

PART II

REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER E-10.2 REG 7

The Environmental Management and Protection Act

Section 38

Order in Council 134/96, dated March 5, 1996

(Filed March 6, 1996)

PRELIMINARY

Title

1 These regulations may be cited as *The Mineral Industry Environmental Protection Regulations, 1996*.

Interpretation

2 In these regulations:

- (a) “**Act**” means *The Environmental Management and Protection Act*;
- (b) “**alter**” means to change a pollutant control facility in a manner that may affect its standard of environmental performance or environmental protection;
- (c) “**decommission**” means to remove or retire permanently from service or take any action to remove or retire all or part of a mining site;
- (d) “**decommissioning and reclamation plan**” means a plan, including any amendments to a plan, to decommission and reclaim all or part of a mining site;
- (e) “**deep well injection**” means disposal of liquid wastes into a subsurface geological horizon;
- (f) “**exploration**” means the search by any physical or chemical means for minerals;
- (g) “**mill**” means a facility operated to crush, grind, leach, dissolve, roast, float, sift, shake, wash, aspirate or carry out any other process for the purpose of obtaining, concentrating or processing a mineral and includes a smelter or a refinery;
- (h) “**mine**” includes:
 - (i) openings or excavations in, or workings of, the ground for the purpose of searching for, winning, opening up, proving or storing underground any mineral or mineral-bearing substance;
 - (ii) wells for the purpose of formation testing, mining, waste disposal, deep well injection or dewatering related to the development or removal of a mineral; or
 - (iii) all ways, works, engines, machinery, plant, buildings, furnaces, roast yards and premises below or above ground belonging to or used in connection with the operations carried out in or about the operation of mining or in or about a mine;

(i) “**mineral**” means any non-living substance formed by the processes of nature that occurs on or under the surface of the ground, irrespective of its chemical or physical state, both before and after extraction, but does not include:

- (i) petroleum;
- (ii) naturally-occurring surface water;
- (iii) agricultural soil; or
- (iv) sand and gravel;

(j) “**mining**” includes:

- (i) a mode or method of working in which the soil, earth or any mineral may be disturbed, removed, carted, carried, washed, sifted, leached, dissolved, roasted, smelted, refined, crushed, ground or dealt with by another similar process for the purpose of obtaining a mineral, whether the mineral was previously disturbed or not;
- (ii) boring or drilling to extract a mineral;
- (iii) working the ground for the purpose of underground storage of a mineral; and
- (iv) drilling, installing or operating wells for the purpose of formation testing, mining, waste disposal, deep well injection or dewatering related to the development or removal of a mineral;

(k) “**mining site**” means:

- (i) a pollutant control facility;
- (ii) a mine;
- (iii) a mill; and
- (iv) any land, water or watercourse used or disturbed by the construction or operation of a pollutant control facility, mine or mill;

(l) “**old regulations**” means *The Mineral Industry Environmental Protection Regulations*;

(m) “**pollutant control facility**” means a facility or area for the collection, containment, storage, transmission, treatment or disposal of any pollutant arising from any mining operations or from the development of or the exploration for any mineral, and includes environmental protection components of:

- (i) a mine or mill;
- (ii) a tailings management area;
- (iii) an ore storage facility;
- (iv) a waste rock disposal area;

- (v) a mine overburden or spoil disposal area;
- (vi) a waste treatment plant;
- (vii) a fuel storage facility;
- (viii) a chemical storage facility;
- (ix) a waste sump;
- (x) a site drainage control;
- (xi) a groundwater dewatering system;
- (xii) any equipment used for exploration; and
- (xiii) all associated machinery and equipment, including pumps, pipes, conveyors, launders and ditches used in connection with facilities or areas mentioned in subclauses (i) to (xii);

(n) **“reclaim”** means to rehabilitate all or part of the land, water or watercourses used or disturbed by the construction or operation of a pollutant control facility, mine or mill.

Approvals required

3 A person who wishes to construct, install, alter, extend, operate or temporarily close a pollutant control facility or decommission and reclaim a mining site shall obtain the approvals required by these regulations.

Exemptions

4(1) These regulations do not apply to:

- (a) any oil or gas exploration or production activity regulated pursuant to *The Oil and Gas Conservation Act*; or
 - (b) any exploration by means other than exploration by mining, drilling, trenching or hydraulic removal of overburden.
- (2) Clause 17(a) of the Act does not apply to any discharge, deposit, drainage or release from a pollutant control facility governed by these regulations.
- (3) Clause 17(b) of the Act does not apply to any discharge, deposit or release from a pollutant control facility governed by these regulations.
- (4) Clause 17(c) of the Act does not apply to the construction, installation, alteration, extension or operation of a pollutant control facility governed by these regulations.

CONSTRUCTION, ETC., OF POLLUTANT CONTROL FACILITY

Construction, etc., of facility

5 No person shall cause or permit the construction, installation, alteration or extension of any pollutant control facility unless the person first obtains approval to do so.

Application for approval to construct

6(1) A person who desires to construct, install, alter or extend a pollutant control facility shall apply in writing to the minister for approval to do so.

(2) The application is to include the following information and material or, if the information or material has been provided in an earlier submission to the minister, is to make reference to that information or material:

- (a) a statement of the nature of the wildlife, fisheries, air, water resources, soil and hydrogeology in the area of the facility;
- (b) site maps of the area of the facility showing topographical and drainage features of the area during construction, installation, alteration or extension, and as they will be on completion of the work proposed;
- (c) a set of drawings and specifications of the construction, installation, alteration or extension proposed;
- (d) a description of the proposed methods and procedures of the operation of the facility;
- (e) a list of pollutants that may be stored or used in the facility;
- (f) a time frame for the proposed construction, installation, alteration or extension;
- (g) a contingency plan for preventing and cleaning up any spills of pollutants from the facility;
- (h) a description of the proposed:
 - (i) operating schedule; and
 - (ii) methods and procedures for monitoring the operation of the facility to detect pollutants that may be discharged into the environment.

OPERATION OF POLLUTANT CONTROL FACILITY

Operation of facility

7(1) No person shall operate a pollutant control facility for the purpose of causing or permitting the discharge, drainage, diversion, deep well injection, handling or on-site transportation of any substance that may be a pollutant unless the person first obtains approval to do so and obtains an approval required by section 12.

(2) In subsection (1), “**substance that may be a pollutant**” includes:

- (a) groundwater; and
- (b) any substance that:
 - (i) is dealt with without processing; and
 - (ii) arises from any activity related to the exploration, mining, milling or development of any mineral resource.

Application for approval to operate

8(1) A person who desires to operate a pollutant control facility shall apply in writing to the minister for approval to do so.

(2) The application is to include the following information and material:

(a) the information and material set out in subsection 6(2), updated to reflect the operational phase of the facility;

(b) a proposed schedule setting out any planned discharge of pollutants to the environment, including the anticipated quantity and quality of those discharges.

Renewal of approval

9 A person who desires to obtain a renewal of an approval to operate a pollutant control facility shall apply in writing to the minister, setting out any proposed changes in the operation or monitoring of the facility.

TEMPORARY CLOSURE OF POLLUTANT CONTROL FACILITY

Temporary closure of facility

10 No person who is the owner or operator of a pollutant control facility shall temporarily cease to operate the facility for a period greater than 180 consecutive days unless:

(a) the person is authorized to do so by an approval mentioned in section 7 or a renewal of that approval mentioned in section 9;

(b) the person is authorized to do so by an approval mentioned in section 12;
or

(c) the person obtains approval to do so pursuant to section 11.

Application for approval to close temporarily

11(1) A person who desires to cease operating a pollutant control facility temporarily for a period greater than 180 consecutive days may apply in writing to the minister for approval to do so.

(2) The application is to include the following information and material:

(a) a statement of the reasons for the proposed closure of the facility;

(b) a tentative date for the resumption of operation of the facility; and

(c) a description of the proposed methods and procedures for preventing spills or releases of pollutants from the facility during the period of its closure.

DECOMMISSIONING AND RECLAMATION PLAN AND ASSURANCE FUND

Plan and fund required

12 Subject to subsections 13(1) and (2), no person shall operate or permanently close a pollutant control facility, mine or mill until:

(a) a decommissioning and reclamation plan for the mining site has been approved by the minister;

(b) a proposal for an assurance fund to ensure the completion of the decommissioning and reclamation for the mining site has been approved by the minister; and

(c) the assurance fund mentioned in clause (b) has been established to the minister's satisfaction.

Existing approvals

13(1) Subject to subsection (2), every person who obtained an approval mentioned in section 7 or 9 of the old regulations before January 1, 1994 shall:

(a) submit an application to the minister pursuant to section 14 by March 31, 1997; and

(b) establish an assurance fund approved by the minister pursuant to section 14 by March 31, 1999 or within one year following the approval of the decommissioning and reclamation plan, whichever is later.

(2) Every person who obtained an approval mentioned in section 7 of the old regulations for the first time for a mining site on or after January 1, 1994 and before the day these regulations came into force shall:

(a) submit an application to the minister pursuant to section 14 within six months from the date that these regulations came into force; and

(b) establish an assurance fund approved by the minister pursuant to section 14 within one year from the date that these regulations came into force or within six months following approval of the decommissioning and reclamation plan, whichever is later.

(3) The minister may cancel an approval described in subsection (1) if:

(a) the person has not submitted an application in accordance with section 14 by March 31, 1997; or

(b) the assurance fund approved by the minister has not been established by March 31, 1999 or within one year following the approval of the decommissioning and reclamation plan, whichever is later.

(4) The minister may cancel an approval described in subsection (2) if:

(a) the person has not submitted an application in accordance with section 14 within six months from the date that these regulations came into force; or

(b) the assurance fund approved by the minister has not been established within one year from the date that these regulations came into force or within six months following approval of the decommissioning and reclamation plan, whichever is later.

Application for approval of plan and fund

14(1) A person who wishes to obtain an approval of a decommissioning and reclamation plan and an assurance fund shall apply to the minister in writing.

(2) An application is to include:

(a) a plan that includes a time frame for decommissioning and reclaiming the mining site;

- (b) a description of the proposed methods and procedures of, and time frames for, monitoring the mining site for physical and chemical stability and for detecting spills or the release of pollutants during and after decommissioning and reclamation;
- (c) an estimate of the cost required to carry out the decommissioning and reclamation plan and the cost of monitoring the mining site after the decommissioning and reclamation;
- (d) a proposal for an assurance fund that complies with section 15, to ensure completion of the decommissioning and reclamation plan;
- (e) a proposal for the management and administration of the assurance fund; and
- (f) a proposal respecting the release of all or portions of the assurance fund during the decommissioning and reclamation of the mining site.

Assurance fund

15(1) An assurance fund required by these regulations is to be in an amount and form approved by the minister and may consist of:

- (a) cash;
 - (b) cheques and other similar negotiable instruments;
 - (c) government bonds, government guaranteed bonds, debentures, term deposits, certificates of deposit, trust certificates or investment certificates;
 - (d) guarantees, irrevocable letters of credit, irrevocable letters of guarantee, performance bonds or surety bonds;
 - (e) security interests in goods, documents of title, securities, chattel papers, instruments, moneys, intangibles or interests that arise from an assignment of accounts that secure the performance of a decommissioning and reclamation plan approved by the minister pursuant to section 14;
 - (f) any other financial instrument or security that is acceptable to the minister;
 - (g) anything mentioned in clauses (a) to (f) together with an agreement for staged decommissioning and reclamation, with each stage of the decommissioning and reclamation to be completed in accordance with that agreement; or
 - (h) any combination of things mentioned in clauses (a) to (g).
- (2) The minister may impose any terms respecting an assurance fund at the time the minister issues the approval.
- (3) For the purposes of managing, investing, regulating or disposing of all or any part of an assurance fund, the minister may:
- (a) enter into any agreement;
 - (b) engage the services of or retain any technical, professional or other advisory, specialist or consulting personnel; or
 - (c) do any other thing the minister considers advisable.

REVIEW, REVISION AND USE OF PLAN AND FUND

Review of plan and fund

16(1) The person who obtains an approval for a decommissioning and reclamation plan and an assurance fund shall review that plan and fund:

- (a) at least once every five years;
 - (b) whenever required by the minister, where, in the minister's opinion, there may be an increase in the person's obligations resulting in a shortfall in the established assurance fund; or
 - (c) at the time of the permanent closure of a pollutant control facility, mine or mill unless a review pursuant to this section has been conducted within the 12 months preceding the permanent closure.
- (2) The results of each review are to be forwarded to the minister within 60 days of completion.
- (3) Where a person fails to conduct a review pursuant to subsection (1), the minister may require the person to engage an independent third party approved by the minister to conduct the review.

Revision of plan and fund

17(1) The person who obtains an approval required by section 12 for a decommissioning and reclamation plan and an assurance fund may:

- (a) forward a request to the minister, no more than once each year, for approval to revise the plan or assurance fund if the request is for a revision that would reduce the obligations or projected costs;
 - (b) forward a request to the minister, at any time, for approval to revise the plan or assurance fund if the request is for a revision that would increase the obligations or projected costs; or
 - (c) forward a request to the minister, at any time while a permanent closure is underway, for approval to revise the plan or assurance fund.
- (2) Where the minister approves a revision that increases the projected costs of the decommissioning and reclamation, the person who obtained the approval shall make, by a date approved by the minister, any changes to the assurance fund that the minister considers are required by the revision.
- (3) Where the minister approves a revision that decreases the projected costs of the decommissioning and reclamation, the minister, at the request of the person who obtained the approval, shall approve any changes to the assurance fund if, in the opinion of the minister, those changes do not adversely affect the assurance fund.

Permanent closure of mining site

18 A person who wishes to close a pollutant control facility, mine or mill permanently shall:

- (a) advise the minister in writing at least 60 days before commencing the permanent closure; and

- (b) implement any decommissioning and reclamation plan approved by the minister according to the time frames set out in the plan.

Use of assurance fund

19(1) For the purposes of this section, a default respecting an assurance fund for a mining site occurs where, in the opinion of the minister:

- (a) a decommissioning and reclamation plan approved by the minister for the mining site has not been complied with;
 - (b) all or part of the mining site has been permanently closed and the person undertaking the permanent closure has not complied with section 18;
 - (c) all or part of the mining site has been abandoned;
 - (d) the assurance fund is in jeopardy;
 - (e) the person to whom the approval for a decommissioning and reclamation plan has been issued has become insolvent.
- (2) Where a default occurs, the minister, where he or she considers it necessary, may:
- (a) enforce any security, call in, cash or redeem any security or other instrument, or take any other action that the minister considers necessary to realize on the assurance fund; or
 - (b) require that all or part of the assurance fund be used to decommission and reclaim all or part of the mining site for which the assurance fund was approved in accordance with the decommissioning and reclamation plan approved for that mining site or in any other manner the minister considers appropriate.
- (3) For the purposes of subsection (2), the minister may contract or engage the services of any person.
- (4) All reasonable costs incurred by the minister pursuant to this section are a charge on and are payable out of the assurance fund.

Excess assurance fund

20 Where the money realized pursuant to section 19 exceeds the cost of the decommissioning and reclaiming the mining site, the minister shall refund any excess amount:

- (a) where it is necessary to re-establish an assurance fund for the balance of the decommissioning and reclamation work for that mining site, to the person who has an approved decommissioning and reclamation plan for that mining site; or
- (b) where the assurance fund is no longer required, to:
 - (i) the person specified in the decommissioning and reclamation plan as the person entitled to any excess amount where the fund is no longer required;

- (ii) any person at the direction of the person mentioned in subclause (i);
or
- (iii) any person at the direction of a court with jurisdiction concerning the matter.

Insufficient assurance fund

21 Where the money realized pursuant to section 19 from the assurance fund for a mining site is insufficient to pay for the cost of decommissioning and reclamation, the amount of the shortfall is a debt due to the Crown in right of Saskatchewan and may be recovered from the person who has obtained the approval of the decommissioning and reclamation plan for that mining site in the same manner as the costs and expenses incurred pursuant to clause 7(1)(a) of the Act may be recovered pursuant to clause 7(1)(b) of the Act or in any other manner allowed by law.

Application for release from decommissioning and reclamation requirements

22(1) A person who desires to be released, in whole or in part, from the requirements or obligations set out in a decommissioning and reclamation plan shall apply in writing to the minister for approval to be released.

- (2) The application is to include the following information and material:
 - (a) a detailed analysis and evaluation of monitoring data and observations from the decommissioning and reclaiming and post-decommissioning and post-reclaiming monitoring program that demonstrates compliance with requirements set out in the approval; and
 - (b) a list and assessment of remaining environmental liabilities.
- (3) Where the minister approves the application, the minister shall release or refund that proportion of the assurance fund that the minister considers proportionate with the degree to which the person is released from the requirements or obligations.

EXPLORATION

Requirements for exploration

23(1) A person who wishes to explore by mining shall meet the requirements of these regulations.

- (2) A person who wishes to explore by drilling, trenching or hydraulic removal of overburden shall:
 - (a) obtain the approvals required by sections 5, 7 and 12; or
 - (b) comply with section 24.

Exploration by drilling, trenching, etc.

24(1) A person who intends to conduct exploration by drilling, trenching or hydraulic removal of overburden shall:

- (a) advise the minister of that intention prior to commencing exploration; and
- (b) provide the minister with:

- (i) the inclusive dates during which the program is to be carried out;
 - (ii) the location of the proposed exploration; and
 - (iii) the anticipated scope of the program.
- (2) A person who conducts an exploration program shall ensure that:
- (a) every flowing artesian drill hole is sealed on completion of the hole to prevent discharge to the environment;
 - (b) every occurrence of a flowing artesian drill hole is reported to the minister within 30 days of its discovery, together with a report describing how the hole was sealed;
 - (c) subject to subsection (4), drill mud, return water and cuttings from drilling are disposed of down a drill hole or on land in a manner that will prevent overflow to a stream or lake;
 - (d) drill mud solids or cuttings with a uranium content greater than 0.05% that are not otherwise retained are disposed of down a drill hole;
 - (e) the upper 30 metres of bedrock in a hole mentioned in clause (d) or the entire depth of the hole, whichever is less, is grouted;
 - (f) the handling, storage and disposal of all pollutants associated with the exploration is done in a manner that prevents pollution of the environment;
 - (g) on completion of the program, exploration sites are reclaimed so that:
 - (i) drill hole surface casings are removed or cut off at or below the surface of the ground;
 - (ii) all drill holes under lakes, streams or muskeg are sealed by grouting the upper 30 metres of bedrock or the entire depth of the hole, whichever is less;
 - (iii) all drill holes that encounter mineralization with a uranium content greater than 1.0%, over a length greater than one metre and with a metre-per cent concentration greater than 5.0, are sealed by grouting the hole over:
 - (A) the entire length of the mineralized zones; and
 - (B) not less than 10 metres above and below each mineralized zone; and
 - (iv) all materials and equipment associated with the exploration program are removed from the exploration site.
- (3) In the case of a drill working on lake ice or stream ice, the person conducting the exploration program may dispose of drill mud, cuttings from drilling and return water at the drill site if:
- (a) drilling additives are not used in concentrations that are acutely lethal concentrations for fish;
 - (b) drill cuttings do not have uranium concentrations greater than 0.05%; and

- (c) any drill mud, cuttings from drilling and return water that are not recycled are deposited on the ice surface.
- (4) No person who conducts an exploration program shall carry out drilling, trenching, hydraulic stripping of overburden or disposal of waste products from any of those operations on land that is within 30 metres of a lake bed or a stream bed.
- (5) In this section:
- (a) “**acutely lethal concentration**” means the concentration of a pollutant in water at which 50% or more of a test species dies during a 96-hour static acute lethality test conducted in accordance with the most recent edition of *Standard Methods For the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation;
- (b) “**metre-per cent**” means the product obtained by multiplying the apparent thickness of a mineralized zone in metres where the drill hole intersects the zone by the average per cent concentration of uranium throughout the length of the drill hole in that zone;
- (c) “**stream bed**” means a clearly defined natural open channel that carries running water, either ephemeral or continuous, moving under the influence of gravity to lower levels.

APPLICATIONS AND APPROVALS

Further information or material

25(1) The minister may require an applicant to submit further information or material where any information or material submitted with an application for an approval or review of a plan or fund as required by section 16 is, in the opinion of the minister:

- (a) insufficient; or
- (b) of a nature that does not allow the minister to evaluate the action or project for which the approval or review is requested.
- (2) For the purposes of this section and sections 26 to 33, “**approval**” includes any renewal, release or revision.

Applications

26 Where the minister receives an application pursuant to these regulations for an approval, the minister shall consider the application in a timely manner and shall:

- (a) issue the approval subject to any terms the minister considers appropriate; or
- (b) refuse to issue the approval.

Compliance with approvals required

27 No person to whom an approval is issued pursuant to these regulations shall fail to comply with that approval and with any terms imposed on the approval.

Amending, cancelling approvals

28 The minister may amend or cancel an approval issued to a person pursuant to these regulations where:

- (a) that person contravenes any term imposed on the approval;
- (b) that person submits a written request to amend or cancel the approval;
or
- (c) the minister considers it necessary to do so.

Minister to provide notice

29(1) Before carrying out any of the following, the minister shall provide the applicant or the person to whom an approval has been issued reasonable notice of the intended action, written reasons and an opportunity to make written representations to the minister:

- (a) amending or cancelling an approval;
- (b) refusing to issue an approval;
- (c) taking any action respecting an assurance fund pursuant to section 19;
- (d) imposing terms on or requiring changes to a decommissioning and reclamation plan or assurance fund that increases that person's obligations, requirements or projected costs under the plan.

(2) Where, in the opinion of the minister an assurance fund is in jeopardy or an emergency exists, the minister may carry out any action mentioned in clauses (1)(a) to (d) without the notice mentioned in subsection (1).

GENERAL

Limitation respecting certain discharges

30 Where a discharge to the environment of any liquid effluent is permitted by an approval, the person to whom the approval is issued shall ensure that the concentration of any pollutants in the effluent does not exceed:

- (a) the concentrations set out in the Appendix;
- (b) more stringent limits than those mentioned in clause (a), as specified in an approval; or
- (c) in the case of a pollutant that is not listed in the Appendix, any limits that are specified by the minister.

Approval not transferable

31 An approval issued by the minister pursuant to these regulations is not transferable to any other person without the prior written consent of the minister.

Expiry of approval

32 An approval issued pursuant to these regulations expires on the day specified in the approval.

Transition - existing approvals continued

33 An approval issued pursuant to the old regulations that is valid on the day before the day on which these regulations came into force:

- (a) continues to be valid until the expiry date specified in the approval unless it is sooner amended or cancelled pursuant to these regulations; and
- (b) is deemed to be an approval issued pursuant to these regulations, is subject to these regulations and may be dealt with as if issued pursuant to these regulations.

R.R.S. c.E-10.2 Reg 5 repealed

34 *The Mineral Industry Environmental Protection Regulations* are repealed.

Coming into force

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

Appendix

[Section 30]

Authorized Concentration of Pollutants in Liquid Effluent

| Pollutant | Maximum Monthly Arithmetic Mean Concentration | Maximum Grab Sample Concentration |
|---------------------|---|---|
| Total Arsenic | 0.5 mg/L | 1.0 mg/L |
| Total Copper | 0.3 mg/L | 0.6 mg/L |
| Total Lead | 0.2 mg/L | 0.4 mg/L |
| Total Nickel | 0.5 mg/L | 1.0 mg/L |
| Total Uranium | 2.5 mg/L | 5.0 mg/L |
| Total Zinc | 0.5 mg/L | 1.0 mg/L |
| Total Radium-226 | 0.37 Bq/L | 1.11 Bq/L |
| Total Thorium-230 | 1.85 Bq/L | 3.7 Bq/L |
| Total Lead-210 | 0.92 Bq/L | 1.84 Bq/L |
| Total Cyanide | 1.0 mg/L | 2.0 mg/L |
| Un-ionized Ammonia* | 0.5 mg/L | 1.0 mg/L |

* Un-ionized ammonia is the portion of total ammonia nitrogen that is in the form NH₃. The pH and temperature to be used in calculating un-ionized ammonia are to be those of the approved receiving water at the time of the sampling.

CHAPTER H-0.01 REG 5

The Health Districts Act

Section 40

Order in Council 154/96, dated March 12, 1996

(Filed March 13, 1996)

Title

1 These regulations may be cited as *The District Health Board Operation Regulations*.

Interpretation

2(1) In these regulations, “**Act**” means *The Health Districts Act*.

(2) In clause 28(b) of the Act, “**value**” means appraised market value.

Borrowing limits

3 For the purposes of subsection 27(2) of the Act, the prescribed amount is the greater of:

- (a) 1.5% of the total amount of funding provided by the department to the district health board in the last complete fiscal year; and
- (b) \$200,000.

Limits re dealings with real property

4(1) For the purposes of clause 28(a) of the Act, the prescribed amount is the lesser of:

- (a) 1.0% of the total amount of funding provided by the department to the district health board in the last complete fiscal year; and
- (b) \$500,000.

(2) For the purposes of clause 28(b) of the Act, the prescribed amount is the greater of:

- (a) 0.25% of the total amount of funding provided by the department to the district health board in the last complete fiscal year; and
- (b) \$50,000.

(3) For the purposes of clause 28(c) of the Act, the prescribed amount is the greater of:

- (a) 0.25% of the total amount of funding provided by the department to the district health board in the last complete fiscal year; and
- (b) \$50,000.

Qualifications of auditors

5 For the purposes of section 36 of the Act, an auditor must be:

- (a) a registered member in good standing of the Certified General Accountants Association of Saskatchewan;

(b) a member or fellow in good standing of The Institute of Chartered Accountants of Saskatchewan; or

(c) a certified member of the Society of Management Accountants of Saskatchewan - La Societe des Comptables en Management du Saskatchewan.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on April 1, 1996.

(2) If these regulations are filed with the Registrar of Regulations after April 1, 1996, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER H-3.1 REG 12

The Highway Traffic Act

Sections 80, 81 and 119

Order in Council 151/96, dated March 12, 1996

(Filed March 13, 1996)

Title

1 These regulations may be cited as *The Commercial Vehicles Hours of Service Regulations*.

Interpretation

2(1) In these regulations:

(a) “**adverse driving conditions**” means snow, sleet, ice, fog or other inclement weather or other unfavourable road or driving conditions that are not apparent to a driver or a person dispatching a driver immediately before the driver begins any driving time;

(b) “**automatic recording device**” means any electric, electronic or electro-mechanical device, used in a commercial vehicle by a driver, that is capable of accurately and automatically recording the periods of on-duty time, off-duty time or time during which the driver is in the sleeper berth of the commercial vehicle;

(c) “**carrier**” means the holder of a certificate of registration for a commercial vehicle;

(d) “**commercial vehicle**” means a vehicle that is used for the transportation of goods or passengers and that is:

(i) a truck and trailer combination or a truck and semi-trailer combination where the gross vehicle weight stated on the certificate of registration for the truck or towing unit exceeds 5,000 kilograms; or

(ii) a vehicle that is designed and constructed to have, and is indicated by the manufacturer as having, a seating capacity of more than 10 people;

but does not include the vehicles mentioned in subsection (2);

(e) “**daily log**” means a daily log that conforms to, and is prepared in accordance with, section 14;

- (f) “**day**” means a 24-hour period that begins at a time designated by the carrier to be used for the purpose of maintaining a daily log;
- (g) “**driver**” means a person who operates a commercial vehicle;
- (h) “**driving time**” means the period during which a driver drives a commercial vehicle;
- (i) “**emergency vehicle**” means:
 - (i) an emergency vehicle within the meaning of section 67 of *The Highway Traffic Act*; or
 - (ii) a maintenance vehicle when it is operated during adverse driving conditions;
- (j) “**home terminal**” means the place of business of a carrier to which a driver ordinarily reports for work;
- (k) “**off-duty time**” means the time during which a driver is not on on-duty time or is in the sleeper berth of the commercial vehicle;
- (l) “**on-duty time**” means the time that begins when a driver commences work or is required by the carrier to be available to work and that ends when the driver stops work or is relieved of responsibility by the carrier and includes driving time and time spent by the driver doing any one or more of the following:
 - (i) inspecting, servicing, repairing, conditioning or starting a commercial vehicle;
 - (ii) travelling in the commercial vehicle as one of two drivers, when that driver is not resting in the sleeper berth;
 - (iii) participating in the loading or unloading of a commercial vehicle;
 - (iv) inspecting or checking the load of a commercial vehicle;
 - (v) waiting, at the request of the carrier by whom the driver is employed, for a commercial vehicle to be serviced, loaded or unloaded;
 - (vi) waiting for a commercial vehicle or load to be inspected at a customs office or weighing checkpoint;
 - (vii) travelling as a passenger in a commercial vehicle, at the request of the carrier by whom the driver is employed, to a destination where the driver will commence driving time, where the driver has not had eight consecutive hours of off-duty time immediately prior to commencing driving time;
 - (viii) waiting because of an accident or other unplanned occurrence or situation;
 - (ix) resting in or otherwise occupying a commercial vehicle, except time spent resting in a sleeper berth;

- (x) performing any other work as, or at the request of, a carrier;
 - (xi) performing any work for compensation for a non-carrier entity;
 - (m) **“principal place of business”** means the location that is designated by a carrier as the place where daily logs and supporting documents are to be kept and maintained pursuant to subsection 19(3);
 - (n) **“recreational vehicle”** means:
 - (i) a wheeled vehicle that is designed to be a mobile accommodation, whether towed or self-propelled, including a cabin trailer, collapsible cabin trailer, tent trailer and camping trailer; or
 - (ii) a vehicle that is used to transport recreational equipment, including any snowmobile, watercraft, fishing and hunting equipment, motorcycle, bicycle or other similar recreational item where that transportation is not provided in connection with a commercial enterprise;
 - (o) **“sleeper berth”** means any sleeping accommodation that is provided in a commercial vehicle and that is designed, constructed and maintained in accordance good industrial practice for use as sleeping quarters;
 - (p) **“supporting documents”** includes bills of lading, shipping documents and fuel and accommodation receipts for expenses incurred during a trip;
 - (q) **“urban transit service”** means service performed by a vehicle registered with the administrator as a class PC vehicle pursuant to *The Vehicle Classification and Registration Regulations*.
- (2) For the purposes of these regulations, a commercial vehicle does not include any of the following:
- (a) a two or three axle vehicle;
 - (b) an emergency vehicle;
 - (c) a vehicle transporting goods or passengers to provide relief in the case of an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster;
 - (d) a vehicle registered in Class ‘F’ pursuant to *The Vehicle Classification and Registration Regulations*;
 - (e) a recreational vehicle;
 - (f) a vehicle used for urban transit service.

Off-duty time

3 Subject to section 4 and subsection 5(1), during the course of a day:

- (a) no carrier shall request, require or permit a driver to drive a commercial vehicle unless the driver has had at least eight consecutive hours of off-duty time immediately preceding the initial on-duty time; and
- (b) no driver shall drive a commercial vehicle unless the driver has had at least eight consecutive hours of off-duty time immediately preceding the initial on-duty time.

Sleeper berth

4 A driver who is driving a commercial vehicle that is equipped with a sleeper berth may accumulate the eight consecutive hours of off-duty time required pursuant to section 3 by having one period of rest in the sleeper berth immediately preceding the on-duty time and one period of rest in the sleeper berth immediately following that on-duty time, where:

- (a) neither of those rest periods is less than two hours; and
- (b) the aggregate of the hours of driving time immediately preceding and immediately following each rest period does not exceed 13 hours.

Weekly exception

5(1) Subject to subsection (2), the eight consecutive hours of off-duty time required by section 3 may, once in any period of seven consecutive days, be reduced to not less than four consecutive hours if:

- (a) the driver's immediately preceding on-duty time did not exceed 15 hours in the period; and
 - (b) the driver's off-duty time prior to the beginning of the next period of driving is not less than the aggregate of eight hours and the number of hours by which the driver's required hours of off-duty time were reduced.
- (2) Subsection (1) does not apply when a reduction in the number of hours of off-duty time jeopardizes or is likely to jeopardize the safety or health of a driver or the public.

Driving time

6(1) Carriers are prescribed as the class of holders of certificates of registration that is required to limit the number of hours that they drive commercial vehicles.

(2) Subject to sections 3, 7 and 8, no carrier shall request, require or permit a driver to drive, and no driver shall drive, a commercial vehicle:

- (a) for more than 13 hours following at least eight consecutive hours of off-duty time; or
 - (b) immediately after completing 15 hours of on-duty time.
- (3) Subject to section 8, the eight consecutive hours of off-duty time required by section 3 may, twice in any period of seven consecutive days, be reduced to not less than four consecutive hours if:
- (a) the driver or carrier has a permit allowing for the exception;
 - (b) the driver's immediately preceding on-duty time did not exceed 15 hours in the period;
 - (c) the driver's off-duty time prior to the beginning of the next period of driving is not less than the aggregate of eight hours and the number of hours by which the driver's required hours of off-duty time were reduced; and
 - (d) the driver is operating a bus or is a carrier transporting passengers for hire.

Application for permit to exceed limit

7(1) A carrier may apply to the board for a permit authorizing:

- (a) a driver with respect to whom the application is made to perform driving-related duty, be on on-duty time or be on off-duty time in contravention of the limits prescribed in sections 3, 4 and 6; or
- (b) the carrier to require or permit a driver employed by the carrier to perform driving-related duty, be on on-duty time or be on off-duty time in contravention of the limits prescribed in sections 3, 4 and 6.

(2) An application to the board pursuant to this section must include:

- (a) the name of the carrier;
- (b) the name of each driver with respect to whom the application is made;
- (c) a copy of the daily logs or records of on-duty times, for the six months preceding the date of the application, for every driver mentioned in clause (b);
- (d) the number of the driver's licence of every driver mentioned in clause (b);
- (e) the number of commercial vehicles for which the carrier holds certificates of registration;
- (f) a list of any accidents involving the carrier or any driver employed by the carrier that occurred during the six-month period preceding the date of the application;
- (g) the proposed increase in driving-related duty time, driving time or on-duty time or decrease in off-duty time that is requested to be authorized by the permit;
- (h) the period for which the increase in driving-related duty time, driving time or on-duty time or the decrease in off-duty time is requested;
- (i) a detailed description of any load proposed to be transported by a commercial vehicle driven by a person mentioned in clause (1)(a) pursuant to the permit requested and the route of the transportation;
- (j) the reason why a permit authorizing an increase in driving-related duty time, driving time or on-duty time or a decrease in off-duty time is being requested;
- (k) a copy of any permit previously issued to the carrier pursuant to this section; and
- (l) a statement signed by the carrier that no other application has been made by the carrier for a permit pursuant to this section during the six-month period preceding the date of the current application.

Conditions for issue of permit

8 Subject to section 12, the board may issue a permit to a carrier that has made an application pursuant to section 7 where, in the opinion of the board:

- (a) issuing the permit will not jeopardize the safety of:

- (i) the public;
 - (ii) any driver to whom a carrier's permit applies; and
 - (iii) any employee of the carrier; and
- (b) permitting the increase in driving-related duty time, driving time or on-duty time or the decrease in off-duty time, notwithstanding the limits prescribed in sections 3, 4, 5 and 6:
- (i) allows a driver following a regular itinerary to reach the home terminal or the destination of the driver, where the board considers it necessary;
 - (ii) is necessary for the timely delivery of perishable goods; or
 - (iii) is required because of a significant temporary increase in the transportation of goods or passengers by the carrier.

Provisions to be set out in permit

9 The board shall set out the following in any permit issued to a carrier pursuant to section 8:

- (a) the specific increase in driving-related duty time, driving time or on-duty time or decrease in off-duty time authorized by the permit;
- (b) the reasons of the board for issuing the permit.

Restrictions on board's ability to issue permits

10(1) A permit issued pursuant to section 8 is valid for the period specified in the permit.

(2) The maximum period for which a permit may be valid is one year from the date of issue of the permit.

(3) A permit issued pursuant to section 8 does not authorize a carrier to require or to permit a driver, or authorize a carrier or driver:

- (a) to drive for more than 15 consecutive hours unless the preceding eight hours has been off-duty time; or
- (b) to be on duty for more than 18 consecutive hours where the 18 consecutive hours of on-duty time includes driving-related duty.

Carriers to supply copies of logs to board

11 Six months after the date of issue of a permit and at the end of the period of the permit, a carrier who holds a permit pursuant to section 8 shall provide the board with:

- (a) copies of the daily logs and the supporting documents of every driver to whom the permit applies; and
- (b) a list of accidents involving any driver to whom the permit applies.

Allowable extension of driving time

12(1) In an emergency, a driver may exceed the driving times and on-duty times set out in section 6 in order to complete a trip or to reach a destination that provides safety for the commercial vehicle occupants and for other users of the road or provides security for the commercial vehicle and its load.

(2) In cases of adverse driving conditions, a driver may exceed the driving times and on-duty times set out in section 6 by not more than two hours where the trip would have been completed under normal driving conditions within the driving times and on-duty times set out in that section.

Carriers required to maintain daily log

13 Carriers are prescribed as the class of holders of certificates of registration that is required to keep and maintain daily logs in accordance with these regulations.

Daily logs

14(1) Subject to section 18, every driver shall keep and maintain a daily log for each day the driver:

- (a) spends as on-duty time; or
- (b) spends as on-duty time for a carrier.

(2) Subject to section 18, every carrier shall ensure that every driver who is employed by the carrier keeps and maintains a daily log for each day the driver spends as on-duty time for the carrier.

(3) Every driver required to keep and maintain a daily log shall ensure that the daily log is legible and contains:

- (a) the name of the driver, printed in block letters, whose on-duty time, driving-related duty time, driving time and off-duty time is recorded in the daily log;
- (b) the date of the day on which the driver begins any on-duty time during which he or she drives a commercial vehicle;
- (c) where the time is not 12:00 midnight, the time the day starts;
- (d) for every period of driving every commercial vehicle driven by the driver during the day, the odometer reading of the commercial vehicle at the time the driver commences any period of driving the commercial vehicle;
- (e) the total distance driven by the driver during the day;
- (f) for every commercial vehicle driven by the driver on that day:
 - (i) the plate number indicated on the certificate of registration and licence plates for the commercial vehicle issued pursuant to section 29 of *The Vehicle Administration Act*;
 - (ii) the number of the registration permit for the commercial vehicle issued pursuant to section 34 of *The Vehicle Administration Act*; or
 - (iii) the unit number assigned to the commercial vehicle by the carrier;
- (g) the name of every carrier that employed the driver during the day;
- (h) the name of any driver, printed in block letters, with whom the driver shared driving-related duty;
- (i) the home terminal address or principal place of business of every carrier that employed the driver during the day;

- (j) the total hours during the day spent by the driver:
 - (i) as off-duty time;
 - (ii) in the sleeper berth of the commercial vehicle;
 - (iii) as driving time; and
 - (iv) as on-duty time; and
 - (k) a graph grid, in the form prescribed in the Appendix, completed by the driver indicating the periods during the day spent by the driver:
 - (i) as off-duty time;
 - (ii) in the sleeper berth of the commercial vehicle;
 - (iii) as driving time; and
 - (iv) as on-duty time.
- (4) A driver who keeps and maintains a daily log shall:
- (a) enter the information required pursuant to subsection (3) in the daily log at the start of the day when the driver begins on-duty time and as required until it is complete; and
 - (b) sign the daily log and certify that the information contained in the daily log is accurate.
- (5) A driver who keeps and maintains a daily log shall complete the graph grid mentioned in clause (3)(k) in accordance with the following procedures:
- (a) a continuous line shall be drawn between the appropriate time markers to record any period of on-duty time, driving-related duty time, driving time and off-duty time;
 - (b) the name of the municipality or location on a highway where a change in the driver's duty status occurs shall be recorded on the graph grid;
 - (c) the total of all on-duty time, other than driving time when a change in the driver's duty status occurs as mentioned in clause (b), may be entered in a continuous line;
 - (d) the total hours of each period of on-duty time, driving-related duty time, driving time and off-duty time shall be entered, and the total must equal 24 hours.
- (6) Every driver who receives supporting documents shall retain the supporting documents to substantiate the information set out in a daily log until they are forwarded to the home terminal of the carrier pursuant to subsection 19(1) or (2).

Automatic recording devices

15 A driver may use an automatic recording device to record the periods that the driver spent performing driving-related duty, as driving time, as on-duty time or as off-duty time for the purposes of keeping and maintaining a daily log where:

- (a) the driver is capable of producing a manually prepared daily log from the information stored in the device for each day during which the device is used;

- (b) the device is capable of electronically displaying:
 - (i) the periods spent by the driver on duty, performing driving-related duty, as driving time, as on-duty time and as off-duty time for each day during which the device is used; and
 - (ii) the sequence of the changes in a driver's duty status and the times when the changes occurred for each day during which the device is used;
- (c) the device automatically records and indicates when the device has been disconnected;
- (d) the device automatically records the times when the commercial vehicle is moving;
- (e) all hard copies of daily logs that are generated from the information that is stored in the automatic recording device are signed by the driver certifying that the information contained on the hard copy is accurate; and
- (f) the carrier provides daily log books in the commercial vehicle for the driver to keep, maintain and prepare daily logs manually.

Possession of daily log

16 No driver shall drive a commercial vehicle and no carrier shall require or permit any driver employed by a carrier to drive a commercial vehicle described in a certificate of registration held by the carrier unless the driver has, in his or her possession, his or her daily log for the current day completed to the last change in duty status.

One daily log per day

- 17(1)** No driver shall maintain more than one daily log for one day.
- (2) No carrier, driver or other person shall falsify a daily log or any information that is stored in an automatic recording device.
 - (3) No carrier, driver or other person shall request or permit the falsification of a daily log or of any information that is stored in an automatic recording device.

Daily log exemption

- 18(1)** Section 14 does not apply to a carrier that employs a driver:
- (a) who operates a commercial vehicle within a maximum radius of 160 kilometres from the home terminal of the carrier;
 - (b) whose on-duty time:
 - (i) does not exceed 15 consecutive hours; and
 - (ii) begins and ends at the home terminal of the carrier; and
 - (c) with respect to whom the carrier maintains and retains accurate records of all the on-duty time of the driver for the preceding six months.
- (2) Section 14 does not apply to a carrier that employs a driver:
- (a) whose primary duty relates to the maintenance of highways;
 - (b) who operates a commercial vehicle within a maximum radius of 160 kilometres from the home terminal of the carrier;

- (c) whose on-duty time does not exceed 15 consecutive hours; and
- (d) with respect to whom the carrier maintains and retains accurate records of all the on-duty time of the driver for the preceding six months.

(3) Section 14 does not apply to a carrier that employs a driver who operates a commercial vehicle owned by a registered independent school that is registered in accordance with *The Independent School Regulations*.

Distribution and retention of daily logs

19(1) Every driver who keeps and maintains a daily log shall, within 20 days after completing a daily log, forward the original daily log and any supporting documents to the home terminal of the carrier that employed the driver.

(2) Where the driver is employed by more than one carrier in a day, the driver shall, within 20 days of completing a daily log, forward a copy of the daily log and supporting documents to the home terminal of every carrier that employed the driver.

(3) Every carrier shall keep and maintain the daily log and supporting documents, at the principal place of business of the carrier that were forwarded to the carrier pursuant to subsection (1) or (2) for a period of at least six months.

Coming into force

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

**Appendix
Form A**
[Clause 14(3)(k)]

DUTY STATUS -

GRID

Use Local Time Standard at Home Terminal

| | | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | Total Hours |
|---|--|---|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------------|
| 1. Off-duty time other than time in a sleeper berth | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. Off-duty time in a sleeper berth | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Driving time | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4. On-duty time other than driving time | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| REMARKS OBSERVATIONS | | | | | | | | | | | | | | | | | | | | | | | | | | | |

INSTRUCTIONS

1. Draw a continuous line between the appropriate time markers to record the total hours of off-duty time, time spent in a sleeper berth, driving time and on-duty time other than driving time.
2. Under "Remarks", record the name of the city, town or village or the highway location and the name of the province or state where each change of duty occurs.
3. Record the total hours of off-duty time, time spent in a sleeper berth, driving time and on-duty time other than driving time to the right of the graph grid. The total of those entries must equal 24.
4. Record the time that the 24-hour period starts in the "Remarks" section if it is a time other than 12:00 midnight.

MARCH 22, 1996

CHAPTER P-31 REG 15

The Forest Act

Section 5

and

The Provincial Lands Act

Section 20

Order in Council 152/96, dated March 12, 1996

(Filed March 13, 1996)

Title

1 These regulations may be cited as *The Komis Project Surface Lease Agreement Regulations*.

Agreement re surface lease

2 The Minister of Northern Affairs and the Minister of Environment and Resource Management are authorized to enter into and execute an agreement granting surface rights to Golden Rule Resources Ltd. and Waddy Lake Resources Inc. substantially in accordance with the provisions set out in the form of the agreement contained in the Appendix.

Coming into force

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

APPENDIX

[*Section 2*]

EXEMPTION FROM PUBLICATION

Re: The Komis Project Surface Lease Agreement Regulations

Pursuant to the authority vested in me by subsection 7(2) of *The Regulations Act, 1989*, the Appendix to *The Komis Project Surface Lease Agreement Regulations* is exempt from publication in *The Saskatchewan Gazette*.

The Appendix to *The Komis Project Surface Lease Agreement Regulations* is on file at the office of the Registrar of Regulations, Legislative Building, Regina, Saskatchewan, and may be inspected between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, not including statutory holidays.

Dated at Regina, Saskatchewan this 12th day of March, 1996.

Sandra Morgan
Registrar of Regulations

SASKATCHEWAN REGULATIONS 7/96

The Environmental Management and Protection Act

Section 32

Order in Council 150/96, dated March 12, 1996

(Filed March 13, 1996)

Title

1 These regulations may be cited as *The Reservoir Development Area Amendment Regulations, 1996*.

R.R.S. c.E-10.2 Reg 1, section 13 amended

2 Subsection 13(1) of *The Reservoir Development Area Regulations* is amended:

(a) by striking out “or” after clause (n);

(b) by adding “or” after clause (o); and

(c) by adding the following clause after clause (o):

“(p) the use of a site developed and maintained as a guest ranch, together with any accessory uses that the minister may specify in the development permit, where the use or accessory use is not prejudicial to the other uses of the large acreage agricultural district pursuant to these regulations”.

Coming into force

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

SASKATCHEWAN REGULATIONS 8/96

The Saskatchewan Medical Care Insurance Act

Sections 14 and 48

Order in Council 153/96, dated March 12, 1996

(Filed March 13, 1996)

Title

1 These regulations may be cited as *The Saskatchewan Medical Care Insurance Payment Amendment Regulations, 1996*.

R.R.S. c.S-29 Reg 19, section 3 amended

2 Clause 3(d) of *The Saskatchewan Medical Care Insurance Payment Regulations, 1994* is repealed and the following substituted:

“(d) ‘**physician payment schedule**’ means:

(i) for services provided in the period commencing on August 1, 1993 and ending on March 31, 1996, the schedule adopted by the Medical Care Insurance Branch of the department for payment of physician services and entitled ‘Medical Care Insurance Branch Payment Schedule for Insured Services Provided by a Physician, August, 1, 1993’, as amended by:

(A) the Saskatchewan Health Physician's Newsletter number 9, dated April 1, 1994; and

(B) the Saskatchewan Health Physician's Newsletter number 10, dated November 1, 1994; and

(ii) for services provided in the period commencing on April 1, 1996, the schedule adopted by the department for payment of physician services and entitled 'Saskatchewan Health Payment Schedule for Insured Services Provided by a Physician, April 1, 1996'.

Coming into force

3(1) Subject to subsection (2), these regulations come into force on April 1, 1996.

(2) If these regulations are filed after April 1, 1996, these regulations are retroactive and are deemed to have been in force on and from April 1, 1996.

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