

The Saskatchewan Environmental Code (code) contains a collection of legally-binding requirements to be followed by anyone conducting activities regulated by The Environmental Management and Protection Act, 2010 (EMPA 2010) and The Forest Resources Management Act (FRMA). These two acts along with The Management and Reduction of Greenhouse Gases Act (MRGGA) and the recently revised The Environmental Assessment Act are the initial building blocks for the results-based regulatory framework for environmental management and protection in Saskatchewan. The code is a living document and will be reviewed, added on to and revised as needed. Work on additional chapters has already begun for linear activities, works in or near water, and hazardous and dangerous goods storage.

The code provides clear directions for projects, allowing operators in many situations to proceed without waiting for a ministerial approval while ensuring enhanced protection of the environment is delivered as a routine business.

Summary of Code Chapters

A: General Environmental Management and Protection.....

Adoption of Standards – applies to all persons who utilize the standards referenced in the code chapters. The purpose of this chapter is to adopt the standards referenced in the chapters of the code to make them legally enforceable.

B: Land Management and Protection.....

Discharge and Discovery Reporting – applies to persons who discharge a substance or discover a historical discharge of a substance while doing work. The purpose of this chapter is to ensure timely reporting of environmental discharges for the safety of the public and protection of the environment. In addition, the ministry will make sure that whoever is responsible for the discharge contains it, cleans up the site and notifies any impacted third parties.

Site Assessment – applies to persons who are required by the Minister to characterize and/or delineate the concentrations or quantities of impacts at a site and compare those levels to specific land use criteria. The purpose of this chapter is to ensure that the information gathered in the site assessment will provide a scientifically defensible framework for the development of a corrective action plan to remediate an environmentally impacted site to an appropriate future land use.

Corrective Action Plan – applies to persons required to conduct a site assessment where the site assessment discloses that the site is an environmentally impacted site. The purpose of this chapter is to ensure adverse effects are managed in an appropriate manner to facilitate future use of environmentally impacted sites.

Transfer of Responsibility for an Environmentally Impacted Site – applies to a person transferring responsibility for an environmentally impacted site to another person. The purpose of this chapter is to provide a process for persons to transfer responsibility and to help ensure all parties are aware of the conditions of the site. Transfer of responsibility of an environmentally impacted site will help allow for the redevelopment of brownfield sites.

Substance Characterization – applies to a person classifying hazardous substances, hazardous waste or industrial waste. The purpose of this chapter is to further define these substances and provide a process for persons to classify these substances either by their characteristics or by being designated or listed. All persons in the province must ensure they properly classify the substances in their possession in order to ensure all applicable requirements are met.

C: Water Management and Protection

Water Main – applies to the siting, design, construction and commissioning of water mains supplying water for human consumptive use in municipalities with a population of 5,000 persons or greater. The purpose of this chapter is to ensure new water mains are built to convey water which is safe for human consumption.

Sewage Main – applies to the siting, design, construction, altering, extending and commissioning of sewage mains used or intended for use in municipalities with a population of 5,000 persons or greater. The purpose of this chapter is to ensure new sewer mains are built to convey wastewater in a manner which protects the environment and human health.

Hydrostatic Testing – applies to persons who use water for pressure testing a pipeline to determine if there are any leaks. The purpose of this chapter is to ensure adverse effects such as shoreline alteration, biota transfer or water quantity concerns are minimized and appropriately managed when persons conduct hydrostatic testing. Typically this activity is related to pressure testing pipelines for petroleum liquid or gas.

D: Natural Resource Management and Environmental Protection

Forest Regeneration Assessment – applies to persons having an obligation to renew lands that have been harvested on their licence area and who conduct regeneration assessments. The purpose of this chapter is to measure the species, distribution and growth of trees that have either been planted or that are naturally regenerating on forest land following harvesting or disturbances by development activities.

The specific information gathered through this chapter is fundamental to determining if the forest land is sufficiently regenerated and if forest management planning assumptions will be met.

Forest Data Submission – applies to persons operating a facility that accepts and processes timber, wood residue or woodchips originating from Crown land, persons who are licensed to conduct forest management activities on Crown land, who are party to a forest management fund or who hold a forest management agreement or area-based term supply licence. The purpose of this chapter is to establish a set of standards respecting a licensee's submission of information related to their forest management activities including harvesting, scaling, renewal and roads. The information reported to the ministry through this chapter is an essential element in the monitoring of activities licensed pursuant to The Forest Resources Management Act.

Forest Operating Plan – applies to the holders of licenses granted the authority to harvest forest products pursuant to The Forest Resources Management Act. Licensees include the holders of forest management agreements, term supply licenses, forest product permits and parties to a forest management fund who are proposing to conduct forest management activities. The purpose of this chapter is to consolidate the current set of requirements governing the annual submission of information respecting a licensee's proposed forest management activities including harvesting, renewal and roads. The annual planning of forest management activities is the process by which the licensee proposes how they will achieve the longer-term landscape level objectives and targets set out in the forest management plan.

Forest Products Scaling – applies to persons granted a licence authorizing them to harvest forest products on Crown forest lands and who, in accordance with that licence and The Forest Resources Management Act, are obligated to measure or scale the forest products; and persons who have obtained and maintained a Saskatchewan scaler's licence in accordance with The Forest Resources Management Act. The purpose of this chapter is to establish requirements respecting a licensee's obligation to scale forest products harvested on Crown forest lands. The requirements include the preparation of scaling plans; having the forest products scaled by a licensed scaler; piling or placing the forest products in a manner that facilitates an accurate scale; maintenance of scaling records; and the submission of scaling returns.

Forest Management Planning – applies to persons granted a licence authorizing them to harvest Crown timber on provincial forest lands and who, in accordance with that licence and The Forest Resources Management Act, are obligated to prepare or revise a forest management plan. The purpose of a forest management plan is to provide long-term strategic-level direction for the management of forest resources on the licence area. Planning for the management and use of the forest resources is essential to ensure the ecological sustainability of Saskatchewan's forests for future generations.

E: Air Management and Protection

Halocarbon Control – applies to people who work with halocarbons and includes the buying and selling of halocarbons as well as those working on equipment containing halocarbons. The purpose of this chapter is to protect the stratospheric ozone layer by eliminating halocarbon (ozone depleting substances) emissions originating from chillers, refrigeration, air-conditioning systems and other equipment.

Industrial Source (Air Quality) – applies to larger facilities that are directly listed in the chapter or annually emit a specified amount of air contaminants. The purpose of this chapter is to ensure the province's ambient air quality standards and emission standards are met so that air quality impacts to human health and the environment are minimized.

Table 1 summarizes the changes or new requirements and their associated implications.

Table 1. Changes and Implications

Chapters	New or Changing Requirements	Implications
GENERAL ENVIRONMENTAL MANAGEMENT AND PROTECTION		
A.1.1	Adoption of Standards <ul style="list-style-type: none"> • Currently standards are adopted in regulations • Adoption of standards in the code provides amalgamation of requirements in one document 	<ul style="list-style-type: none"> • Provides clarity to proponents • Allows the ministry to update standards efficiently by requiring only one chapter to go through regulatory approval process, lessening workload for ministry and regulatory approval staff • As standards evolve with science and technology, the ability to update them efficiently provides the ministry and proponents the ability to stay current with the latest science and technology.
LAND MANAGEMENT AND PROTECTION		
B.1.1	Discharge and Discovery Reporting <ul style="list-style-type: none"> • Replaces and allows for the repealing of <u>The Environmental Spill Control Regulations</u>. • Amalgamates all reporting requirements into one chapter. • Discovery of historical impacts is now reportable. • Classes of substances as defined in the federal Transportation of Dangerous Goods legislation are used. • Development of a written report form that will meet the needs of both federal and Saskatchewan regulatory reporting requirements. • Submission of report has been increased to 30 days to be harmonized with the federal requirement. 	<ul style="list-style-type: none"> • The Environmental Spill Control Line will likely receive additional calls with respect to discovery of substances; however, this is not expected to be a large number of calls. • Using the federal classification system provides for consistency with movement of dangerous goods. • Provides one window reporting for all discharges regardless of activity.
B.1.2	Site Assessment <ul style="list-style-type: none"> • Ability for minister to require a site assessment (previously not available). • Site assessments now required to follow a legal format (previously handled by policy). • Site assessments required to be signed off by a qualified person (previously handled by policy). • Now a legal requirement to complete and provide the ministry with the National Classification System for Contaminated Sites Summary Score Sheet, (previously handled voluntarily). • All site assessments received by the ministry will be filed in the ministry's electronic registry and it is anticipated at some future point they will, with some restrictions, be publicly accessible. 	<ul style="list-style-type: none"> • In certain locations in the province there may be instances where background concentrations for the various substances listed in Table 2 of the Discharge and Discovery Reporting Standard will be greater than the reportable concentrations listed in the table, and as such when delineating Contaminants of Potential Concern (COPC) the ministry can take these elevated background levels into consideration when determining whether or not a site has been impacted and to what extent the site will need to be remediated if an impact has occurred.

Chapters	New or Changing Requirements	Implications
B.1.3	<p>Corrective Action Plan</p> <ul style="list-style-type: none"> • Ability for minister to require a corrective action plan (previously handled by policy). • Corrective action plans are required to follow a legal format (previously handled by policy). • Corrective action plans are required to be signed off by a qualified person as will all chemical analysis conducted to support a Closure Report (previously handled by policy). • Now a legal requirement to complete and provide the ministry with the National Contaminated Sites Classification System Summary Score Sheet (previously handled voluntarily). • All acceptable corrective action plans received by the ministry will be filed in the ministry's electronic registry and it is anticipated at some future point they will, with some restrictions, be publicly accessible. 	<ul style="list-style-type: none"> • Clearer process. • Submitted information is improved with qualified person involvement. • Should improve the management and sharing of information.
B.1.4	<p>Transfer of Responsibility for an Environmentally Impacted Site</p> <ul style="list-style-type: none"> • Persons can legally transfer responsibility of an environmentally impacted site (previously no authority to transfer responsibility). • The minister can take action against the new responsible party having assumed responsibility (previously the minister could only take action against the person who caused the adverse effect regardless of any agreements that may be in place between the original person responsible and any future landowners). 	<ul style="list-style-type: none"> • This provides a process for persons to transfer responsibility for environmentally impacted sites, in order to facilitate redevelopment. • This process helps to ensure that the seller and the purchaser are aware of the impacts at the site and that financial assurances are in place to remediate the site.
B.1.5	<p>Substance Characterization</p> <ul style="list-style-type: none"> • The inclusion of a detailed list of sector activities that allows proponents an easy reference to characterizing an industrial waste. 	<ul style="list-style-type: none"> • As <u>The Hazardous Substances and Waste Dangerous Goods Regulations</u> will not be repealed at this time. Hazardous substance and hazardous waste will continue to be defined in <u>The Hazardous Substances and Waste Dangerous Goods Regulations</u>. • The current classification system for hazardous substance and hazardous waste in <u>The Hazardous Substances and Waste Dangerous Goods Regulations</u> uses an any amount any time criteria, therefore, even small amounts of substances are considered hazardous substances or hazardous waste. However, this regulation will be repealed in the second edition and the hazardous substance and hazardous waste definitions will be defined in this chapter.

Chapters	New or Changing Requirements	Implications
WATER MANAGEMENT AND PROTECTION		
C.1.1	Water Main	<ul style="list-style-type: none"> • Water mains serving 5,000 persons or more will be required to follow code (previously permitted). • Entrenches qualified person in legislation (previously required as policy). • Expands the record keeping and reporting requirements to provide additional rigour needed to protect the interests of proponents and enable effective compliance management given less 'oversight' at the design stage by the ministry. • Expands the scope of application of administrative penalties to cover registration and qualified person signoff.
C.2.1	Sewage Main	<ul style="list-style-type: none"> • Sewer mains serving 5,000 persons or more will be required to follow code (previously permitted). • Entrenches qualified person in legislation (previously required as policy). • Expands the record keeping and reporting requirements to provide additional rigour needed to protect the interests of proponents and enable effective compliance management given less 'oversight' at the design stage by the ministry. • Expands the scope of application of administrative penalties to cover registration and qualified person signoff.
C.3.1	Hydrostatic Testing	<ul style="list-style-type: none"> • Hydrostatic testing will be required to follow the code (previously permitted).

Chapters	New or Changing Requirements	Implications
NATURAL RESOURCE MANAGEMENT AND ENVIRONMENTAL PROTECTION		
D.1.1	Forest Regeneration Assessment	<ul style="list-style-type: none"> • Allows sampling intensity to be reduced (previous methodology over sampled on large harvest areas). • Reduced amount of information required to be collected as some data previously collected was never used. • The ground survey methodology has been simplified by requiring that only every third survey plot be measured. • Ranges of tree numbers are now used to record the number of trees. • An area may be classed as sufficiently regenerated if the requirements for free-to-grow are met at the establishment survey. • Recognition that mitigating circumstances such as a flooding caused by beaver activity, frost or other events outside the control of the licensee may impact successful renewal of disturbed areas. Operational flexibility must be maintained when determining the causes of regeneration failures. • Provides a licensee with the options of using an established method or proposing a method that uses new techniques and methodologies. • Allows for the incorporation of direction from the most recent scientifically supported techniques currently available.
D.1.2	Forest Data Submission	<ul style="list-style-type: none"> • Data only submitted once per year to the ministry (previously, multiple submissions required throughout the year). • Data submitted in a standard electronic format (previously in a variety of formats).

Chapters	New or Changing Requirements	Implications
D.1.3	Forest Operating Plan	<ul style="list-style-type: none"> • Provides clarity on the contents of the operating plan. • Standardizes the data submission requirements for all licensees. • Allows for the operating plan to be submitted in an electronic format. • Eliminates additional permitting requirements for construction activities within approved road right-of-ways.
D.1.4	Forest Products Scaling	<ul style="list-style-type: none"> • The chapter adopts the existing scaling manual as a standard. • No changes proposed.
D.1.5	Forest Management Planning	<ul style="list-style-type: none"> • The chapter adopts the existing forest management planning document as a standard. • No changes proposed.

Chapters	New or Changing Requirements	Implications
AIR MANAGEMENT AND PROTECTION		
E.1.1	Halocarbon Control	<ul style="list-style-type: none"> • Replaces and allows for the repealing of <u>The Halocarbon Control Regulations</u>. • Individual wallet sized certification cards and wall certificates to be issued by the Heating Refrigeration and Air Condition Institute of Canada (HRAI) (previously wallet cards issued by the ministry and wall certificates issued by HRAI). • Reporting of accidental releases of halocarbons greater than 100 kg is required in accordance with the Discharge Discovery and Reporting Chapter. • Discharges between 10-100 kg require retaining records of the release.
E.1.2	Industrial Source (Air Quality)	<ul style="list-style-type: none"> • Replaces and allows for the repealing of <u>The Clean Air Act</u>, <u>The Clean Air Regulations</u> and <u>The Potash Refining Air Emissions Regulations</u>. • Now under the authority of <u>The Environmental Management and Protection Act, 2010</u>. • Requires submission of environmental protection plan (previously permitted). • Saskatchewan ambient air quality standards updated. • Provides alignment with the proposed national Air Quality Management Systems. • Small to mid-sized facilities or activities not captured by the chapter will be regulated under EMPA 2010.