

# *The Reclaimed Industrial Sites Regulations*

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[Chapter R-4.21 Reg 1](#) (effective March 21, 2007) as amended by Saskatchewan Regulations [109/2010](#), [80/2018](#) and [110/2021](#).

**NOTE:**

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

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**CHAPTER R-4.21 REG 1**  
*The Reclaimed Industrial Sites Act*

**Title**

1 These regulations may be cited as *The Reclaimed Industrial Sites Regulations*.

**Interpretation**

2(1) In these regulations:

- (a) **“Act”** means *The Reclaimed Industrial Sites Act*;
- (b) **“engineered structure”** means any structure built or deposited in a designed manner that results from, or is constructed to protect, all or a portion of a closed site;
- (c) **“environmental assessment”** means an environmental assessment required by the Government of Saskatchewan or the Government of Canada or any agency or commission of those governments;
- (d) **“licence”** means any licence, permit, approval or letter of authorization that is associated with an industrial site and that was issued by the Government of Saskatchewan or Government of Canada or any agency or commission of those governments;
- (e) **“surface lease agreement”** means a contractual agreement between the Government of Saskatchewan and a lessee that grants the lessee authority to occupy land owned by the Government of Saskatchewan.

(2) For the purposes of the Act and in these regulations:

- (a) **“industrial site”** means that portion of a quarry site, a mine site or a mill site located on land owned by the Government of Saskatchewan that requires monitoring and possibly maintenance and includes other land owned by the Government of Saskatchewan that the site holder and the minister may agree to include;
- (b) **“transitional-phase monitoring”** means the post-decommissioning and post-reclaiming monitoring program that demonstrates that an industrial site is in compliance with the decommissioning and reclamation requirements set out in *The Mineral Industry Environmental Protection Regulations, 1996*.

**Conditions for acceptance into the Institutional Control Program**

**3** For the purposes of section 4 of the Act, the following are the prescribed conditions for the minister to accept a closed site into the Institutional Control Program:

- (a) the site holder satisfies the minister that the site holder has completed and complied with the conditions of any environmental assessment;
- (b) the site holder has submitted a monitoring and maintenance plan that is satisfactory to the minister and that identifies:
  - (i) the monitoring and maintenance obligations that need to be undertaken when the closed site is accepted into the Institutional Control Program; and
  - (ii) the present value of the future costs associated with the monitoring and maintenance obligations mentioned in subclause (i);
- (c) the site holder satisfies the minister that the site holder:
  - (i) has completed the required decommissioning, reclamation and transitional-phase monitoring activities requirements imposed pursuant to *The Mineral Industry Environment Protection Regulations, 1996*;
  - (ii) is eligible to be released from the decommissioning, reclamation and transitional-phase monitoring requirements pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*; and
  - (iii) will be released pursuant to *The Mineral Industry Environmental Protection Regulations, 1996* from the requirements or obligations set out in a decommissioning and reclamation plan on the closed site entering the Institutional Control Program;
- (d) the site holder satisfies the minister that the site holder is eligible to receive a release or exemption from any and all licences that are issued by the Government of Saskatchewan or any of its agencies or commissions and that are associated with the closed site;
- (e) the site holder satisfies the minister that the site holder is eligible to receive a release from any and all licences that are issued by the Government of Canada or any of its agencies or commissions and that are associated with the closed site;
- (f) if the closed site is required to be licensed pursuant to the *Nuclear Safety and Control Act* (Canada), the Canadian Nuclear Safety Commission has agreed, in writing, to grant the Government of Saskatchewan an exemption from the obligation to hold a licence under the *Nuclear Safety and Control Act* (Canada) for the closed site if the minister accepts the closed site into the Institutional Control Program;
- (g) the site holder satisfies the minister that:
  - (i) the site holder is eligible to receive a release from the surface lease agreements or any portion of them associated with the closed site; and
  - (ii) the site holder will receive the release at the time the minister accepts the closed site into the Institutional Control Program;

(h) if the site holder owns the mineral rights associated with the closed site, the site holder surrenders or transfers those mineral rights to the minister at the time the minister accepts the closed site into the Industrial Control Program.

30 Mar 2007 cR-4.21 Reg 1 s3.

**Transfer of closed site**

3.1(1) For the purposes of subsection 10.1(1) of the Act, the minister may transfer responsibility for a closed site that has been accepted into the Institutional Control Program, or for a portion of a closed site, to a responsible person only if the conditions set out in subsections (2) to (4) are met.

(2) The responsible person accepting responsibility for a closed site or a portion of a closed site shall:

(a) enter into a written agreement with the minister to accept responsibility that must include:

(i) an acknowledgement that the responsible person is aware of and accepts the anticipated future monitoring and maintenance costs, including the costs related to unforeseen events for the closed site, or a portion of the closed site, as determined at the time the closed site or portion is transferred from the Institutional Control Program to the responsible person; and

(ii) a statement of financial capacity that demonstrates to the satisfaction of the minister that the responsible person has sufficient resources to cover the anticipated future monitoring and maintenance costs, including the costs related to unforeseen events for the closed site or portion of the closed site; and

(b) provide an executed copy of the agreement mentioned in clause (a) to the minister within 30 days after executing the agreement.

(3) The responsible person must satisfy the minister that the responsible person has:

(a) completed any and all licensing, permitting, approval or other requirements required by the Government of Saskatchewan for the closed site or portion of the closed site, including:

(i) the required licensing, permitting and approval requirements pursuant to *The Environment Management and Protection Act, 2010*;

(ii) the provision of a financial assurance in the amount and in the form as required pursuant to *The Environment Management and Protection Act, 2010*;

(iii) acquiring any required surface lease agreement or permits; and

(iv) acquiring any required Crown dispositions pursuant to *The Crown Minerals Act*; and

- (b) provided to the minister, as soon as is reasonably practicable after completing the licensing, permitting, approval and other requirements, a copy of all licences, permits and approvals, as the case may be, and evidence satisfactory to the minister with respect to the person having met any other requirements of the Government of Saskatchewan.
- (4) With respect to a closed site that was exempted from the *Nuclear Safety and Control Act* (Canada) as a condition of acceptance into the Institutional Control Program, before transferring that site or portion of that closed site to a responsible person:
- (a) the minister shall consult with the Canadian Nuclear Safety Commission with respect to the closed site;
  - (b) the minister must be satisfied that the responsible person has completed all licensing, permitting, approval and other applicable requirements pursuant to that Act with respect to the closed site or portion of the closed site; and
  - (c) without limiting the generality of clause (b), the responsible person mentioned in that clause must, as soon as is reasonably practicable after completing the licensing, permitting, approval and other applicable requirements pursuant to that Act with respect to the closed site or portion of the closed site, provide to the minister a copy of all licences, permits and approvals, as the case may be, and evidence satisfactory to the minister with respect to the person having met any other applicable requirements, as required by that Act.
- (5) In the case of a transfer of a portion of a closed site pursuant to this section:
- (a) the portion of the closed site that was not transferred continues to be subject to the Act and these regulations; and
  - (b) the minister:
    - (i) shall cause an amendment to the description identifying the closed site to be entered into the Institutional Control Registry in accordance with subsection 6(2) of the Act; and
    - (ii) may permit any additional information to be included in the Institutional Control Registry in accordance with subsection 6(3) of the Act, if the minister considers it appropriate to do so to distinguish the portion of the site that was not transferred from the portion of the site that was transferred pursuant to this section.

**Prescribed amounts to be deposited in funds**

- 4(1) Pursuant to subclause 5(b)(i) of the Act, the prescribed amount that a site holder must deposit into the account of the Institutional Control Monitoring and Maintenance Fund is the sum of:
- (a) the present value of the future costs associated with the monitoring and maintenance obligations mentioned in clause 3(b); and
  - (b) the amount determined in accordance with section 5.
- (2) Pursuant to subclause 5(b)(ii) of the Act, the prescribed amount that a site holder must deposit into the Institutional Control Unforeseen Events Fund is:
- (a) in the case of a closed site without tailings or engineered structures, 10% of the present value of the future costs associated with the monitoring and maintenance obligations mentioned in clause 3(b); or
  - (b) in the case of a closed site with tailings or engineered structures, 20% of the present value of the future costs associated with the monitoring and maintenance obligations mentioned in clause 3(b).
- (3) For the purposes of subclause 5(b)(iii) of the Act, the prescribed registration fee is \$500.

30 Mar 2007 cR-4.21 Reg 1 s4.

**Refund to site holder**

- 4.1(1) Subject to subsections (1.1) to (1.3), the minister shall, within a reasonable period after transferring a closed site to a responsible person pursuant to section 3.1, refund or return to the site holder who transferred the closed site to the Institutional Control Program:
- (a) all moneys for that closed site held on account in the Institutional Control Monitoring and Maintenance Fund; and
  - (b) any financial assurance held by the minister with respect to that closed site.
- (1.1) In the case of a transfer of a portion of a closed site to a responsible person pursuant to section 3.1, with respect to moneys held on account in the Institutional Control Monitoring and Maintenance Fund in relation to the closed site:
- (a) the amount of the refund to the site holder who transferred the closed site to the Institutional Control Program is to be calculated based on the moneys in that fund remaining with respect to the closed site less the expected costs, as determined by the minister, of the monitoring and maintenance activities with respect to the portion of the site not transferred; and
  - (b) the minister shall, in determining the expected costs mentioned in clause (a), review the monitoring requirements that were accepted pursuant to subsection 7(1) of the Act and, if appropriate, amend those requirements pursuant to subsection 7(2) of the Act.

(1.2) For the purposes of subsection (1.1) and before completing the transfer of a portion of the closed site to the responsible person:

- (a) the minister must provide the site holder with written notice of the minister's intended action and an opportunity to make written representations with respect to expected costs within 30 days after receiving the notice; and
- (b) after considering any written representations mentioned in clause (a), the minister shall give written notice of the determination with respect to expected costs, with reasons, and shall provide a copy of that determination to the site holder.

(1.3) In the case of a transfer of a portion of a closed site to a responsible person pursuant to section 3.1, with respect to any financial assurance provided to the minister by the site holder with respect to the closed site, subsection 5(5) applies, with any necessary modification, to the portion of the site not transferred.

(2) If the site holder mentioned in subsection (1), (1.1), (1.2) or (1.3) no longer exists or its whereabouts are unknown, the moneys held on account and any financial assurance held by the minister are to be transferred into the Institutional Control Unforeseen Events Fund.

23 Nov 2018 SR 80/2018 s5; 15 Oct 2021 SR 110/2021 s4.

**Assurance fund**

5(1) In this section, “**expiry date**” means, with respect to an assurance fund:

- (a) the date that is five years, or any longer period that the site holder and the minister may agree to, after the date the site holder provided the assurance fund; or
- (b) the date that occurs every five years after the date mentioned in clause (a).

(2) As a condition of being accepted into the Institutional Control Program, a site holder must undertake to provide the minister with an assurance fund for a closed site:

- (a) in an amount that is agreed to between the site holder and the minister and that reflects the costs of dealing with a maximum failure event that could occur at the closed site; or
- (b) in any lesser amount than that described in clause (a) that is acceptable to the minister.

(3) The assurance fund required pursuant to subsection (2) must:

- (a) be in the amount required by subsection (2); and
- (b) consist of cash, cheques, negotiable instruments or any the following instruments or securities that is satisfactory to the minister:
  - (i) government bonds, government guaranteed bonds, debentures, term deposits, certificates of deposit, trust certificates or investment certificates;
  - (ii) corporate guarantees, irrevocable letters of credit, performance bonds or surety bonds;
  - (iii) any other financial instrument or security.



- (4) The minister shall use the assurance fund provided by a site holder pursuant to this section:
- (a) only to the extent that the minister considers it necessary to do so; and
  - (b) only if:
    - (i) in the opinion of the minister, the minister is obligated to undertake significant maintenance obligations at the closed site and withdrawing the funds for the required maintenance will unduly deplete the amount standing to the credit of the closed site in the Institutional Control Monitoring and Maintenance Fund or the Institutional Control Unforeseen Events Fund; or
    - (ii) the minister determines that an instrument or security provided to the minister as part of the assurance fund is about to expire and that no replacement instrument or security has been provided.
- (5) On or before every expiry date, if the assurance fund has not been returned to the site holder, the minister shall:
- (a) review whether or not the assurance fund is still required; and
  - (b) if, in the opinion of the minister:
    - (i) the assurance fund is still required, inform the site holder that the minister intends to continue the assurance fund;
    - (ii) the assurance fund is still required but in a lesser amount:
      - (A) inform the site holder that the minister intends to continue the assurance fund in the lesser amount; and
      - (B) return to the site holder any amount in the assurance fund that the minister considers no longer necessary; or
    - (iii) the assurance fund is no longer required, return the assurance fund to the site holder.
- (6) At any time, a site holder may request that the minister review whether or not the assurance fund is required, and the minister may make that review if the minister is satisfied that it is appropriate to do so.
- (7) After a review pursuant to subsection (6), if, in the opinion of the minister:
- (a) the assurance fund is still required, inform the site holder that the minister intends to continue the assurance fund;
  - (b) the assurance fund is still required but in a lesser amount:
    - (i) inform the site holder that the minister intends to continue the assurance fund in the lesser amount; and
    - (ii) return to the site holder any amount in the assurance fund that the minister considers no longer necessary; or
  - (c) the assurance fund is no longer required, return the assurance fund to the site holder.

(8) In conducting the review pursuant to subsection (5) or (6), the minister shall consider:

- (a) the condition of the closed site;
- (b) the amount standing to the credit of the closed site in the Institutional Control Monitoring and Maintenance Fund; and
- (c) the financial solvency of the site holder.

(9) For the purposes of this section, after conducting a review pursuant to subsection (5) or (6), the minister shall return to a site holder any remaining portion of the financial assurance provided by the site holder unless the minister is of the opinion that all or part of the assurance fund is still required because:

- (a) the closed site poses a risk that is not adequately protected by:
  - (i) the funds held to the credit of the closed site in the Institutional Control Monitoring and Maintenance Fund or the amount contributed by the site holder to the Institutional Control Unforeseen Events Fund; and
  - (ii) any income earned on the funds or amounts mentioned in subclause (i); and
- (b) the financial solvency of the site holder is not sufficient to pay the estimated cost of a maximum failure event mentioned in clause (2)(a).

(10) As soon as reasonably possible after conducting a review pursuant to subsection (5) or (6), the minister shall provide the site holder with written reasons for the minister's decision.

30 Mar 2007 cR-4.21 Reg 1 s5.

**Confirmation letter**

**5.1** Notwithstanding section 5, the minister may accept a closed site into the Institutional Control Program if:

- (a) the site holder is:
  - (i) an agent of the Crown in right of Saskatchewan or in right of Canada; or
  - (ii) a corporation that satisfies the minister that it has a history and credit rating to ensure that the corporation is able to pay the costs of a maximum failure event and to fulfil its obligations at the closed site; and
- (b) the site holder provides a letter of confirmation satisfactory to the minister and containing any terms or conditions or guarantees that the minister may require to confirm the legal responsibility of the site holder and that the site holder is able to pay the costs of a maximum failure event and to fulfil its obligations at the closed site.

26 Nov 2010 SR 109/2010 s2.

**Institutional Control Registry**

**6(1)** For the purposes of clause 6(3)(a) of the Act, the Institutional Control Registry is to contain the following records and information submitted by a site holder:

- (a) location of the closed site;
  - (b) identification of the site holder of the closed site;
  - (c) a description of the closed site and the activities that were conducted on the closed site;
  - (d) the release from decommissioning and reclamation issued pursuant to *The Mineral Industry Environmental Protection Regulations, 1996*;
  - (e) a reference to and the location of the documents provided by the site holder pursuant to *The Mineral Industry Environmental Protection Regulations, 1996* for the purposes of applying for the release mentioned in clause (d), including a reference to and the location of a full and complete set of 'as-built' reports;
  - (f) a description of the monitoring and maintenance obligations mentioned in subclause 3(b)(i);
  - (g) a reference to and the location of the documentation provided to the site holder when the site holder is released from any surface lease agreement that governed the closed site;
  - (h) in the case of a closed site that was a uranium facility, a reference to and the location of Canadian Nuclear Safety Commission licensing documentation and all Canadian Nuclear Safety Commission decisions related to the closed site;
  - (i) a notation of the location of all documentation that the minister considers applicable to the closed site and that is in the control of the site holder;
  - (j) surface and underground plans submitted pursuant to *The Mines Regulations, 2003* or any predecessor to those regulations.
- (2)** For the purposes of clause 6(3)(a) of the Act, the Institutional Control Registry is to contain the following records and information respecting a closed site that are submitted by the Government of Saskatchewan, the Government of Canada or any agency or commission of those governments:
- (a) notation of the location of all documentation that the minister considers applicable to the closed site and that is in the control of the site holder and that is in control of the relevant Government, agency or commission;
  - (b) a description from the department of the Government of Saskatchewan responsible for the management of the surface lands that are part of the closed site and that are owned by the Government of Saskatchewan, identifying and specifying any surface land use restrictions for the closed site;
  - (c) a description from the department of the Government of Saskatchewan responsible for the management of mineral lands that are part of the closed site and that are owned by the Government of Saskatchewan, identifying and specifying any mineral disposition restrictions for the closed site;

- (d) in the case of closed site that was a uranium facility, a reference to and location of Canadian Nuclear Safety Commission licensing documentation and Canadian Nuclear Safety Commission decisions related to the closed site;
  - (e) a note indicating whether the property is registered as a land disposition administered by the minister responsible for *The Environmental Management and Protection Act, 2002*;
  - (f) reference to and location of any final surface lease agreement respecting the closed site provided by the department of the Government of Saskatchewan responsible for the management of the surface land;
  - (g) a copy of any surface, underground and final closure plans respecting the closed site that are provided to any department of the Government of Saskatchewan responsible for management of those plans.
- (3) The records and information mentioned in this section must be submitted to the minister:
- (a) in a form acceptable to the minister; and
  - (b) containing the detail the minister may require for the purposes of the Act and these regulations.

30 Mar 2007 cR-4.21 Reg 1 s6.

#### **Fund Advisory Committee**

- 6.1(1)** For the purposes of section 12.1 of the Act, the minister may appoint as members of the Fund Advisory Committee:
- (a) one senior representative from the ministry over which the minister presides, who is to act as chairperson;
  - (b) one representative of each site holder who has deposited moneys into the Institutional Control Monitoring and Maintenance Fund; and
  - (c) one representative nominated by the Saskatchewan Mining Association.
- (2) In addition to the members of the Fund Advisory Committee appointed pursuant to subsection (1), the employee assigned by the minister to oversee the Institutional Control Program and the employee assigned by the minister to administer the Institutional Control Monitoring and Maintenance Fund are non-voting members of the committee who serve in an advisory capacity.
- (3) The Fund Advisory Committee is responsible to the minister with respect to the following:
- (a) on the request of the minister, reviewing the Institutional Control Monitoring and Maintenance Fund and the Institutional Control Unforeseen Events Fund investment operations, plans and strategies;

- (b) providing a report and recommendations, within the period and in the manner specified by the request made pursuant to clause (a), with respect to the review mentioned in that clause for the purpose of ensuring sustainable funding for the long-term future of the Institutional Control Program;
- (c) advising the minister promptly with respect to any concerns expressed by former or current site holders regarding the management of the Institutional Control Monitoring and Maintenance Fund and the Institutional Control Unforeseen Events Fund;
- (d) considering any other matters or performing any other duties respecting the Institutional Control Monitoring and Maintenance Fund and the Institutional Control Unforeseen Events Fund that the minister may refer to it.

23 Nov 2018 SR 80/2018 s6.

**Coming into force**

**7** These regulations come into force on the day on which they are filed with the Registrar of Regulations.

30 Mar 2007 cR-4.21 Reg 1 s7.

