

CORRECTIVE ACTION PLAN

Adopted pursuant to *The Environmental Management and Protection Act, 2010*

PART 1 - General

Purpose

1-1 This chapter sets out the requirements for **corrective action plans** required pursuant to section 14 of the Act.

Information Note

This chapter comes into force on June 1, 2015.

In accordance with section 84 of the Act, it is an offence to fail to comply with the code.

Compliance

1-2(1) Subject to subsection (2), every **person** required to prepare a corrective action plan shall comply with all the requirements established pursuant to:

- (a) Part 1; and
- (b) either:
 - (i) Part 2; or
 - (ii) Part 3.

(2) Every person required to prepare a corrective action plan shall comply with all the requirements established pursuant to Parts 1 and 2 if the corrective action plan:

- (a) includes risk management with future reclamation; or
- (b) selects a tier 3 endpoint.

Notification required

1-3(1) Every person who has submitted a corrective action plan to the **minister** for review shall, before carrying out the corrective action plan, ensure that:

- (a) the minister has been notified in the form provided by the minister and provided with any other information or material that the minister may reasonably require; and

- (b) a notification number has been received from the minister.
- (2) Every person who has received a notification number pursuant to clause (1)(b) shall ensure that the notification number is included on all documents required by this chapter to be kept and retained.

Information Note

A person may notify the minister:

- (1) electronically by using the following link: www.environment.gov.sk.ca; or
- (2) by sending a written notification, in the form provided by the minister, to the Saskatchewan Ministry of Environment. A form may be requested from the Saskatchewan Ministry of Environment at:

Saskatchewan Ministry of Environment
1-800-567-4224 (toll free in Canada)
Centre.Inquiry@gov.sk.ca

The completed form may be submitted to the minister in accordance with the directions set out in the form.

Qualified person and certificates

- 1-4(1)** For the purposes of clause 2(1)(bb) of the Act, in this chapter “**qualified person**” means:
- (a) for the purposes of certifying a tier 1 endpoint corrective action plan:
- (i) a person licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*;
 - (ii) a person who is a practising member as defined in *The Agrologists Act, 1994*;
 - (iii) a person who is an applied science technologist pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and who has 8 years of experience in developing tier 1 endpoint corrective action plans that is recognized by the Saskatchewan Applied Science Technologists and Technicians; or
 - (iv) an individual who is designated by the minister or who is a member of a class of persons designated by the minister pursuant to the Act to undertake the activity;
- (b) for the purposes of certifying a tier 2 endpoint corrective action plan:
- (i) a person licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*;
 - (ii) a person who is a practising member as defined in *The Agrologists Act, 1994*;
 - (iii) a person who is an applied science technologist pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and who has 8 years of experience in developing tier 2 endpoint corrective action plans that is recognized by the Saskatchewan Applied Science Technologists and Technicians; or
 - (iv) an individual who is designated by the minister or who is a member of a class of persons

- designated by the minister pursuant to the Act to undertake the activity;
- (c) for the purposes of certifying a tier 3 endpoint corrective action plan or a risk management with future reclamation corrective action plan, an individual who is designated by the minister or who is a member of a class of persons designated by the minister pursuant to the Act to undertake the activity;
 - (d) for the purposes of certifying a laboratory analysis, an individual who is designated by the minister or who is a member of a class of persons designated by the minister pursuant to the Act to undertake the activity; and
 - (e) for the purposes of certifying the quality assurance and quality control sampling and analytical procedures:
 - (i) a person who is an applied science technologist or certified technician pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act*; or
 - (ii) any person mentioned in subclause (a)(i), (ii) or (iv).
- (2) Every person required to prepare a corrective action plan shall ensure that any certificate provided by a qualified person in accordance with this chapter satisfies the requirements set out in the Qualified Person Certification Standard.

Information Note

The identification of a person as a qualified person does not entitle that person to engage in an activity if that activity is within the exclusive scope of practice of a profession and that person is not a member of that profession.

Environmental samples and laboratory analysis

- 1-5(1)** Subject to subsection (2), every person required to prepare a corrective action plan shall ensure that environmental samples are:
- (a) collected, preserved, stored, handled or analysed in accordance with a method approved by a standards-setting organization; and
 - (b) if analysed by a laboratory, analysed by a laboratory accredited pursuant to the requirements of the Canadian Association for Laboratory Accreditation in accordance with the parameters for which the laboratory has been accredited.
- (2) If no parameter-specific environmental sampling method or analytical method accreditation process exists, every person required to prepare a corrective action plan shall ensure that a qualified person provides a certificate stating that, in his or her opinion, the quality assurance and quality control for sampling and analytical procedures produce accurate, precise and reliable results.

Information Note

Standards-setting organizations include bodies such as the Standards Council of Canada, the Canadian Standards Association, the Underwriters Laboratories of Canada, the International Organization for Standardization, the American Society for Testing and Materials (ASTM) International and the United States Environmental Protection Agency.

General records

- 1-6(1)** Every person required to prepare a corrective action plan shall ensure that the following records are kept and retained for at least 7 years from the date the record was created:
- (a) all field notes related to the corrective action plan;
 - (b) all raw data used to prepare the corrective action plan;
 - (c) all correspondence and records respecting the corrective action plan, including any written consents obtained in accordance with subsection 1-9(1);
 - (d) all information used to complete the National Classification System for Contaminated Sites Spreadsheet;
 - (e) records of any environmental sampling, analysis or monitoring that has been conducted, including:
 - (i) the results of any environmental analysis;
 - (ii) the date, location and time of environmental sampling or monitoring;
 - (iii) the name of the person collecting the environmental sample;
 - (iv) an identification of the environmental sample type;
 - (v) the date of analysis of the environmental sample;
 - (vi) the sampling method used;
 - (vii) the name of the laboratory that performed the analysis of the environmental sample;
 - (viii) the name of the person responsible for performing the analysis of the environmental sample; and
 - (ix) the quality assurance and quality control records of any environmental samples;
 - (f) any certificate received from a qualified person;
 - (g) any other records mentioned in Part 2 or Part 3.
- (2)** Every person required to prepare a corrective action plan shall ensure that the records required to be kept pursuant to this section are made available to the minister on request.

Status and closure reports

- 1-7** Every person required to prepare a corrective action plan shall:
- (a) if the endpoint selected in the corrective action plan is not achieved within the time set out in the corrective action plan, provide a status report to the minister, in the form provided by the minister:
 - (i) within 120 days after the expiry of the time set out in the corrective action plan for the endpoint selected to be achieved;
 - (ii) that details the progress that has been made with respect to the actions required by the corrective action plan; and
 - (iii) that includes a description of the current status of the site that is the subject of the corrective action plan; or
 - (b) if the endpoint selected in the corrective action plan is achieved within the time set out in the corrective action plan:
 - (i) within 120 days after achieving the endpoint, provide the minister with a closure report that includes all laboratory analysis results;
 - (ii) ensure that a qualified person provides a certificate stating that, in his or her opinion, the laboratory analysis procedures produce accurate, precise and reliable results; and
 - (iii) provide the minister with the certificate mentioned in subclause (ii) along with the closure report mentioned in subclause (i).

Information Note

A person may request a status report form or a closure report form from the minister:

- (1) electronically by using the following link: www.environment.gov.sk.ca; or
- (2) by requesting a form from the Saskatchewan Ministry of Environment at:

Saskatchewan Ministry of Environment
1-800-567-4224 (toll free in Canada)
Centre.Inquiry@gov.sk.ca

The completed form may be submitted to the minister in accordance with the directions set out in the form.

National classification system for contaminated sites spreadsheet

- 1-8** Every person required to prepare a corrective action plan shall, within 30 days after completing the corrective action plan:
- (a) complete a National Classification System for Contaminated Sites Spreadsheet in the form provided by the minister; and
 - (b) submit the form mentioned in clause (a) to the minister.

Information Note

A person may request a National Classification System for Contaminated Sites Spreadsheet from the minister:

- (1) electronically by using the following link: www.environment.gov.sk.ca; or
- (2) by requesting a form from the Saskatchewan Ministry of Environment at:
Saskatchewan Ministry of Environment
1-800-567-4224 (toll free in Canada)
Centre.Inquiry@gov.sk.ca

The completed form may be submitted to the minister in accordance with the directions set out in the form.

Additional obligations

- 1-9(1) Every person required to prepare a corrective action plan shall attach to the corrective action plan the written consent of any person who:
 - (a) owns any portion of an **environmentally impacted site** with respect to which the corrective action plan is being prepared; and
 - (b) is not a **person responsible**.
- (2) Every person required to prepare a corrective action plan shall ensure that the following **substances**, if removed from the site, are disposed of in a lawful manner:
 - (a) any substance that may cause or is causing an **adverse effect**;
 - (b) any substance that is a substance of potential concern;
 - (c) any substance mentioned in the Substance Characterization Chapter.

PART 2 - Alternative Solutions

Information Note

Part 2 applies to every person required to prepare a corrective action plan who has elected to comply with Part 2.

Results-based objective

- 2-1(1) The results-based objective of this chapter is to limit the probability of unacceptable adverse effects resulting from the activity addressed by this chapter.

- (2) The results-based objective mentioned in subsection (1) must be satisfied by:
- (a) taking reasonable and prudent measures to ensure that the corrective action plan prepared pursuant to section 14 of the Act:
 - (i) is scientifically defensible;
 - (ii) is appropriate to the level of complexity and severity of impact on the environmentally impacted site;
 - (iii) establishes a preliminary conceptual design of the corrective actions proposed to be taken and includes a description of the tasks necessary to implement those actions; and
 - (iv) establishes endpoints with respect to the environmentally impacted site that:
 - (A) comply with the Endpoint Selection Standard, including any physical or engineering controls that are required;
 - (B) comply with the administrative controls set out in the Administrative Control Standard; and
 - (C) if appropriate, provide for the reduction in the concentration of substances of potential concern to a level at or below the levels set out in the Saskatchewan Environmental Quality Standard for the endpoint selected;
 - (v) establishes methods to remediate, manage or monitor the sources, pathways and receptors that may be or are affected by any substance that may cause or is causing an adverse effect; and
 - (vi) establishes methods of performance evaluation that describe the corrective action goals and monitor the effectiveness of the corrective actions;
 - (b) when an accepted corrective action plan is carried out, taking reasonable and prudent measures to ensure that:
 - (i) the endpoints established in the accepted corrective action plan are achieved and, if appropriate, the concentration of substances of potential concern are reduced to a level at or below the level set out in the Saskatchewan Environmental Quality Standard;
 - (ii) the performance of the corrective actions are monitored and recorded in the closure report or status report provided to the minister pursuant to section 1-7; and
 - (iii) corrective actions are carried out in a safe and acceptable manner that:
 - (A) minimizes additional adverse effects; and
 - (B) minimizes human contact with substances that may cause or are causing an adverse effect; and
 - (C) taking reasonable and prudent measures to include components on monitoring, recording and reporting.

Corrective action plan

- 2-2** Every person required to prepare a corrective action plan shall:
- (a) have an [environmental protection plan](#) prepared that sets out the methods that will be employed to satisfy the results-based objective described in section 2-1;
 - (b) ensure that a qualified person provides a certificate stating that, in his or her opinion, the methods and components in the environmental protection plan, if carried out in accordance with that plan, will satisfy the results-based objective described in section 2-1; and
 - (c) submit the following documents to the minister:
 - (i) the environmental protection plan for acceptance pursuant to section 27 of the Act;
 - (ii) the certificate from a qualified person obtained pursuant to clause (b).

Information Note

The environmental protection plan, and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: www.environment.gov.sk.ca; or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment
1-800-567-4224 (toll free in Canada)
Centre.Inquiry@gov.sk.ca

The corrective action plan and opinion of the qualified person are required to be submitted to the minister. In accordance with subsection 16(2) of the Act, if the minister is not satisfied with the corrective action plan, the minister may require that the person who prepared the corrective action plan resubmit it with any changes that the minister may direct. Section 17 of the Act says that the minister may require a financial assurance for some corrective action plans.

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

PART 3 - Acceptable Solution

Information Note

Part 3 applies to every person required to prepare a corrective action plan who has elected to comply with Part 3.

Corrective action plan

3-1(1) Every person required to prepare a corrective action plan shall:

- (a) either:
 - (i) use accepted technologies as set out in the Reclamation Technology Standard; or
 - (ii) use a reclamation technology not listed in the Reclamation Technology Standard if:
 - (A) all substances of potential concern are completely contained within the property boundary of the person responsible;
 - (B) all substances of potential concern have been delineated both horizontally and vertically; and
 - (C) the delineation has established, by mathematical modelling, that all substances of potential concern will not migrate off the property referenced in paragraph (A) within the time frame set out in the accepted corrective action plan;
- (b) select a tier 1 or tier 2 endpoint for the environmentally impacted site that:
 - (i) complies with the Endpoint Selection Standard, including any physical or engineering controls that are required;
 - (ii) complies with the administrative controls set out in the Administrative Control Standard; and
 - (iii) if appropriate, provides for the reduction in the concentration of substances of potential concern to a level at or below the levels set out in the Saskatchewan Environmental Quality Standard for the endpoint selected;
- (c) ensure that a qualified person provides a certificate stating that, in his or her opinion:
 - (i) any endpoint selected in the corrective action plan properly addresses the substances of potential concern; and
 - (ii) any endpoint selected in the corrective action plan is appropriate for the use, proposed use or exposure scenarios with respect to the environmentally impacted site; and
- (d) submit the following documents to the minister:
 - (i) the corrective action plan pursuant to section 16 of the Act; and
 - (ii) the certificate from a qualified person:
 - (A) obtained pursuant to subsection 1-5(2), if any; and
 - (B) obtained pursuant to clause (c).

Information Note

The corrective action plan, the environmental protection plan and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: www.environment.gov.sk.ca; or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment
1-800-567-4224 (toll free in Canada)
Centre.Inquiry@gov.sk.ca

The corrective action plan and opinion of the qualified person are required to be submitted to the minister. In accordance with subsection 16(2) of the Act, if the minister is not satisfied with the corrective action plan, the minister may require that the person who prepared the corrective action plan resubmit it with any changes that the minister may direct. Section 17 of the Act says that the minister may require a financial assurance for some corrective action plans.

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

Glossary of Terms

Act

The Environmental Management and Protection Act, 2010.

Accepted corrective action plan

A corrective action plan submitted to the minister pursuant to subsection 16(1) of the Act and that includes any changes directed by the minister pursuant to subsection 16(2) of the Act.

Administrative control

A legal or administrative tool, as set out in the Administrative Control Standard, to safeguard against unacceptable exposure to substances of potential concern for specific pathways.

Administrative Control Standard

The Administrative Control Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

Endpoint

A tier 1, 2 or 3 endpoint selected in accordance with the Endpoint Selection Standard.

Endpoint Selection Standard

The Endpoint Selection Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

National Classification System for Contaminated Sites Spreadsheet

Appendices 1 to 6 of the CCME. 2008. National Classification System for Contaminated Sites: Guidance Document. Canadian Council of Ministers of the Environment, Winnipeg.

Qualified Person Certification Standard

The Qualified Person Certification Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

Reclamation Technology Standard

The Reclamation Technology Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

Saskatchewan Environmental Quality Standard

The Saskatchewan Environmental Quality Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

Substance of potential concern

Any anthropogenic substance found in soil, [ground water](#) or [surface water](#) that is present in a concentration that meets or exceeds the level set out in the Saskatchewan Environmental Quality Standard for a given land use.

Standards Referenced in this Chapter

The following standards, adopted pursuant to the Adoption of Standards Chapter, are referenced in this chapter:

- Administrative Control Standard
- Endpoint Selection Standard
- Qualified Person Certification Standard
- Reclamation Technology Standard
- Saskatchewan Environmental Quality Standard