or by any other prescribed means.</p> <p>(2) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through</p>	<p>The proposed revisions allow for notices or documents to be delivered electronically.</p>

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<p>no fault of the person, he or she did not receive the document or that he or she received it at a later date.</p> <p><i>[Note: former subsection 3 is renumbered to become subsection 4]</i></p> <p>(3) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.</p>	<p>no fault of the person, they did not receive the document or that they received it at a later date.</p> <p>(3) A document served in an electronic form is presumed to be received by the addressee:</p> <p>(a) When it enters an information system designated or used by the addressee for the purpose of receiving information or documents in an electronic form of the type sent and it is capable of being retrieved and processed by the addressee; or</p> <p>(b) If the addressee has not designated or does not use an information system for the purpose of receiving information or documents in an electronic form of the type sent when the addressee becomes aware of the information or document in the addressee's information system and it is capable of being retrieved and processed by the addressee.</p> <p>(4) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.</p>	
<p>N/A, new section</p>	<p>Any person who aids, abets, counsels or procures the contravention of a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to the penalties for the offence that the person has aided, abetted, counselled or procured.</p>	<p>This proposed addition enables enforcement against persons who have aided and abetted in an offence.</p>

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N/A, new section	An environment officer may arrest, without a warrant, any person found committing an offence against this Act.	This proposed addition would allow an environment officer the ability to stop an activity being conducted by physically arresting the person responsible. Any offence under the Act would be captured.

APPENDIX: Proposed Amendments Not Moved Forward

The following comments were collected from stakeholders during the initial engagement phase.

STAKEHOLDER ISSUE DESCRIPTION	STAKEHOLDER RECOMMENDED SOLUTION	MINISTRY RESPONSE
No definition for "wetland".	N/A	The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i> , a more holistic approach to wetlands management may be included in future modifications to this legislation.
Wetlands are substantially missing from other parts of the Act (in addition to the wetland definition issue).	<p>Amend 5(3) to include specific indicators, such as the status of wetlands, in what is reported.</p> <p>Amend 38(4) to include wetlands alongside rivers, streams, lakes, etc.</p> <p>Add "construction in, or alteration of, a wetland" to Table 1, Activities for which a permit is required.</p>	The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i> , a more holistic approach to wetlands management may be included in future modifications to this legislation.
Unauthorized wetland drainage. The stakeholder is concerned about unauthorized wetland drainage that impacts downstream landowners through increased flooding risk; removes habitat and degrades water quality. The loss of wetlands can have cumulative impacts through the loss of revenue from recreational activities like fishing, hunting and bird watching, to increased water treatment costs for urban and rural	N/A	The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i> , a more holistic approach to wetlands management may be included in future modifications to this legislation.

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<p>municipalities due to increased nutrient loading in water treatment plants.</p>		
<p>Wetlands- Missing from EMPA. The issue it creates for government agencies is difficulty in estimating what the compensation cost will be. It makes cost estimating difficult, especially when budgets are determined prior to obtaining permits/direction.</p>	<p>Include a definition of wetland with respect to saturation and wetland classification, and a clear wetland policy around compensation ratios. Our understanding is that this work has been underway for some time but is yet to be finalized.</p>	<p>The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i>, a more holistic approach to wetlands management may be included in future modifications to this legislation.</p>
<p>"Surface water" and "groundwater" are defined in the Act but "drinking water" is used elsewhere in the Act with no definition being provided (s.32 and s.36).</p>	<p>Add a definition for "drinking water".</p>	<p>Drinking Water is defined in <i>The Waterworks and Sewage Works Regulations (WWSW)</i> and thus does not need to be defined in the Act. WSA is looking at performing jurisdictional scans with regards to updating water works and sewage works regulations.</p>
<p>Definitions of "groundwater", "surface water" and "water" are too broad and vague to clearly and consistently account for all wetland habitats. Wetlands represent diverse habitats with unique hydrological characteristics related to their landscape position, soils and resulting hydrology, which includes water levels and flows that may fluctuate. More specifically, the "water" in a wetland may be found at, below or above the ground surface, and this may vary seasonally or annually depending on the type of wetland. Depending on the type of wetland, water levels may be highly dynamic and fluctuate widely by season or year, or they may be relatively stable with little change. Flows of water through wetland systems may</p>	<p>Clearly indicate that EMPA applies to all wetlands in SK, we recommend that EMPA:</p> <ul style="list-style-type: none"> • Adopt the wetland definition provided by the Canadian Wetland Classification System (CWCS). <ul style="list-style-type: none"> ○ "Land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophyte vegetation and various kinds of biological activity which are adapted to a wet environment (National Wetlands Working Group, 1988)." • Clearly indicate that EMPA applies to the five Major Wetland Classes defined by the CWCS (bog, fen, swamp, marsh, shallow open water). 	<p>The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i>, a more holistic approach to wetlands management may be included in future modifications to this legislation.</p>

<p>vary by the type of wetland. Furthermore, this lateral movement of water may be at, above or below the ground surface depending on the type of wetland, current moisture conditions (drought vs excess) and landscape position (slope, position in watershed and contributing area). For example, a fen (peatland) will have slow lateral movement of water across vast areas of the landscape; this water may be located above the ground, just at ground level or below ground; fens contain water year-round and water level may fluctuate seasonally. The plant communities that develop in a wetland are reflective of the underlying hydrology (dynamic water level, water flows) and soil type (mineral versus organic). In other words, vegetation communities can be used to categorize and group wetlands into certain classes with inferred hydrological and soil characteristics. Such information is critical for wise decisions at a planning and operational level, such as where to site infrastructure, construction of road crossings, prioritizing wildlife habitat for conservation, mitigation of impacts to wetland habitats, etc.</p>	<ul style="list-style-type: none"> ○ Wetlands can be divided into two broad categories based on soil type: Organic wetlands (bogs and fens) and Mineral wetlands (swamps, marshes, shallow open waters). <p>Why it makes sense to incorporate the CWCS wetland definition and five major wetland classes into EMPA.</p> <ul style="list-style-type: none"> ● Applies to the entire province (i.e. both the boreal and prairie ecozones). ● Is widely accepted by jurisdictions across Canada (federal, provincial, territorial, municipal, Indigenous). ● All wetland classification systems in Canada conform to the five major wetland classes. For example, the Alberta Wetland Classification System, and the Enhanced Wetland Classification System for the Boreal Plains Ecozone (EWC) were intentionally designed to conform to the CWCS. <ul style="list-style-type: none"> ○ Note that the Government of Saskatchewan has purchased the EWC data from Ducks Unlimited Canada (DUC) and is a partner to the associated data sets. ● Is widely accepted and used by industry (e.g. forestry, mining, petroleum), environmental management consultants, academia, land managers, etc. ● Identifies wetlands found in the agricultural zone of Saskatchewan, within the Prairie and Boreal Ecozones (i.e. 	
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	<p>farmlands in the prairie and boreal transition regions).</p> <ul style="list-style-type: none"> • Is used by the Canadian Wetland Inventory (CWI). <ul style="list-style-type: none"> ○ The CWI was established in 2002 by DUC, Environment and Climate Change Canada, the Canadian Space Agency and the North American Wetlands Conservation Council. Wetlands are being mapped across Canada to the five major classes of the CWCS. This standardizes wetland inventories across multiple jurisdictions. • Supports permitting processes under EMPA including the Aquatic Habitat Protection Permit. • Supports the forthcoming (drafts in progress) Forest Road Wetland Crossings Operational Standard and Forest Road Watercourse Crossings Operational Standard developed by the Saskatchewan Ministry of Environment (Forest Service Branch). <ul style="list-style-type: none"> ○ Note these are referenced as forthcoming in the Woodland Caribou recovery range plans for the SK2 Boreal Plains Caribou Conservation Unit. • Supports the new Forest Inventory Standard of the Saskatchewan Environmental Code. <ul style="list-style-type: none"> ○ CWCS wetland class (five major classes) is a land cover attribute that 	
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	<p>must be defined in the Forest Resource Inventory and Forest Management Inventory as per Table 1 of the new standard.</p> <ul style="list-style-type: none"> • Supports accounting of soil organic carbon found in Saskatchewan wetlands. • Supports land use planning and operations by industry and government. • Supports environmental impact assessments and related environmental impact statements. <ul style="list-style-type: none"> ○ Critical component for required mitigation when impacts to wetland habitats are unavoidable. • An Improved definition of wetlands in EMPA to the CWCS definition and five major classes would support the developing Agricultural Water Stewardship Policy. 	
<p>Harmonization</p>	<p>Updating EMPA to clearly define wetlands to the five major classes as per CWCS would greatly improve harmonization. With respect to the northern provincial forest in the boreal ecozone (the forthcoming Forest Road Wetland Crossings Operational Standard and Forest Road Watercourse Crossings Operational Standard [draft in progress]), clearly indicate that EMPA applies to the five wetland classes of the CWCS, which would provide significantly improved clarity for proponents operating under an AHPP. Therefore, DUC strongly recommends the standards be finalized and adopted, along with the inclusion of the CWCS definition in</p>	<p>The Water Security Agency is developing policy regarding agricultural water management and wetland. As agricultural drainage is governed by <i>The Water Security Agency Act</i>, a more holistic approach to wetlands management may be included in future modifications to this legislation.</p>

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	changes to EMPA. Updating EMPA to define wetlands according to CWCS (five major classes) would also better harmonize with the Saskatchewan Environmental Code Forest Inventory Standard.	
Agricultural water management is not enforced through EMPA and is administered through the Saskatchewan Water Security Agency (WSA) which has its own policies and regulations to draw upon.	Harmonizing EMPA with WSA policy could improve enforcement on harmful acts to water quality, habitat loss and downstream flooding caused by unauthorized drainage works in the prairie region of Saskatchewan.	The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i> , a more holistic approach to wetlands management may be included in future modifications to this legislation.
Interpretation and permit language between ENV and WSA different for the same type of work.	Harmonize language.	This issue could be resolved by better communication between branches, achieved by the development of a guideline to be used by all agencies/branches.
Aquatic Habitat Protection Permit (AHPP) linked to EMPA and related regulations through information notes. While the respondent understands that AHPP applies to wetlands in both the boreal and prairie ecozones; however, wetlands could be more clearly defined.	Updating EMPA to include the AHPP process in the prairie ecozone on agricultural lands would align all wetland policies to be administered under one regulatory body.	The Water Security Agency is developing policy regarding agricultural water management and wetland conservation. As agricultural drainage is governed by <i>The Water Security Agency Act</i> , a more holistic approach to wetlands management may be included in future modifications to this legislation.
The definition of "waterworks" is too broad.	N/A	The definition captures the intent of the government to ensure Saskatchewan residents have access to safe drinking water. The WWSW regulations would need to be amended to address the definition, not the Act.
The Act defines 31(i) "water treatment works" while the regulations refer to "water treatment facility". These overlapping	N/A	The term "water treatment works" is used in the WWSW regulations, though in reference back to the Act.

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definitions should be investigated, as these are possibly referencing the same terms.		
Conflicting terms between EMPA and <i>The Waterworks and Sewage Works Regulations</i> . The Act also defines a 34(1)(c) “permit holder”, while <i>The Waterworks and Sewage Works Regulations</i> refers to a “permittee” when referencing back to the Act.	N/A	The permit holder is only defined for Section 34 of the Act. Permittee is defined in the definitions and Part II and Part III of the regulations to differentiate applicability.
Definitions of "bed", "bank" and "boundary": The Act provides functional definitions that help determine when the prohibitions of Section 38 apply. These definitions do not align with how the bed and bank of a water body, or a legal boundary that is a water body, are defined in <i>The Land Surveys Regulations</i> . While the terms are defined for significantly different purposes in the two statutes, there are occasions where both may apply resulting in confusion where the different agencies have conflicting locations for the bed, bank, and boundary of a water body.	N/A	The definitions in each piece of legislation are specific to the activity governed.
Boundary: Unclear how far beyond the bank remediation is required in situations where a natural disturbance occurred rather than it being an intentional disturbance (which would be remediated regardless). It is sometimes difficult to define, within our contracts, what the extent of erosion and sediment control should be, as well as areas to avoid disturbance. Inconsistencies	Add specific language in our permits about what areas need to be stabilized to meet the intent of the definition. Have a guidance document better defining and illustrating these definitions in plain language and diagrams. Align ENV and SWA AHPP permit wording. Ensure EPOs are trained on writing permits so they are consistent.	Subsection 38(4) speaks to direct and indirect impacts to the bed, bank or boundary. Where disturbance is caused by work activities, measures must be taken to prevent direct or indirect impacts to the bed, bank or boundary. It is difficult to specify which areas need to be stabilized on a site because the extent of disturbance is not known at the time the permit is written. Permit conditions require

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<p>between how the definition is applied between ENV permits and WSA permits, even though they use the same legislation and have the same intent. The Ministry of Highways is instructed to obtain AHPPs for linear work (with culverts) from the Ministry of Environment, but AHPPs from the Water Security Agency for non-linear work near water (i.e. standalone culvert replacements). Since the language between the two permits differs and does not cover the same elements specifically for the water-related areas, it can confuse project delivery staff and contractors. In addition, we have seen it cause inconsistencies in the way the Environmental Protection Officers address issues.</p>		<p>that all areas disturbed by work activities are remediated and stabilized to prevent erosion/sedimentation.</p> <p>WSA has developed website content to outline expectations for site restoration and better support clients when planning their projects.</p>
<p>Add a purpose statement at the beginning of the Act.</p> <p>The statement will solidify the intents and goals of the Act and what it is meant to accomplish.</p>	<p>Follow Manitoba's <i>Environment Act</i>:</p> <p>"This Act is meant to provide for the study, protection, remediation, maintenance, and enhancement of the environment, including ecosystems, fauna, and flora, in Saskatchewan, as well as for the responsible diversion of waste from the environment, for the present and future."</p>	<p>EMPA is complex and there may be some difficulty in curating a purpose statement. This suggestion will be deferred to members of legislative drafting for advice.</p>
<p>Update the minister's responsibilities (s.3(1))</p>	<p>Suggestion:</p> <p>"The minister is responsible for all matter not by law assigned to any other minister or government agency relating to the present and future environment and for enhancing and protecting, managing and conserving the quality of the natural environment, and</p>	<p>The new statement, in some respects, seems to be narrowing the focus. Items such as enforcement, remediation and recycling may not be interpreted to fit into that definition.</p>

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	providing the opportunity for all residents to influence over the environment."	
If the State of Provincial Forests report can be submitted instead of the State of the Environment report, the State of the Provincial Forests report potentially misses some of the components of the State of Environment report.	Amend s.7 to include additional provisions for the State of the Provincials report to bring it more in line with what is required for the State of the Environment report.	The State of Environment report is tabled every two years. Its objective is to report on the current condition of the environment and the economy of Saskatchewan. Every 10 years, the State of Provincial Forests report replaces the State of Environment report. The Act is written to maintain flexibility regarding what is included in the report.
Missing educational initiatives for residents.	"Make it similar to s. 27(1) of Nova Scotia's <i>Environment Act</i> . To foster an understanding of and responsibility for the environment, the minister may: <ul style="list-style-type: none"> (a) Compile information and undertake research related to the environment, environmental education and sustainable development; (b) Subject to the Freedom of Information and <i>Protection of Privacy Act</i>, provide any person with access to environmental information in the control of the Department; (c) Convene conferences and conduct seminars and educational and training programs relating to the environment and sustainable development; (d) Maintain a library consisting of publications and other information relating to environmental matters; (e) Develop, publish and distribute educational material with respect to 	This suggestion is best handled through policy. The ministry discloses information in a variety of ways, including through the Publications Centre web page, Freedom of Information requests, and projects such as GeoHub which provides geographic data.

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	<p>the environment and sustainable development;</p> <p>(f) Assist and support other ministers of the Government of Saskatchewan or other persons in designing, producing and delivering throughout the government's educational programs pertaining to sustainable development and other information."</p>	
There is no fine for littering	Add a provision to s.50 to address a fine specifically for instances of littering. For example, s.89 of Ontario's <i>Environmental Protection Act</i> allows for fines of \$1000 to \$5000. Doing this could remove ambiguity around s.84 of EMPA.	Section 50 of the Act indicates that littering is prohibited. Voluntary payment options range from \$580 to \$1400, depending on the offence. This is discretionary, meaning that an officer can compel the accused to attend court where higher fines could potentially be assessed.
Egregious cases where an offender willfully and/or repeatedly disregards the law and disrespects the environment with actions that impact nearby receptors and the community at large.	N/A	There are enforcement mechanisms in the Act to handle such cases.
The ministry may be looking to increase options for enforcement of environmental violations, including administrative penalties, stop work orders and arrests. If that is the case, the right to appeal environmental protection orders could also be extended to include questions of mixed fact and law, on the basis that increased enforcement should also include an increased ability to challenge enforcement measures.	Expand the right to appeal EPOs.	Processes for making a written representation as well as appealing an order are already in place. Arrest provisions would be for any person who is committing an offence against the Act and does not affect an order.
Enforcement measures and appeals board. Generally happy with enforcement measures but if GOS broadens enforcement, they want	N/A	Processes for making a written representation as well as appealing an order are already in place.

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<p>GOS to look at opportunities to increase the availability of an appeal process both within GOS as well as clarity on requirements for referral to the Court of King's Bench.</p>		
<p>The ministry requires a corrective action plan that proposes risk management with future reclamation to have a financial assurance from the responsible party. The ministry's results-based regulations promote risk-based management approaches, however, the requirement for the provision of a financial instrument (i.e. a financial assurance) runs counter to this notion and hinders a proponent's potential to implement risk-based approaches. Additionally, as noted in the discussion above, the requirement for financial assurance could serve to discourage business investment in the province.</p>	<p>N/A</p>	<p>Section 17 of the Act requires financial assurance when implementing risk management with future reclamation. This is to ensure the funds will be available when future reclamation is needed. The ministry does not hinder the use of risk-based solutions and does not require a financial assurance when implementing a risk-based solution.</p>
<p>Corrective action plans-reviewing, subsection 16(1), suggests that all CAPs must be reviewed by the ministry. This does not match the intent of results-based regulations. We understand that under the results-based regulatory framework, the intent is that a CAP is only reviewed if it is presented as an alternative solution.</p>	<p>Suggest that the current wording be clarified to note only CAPs submitted as an alternative solution require ministry review.</p>	<p>Acceptable solution corrective action plans (CAPs) are not reviewed and are automatically accepted upon submission. The ministry is only reviewing alternative solution CAPs and those that are in the directed process.</p>
<p>Corrective action plans under subsection 19(1), the requirement to accept an established CAP and financial assurance prior to the transfer of responsibility for an impacted site, may present an unintended barrier to brownfield development and redevelopment.</p>	<p>Suggest that the requirement to assess and then accept responsibility for the impacted site on transfer could be separated from the development of a CAP. This would allow the new responsible person to develop a CAP that better aligns with their expertise and planned use of the site. The ministry would retain the authority to approve both the</p>	<p>Property owners are free to sell a site provided the environmental status of the site is disclosed to the buyer.</p>

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	transfer of responsibility and the approval of the subsequent CAP and financial assurances.	
The definition of “risk management with future reclamation” is a broad phrase that does not directly align with the results (risk) based objectives of the environmental code. We support the ministry’s intention of holding responsible parties accountable; however, the current financial assurance approach when applied to environmentally responsible operators may be counterproductive based on the "form that is acceptable to the minister" option for financial security that has been outlined to date.	“Risk management with future reclamation” for administratively controlled sites must consider other avenues of financial assurances for environmentally responsible and financially secure organizations.	The ministry requires financial assurance for a site that will remain in risk management with future reclamation to protect the Saskatchewan public from environmental risks and the financial burden of cleaning up industrial sites if an organization ceases to exist. The ministry is not prepared to consider alternate avenues of financial assurance as part of this amendment.
"Financial instruments": The ministry's results-based regulations promote risk-based management approaches; however, the requirement for a present financial instrument counteracts and hinders the potential to implement risk-based approaches that control potential risk and allow for productive use of properties. As noted in the discussion above, the requirement for financial assurance could serve to discourage business investment in the province."	N/A	Section 17 requires a financial assurance when implementing risk management with future reclamation. This is to ensure the funds will be available when future reclamation is needed. The Act does not hinder the use of risk-based solutions and does not require financial assurance when implementing a risk-based solution.
The Discharge and Discovery chapter: The regulation and code concerning Discharge and Discovery Reporting are misaligned with legislation in other provinces resulting in unnecessary administrative burden on obligated parties.	N/A	The current review is for amending the Act. Code chapters are outside of this review’s scope.

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<p>Definition "hazardous waste": Defined as prescribed in the code.</p>	<p>N/A</p>	<p>Definitions in code chapters are more readily amended, enabling flexibility and responsiveness.</p>
<p>The definition of "hazardous substance" needs to be updated to be more precise. "Hazardous substance" means a substance that is prescribed or set out in the code. More clarification would be appreciated, such as which code and where could this information be found. For example, the definition of "code" means the code adopted by the Lieutenant Governor in Council in the regulations. Which code and which regulations this is targeting?</p>	<p>Add what code and where the information can be found.</p>	<p>Definitions in code chapters are more readily amended, enabling flexibility and responsiveness.</p>
<p>Definition "hazardous substance" only defined "as prescribed in the code"</p>	<p>A greater context that explains why such substances, waste or goods may be prescribed or set out in code (i.e. why or how the substance is or becomes hazardous or dangerous) would help the regulated community understand the applicability of the Act and regulations. For an example, we would refer to the way the definition of "industrial waste" is structured where both context [subsection 2(1)(r)(i)] and the requirement to be prescribed or set out in the code [subsection 2(1)(r)(ii)] are used to define the term for the Act.</p>	<p>Definitions in code chapters are more readily amended, enabling flexibility and responsiveness.</p>
<p>Ambiguous definition: waste dangerous goods.</p>	<p>N/A</p>	<p>Definitions in code chapters are more readily amended, enabling flexibility and responsiveness.</p>
<p>Definition "waste dangerous good" defined "as prescribed in the code"</p>	<p>Add what code and where the information can be found.</p>	<p><i>The Environmental Management and Protection (Saskatchewan Code Adoption) Regulations</i> define that "code" means the Saskatchewan Environmental Code.</p>

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<p>Ambiguous definition-"environmentally impacted site" means an area of land or water that contains a substance that may cause or is causing an adverse effect. This could be interpreted to include a piece of land that contains a small, contained tank of gasoline as an environmentally impacted site.</p>	<p>N/A</p>	<p>This definition is working as intended. It requires some consideration from the qualified person as to what area of land contains a substance that may cause or is causing an adverse effect. A site is not defined as environmentally impacted until site-specific data is provided to the ministry.</p>
<p>The respondent is seeking clarity regarding the regulation of air quality (Part VII in EMPA) by the Government of Saskatchewan as the Federal Government also regulates at the "air shed" level with the Canadian Ambient Air Quality Standards. Reporting is completed with multiple federal agencies and the respondent wants to ensure unnecessary administrative burden is not caused by reporting the same information to multiple departments and agencies if not necessary.</p>	<p>N/A</p>	<p>If a facility is located on federal land, they are subject to any regulated or reporting requirements of the federal government and provincial legislation would not apply. Any facility not on federal property is subject to provincial legislation and is subject to any reporting requirements as stated in the provincial legislation or as agreed to in an EPP under the ISAQ chapter. The Canadian Ambient Air Quality Standards (CAAQS) are not enforceable standards, whereas the Saskatchewan Ambient Air Quality Standards (SAAQS) as listed in Table 20 of the SEQS are enforceable standards and the Ministry of Environment expects all industrial operations to report exceedances of the SAAQS to the ministry.</p>
<p>Definition "ambient air": Ambient air is currently defined as "air surrounding the earth but does not include the air within a structure or within any underground space". Utilizing this definition and referring to the Ambient air quality standards implies applicability at any distance from a potential outdoor source (e.g. emissions) and does not account for controls in place, regulatory criteria, permit conditions, or risk-based</p>	<p>Update the ambient air definition to the following: air surrounding the earth but does not include emissions (e.g. point, fugitive or area sources) or the air within a structure or within any underground space.</p>	<p>The definition of "ambient air" is clear. The recommended update would not be an accurate description of "ambient air."</p>

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decision-making. This can lead to confusion on when the ambient air quality standards apply.		
No "person" vs no "organization": The permit holder must be a person, not an organization. Projects can have different Project Managers. For example, the Design Project Manager would obtain the permit and the Construction Project Manager would enforce it. If the regulator needs to contact the permit holder it causes delays.	No recommendation but looking for support from regulators on this.	A person is defined in the Act to include organizations. This issue will be better addressed through policy.
Ambiguous definition: "Person".	No solution provided.	The Act intended to ensure organizations are included when using "person" in EMPA. A further definition may be addressed through additional policy.
Volunteer protections from liability: The general provisions of Part XI are understood to apply to all preceding sections. Section 92 only provides protection from liability for volunteers assisting with orphaned environmentally impacted sites.	Suggest that if the same protections are not meant to extend to volunteers assisting in other capacities, this section is better placed in another division; perhaps under Division 4, Orphaned Environmentally Impacted Sites Fund.	This suggestion will be deferred to members of legislative drafting for advice.
Duty to report: Whoever discovers contamination is to report it but give the landowner to first opportunity to inform.	Whoever discovers contamination is to report it, but when it is a government organization, in the public interest, would it be beneficial to make the landowner aware and giving them the first opportunity to report it themselves. It may contribute to better public trust. However, it could delay reporting, so it may not be worthwhile to consider this.	The Act does not specify who should report first but rather who is required to report. Whoever becomes aware of the discharge or discovery first is usually the first to report.
EMPA does not allow parties to enter into compliance agreements to remedy an offence.	Consider amending Section 88 to allow parties to enter into compliance agreements to remedy an offence. Section 115 of British Columbia's <i>Environmental Management Act</i>	Voluntary compliance, compliance letters or warnings of non-compliance are already part of the compliance model to remedy an offence. Enforcement measures or

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	provides a good model for this: 115(4) Before the date an administrative penalty under this section is due, the director may, subject to the regulations, enter into an agreement with the person who is liable for the penalty.	administrative penalties are only issued once voluntary compliance cannot be achieved or when there is a blatant disregard for the law.
Missing environmental remediation plans from s.27	Amend s,27(1) to add environmental remediation plans alongside permits and environmental protection plans.	As defined in the Act, environmental protection plans are the same as environmental remediation plans.
Add a statement on dispute resolution.	Follow s.3(3) Manitoba's <i>Environment Act</i> , "Appointment of environmental mediator 3(3) The minister may, where the minister deems it advisable, and where the conflicting parties concur, appoint an environmental mediator acceptable to the parties to mediate between persons involved in an environmental conflict, and the mediator so appointed shall, within six weeks after completion of the mediation, report to the minister the results of the mediation."	The Act already has provisions for appeals or making written representations to remedy an offence.