

The Environmental Management and Protection Act, 2002

being

Chapter E-10.21 of *The Statutes of Saskatchewan, 2002* (effective October 1, 2002) as amended by the *Statutes of Saskatchewan*, 2003, c.29; 2004, c.L-16.1; 2005, c.S-35.03; and 2007, c.13.

NOTE:

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

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CHAPTER E-10.21

An Act respecting the Management and Protection of the Environment

PART I

Short title and Interpretation

Short title

1 This Act may be cited as *The Environmental Management and Protection Act, 2002*.

Interpretation

2 In this Act:

- (a) **“adverse effect”** means impairment of or damage to the environment, or harm to human health, caused by one or any combination of any chemical, physical or biological alteration;
- (b) **“bank”** means the rising ground bordering a water body or watercourse that serves to confine the water to the channel or bed;
- (c) **“bed”** means that portion of a water body or watercourse that is periodically or continuously covered by water;
- (d) **“boundary”** means the line or elevation contour surrounding a water body or watercourse where the aquatic vegetation and terrestrial plant species known to tolerate water saturated soils change entirely to terrestrial vegetation tolerating little or no soil saturation and includes a minimum surrounding area of five metres measured outward from the top of the bank;
- (e) **“contaminated site”** means an area that is designated or re-designated as a contaminated site by the minister pursuant to section 11;
- (f) **“department”** means the department over which the minister presides;
- (g) **“deputy environment officer”** means a person appointed pursuant to section 66;
- (h) **“discharge”** means a discharge into the environment and includes any drainage, deposit, release or emission into the environment;
- (i) **“environment”** means:
 - (i) air and the layers of the atmosphere;
 - (ii) land, including soil, subsoil, sediments, consolidated surficial deposits and rock;
 - (iii) water;
 - (iv) organic and inorganic matter and living organisms; and
 - (v) the interacting natural systems and ecological and climatic interrelationships that include the components mentioned in subclauses (i) to (iv);

- (j) **“environment officer”** means an environment officer appointed pursuant to section 65, and includes a deputy environment officer, a member of the Royal Canadian Mounted Police or a member of a police service as defined in *The Police Act, 1990*;
- (k) **“environmental protection order”** means an order issued pursuant to section 47;
- (l) **“government agency”** means:
- (i) a department of the Government of Saskatchewan;
 - (ii) a corporation that is an agent of the Crown in right of Saskatchewan;
or
 - (iii) any corporation, commission, board or other body whose members are appointed by:
 - (A) an Act;
 - (B) the Lieutenant Governor in Council;
 - (C) a member of the Executive Council; or
 - (D) any combination of an Act and one or more of the persons mentioned in paragraphs (B) and (C);
- (m) **“ground water”** means water beneath the surface of land;
- (n) **“halocarbon”** means any substance having a chemical structure composed of any combination of:
- (i) carbon;
 - (ii) sometimes hydrogen; and
 - (iii) a halogen;
- (o) **“hazardous substance”** means a substance that:
- (i) because of its quantity, concentration or physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the environment or human health; and
 - (ii) is designated in the regulations as a hazardous substance;
- (p) **“hazardous waste”** means a waste that:
- (i) because of its quantity, concentration or physical, chemical or infectious characteristics, either individually or in combination with other wastes, is an existing or potential threat to the environment or human health; and
 - (ii) is designated in the regulations as a hazardous waste;

- (q) **“industrial effluent works”** means any works for the collection, containment, storage, transmission, treatment or disposal of industrial waste;
- (r) **“industrial waste”** means any waste generated by any process of industry, manufacturing, trade or business or by the development of a natural resource and includes seepage, rainwater or storm water that enters industrial effluent works and includes waste dangerous goods;
- (s) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (t) **“occupant”** means a person or tenant, other than the owner, who is in actual possession of land;
- (u) **“owner”**, with respect to land, means:
- (i) in the case of land in an area of Saskatchewan governed by *The Land Titles Act*:
 - (A) the registered owner of the land; or
 - (B) a purchaser of the land whose interest as a purchaser is shown on the certificate of title to that land; and
 - (ii) in the case of land in an area of Saskatchewan governed by *The Land Titles Act, 2000*:
 - (A) the registered owner of the land as defined in *The Land Titles Act, 2000*; or
 - (B) a purchaser of the land pursuant to an agreement for sale who has registered an interest based on the agreement for sale against the title to that land pursuant to *The Land Titles Act, 2000*;
- (v) **“permit”** means a permit issued pursuant to this Act or the regulations and includes a permit, order, licence or approval continued as a permit issued pursuant to this Act;
- (w) **“person responsible for a discharge”**, with respect to a substance, includes:
- (i) an owner, or previous owner, of the substance;
 - (ii) every person:
 - (A) who has or had possession, charge, management or control of the substance, including the manufacture, treatment, sale, handling, use, storage, disposal, discharge, transportation, display or method of application of the substance; and
 - (B) whose actions or omissions caused or contributed to the discharge;
 - (iii) an owner, occupant or previous owner or occupant of land on which the substance is discharged;

- (iv) if a person mentioned in subclauses (i) to (iii) is a corporation:
 - (A) any other corporation that is the result of a merger, continuance, acquisition or other fundamental change involving the corporation; or
 - (B) any other corporation that has or had the right of control of the land or substance;
- (v) a person who acts as the principal or agent of a person mentioned in subclauses (i) to (iv); and
- (vi) a successor, assignee, executor, administrator, trustee, receiver or receiver-manager of a person mentioned in subclauses (i) to (v);

but does not include:

- (vii) a municipality with respect to land shown on its tax arrears list prepared pursuant to *The Tax Enforcement Act*, unless after the date on which the municipality is entitled to take possession of the land or becomes the owner of the land, the municipality aggravates an existing adverse effect or discharges a new or additional substance into the environment that:
 - (A) may cause, is causing or has caused an adverse effect; or
 - (B) aggravates the adverse effect of the previous discharge of the substance on that land;
 - (viii) a secured creditor of a person mentioned in subclauses (i) to (v), unless the secured creditor participated in the day-to-day management or control of the land or through an act or omission caused the discharge or aggravated an existing adverse effect;
 - (ix) a person providing advice or assistance regarding the handling of the substance or the work of remedying land who exercised due diligence in providing advice or assistance unless any test, investigation or work conducted by that person caused an adverse effect or aggravated an existing adverse effect;
 - (x) a person who is or was an owner or occupier of land contaminated before the person became the owner or occupier and who could not reasonably have been expected to know about or discover the existence of the substance at the time the person became the owner or occupier; or
 - (xi) an owner of land for which surface rights have been acquired pursuant to *The Surface Rights Acquisition and Compensation Act* with respect to the activities for which the surface rights were acquired;
- (x) **“prescribed”** means prescribed in the regulations;
 - (y) **“sewage”** means any liquid waste of domestic, commercial or industrial origin containing animal, vegetable or mineral matter in suspension or solution and includes rainwater or storm water that enters any sewage works;
 - (z) **“sewage works”** means any works for the collection, storage, transmission, treatment or disposal of any sewage;

- (aa) **“storm water”** means rainwater or water resulting from the melting of snow or ice;
- (bb) **“substance”** means any solid, liquid, particulate or gas that:
- (i) is capable of becoming dispersed in or discharged into the environment; or
 - (ii) is capable of becoming transformed in the environment into matter defined in subclause (i);
- (cc) **“surface water”** means water that is above the surface of land and in a river, stream, lake, creek, spring, ravine, coulee, canyon, lagoon, swamp, marsh or other watercourse or water body, whether the water is there permanently or intermittently;
- (cc.1) **“terrorist activity”** means a terrorist activity as defined in the *Criminal Code*;
- (dd) **“waste”** means a solid, liquid or gas that is one or more of the following:
- (i) rubbish;
 - (ii) slime;
 - (iii) tailings;
 - (iv) fumes;
 - (v) smoke of mines, factories or other industrial works;
 - (vi) effluent;
 - (vii) sewage;
 - (viii) garbage;
 - (ix) refuse;
 - (x) scrap;
 - (xi) discarded articles, bottles or cans;
 - (xii) any other prescribed waste product;
- (ee) **“waste dangerous good”** means a waste dangerous good as defined in the regulations;
- (ff) **“water”** means surface water or ground water;
- (gg) **“waterworks”** means any work that:
- (i) is designed to supply, collect, treat, store or distribute water that is intended or actually used for human consumption or hygiene, regardless of whether or not any other uses have been made of that water; and
 - (ii) is designated in the regulations;
- (hh) **“waterworks and sewage works protection order”** means a waterworks and sewage works protection order issued pursuant to section 31.

PART II
**Minister's General Responsibilities
and Powers Respecting the Environment**

Responsibilities and powers of minister re the environment

3(1) The minister is responsible for all matters not by law assigned to any other minister or government agency respecting the environment and enhancing and protecting the quality of the environment.

(2) For the purposes of carrying out the minister's responsibilities, the minister may:

- (a) co-ordinate policies and programs of government agencies respecting the management, protection and use of the environment;
- (b) undertake planning, research and investigations respecting the environment;
- (c) install, operate and maintain or cause to be installed, operated or maintained devices to obtain and assess data respecting the environment;
- (d) obtain and collect data respecting the environment;
- (e) provide information to the public on:
 - (i) the quality and use of the environment; and
 - (ii) the quantity of any substances or things in the environment;
- (f) inquire into or hold, or appoint a person to conduct, public hearings or inquiries respecting:
 - (i) the management, use or protection of the environment; and
 - (ii) any economic, social or other effects relevant to the environment;
- (g) establish advisory committees and retain experts to report to the minister respecting:
 - (i) the administration of the Act; or
 - (ii) the development, application or amendment of any policies, programs, guidelines, objectives or standards;
- (h) create and develop any guidelines, standards, objectives, management criteria, code of practice or similar instrument;
- (i) manage, administer and promote the conservation and economical and efficient use of drinking water in Saskatchewan;
- (j) do any other thing that the minister considers appropriate to carrying out the minister's responsibilities or to exercising the minister's powers pursuant to this Act and the regulations.

(3) For the purposes of an inquiry or hearing held pursuant to clause (2)(f), the minister or the person appointed to conduct the inquiry or hearing has the powers of a commissioner pursuant to *The Public Inquiries Act*.

(4) For the purposes of furthering, undertaking and enforcing the minister's activities and responsibilities, including the minister's responsibilities and activities respecting environmental and climate protection, the minister may enter into agreements with:

- (a) the Government of Canada;
- (b) the government of any other province or territory of Canada;
- (c) the government of any other country, any state or division of that country or any minister, agent or official of that government; or
- (d) any person, agency, board, commission, organization, association, institution or body.

2002, c.E-10.21, s.3.

PART III Protection against Unauthorized Discharges and Pollution

DIVISION 1 Unauthorized Discharges

Prohibition on discharges

4(1) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that may cause or is causing an adverse effect unless otherwise expressly authorized pursuant to:

- (a) this Act or the regulations;
- (b) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada; or
- (c) any approval, permit, licence or order issued or made pursuant to:
 - (i) this Act or the regulations; or
 - (ii) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada.

(2) No person shall discharge or allow the discharge of a substance into the environment in an amount, concentration or level or at a rate of release that is in excess of that expressly authorized by an Act, Act of the Parliament of Canada, approval, permit, licence, order or regulations mentioned in subsection (1).

2002, c.E-10.21, s.4.

Duty to report discharge

5(1) A person who, in contravention of section 4, discharges or allows the discharge of a substance into the environment that may cause, is causing or has caused an adverse effect shall, as soon as that person knows or ought to know of the discharge, report it to:

- (a) the minister;
 - (b) if the person reporting is not the owner of the land on which the discharge occurred and knows or is readily able to ascertain the identity of the owner, the owner of the land;
 - (c) any other person to whom the person reporting reports in an employment relationship;
 - (d) if the person reporting is not the person having control of the substance and knows or is readily able to ascertain the identity of the person having control, the person having control of the substance; and
 - (e) any other person who the person reporting knows or ought to know may be directly affected by the discharge.
- (2) If a person has control of a substance that is discharged into the environment and that may cause, is causing or has caused an adverse effect, that person shall, immediately on becoming aware of the discharge, report it to the persons mentioned in clauses (1)(a), (b), (c) and (e).
- (3) Subsection (2) does not apply if the person having control of the substance has reasonable grounds to believe that those other persons already know of the discharge.
- (4) A police officer or employee of a municipality or government agency who is informed of or who investigates a discharge of a substance into the environment that may cause, is causing or has caused an adverse effect shall immediately report the discharge to the minister.
- (5) Subsection (4) does not apply if the police officer or employee has reasonable grounds to believe that the discharge has been reported to the minister by another person.

2002, c.E-10.21, s.5.

Manner of reporting

6(1) A person who is required to report to the minister pursuant to section 5 shall:

- (a) report in person or by telephone; and
- (b) include the following in the report, if the information is known or can be readily obtained by that person:
 - (i) the location and time of the discharge;
 - (ii) a description of the circumstances leading up to the discharge;
 - (iii) the type and quantity of the substance discharged;
 - (iv) the details of any action taken and proposed to be taken on the area affected by the discharge;
 - (v) a physical description of the area in which the discharge occurred and the surrounding area.

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(2) In addition to a report pursuant to subsection (1), the person shall report in writing if required by the regulations.

(3) A person who reports pursuant to subsections (1) and (2) shall give to the minister any additional information with respect to the discharge that the minister requires.

2002, c.E-10.21, s.6.

Duty to take remedial measures

7 Any person who discharges or allows the discharge of a substance into the environment in contravention of section 4 shall:

- (a) take all reasonable measures to:
 - (i) prevent, reduce and remedy the adverse effects of the substance; and
 - (ii) remove or otherwise dispose of the substance in a manner that minimizes the adverse effects;
- (b) restore the environment to a condition satisfactory to the minister; and
- (c) take any other measures that, in the opinion of the minister, are necessary to protect or restore the environment.

2002, c.E-10.21, s.7.

Investigation into discharge

8 The minister may make or cause to be made any investigation that the minister considers necessary with respect to the discharge of any substance that may cause, is causing or has caused an adverse effect including:

- (a) the source and extent of the discharge;
- (b) the effect of the discharge on the environment; and
- (c) any advisable remedial action.

2002, c.E-10.21, s.8.

When environmental protection order may be issued

9 If a person discharges or allows the discharge of a substance into the environment in contravention of section 4 or fails to comply with section 7, the minister may issue an environmental protection order or an emergency environmental protection order directed to that person.

2002, c.E-10.21, s.9.

DIVISION 2
Contaminated Sites**Application of Division**

10 This Division applies to all discharges and all adverse effects whether the discharge or adverse effect took place before, on or after the coming into force of this Act.

2002, c.E-10.21, s.10.

Designation of contaminated site

11(1) If the minister is of the opinion that a substance that may cause, is causing or has caused an adverse effect is present in an area, the minister may designate that area as a contaminated site.

(2) The minister shall cause a description of any area designated as a contaminated site pursuant to subsection (1) to be published in the Gazette.

(3) If the minister is satisfied that all of the adverse effects on a contaminated site have been remedied, the minister may cancel the designation of the area as a contaminated site.

(4) The minister shall cause a notice of any cancellation of the designation of any area as a contaminated site pursuant to subsection (3) to be published in the Gazette.

(5) Notwithstanding that the minister has cancelled a designation pursuant to subsection (3), the minister may re-designate an area as a contaminated site if an adverse effect that was not reasonably foreseeable at the time of the cancellation is subsequently discovered.

(6) The minister shall cause a description of any area re-designated as a contaminated site pursuant to subsection (5) to be published in the Gazette.

(7) In designating, cancelling a designation of or re-designating an area as a contaminated site pursuant to this section, the minister may follow any standards, criteria or guidelines developed or adopted by the minister.

(8) This section applies notwithstanding that:

(a) an administrative or enforcement remedy has been pursued pursuant to this Act or any other Act, Act of the Parliament of Canada or regulations made pursuant to any of those Acts with respect to the discharge;

(b) the substance was discharged in accordance with this Act or any other Act, Act of the Parliament of Canada or regulations made pursuant to any of those Acts;

(c) the discharge of the substance was not prohibited by this Act or any other Act, Act of the Parliament of Canada or regulations made pursuant to any of those Acts; or

(d) the substance originated from a source other than the contaminated site.

2002, c.E-10.21, s.11.

Giving of notice of designation

12 If an area has been designated or re-designated as a contaminated site pursuant to section 11, the minister shall give written notice to:

(a) any person who, in the opinion of the minister, is a person responsible for the discharge that resulted in the contaminated site;

(b) any owner and occupier of land directly affected by the designation;

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- (c) the municipality in which the contaminated site is located; and
- (d) in the case of:
 - (i) an area governed by *The Land Titles Act*, all persons with interests appearing on the certificate of title for lands affected by the designation; or
 - (ii) an area governed by *The Land Titles Act, 2000*, all persons registered in the land titles registry as having an interest in the land affected by the designation.

2002, c.E-10.21, s.12.

Request to reconsider designation

13(1) A person notified pursuant to section 12 may, within 30 days after receiving the written notice, make a written representation to the minister requesting the minister to reconsider the designation or re-designation.

(2) On receipt of a written representation pursuant to subsection (1), the minister may:

- (a) cancel the designation or re-designation of the area as a contaminated site;
- (b) confirm the designation or re-designation of the area as a contaminated site; or
- (c) alter or amend the designation or re-designation.

(3) The minister shall notify the person who made the written representations to the minister pursuant to subsection (1) and the persons mentioned in section 12 of the minister's decision as soon as is reasonably practicable after making the decision.

2002, c.E-10.21, s.13.

Remedial action plan

14(1) In this section and in section 47, “**person directly responsible for a discharge**” means a person to whom a written notice was given pursuant to clause 12(a).

(2) Every person directly responsible for a discharge shall, within a period specified by the minister:

- (a) prepare a remedial action plan for the contaminated site; and
- (b) if there are any other persons directly responsible for the discharge, enter into a written agreement with those other persons directly responsible for the discharge that provides for:
 - (i) the remedial action that must be taken; and
 - (ii) the apportionment of costs of taking that action.

- (3) The person or persons directly responsible for a discharge shall submit the remedial action plan and any agreements for remedial action to the minister for approval.
- (4) On receipt of a remedial action plan and an agreement pursuant to subsection (3), the minister may:
- (a) approve the remedial action plan and any agreement;
 - (b) refuse to approve the remedial action plan and any agreement; or
 - (c) direct that changes be made to the remedial action plan and any agreement.
- (5) On approval by the minister pursuant to subsection (4), every person who submitted a remedial action plan and agreement pursuant to subsection (3) shall comply with the terms of the approved remedial action plan and any approved agreement.
- (6) The minister shall not issue an environmental protection order directed to any person who is carrying out a remedial action plan and any agreement approved pursuant to subsection (4) in accordance with its terms.
- (7) If a person directly responsible for a discharge does not comply with subsection (5) within a period that the minister considers reasonable, the minister may order one or more persons directly responsible for the discharge to take any of the actions mentioned in section 47.
- (8) With the approval of the minister, the persons directly responsible for a discharge may amend the approved remedial action plan or the approved agreement.

2002, c.E-10.21, s.14.

DIVISION 3 Civil Liability for Discharges

Civil liability

15(1) In this section, “**loss or damage**” includes:

- (a) personal injury;
 - (b) loss of life;
 - (c) loss of use or enjoyment of property; and
 - (d) pecuniary loss, including loss of income.
- (2) The amount of any costs and expenses incurred with respect to an investigation taken pursuant to section 8 is a debt due to and recoverable by the Crown in right of Saskatchewan from the persons responsible for the discharge.

(3) Subject to subsections (4) and (5), any person, including the Crown in right of Saskatchewan or in right of Canada, has a right to compensation from:

(a) the person responsible for a discharge for loss or damage incurred as a result of:

(i) the discharge of a substance;

(ii) neglect or default in the execution of a duty imposed pursuant to section 4; or

(iii) an investigation or action taken pursuant to section 8 or 52; and

(b) any person to whom an environmental protection order has been issued for loss or damage incurred as a result of the execution or intended execution, or neglect or default in the execution, of the environmental protection order without proof of fault, negligence or wilful intent.

(4) No person responsible for a discharge is liable pursuant to subsection (3) if that person establishes that:

(a) the person took all reasonable steps to prevent the discharge of the substance; or

(b) the discharge of the substance was wholly caused by all or any combination of the following:

(i) an act of war, civil war or insurrection, a terrorist activity or an act of hostility by the government of a foreign country;

(ii) a natural phenomenon of an exceptional, inevitable and irresistible character not reasonably foreseeable.

(5) Notwithstanding subsection (4), the person responsible for a discharge is liable for:

(a) loss or damage that is a direct result of the person's own neglect or default in carrying out a duty imposed pursuant to section 4 or 5 or an environmental protection order; and

(b) any costs and expenses described in subsection (2) or in section 51 or 52.

(6) Notwithstanding *The Limitations Act*, no person is liable pursuant to this section or section 51 or 52 unless the action is commenced within six years from:

(a) if the claim arises pursuant to subsection (2) or section 51 or 52, the day when the last of the costs and expenses were incurred;

(b) if the person commencing the action incurred loss or damage as a result of the discharge of a substance, the day when the person knew or ought to have known of the loss or damage; or

(c) if the person commencing the action incurred loss or damage as a result of the execution or intended execution of, or neglect or default in the execution of, an environmental protection order, the day when the person knew or ought to have known of the loss or damage.

(7) The right of action granted pursuant to this section is in addition to, and not in derogation of, any other right of action or any other remedy available pursuant to any other Act or law.

(8) For the purposes of apportioning liability on a just basis, and recognizing that liability pursuant to this section or section 51 or 52 is not based on fault or negligence, *The Contributory Negligence Act* applies, with any necessary modification, to an action commenced pursuant to this section or section 51 or 52.

2002, c.E-10.21, s.15; 2003, c.29, s.26; 2004,
c.L-16.1 s.47.

PART IV Protection of Water

DIVISION 1 Regulation of Water Quality

Powers and responsibilities of minister re water quality

16(1) The minister is responsible for all matters not by law assigned to any other minister or government agency relating to:

- (a) the supervision, control and regulation of water quality; and
- (b) any impairment to water quality by any adverse effect.

(2) For the purposes of carrying out the minister's responsibilities described in subsection (1), the minister may:

- (a) undertake and co-ordinate research, investigations and planning respecting water quality;
- (b) consult with the Saskatchewan Watershed Authority, any other government agencies and the public, including consulting with respect to matters concerning the protection of watersheds and ground water sources of drinking water;
- (c) consult with the Prairie Provinces Water Board and other similar organizations respecting all matters that:
 - (i) come within the purview of those organizations; and
 - (ii) affect the quality of the water and associated resources of Saskatchewan; and
- (d) take any additional measures the minister considers appropriate to carry out the minister's responsibilities.

(3) The minister may request the advice of the medical health officer of a local authority on matters that:

- (a) are related to public health; and
- (b) concern or are located within the jurisdictional area of that local authority.

- (4) In subsection (3):
- (a) **Repealed.** 2003, c.29, s.72.
 - (b) **“local authority”** means a local authority within the meaning of *The Public Health Act, 1994*;
 - (c) **“medical health officer”** means medical health officer as defined in *The Public Health Act, 1994*.

2002, c.E-10.21, s.16; 2003, c.29, s.72.

Collection, etc., of data respecting water

17(1) The minister is responsible for the collection, processing and storage of data on water quality in Saskatchewan.

- (2) For the purposes of subsection (1), the minister may:
- (a) install, operate or maintain or cause to be installed, operated or maintained devices to obtain, secure or cause to be secured chemical and other analyses of water and aquatic fauna;
 - (b) adopt any additional measures that the minister considers necessary to obtain data related to water quality in Saskatchewan;
 - (c) identify research requirements respecting:
 - (i) water quality in Saskatchewan;
 - (ii) drinking water quality and water treatment; and
 - (iii) waste water quality and waste water treatment;
 - (d) consult with and advise government and persons on their research programs; and
 - (e) sponsor and undertake research projects.
- (3) The minister may request any municipality, officer of any municipality, government agency, officer of a government agency or corporation to collect and tabulate facts respecting the quantity, quality, source, use and cost of any water in which the municipality, government agency or corporation has any interest.
- (4) Notwithstanding *The Federal-Provincial Agreements Act*, the minister may enter into agreements with persons, municipalities, the governments of other provinces or territories of Canada, the Government of Canada or agencies of the government of Saskatchewan, the government of another province or territory of Canada or the Government of Canada, respecting the collection, processing and reporting of water quality or other environmental data.
- (5) Subject to *The Freedom of Information and Protection of Privacy Act*, the minister may, on request, make available to the public and to any government agency or other agency information relating to water quality in Saskatchewan.

2002, c.E-10.21, s.17.

DIVISION 2
Drinking Water and Waste Water**Interpretation of Division**

18 In this Division, “**person responsible for a waterworks or sewage works**” means a prescribed person or a prescribed class of persons.

2002, c.E-10.21, s.18.

Drinking water quality report

19(1) The department shall annually prepare and submit to the minister a report to be known as the State of Drinking Water Quality Report, respecting the state of drinking water quality in Saskatchewan.

(2) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Legislative Assembly every report received by the minister pursuant to subsection (1).

2002, c.E-10.21, s.19.

Duty to provide safe drinking water

20(1) Notwithstanding the terms of any permit or order made pursuant to section 31 or 32, no person responsible for a waterworks that is used to provide water intended for human consumption shall fail to ensure that the water supplied by the waterworks is safe for human consumption.

(2) Subsection (1) does not apply to waterworks that supply water only for prescribed purposes other than human consumption if the users supplied by that waterworks have been clearly advised that the water is not safe for human consumption.

2002, c.E-10.21, s.20.

Permit for waterworks and sewage works required

21(1) Subject to subsection (2), no person shall commence the construction, extension, alteration or operation of any waterworks or sewage works unless that person has first obtained a permit from the minister to do so.

(2) Subsection (1) does not apply to any prescribed waterworks or class of waterworks or prescribed sewage works or class of sewage works.

2002, c.E-10.21, s.21.

Material to be filed with application

22 Every person wishing to obtain a permit pursuant to section 23 shall file with the minister:

- (a) an application acceptable to the minister;
- (b) permission in writing from the appropriate municipal or other prescribed authority for the construction of the waterworks or sewage works referred to in the application into, on, along, across or under any road allowance or any public highway, square or other public place that may be affected by the waterworks or sewage works;

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- (c) any prescribed plans or other material;
- (d) the prescribed application fee;
- (e) if requested by the minister, a report on the operation of the waterworks or sewage works containing any information requested by the minister; and
- (f) any other information or material that the minister may request.

2002, c.E-10.21, s.22.

Permit for construction and operation

23(1) The minister may:

- (a) in the case of an application to construct, extend or alter a waterworks or sewage works:
 - (i) issue the permit applied for, subject to any terms and conditions that the minister considers appropriate; or
 - (ii) refuse to issue the permit;
- (b) in the case of an application to operate a waterworks or sewage works:
 - (i) issue the permit applied for, subject to any terms and conditions that the minister considers appropriate; or
 - (ii) refuse to approve the operation of the waterworks or sewage works.

(2) In a permit issued pursuant to subsection (1), the minister may specify the period within which the construction, extension or alteration of any waterworks or sewage works is to be completed.

(3) If the minister considers it appropriate, the minister may extend the period within which the construction, extension or alteration of any waterworks or sewage works is to be completed.

(4) If a permit is refused, the minister shall cause notice of the refusal to be served on the applicant for the permit.

(5) No person to whom a permit to construct, expand or alter a waterworks or sewage works is issued shall fail to construct, expand or alter the waterworks or sewage works, as the case may be, in accordance with the permit.

(6) No person to whom a permit to operate a waterworks or sewage works is issued shall fail to operate the waterworks or sewage works, as the case may be, in accordance with the permit.

2002, c.E-10.21, s.23.

24 Repealed. 2007, c.13, s.3.

25 Repealed. 2007, c.13, s.3.

26 Repealed. 2007, c.13, s.3.

Easements – sewage works

27(1) In this section:

- (a) **“former provision”** means section 25 or 27 of *The Environmental Management and Protection Act, 2002*, as those sections existed on the day before the coming into force of this section;
 - (b) **“permit”** means a valid permit issued pursuant to this Act to construct a sewage works;
 - (c) **“permit holder”** means a person who holds a permit.
- (2) If the minister is satisfied that any sewage works will adversely affect any land other than that on which those works are to be constructed or are situated, the minister shall provide a written request to the permit holder requiring the permit holder to:
- (a) obtain from the registered owner of the other land an easement, in the prescribed form;
 - (b) obtain from any other person having a registered interest in the land mentioned in clause (a) a consent to the granting of the easement; and
 - (c) apply to the Registrar of Titles to register the easement against the titles to the affected lands.
- (3) A permit holder who has received a written request pursuant to subsection (2) shall comply with that request, and notify the minister of the registration of the easement, within the time specified by the minister in the written request.
- (4) Every easement registered pursuant to subsection (2):
- (a) runs with the land; and
 - (b) is binding on:
 - (i) the grantor and the grantor’s heirs, executors, administrators and assigns; and
 - (ii) all persons, in addition to those mentioned in subclause (i), who are interested in the land.
- (5) No easement registered pursuant to this section shall be discharged without the written consent of the minister.
- (6) The minister may discharge an easement registered by the minister pursuant to a former provision if the minister considers it appropriate to do so.

2007, c.13, s.4.

28 Repealed. 2007, c.13, s.4.

Public highways

29 Every person who has been issued a permit to construct, extend or alter any waterworks or sewage works shall:

- (a) during the construction, extension or alteration, keep open for safe and convenient travel all public highways where they are crossed by the waterworks or sewage works; and
- (b) before operating or releasing water into waterworks or sewage works extending into or crossing any public highway, construct, to the satisfaction of the authority having jurisdiction, a structure for required passage over the waterworks or sewage works.

2002, c.E-10.21, s.29.

Non-compliance with permit

30 If any waterworks or sewage works are not constructed, extended, altered or operated in accordance with the terms and conditions of the permit issued with respect to those waterworks or sewage works, the minister may:

- (a) issue an amended permit, subject to any terms and conditions that the minister considers appropriate;
- (b) direct any assessment, alterations or changes to the waterworks or sewage works, or their operation, that the minister considers appropriate; or
- (c) cancel the permit and:
 - (i) direct the closure, removal or otherwise rendering inoperable of the whole or any part of the waterworks or sewage works; and
 - (ii) state the period within which the direction mentioned in subclause (i) is to be complied with.

2002, c.E-10.21, s.30.

Waterworks and sewage works protection order

31(1) Notwithstanding the terms and conditions of any permit issued pursuant to clause 23(1)(a) or (b) or any other permit, the minister may issue a waterworks protection order or a sewage works protection order to a person responsible for a waterworks or sewage works if, in the opinion of the minister, it is necessary to do so to protect human health or the environment.

(2) For the purposes of subsection (1), the minister may order the person responsible for a waterworks or sewage works to do all or any of the following:

- (a) cease or suspend the operation of the waterworks or sewage works;
- (b) operate or maintain the waterworks or sewage works in a manner specified in the order;
- (c) extend or alter the waterworks or sewage works;
- (d) construct or install additional waterworks or sewage works;

- (e) conduct investigations and gather data and other information that are specified in the order;
 - (f) maintain records and make reports that are specified in the order;
 - (g) suspend any operator of the waterworks or sewage works from that operator's duties relating to the waterworks or sewage works;
 - (h) appoint a person as project manager to oversee the operations of the waterworks or sewage works and direct the person responsible for the waterworks or sewage works to pay all costs associated with the appointment and activities of the project manager;
 - (i) take any measures other than those described in clauses (a) to (h) that the minister considers necessary to:
 - (i) facilitate compliance with an order made pursuant to this section; or
 - (ii) protect human health or the environment.
- (3) An order made pursuant to this section may specify:
- (a) the method or procedures to be used in carrying out the measures required by the order and the manner in which those measures are to be carried out; and
 - (b) the period within which any measure required by the order is to be commenced and the period within which the order or any portion of the order is to be complied with.

2002, c.E-10.21, s.31.

Advisories and emergency orders

- 32(1)** Notwithstanding section 31 or 34, if the minister is of the opinion that water supplied by a waterworks may cause, is causing or has caused an adverse effect on human health or the environment, the minister may:
- (a) issue a precautionary drinking water advisory; and
 - (b) cause that precautionary drinking water advisory to be made public.
- (2) Notwithstanding section 31 or 34, if the minister is of the opinion that water supplied by a waterworks may cause, is causing or has caused an immediate or significant adverse effect on human health or the environment, the minister may issue an emergency waterworks order to a person responsible for the waterworks requiring that person to do all or any of the following:
- (a) cease or suspend the operation of the waterworks;
 - (b) take any other measure that the minister considers appropriate to protect human health or the environment.

(3) Notwithstanding section 31 or 34, if the minister is of the opinion that the operation of or discharge from a sewage works may cause, is causing or has caused an immediate or significant adverse effect on human health or the environment, the minister may issue an emergency sewage works order to a person responsible for the sewage works requiring that person to do all or any of the following:

- (a) cease or suspend the operation of the sewage works;
- (b) take any other measure that the minister considers appropriate to protect human health or the environment.

(4) An emergency waterworks order or emergency sewage works order issued pursuant to subsection (2) or (3) expires 15 days after the day it was issued.

(5) The minister shall cause an emergency waterworks order or emergency sewage works order issued pursuant to subsection (2) or (3) to be served on the person to whom it is directed.

2002, c.E-10.21, s.32.

Offences under Part

33(1) No person shall discharge a substance or allow the discharge of a substance into any part of a waterworks that may cause or is causing:

- (a) the water supplied by the waterworks to be unsafe for human consumption; or
- (b) the concentration of the substance or of any other substance in the water supplied from the waterworks to vary from the specified concentration for the substance set out in the operating permit for the waterworks or in the regulations.

(2) No person shall knowingly operate a waterworks in contravention of the operational requirements set out in the operating permit for that waterworks.

(3) No person to whom an order is issued pursuant to this Part shall fail to comply with the order.

2002, c.E-10.21, s.33.

Cancellation, alteration or suspension of permit or order

34(1) The minister may cancel any permit governed by this Division if:

- (a) the minister is requested to do so by the person to whom the permit was issued; and
- (b) the minister considers it appropriate to do so.

(2) The minister may cancel, alter or suspend any permit governed by this Division if:

- (a) the person to whom the permit was issued fails to observe, perform or comply with this Act, the regulations, any order issued pursuant to this Act or any terms or conditions of the permit;

- (b) the person to whom the permit was issued makes any false or misleading statement in any application, information, materials or plans supplied pursuant to this Act or the regulations in support of an application for a permit;
 - (c) the permit was issued as a result of a clerical or administrative error or mistake;
 - (d) unauthorized changes have been made to the waterworks or sewage works with respect to which the permit was issued; or
 - (e) the minister is satisfied that it is in the public interest to do so.
- (3) The minister may amend or alter an order issued pursuant to section 31, in whole or in part, or may replace the order with a new order, if:
- (a) the person to whom the order was issued fails to observe, perform or comply with this Act, the regulations or the terms or conditions of any order issued pursuant to this Act; or
 - (b) the minister is satisfied that it is in the public interest to do so.
- (4) Before the minister takes any action pursuant to subsection (2) or (3), the minister shall give the person to whom the permit or order is issued:
- (a) written notice of the minister's intention to cancel, amend, alter, suspend or replace the permit or order, and the reasons for doing so; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the permit or order should not be cancelled, amended, altered, suspended or replaced.
- (5) If the minister proposes to issue an order pursuant to clause 31(2)(g), the minister shall also give the operator of a waterworks or sewage works who is affected by the order:
- (a) written notice of the minister's proposed order and the reasons for the proposed order; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the proposed order should not be issued.
- (6) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (4) or (5).
- (7) After receiving the representations mentioned in subsection (4) or (5), the minister shall provide a written decision and forward that written decision to:
- (a) in the case of representations made pursuant to subsection (4), the person to whom the permit or order was issued; and
 - (b) in the case of representations made pursuant to subsection (5), the operator affected by the order.

(8) If a permit is cancelled, amended, altered or suspended, or an order is amended, altered or replaced, pursuant to this section, the minister:

- (a) may make any additional order that the minister considers appropriate requiring alterations or changes to or the closure, removal or otherwise rendering inoperable of the whole or any part of the waterworks or sewage works; and
- (b) in any order mentioned in clause (a), shall state the period within which the order is to be complied with.

2002, c.E-10.21, s.34.

DIVISION 3
**Permits respecting Discharges into Water
and Alterations to Water Bodies**

Permit required to discharge into water

35(1) Subject to subsections (2) to (4), without holding a valid permit that authorizes the person to do so, no person shall:

- (a) cause or allow the discharge of any substance that may cause or is causing an adverse effect to the quality of any water;
 - (b) notwithstanding the generality of clause (a), discharge any substance in surface water or along the banks or shore of surface water for the purpose of poisoning, killing or otherwise controlling weeds, algae or other organisms; or
 - (c) construct, extend, alter, install or operate any industrial effluent works.
- (2) Clause (1)(a) does not apply to:
- (a) industrial effluent works that discharge industrial waste exclusively into sewage works operated by a municipality; or
 - (b) any discharge that is exempted in the regulations from the requirements of that clause.
- (3) Clause (1)(b) does not apply to:
- (a) discharges if:
 - (i) the surface water is located wholly within the boundaries of land that is owned by or in the lawful possession of the person who discharges the substance; and
 - (ii) the surface water does not flow directly or indirectly, other than by percolation, into other surface water that is not located wholly within the boundaries of that land; or
 - (b) any prescribed discharge.

- (4) Clause (1)(c) does not apply to:
- (a) the maintenance of industrial effluent works;
 - (b) industrial effluent works that discharge industrial waste exclusively into sewage works operated by a municipality; or
 - (c) any construction, extension, alteration, installation or operation of industrial effluent works exempted in the regulations from the requirements of that clause.

2002, c.E-10.21, s.35.

Permit required to alter shoreline, etc.

36(1) Without a valid permit authorizing the activity, no person shall, directly or indirectly:

- (a) alter or cause to be altered the configuration of the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body;
 - (b) remove, displace or add any sand, gravel or other material from, in or to the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body; or
 - (c) remove vegetation from the bed, bank or boundary of any river, stream, lake, creek, marsh or other watercourse or water body.
- (2) Subsection (1) does not apply if:
- (a) the watercourse or water body is located wholly within the boundaries of land that is owned by or in the lawful possession of the person carrying out any activity mentioned in subsection (1); and
 - (b) the surface water of that watercourse or water body does not flow directly or indirectly, other than by percolation, into other surface water that is not located wholly within the boundaries of that land.

2002, c.E-10.21, s.36.

PART V
Halocarbons

Halocarbons to which this Part applies

37(1) Subject to subsection (2), this Part applies to the following halocarbons:

- (a) CFC-11, also known as fluorotrichloromethane;
- (b) CFC-12, also known as dichlorodifluoromethane;
- (c) CFC-113, also known as 1,1,2-trichloro-1,2,2-trifluoroethane;
- (d) CFC-114, also known as 1,2-dichloro-1,1,2,2-tetrafluoroethane;
- (e) CFC-115, also known as 1-chloro-1,1,2,2,2-pentafluoroethane;

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- (f) Halon-1211, also known as bromochlorodifluoromethane;
 - (g) Halon-1301, also known as bromotrifluoromethane;
 - (h) Halon 2402, also known as dibromotetrafluoroethane;
 - (i) any prescribed halocarbons.
- (2) This Part does not apply to halocarbons that:
- (a) are exempted in the *Halocarbon Regulations* (Canada), being SOR 99-255, as those regulations are revised, amended or substituted; or
 - (b) are made or used for any prescribed purposes.

2002, c.E-10.21, s.37.

Prohibition re propellants

38 No person shall manufacture, offer for sale, sell, use or consume any product containing a halocarbon that acts as a propellant.

2002, c.E-10.21, s.38.

Prohibition re packaging, etc.

39 No person shall manufacture, offer for sale or sell any packaging, wrapping or container that contains a halocarbon or is manufactured by a process that uses a halocarbon.

2002, c.E-10.21, s.39.

Prohibition re prescribed products

40(1) On and after a prescribed day, no person shall:

- (a) use those halocarbons that are identified in the regulations for the purposes of this clause in the manufacturing of any prescribed product;
 - (b) use those halocarbons that are identified in the regulations for the purposes of this clause in a prescribed manner for a prescribed purpose;
 - (c) discharge those halocarbons that are identified in the regulations for the purposes of this clause into the environment; or
 - (d) subject to subsection (2), purchase those halocarbons that are identified in the regulations for the purposes of this clause for a prescribed purpose.
- (2) Clause (1)(d) does not apply to those persons who are certified in accordance with the regulations.

2002, c.E-10.21, s.40.

Prohibition re offer for sale

41 On and after a prescribed day, no person shall offer for sale or sell any halocarbon or any prescribed product that contains a halocarbon that is identified in the regulations for the purposes of this section.

2002, c.E-10.21, s.41.

Collection, recycling and disposal

42(1) On and after a prescribed day, if any halocarbon is to be replaced, every person who is replacing the halocarbon shall:

- (a) collect, store and recycle it in accordance with the regulations; or
- (b) collect and dispose of it in accordance with the regulations.

(2) On and after a prescribed day, every person who is in possession of a prescribed product containing a halocarbon that is identified in the regulations for the purposes of this subsection shall collect and recycle that halocarbon in accordance with the regulations.

2002, c.E-10.21, s.42.

Code to be followed

43 On and after a prescribed day, no person shall install, maintain, service or repair any prescribed equipment that contains or may contain halocarbons except in accordance with:

- (a) any relevant code as amended from time to time or otherwise or any standard or law adopted by the regulations; and
- (b) any prescribed provisions.

2002, c.E-10.21, s.43.

Prohibition re installation, etc., of certain equipment

44 On and after a prescribed day, no person shall install, maintain, service or repair any prescribed equipment that contains or may contain halocarbons unless:

- (a) the person is certified in the proper recovery and recycling procedures in accordance with the regulations; and
- (b) the person maintains records in the prescribed manner.

2002, c.E-10.21, s.44.

Control orders issued by minister

45(1) The minister may issue a control order to any person who:

- (a) services or repairs equipment that contains or may contain a halocarbon;
- (b) owns, possesses or uses a halocarbon; or
- (c) manufactures, offers for sale or sells a halocarbon.

- (2) In a control order issued pursuant to subsection (1), the minister may require the person to whom the order is directed to do any one or more of the following:
- (a) refrain from leaking or discharging a halocarbon;
 - (b) install, repair, service, replace or alter any equipment that is designed to control or eliminate the discharge of a halocarbon;
 - (c) refrain from removing, repairing, servicing, replacing or altering any equipment that is designed to control or eliminate the discharge of a halocarbon;
 - (d) remove or discharge a halocarbon from a container;
 - (e) store a halocarbon in the manner specified in the order.
- (3) The minister may, by a further order, amend, alter or replace a previous control order.
- (4) A person to whom a control order is directed shall comply with the order immediately on being served with the order unless the control order specifies a future day on and from which the order is to be complied with.

2002, c.E-10.21, s.45.

PART VI
General Rules respecting Orders and Permits
DIVISION 1
Orders and Authority to take Emergency Action

Emergency environmental protection orders

- 46(1)** Notwithstanding any other provision of this Act, if the minister is of the opinion that a person is doing any thing or carrying out any activity that may cause, is causing or has caused an immediate or significant adverse effect, the minister may issue an emergency environmental protection order that is directed to a person requiring that person:
- (a) to immediately cease or suspend doing the thing or carrying out the activity identified in the order; and
 - (b) to do any other thing that the minister considers appropriate, including ordering that person to undertake any of the measures set out in section 47.
- (2) An emergency environmental protection order issued pursuant to this section expires 15 days after the day it was issued.
- (3) The minister shall cause an emergency environmental protection order issued pursuant to this section to be served on the person to whom it is directed.

2002, c.E-10.21, s.46.

Environmental protection orders

47(1) Subject to subsection 14(6), the minister may issue an environmental protection order directed to a person requiring that person to take any measures that the minister considers necessary to protect and restore the environment if the minister is of the opinion that the person:

- (a) before, on or after the coming into force of this Act has done or is doing anything or carrying out any activity that may cause, is causing or has caused an adverse effect;
 - (b) before, on or after the coming into force of this Act has contravened or is about to contravene this Act or the regulations, whether or not that person has been convicted of that contravention;
 - (c) is a person directly responsible for a discharge who has failed to:
 - (i) prepare a remedial action plan as required by section 14;
 - (ii) enter into an agreement as required by section 14; or
 - (iii) comply with the terms of a remedial action plan or agreement approved by the minister pursuant to section 14; or
 - (d) is a person to whom section 9 applies.
- (2) The minister shall cause the measures mentioned in subsection (3) to be set out in the environmental protection order.
- (3) For the purposes of subsection (1), the minister may, in an environmental protection order, require a person to whom the environmental protection order is directed to do all or any of the following:
- (a) investigate the situation;
 - (b) monitor a substance;
 - (c) lessen or prevent further discharge of a substance;
 - (d) contain a substance;
 - (e) remove a substance;
 - (f) store a substance and monitor its storage;
 - (g) destroy or otherwise dispose of a substance;
 - (h) minimize the effects of a substance on the environment;
 - (i) remedy any adverse effect;
 - (j) restore the area affected by the discharge or presence of a substance and the environment to a condition satisfactory to the minister;

- (k) maintain records on any matter relevant to:
 - (i) the discharge or presence of a substance; or
 - (ii) the measures specified in any order made pursuant to this section;
 - (l) report periodically to the minister, a project manager appointed pursuant to section 50 or a person designated by the minister with respect to:
 - (i) any matter related to the discharge or presence of a substance; or
 - (ii) the measures specified in any order made pursuant to this section;
 - (m) cease or suspend any activity for a period specified in the order or permanently;
 - (n) take any measure, in addition to or other than one described in clauses (a) to (m), that the minister considers necessary to:
 - (i) facilitate compliance with any environmental protection order; or
 - (ii) protect or restore the environment.
- (4) If the minister issues an order directed to a person requiring that a substance be contained or stored, the minister may subsequently issue an environmental protection order to that person to take, with respect to the substance, any of the measures described in subsection (3).
- (5) An environmental protection order may specify:
- (a) the manner in which the measures are to be carried out and the method or procedures to be used in carrying out the measures required by the order; and
 - (b) the period within which any measure required by the order is to be commenced and the period within which the order or any portion of the order is to be complied with.

2002, c.E-10.21, s.47.

Service of environmental protection order

48 The minister shall cause an environmental protection order to be served on the person to whom the order is directed.

2002, c.E-10.21, s.48.

Amendment, alteration or replacement of environmental protection order

49(1) The minister may amend, alter or replace an environmental protection order, in whole or in part, if:

- (a) the person to whom the environmental protection order is issued fails to comply with the terms of the order; or
- (b) the minister considers it appropriate to do so.

(2) Before the minister issues an environmental protection order, or takes any action pursuant to subsection (1), the minister shall give to the person to whom the order is intended to be issued, amended, altered or replaced:

- (a) written notice of the minister's intention to issue the order, or to amend, alter or replace the order, as the case may be, and the reasons for doing so; and
- (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the environmental protection order should not be issued, or why the order should not be amended, altered, or replaced.

(3) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (2).

(4) After receiving the representations mentioned in clause (2)(b), the minister shall issue a written decision:

- (a) confirming the environmental protection order;
- (b) amending, altering or replacing the environmental protection order; or
- (c) revoking the environmental protection order.

(5) The minister shall cause a decision made pursuant to this section to be served on the person who made the representations.

2002, c.E-10.21, s.49.

Project manager

50(1) The minister may appoint a person as a project manager to oversee the carrying out of an environmental protection order.

(2) A project manager appointed pursuant to subsection (1) may issue written directives to any person to whom an environmental protection order is issued that, in the project manager's opinion, facilitate compliance with the measures set out in the environmental protection order.

2002, c.E-10.21, s.50.

When minister may carry out environmental protection order

51(1) The minister may do all or any of the things mentioned in subsection (2) if a person to whom an environmental protection order is issued fails to comply with that order:

- (a) within the period specified in that order; or
- (b) if no period is stated in the order, within a reasonable period after the order was issued.

(2) In the circumstances mentioned in subsection (1), the minister may:

- (a) carry out the order or enter into agreements to cause the order to be carried out; and

(b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan as a debt due and recoverable by the Crown from the person who failed to comply with the environmental protection order.

2002, c.E-10.21, s.51.

Power to take immediate action

52 The minister may take or cause to be taken any measures described in subsection 47(3) with respect to a substance or its adverse effects if:

- (a) in the opinion of the minister, it is in the public interest to take immediate action to remedy or prevent an adverse effect; or
- (b) the minister is unable to readily identify or locate the person to whom an order pursuant to section 47 should be directed.

2002, c.E-10.21, s.52.

Powers re terrorist activity

52.1(1) In this section, “**minister’s designate**” means a person designated by the minister for the purposes of this section.

(2) Notwithstanding any other provision of this Act or any provision of the regulations, any other Act or law or any licence, permit, approval, authorization, lease or grant of any right or benefit granted pursuant to any Act or law, if the minister has reasonable grounds to believe that terrorist activity is occurring or might occur, and is causing or might cause an adverse effect:

- (a) the minister may, by order:
 - (i) direct a person engaged in the storage, handling, offering for transport or transportation of hazardous substances, hazardous wastes or waste dangerous goods to take any measures that the minister may direct to secure the operations against terrorist activity;
 - (ii) direct a person who is operating a waterworks, sewage works or industrial effluent works to:
 - (A) shut down and cease operating that waterworks, sewage works or industrial effluent works; and
 - (B) take any measures that the minister may direct to secure the waterworks, sewage works or industrial effluent works against terrorist activity;
 - (iii) prohibit or restrict access to any waterworks, sewage works or industrial effluent works;
 - (iv) prohibit or restrict the discharge of any substance into the environment;
 - (v) designate any site as a contaminated site;

- (vi) require any person to take any other action that the minister considers necessary:
 - (A) to protect the health or safety of the public against that adverse effect; or
 - (B) to prevent serious damage to the environment caused or that may be caused by that adverse effect; and
- (b) the minister may take any action that the minister considers necessary:
 - (i) to protect the health or safety of the public against that adverse effect; or
 - (ii) to prevent serious damage to the environment caused or that may be caused by that adverse effect.
- (3) Subject to subsection (4), a minister's designate may make any order described in clause (2)(a) if:
 - (a) the minister's designate believes, on reasonable grounds, that:
 - (i) a terrorist activity:
 - (A) is occurring or might occur; and
 - (B) is causing or might cause an adverse effect or constitutes a serious threat to the health or safety of the public; and
 - (ii) the requirements set out in the order are necessary to decrease or eliminate that adverse effect or that serious threat; and
 - (b) in the opinion of the minister's designate, there will be insufficient time for the minister to make an order pursuant to this section because of the nature of the adverse effect or serious threat.
- (4) An order made by a minister's designate pursuant to subsection (3):
 - (a) must specify the time at which it is made; and
 - (b) terminates 72 hours after it is made unless the minister makes an order extending its effect.
- (5) Immediately after making an order pursuant to subsection (2) or (3), the minister or the minister's designate, as the case may be, shall:
 - (a) serve a copy on any person named in the order; and
 - (b) cause the order to be published by any means of communication that the minister or minister's designate reasonably considers will make the order known to the majority of the population in the area affected by the order.

- (6) No person shall fail to comply with an order made pursuant to subsection (2) or (3).
- (7) The minister may:
- (a) do all or any of the things mentioned in an order pursuant to subsection (2) or (3) if the person to whom the order is issued fails to comply with the order:
 - (i) within the period specified in the order; or
 - (ii) if no period is specified in the order, within a reasonable period after the order was issued; and
 - (b) recover the costs and expenses incurred pursuant to clause (a) on behalf of the Crown in right of Saskatchewan as a debt due and recoverable by the Crown from the person who failed to comply with the order.

2003, c.29, s.27.

Recovery of minister's costs – filing of certificate

53(1) If the minister undertakes any work for the purposes of section 50, 51, 52 or 52.1 and incurs any costs as a result, the minister may file in the office of the local registrar of the Court of Queen's Bench at the judicial centre nearest to the place where the work or the greatest portion of the work was done a certificate that is signed by the minister and that sets out:

- (a) the amount of the costs and expenses incurred pursuant to those sections; and
 - (b) the person from whom the costs and expenses are recoverable.
- (2) If the minister files a certificate pursuant to subsection (1), the minister shall cause a copy of the certificate to be served on the person from whom the certificate states the costs and expenses are recoverable.
- (3) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.
- (4) A person who has been served with a copy of a certificate pursuant to subsection (2) may, within 30 days after receiving the copy, make written representations to the minister requesting the minister to reconsider the amount of the costs and expenses.

- (5) On receipt of a written representation pursuant to subsection (4), the minister may:
- (a) withdraw the certificate;
 - (b) vary the amount of the costs and expenses and, for that purpose, withdraw the certificate and file a new certificate with the new costs and expenses; or
 - (c) confirm the certificate.
- (6) The minister shall notify the person who made the written representations of the minister's decision as soon as is reasonably practicable after making the decision.

2002, c.E-10.21, s.53; 2003, c.29, s.28.

Appeals to Court of Queen's Bench re environmental protection order or certificate

- 54(1)** Any person aggrieved by an environmental protection order may appeal on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the order.
- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the environmental protection order;
 - (b) the written representations made to the minister by the person named in the environmental protection order;
 - (c) the minister's decision pursuant to subsection 49(4); and
 - (d) the notice of motion commencing the appeal to the Court of Queen's Bench.
- (3) A person with respect to whom a certificate has been entered as a judgment pursuant to section 53 may appeal against the amount of the costs and expenses set out in the certificate to a judge of the Court of Queen's Bench within:
- (a) 30 days after the date of the filing of the certificate; or
 - (b) if the person has made representations to the minister pursuant to section 53, within 30 days after the minister has issued a decision.
- (4) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:
- (a) confirming the environmental protection order or the amount of costs and expenses set out in the certificate;
 - (b) amending or varying the environmental protection order or the amount of costs and expenses set out in the certificate;
 - (c) quashing the environmental protection order or the certificate; or
 - (d) doing any other thing that the judge considers appropriate.
- (5) In an order issued pursuant to subsection (4), the judge of the Court of Queen's Bench may specify the period within which the order must be complied with.

2002, c.E-10.21, s.54.

Appeal does not stay order or decision

55 An appeal pursuant to section 54 does not stay the operation of the environmental protection order with respect to which the appeal is taken, unless a judge of the court to which the appeal is taken orders otherwise.

2002, c.E-10.21, s.55.

DIVISION 2
General Rules respecting Permits**Permits governed by Division**

56 This Division does not apply to a permit issued pursuant to Part IV.

2002, c.E-10.21, s.56.

Applications for permits

57(1) An applicant shall:

- (a) apply for a permit required pursuant to this Act or the regulations in the prescribed manner; and
- (b) file the application with the department.

(2) An applicant shall include in an application:

- (a) the prescribed information and material; and
- (b) any additional information and material requested by the minister, including any data, information or studies relating to the environment.

2002, c.E-10.21, s.57.

Decision respecting permits

58 Subject to any other provision of this Act and the regulations, if the minister receives an application and any supplemental information and material requested pursuant to section 57, the minister shall:

- (a) either:
 - (i) issue a permit, subject to any terms and conditions that the minister considers appropriate; or
 - (ii) refuse to issue a permit; and
- (b) notify the applicant of the decision.

2002, c.E-10.21, s.58.

Compliance with terms and conditions of permit required

59 No person to whom a permit is issued shall fail to comply with any term or condition contained in the permit.

2002, c.E-10.21, s.59.

Amendment, suspension, cancellation of permits

60(1) A person to whom a permit has been issued may apply to the minister to cancel, amend or alter the permit.

(2) On receipt of an application pursuant to subsection (1) and if the minister considers it appropriate to do so, the minister may cancel, amend or alter the permit.

(3) The minister may cancel, amend, alter or suspend any permit, in whole or in part, if:

(a) the person to whom the permit was issued fails to comply with the terms and conditions of the permit or has contravened this Act, the regulations or any order made pursuant to this Act or the regulations;

(b) the person to whom the permit was issued makes any false or misleading statement in any application, information, materials or plans supplied pursuant to this Act or the regulations in support of an application for a permit;

(c) the permit was issued as a result of a clerical or administrative error or mistake;

(d) unauthorized changes or alterations are made to the activity or works; or

(e) the minister is satisfied that it is in the public interest to do so.

(4) Before the minister does any of the things mentioned in subsection (3), the minister shall give the person to whom the permit is issued:

(a) written notice of the minister's intention to cancel, amend, alter, or suspend the permit, and the reasons for doing so; and

(b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the permit should not be cancelled, amended, altered, or suspended.

(5) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (4).

(6) After receiving the representations mentioned in subsection (4), the minister shall issue a written decision and shall serve the decision on the person who made the representations.

- (7) If the minister cancels, amends, alters or suspends a permit, the minister:
- (a) may issue any additional order that the minister considers appropriate requiring any repair, restoration or remediation of the environment; and
 - (b) in an order mentioned in clause (a), shall specify the period within which the order must be complied with.
- (8) No person to whom an order pursuant to subsection (7) is directed shall fail to comply with that order.

2002, c.E-10.21, s.60.

Minister may waive requirement for permit

61(1) Notwithstanding any other provision of this Act, in the prescribed circumstances, the minister may waive the requirement for a permit otherwise required pursuant to this Act or the regulations.

(2) The minister may impose any prescribed terms and conditions that the minister considers appropriate on a waiver granted pursuant to subsection (1).

(3) No person who has been granted a waiver pursuant to this section shall fail to comply with any terms and conditions imposed pursuant to subsection (2).

2002, c.E-10.21, s.61.

PART VII

**General Matters respecting Administration
and Environment Officers' Powers**

Minister may apply for enjoining order

62(1) The minister may apply, by notice of motion, to a judge of the Court of Queen's Bench for a final order enjoining any person from proceeding contrary to this Act, the regulations, an order issued pursuant to this Act or the regulations or the terms and conditions of a permit.

(2) On an application pursuant to this section, the judge of the Court of Queen's Bench may make the order requested or any other order that the judge considers appropriate on any terms and conditions that the judge considers appropriate.

(3) The minister may apply for an enjoining order pursuant to subsection (1) regardless of whether or not an order pursuant to this Act or the regulations has been issued with respect to the matter.

2002, c.E-10.21, s.62.

Any resident may apply for an investigation

63(1) Any resident of Saskatchewan who is at least 18 years old and who is of the opinion that an offence has been committed pursuant to this Act may apply to the minister for an investigation of the alleged offence.

- (2) A person applying for an investigation pursuant to this section shall ensure that the application is accompanied by a solemn or statutory declaration that:
- (a) states the name and address of the applicant;
 - (b) states the nature of the alleged offence and the name of each person alleged to be involved in the commission of the offence; and
 - (c) contains a concise statement of the evidence supporting the allegations of the applicant.

2002, c.E-10.21, s.63.

Minister may order investigation following application

- 64(1)** On receipt of an application pursuant to section 63, the minister shall:
- (a) provide the applicant with an acknowledgment of the receipt of the application; and
 - (b) investigate all matters that the minister considers necessary for a determination of the facts relating to the alleged offence.
- (2) Within 90 days after receiving an application pursuant to section 63, the minister shall report to the applicant on the progress of the investigation and the action, if any, that the minister proposes to take.
- (3) The minister may discontinue an investigation if the minister is of the opinion that the alleged offence does not require further investigation.
- (4) If an investigation is discontinued, the minister shall:
- (a) prepare a written report describing the information obtained during the investigation and stating the reasons for its discontinuation; and
 - (b) send a copy of the report to the applicant and to any person whose conduct was investigated.

2002, c.E-10.21, s.64.

Appointment of environment officers

- 65(1)** The minister may appoint any persons or class of persons as environment officers for the purpose of enforcing or overseeing the enforcement of:
- (a) this Act;
 - (b) *The Saskatchewan Watershed Authority Act, 2005*;
 - (c) any other Act administered by the minister;
 - (d) the regulations made pursuant to this Act, *The Saskatchewan Watershed Authority Act, 2005* or any other Act administered by the minister; or
 - (e) any permit, approval, licence or order issued pursuant to this Act, the regulations, *The Saskatchewan Watershed Authority Act, 2005*, any other Act administered by the minister or any regulations made pursuant to *The Saskatchewan Watershed Authority Act, 2005* or any other Act administered by the minister.

(2) The minister may set any limit or condition on any appointment pursuant to subsection (1) that the minister considers reasonable.

2002, c.E-10.21, s.65; 2005, c.S-35.03, s.106.

Deputy environment officer

66(1) The minister may appoint any persons or class of persons as deputy environment officers to carry out, without remuneration, the administration and enforcement of this Act or the regulations.

(2) The appointment of a deputy environment officer is to be for a period not exceeding two years and may be cancelled at any time by the minister.

(3) In an appointment of a deputy environment officer, the minister shall specify:

(a) the powers pursuant to this Act that the deputy environment officer may exercise; and

(b) the area of Saskatchewan within which the deputy environment officer may exercise the powers mentioned in clause (a).

2002, c.E-10.21, s.66.

General powers of environment officers

67 All environment officers have the powers of peace officers to enforce this Act and the regulations and the Acts and regulations mentioned in section 65 and are entitled while performing their duties to all protection to which peace officers are entitled pursuant to the *Criminal Code*.

2002, c.E-10.21, s.67.

Environment officers may be accompanied

68 In carrying out an environment officer's duties, the environment officer may:

(a) be accompanied by any person or persons who, in the opinion of the environment officer, by virtue of their expertise in a particular field or their knowledge of facts relevant to the matter being investigated, may be of assistance to the environment officer in carrying out the environment officer's duties; and

(b) enter on land with any machinery, equipment or materials that the environment officer considers necessary to carry out the purposes of the entry.

2002, c.E-10.21, s.68.

Inspections

69(1) In carrying out an environment officer's duties, the environment officer may, at any reasonable time without a warrant:

(a) enter and inspect any area or place if the environment officer has reasonable grounds to believe that an activity governed by this Act, the regulations or an Act or regulation mentioned in section 65 is taking place;

- (b) enter and inspect any area or place for which a permit or order has been issued pursuant to this Act, the regulations or an Act or regulation mentioned in section 65;
 - (c) enter and inspect any premises containing any books, records, papers or documents, including any computer, digital or electronic records, files or data, that are required to be kept pursuant to this Act, the regulations or an Act or regulation mentioned in section 65; and
 - (d) enter and inspect any place to determine:
 - (i) the extent, if any, to which a substance may cause, is causing or has caused an adverse effect;
 - (ii) the cause of any adverse effect that may occur, is occurring or has occurred; and
 - (iii) how the adverse effect may be prevented, eliminated or ameliorated and the environment restored or protected.
- (2) An environment officer shall not enter any place that is a private dwelling without the consent of the owner or occupier of the private dwelling or an order of a provincial court judge issued pursuant to subsection (3).
- (3) If entry pursuant to this section is refused, the minister or an environment officer may apply *ex parte* to a provincial court judge for an order authorizing the minister or an environment officer to enter and inspect any land, premises or place.
- (4) On an application pursuant to subsection (3), the provincial court judge may issue the order sought, on any terms and conditions that the provincial court judge considers appropriate.

2002, c.E-10.21, s.69.

Immediate seizure of items

- 70(1)** Notwithstanding any other Act or law, if, while performing an inspection, an environment officer believes on reasonable grounds that adverse effects may be created or are being created, the environment officer may seize, remove and detain any item or thing the environment officer considers necessary to stop or prevent the creation of adverse effects.
- (2) An environment officer may detain an item or thing seized and removed pursuant to this section for not longer than seven days, unless the minister directs its earlier release.
- (3) If an environment officer seizes any item or thing pursuant to subsection (1), the environment officer shall provide the person from whom the item or thing was seized with a notice of the seizure.

(4) The owner of, or person from whom, an item or thing that was seized, removed and detained pursuant to subsection (1) may apply to the minister for release of the item or thing before the expiry of the seven-day period mentioned in subsection (2).

(5) The minister may authorize the release of an item or thing seized pursuant to subsection (1) if the minister is satisfied that:

(a) detention of the item or thing is no longer necessary to prevent the creation or continuation of an adverse effect; or

(b) it is appropriate to do so.

(6) The person from whom an item or thing was seized pursuant to this section shall reimburse the minister for the environment officer's reasonable costs of seizing, removing and detaining the item or thing before it is released pursuant to this section.

(7) The minister may waive the payment of costs pursuant to subsection (6).

2002, c.E-10.21, s.70.

Search of vehicle, aircraft or boat on reasonable grounds

71(1) In carrying out an environment officer's duties, the environment officer may:

(a) request or signal to the person in charge of or operating the vehicle, aircraft or boat to stop the vehicle, aircraft or boat;

(b) search the vehicle, aircraft or boat for evidence of an offence; and

(c) seize anything that may be evidence of an offence.

(2) The person in charge of or operating a vehicle, aircraft or boat shall, when requested or signalled by an environment officer pursuant to subsection (1):

(a) immediately bring the vehicle, aircraft or boat to a safe stop; and

(b) permit the environment officer to search the vehicle, aircraft or boat.

2002, c.E-10.21, s.71.

Entry on land

72 An environment officer and any person or persons lawfully accompanying the environment officer for the purposes of carrying out the environment officer's duties, may enter on or pass over any land, whether enclosed or not, without a warrant.

2002, c.E-10.21, s.72.

Prohibition on obstructing environment officer

73 If an environment officer and any person or persons lawfully accompanying the environment officer are carrying out the environment officer's duties, no person shall:

(a) fail to comply with any reasonable request of an environment officer;

- (b) knowingly make any false or misleading statements to an environment officer;
- (c) unless authorized by the environment officer, remove, alter or interfere in any way with any item or thing seized, removed or detained pursuant to section 70; or
- (d) obstruct or interfere with an environment officer.

2002, c.E-10.21, s.73.

PART VIII
Offences, Enforcement and Administrative Penalties

DIVISION 1
Offences

Offences

74(1) No person shall:

- (a) make a false statement or provide false information to the minister, an environment officer, the department or any person acting on behalf of the minister;
 - (b) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an environment officer, the department or any person acting on behalf of the minister;
 - (c) fail to comply with an order of the minister issued pursuant to this Act or the regulations; or
 - (d) fail to comply with any provision of this Act or the regulations.
- (2) Every person who contravenes a provision of this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000,000, to imprisonment not exceeding three years or to both that fine and imprisonment.
- (3) Every director, officer or agent of a corporation who directed, authorized, assented to or acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.
- (4) In addition to any penalty imposed pursuant to this Act, the convicting court, having regard to the nature of the offence and the circumstances surrounding its commission, may make an order doing one or more of the following:
- (a) requiring the convicted person to remove a substance in a manner and within the period specified by the order;

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- (b) prohibiting the convicted person from doing any act or engaging in any activity that, in the opinion of the court, may result in the continuation of the offence;
- (c) directing the convicted person to repair any damage to the environment that resulted from the commission of the offence in a manner and within the period specified by the order;
- (d) requiring the convicted person to take steps to prevent any damage to the environment that may result from the commission of the offence in a manner and within the period specified by the order;
- (e) directing the convicted person to pay to the minister an amount of money as compensation, in whole or in part, for the cost of any remedial or preventative action taken by or at the direction of the minister as a result of the commission of the offence;
- (f) requiring the convicted person to do any other thing that, in the opinion of the court, is necessary in the circumstances.

2002, c.E-10.21, s.74.

Vicarious liability

75 In any prosecution of a person for an offence pursuant to this Act, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper or agent of the person, whether or not the employee, helper or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

2002, c.E-10.21, s.75.

Limitation period on prosecutions

76 No prosecution for an offence pursuant to this Act is to be commenced after the expiration of two years from the later of:

- (a) the date the alleged offence was committed; and
- (b) the date that the minister became aware of the alleged offence.

2002, c.E-10.21, s.76.

DIVISION 2
Administrative Penalty

Administrative penalty

77(1) In this section, “**permittee**” means a person who holds a permit that has been issued pursuant to Part IV or that has been continued pursuant to subsection 84(5) or (6).

(2) The minister may assess a penalty prescribed in the regulations against any permittee if that permittee has contravened any prescribed provision of this Act or the regulations.

(3) Before assessing a penalty, the minister shall provide notice to the permittee:

(a) setting out the facts and circumstances that, in the minister’s opinion, render the permittee liable to a penalty;

(b) specifying the amount of the penalty that the minister considers appropriate in the circumstances; and

(c) informing the permittee of the permittee’s right to make representations to the minister.

(4) No penalty is to be assessed by the minister more than two years after the act or omission that, in the minister’s opinion, renders the permittee liable to a penalty.

(5) A permittee to whom notice is sent pursuant to subsection (2) may make representations to the minister respecting whether or not a penalty should be assessed and the amount of any penalty.

(6) A representation pursuant to subsection (5) must be made within 30 days after the permittee received the notice pursuant to subsection (2).

(7) After considering any representations, the minister may:

(a) assess a penalty and set a date by which the penalty is to be paid in full; or

(b) determine that no penalty should be assessed.

(8) The minister shall send notice of his or her decision to the permittee.

(9) A penalty assessed pursuant to this section is a debt due to and recoverable by the Crown in right of Saskatchewan.

PART IX
General**Immunity**

78 No action or other proceeding lies or shall be instituted or commenced against the minister, the department, any environment officer, any person lawfully accompanying an environment officer, a project manager, the Crown in right of Saskatchewan or officers and employees of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any function or duty imposed by this Act or the regulations.

2002, c.E-10.21, s.78.

Service of notice or documents

79(1) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.

(2) A document served by ordinary mail or registered mail is deemed to have been received on the seventh day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(3) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.

2002, c.E-10.21, s.79.

Crown bound

80 The Crown is bound by this Act.

2002, c.E-10.21, s.80.

PART X
Regulations**Regulations**

81(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing works or classes of works as waterworks for the purposes of all or any provision of this Act and the regulations and for that purpose may prescribe different waterworks or classes of waterworks for different provisions of this Act or the regulations;

- (c) prescribing persons or classes of persons as persons who are responsible for a waterworks or a sewage works;
- (d) establishing general standards respecting the quality of water;
- (e) prescribing the information and material to be included in an application for a permit and empowering the minister to waive the requirements of any regulation enacted pursuant to this clause;
- (f) prescribing materials to be supplied with an application for a permit pursuant to Division 2 of Part IV, including materials that the minister may require to be satisfied that any standards, guidelines or objectives that are set out in the regulations or that the minister may require are met;
- (g) exempting waterworks or classes of waterworks or sewage works or classes of sewage works from the requirement to obtain a permit to do all or any of the things mentioned in section 21;
- (h) prescribing standards and authorizing the minister to prescribe standards for the design, construction, installation, alteration, extension, operation and monitoring of industrial effluent works, sewage works and waterworks if those standards are required for the protection of the environment or the public health;
- (i) respecting the training and qualifications of operators of industrial effluent works, waterworks and sewage works;
- (j) respecting the establishment of a certification board for the purpose of certifying operators of industrial effluent works, waterworks and sewage works;
- (k) respecting the powers and duties of the certification board and the procedures to be followed by the board in carrying out its powers and duties;
- (l) respecting the appointment of members to the certification board and the terms and conditions on which they are appointed;
- (m) prescribing and requiring the payment of any fees and charges connected with:
 - (i) the issuance or renewal of any permit required or requested pursuant to this Act or the regulations; or
 - (ii) any other action that the minister, an environment officer or any certification board established pursuant to the regulations is required or authorized to take pursuant to this Act or the regulations;

- (n) classifying boats, barges and other water craft and requiring that all or any class or classes of boats, barges and other water craft, while being operated on any waters, be equipped with any storage tanks or other facilities that:
- (i) may be designated by the minister; and
 - (ii) are designed to hold or dispose of wastes or other substances capable of changing the quality of water or of causing water pollution;
- (o) prohibiting, restricting or controlling the sale, use, application and disposal of chemicals;
- (p) prescribing the duties of any person conducting sand or gravel removal operations, or any other kind of operations that result in the destruction or disturbance of the surface of land, with respect to conservation of the soil and the reclamation of the surface of that land, and conferring powers on the minister relating to that soil conservation and reclamation;
- (q) controlling, restricting or prohibiting any actions of any person for the purpose of abating noise or controlling noise levels;
- (r) regulating, restricting, prohibiting and requiring permits for the discharge, drainage, diversion, handling, collection, containment, disposal, storage, treatment, transmission or transportation of any substance, including any substance dealt with without processing, arising from or relating to any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;
- (s) regulating and requiring permits for the construction, operation, maintenance, alteration or extension of facilities for the discharge, drainage, diversion, handling, collection, containment, disposal, storage, treatment, transmission or transportation of any substance arising from any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;
- (t) prescribing standards and authorizing the minister to prescribe standards of design for the facilities mentioned in clause (s);
- (u) respecting the issuance of permits pursuant to this Act or the regulations and the terms and conditions attached to those permits and authorizing the minister to prescribe those terms and conditions;
- (v) providing for and respecting the cancellation, alteration, suspension or renewal of permits issued pursuant to this Act or the regulations;
- (w) respecting standards of quality for substances, including any substance dealt with without processing, arising from any activity of all or any part of the mining industry or the development of, or exploration for, any mineral resource;

- (x) respecting the closure or abandonment and the decommissioning and reclamation of any mining site or any part of a mining site and any land, watercourse, facility or infrastructure used in connection with, or disturbed by the construction, extension, alteration or operation of, a mining site, including the following:
- (i) requiring decommissioning and reclamation plans to be prepared, approved by the minister, reviewed and changed when necessary;
 - (ii) requiring security to ensure that any decommissioning and reclamation are properly carried out and prescribing the ability of the minister to do all things necessary for the purposes of approving, managing, dealing with, requiring changes to and investing that security;
 - (iii) respecting the circumstances in which the security is to be forfeited to the Crown in right of Saskatchewan, the manner in which the forfeiture is to take place and the manner in which the security may be used;
 - (iv) authorizing the minister to impose any other terms and conditions the minister considers necessary respecting the security and any closure, abandonment, decommissioning and reclamation;
 - (v) deeming information supplied to the minister to be information supplied in confidence for the purposes of *The Freedom of Information and Protection of Privacy Act*;
 - (vi) respecting the recovery by the Crown in right of Saskatchewan of any costs incurred in any decommissioning and reclamation;
- (y) governing the duties of any person and the procedures to be followed in the reporting, controlling, handling, transporting, disposing and remedying of adverse effects of substances;
- (z) respecting measures to prevent or control the discharge of substances and to control or mitigate the consequences and adverse effects of substances;
- (aa) respecting the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of prescribed products, including the following:
- (i) prescribing those products;
 - (ii) prohibiting the sale or distribution of prescribed products;
 - (iii) requiring the creation and operation of product management programs and requiring that those programs be approved by the minister;
 - (iv) setting out procedures for obtaining approval of a product management program;
 - (v) prescribing standards for product management programs;
 - (vi) requiring participation in product management programs;

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- (vii) permitting persons to contract with other persons to fulfil their responsibilities under a product management program;
 - (viii) requiring the keeping of records respecting product management programs;
 - (ix) authorizing the inspection of the records mentioned in subclause (viii);
 - (x) requiring the preparation and filing with the department of annual and other reports including prescribing the content of the reports and when the reports are to be filed;
 - (xi) permitting the exemption of persons from participation in product management programs;
 - (xii) requiring security to ensure compliance with the terms of product management programs and prescribing the amount, form and contents of that security;
 - (xiii) requiring the provision and posting of public and educational information and material respecting product management programs;
 - (xiv) authorizing the minister to prescribe any other terms and conditions that the minister considers necessary respecting the collection, treatment, disposal, recycling, recovery, reuse and reduction in use of prescribed products;
- (bb) designating a substance as a hazardous waste;
 - (cc) regulating, controlling and requiring permits for the transportation of hazardous wastes and other wastes;
 - (dd) regulating and controlling the storage, processing, destruction or other disposal of hazardous wastes and other wastes;
 - (ee) requiring and regulating the reuse and recycling of hazardous wastes and other wastes;
 - (ff) regulating, controlling and requiring permits for the construction, operation and abandonment of facilities that store, process, destroy or otherwise dispose of hazardous wastes and other wastes, including facilities that were constructed or operated before the coming into force of this Act;
 - (gg) requiring persons who handle hazardous wastes to keep records and prescribing the nature of those records;
 - (hh) requiring persons who handle hazardous wastes to make reports and prescribing the nature of those reports;
 - (ii) regulating and controlling hazardous wastes in any manner, in addition to those described in clauses (cc) to (hh), that the Lieutenant Governor in Council considers necessary to protect human health or the environment;
 - (jj) designating a substance as a hazardous substance;

- (kk) regulating, controlling and requiring permits or municipal approval for the storage of hazardous substances, including:
- (i) requiring persons who store hazardous substances to keep records and prescribing the nature of those records;
 - (ii) governing inspection by the minister, an environment officer, a person designated by the minister or a person designated by a municipality of premises where hazardous substances are stored;
 - (iii) prescribing containers and associated equipment used to store hazardous substances and respecting the labelling of the containers and equipment;
 - (iv) prohibiting the use of containers or any category of containers to store hazardous substances;
 - (v) prohibiting the use of any method to store hazardous substances;
 - (vi) prescribing or restricting access to premises where hazardous substances are stored;
 - (vii) controlling works designed to contain hazardous substances that are discharged in premises or discharged from premises where they are stored;
 - (viii) requiring persons responsible for the storage of hazardous substances to develop contingency plans to respond to problems related to the storage of hazardous substances;
- (ll) regulating, controlling and requiring a permit for the construction, operation, abandonment and decommissioning of facilities that store, process or handle hazardous substances, including facilities that were constructed and operated before the coming into force of any regulations made pursuant to this clause;
- (mm) regulating, controlling and requiring a permit for the manner and locations in which hazardous substances are stored;
- (nn) prescribing standards or adopting standards, as amended from time to time or otherwise, for the design, construction, alteration, extension, operation, installation, maintenance, abandonment and decommissioning of storage facilities for hazardous substances;
- (oo) prescribing the frequency of testing for leaks, and methods used to test for leaks, in storage tanks, containers, pipes and equipment that are used for hazardous substances;
- (pp) respecting the training and qualifications of persons installing, servicing, testing and decommissioning storage tanks, containers and facilities used for hazardous substances;

- (qq) respecting the establishment of a certification board for persons who install, service, test and decommission storage tanks used for hazardous substances;
- (rr) respecting the powers and duties of a certification board established pursuant to clause (qq) and the procedures to be followed by that board in carrying out its powers and duties;
- (ss) respecting the appointment of members to a certification board established pursuant to clause (qq) and the terms and conditions on which they are appointed;
- (tt) establishing programs for the management of solid waste and municipal solid waste disposal, including the collection, transfer, treatment and handling of solid waste;
- (uu) establishing programs for pollution prevention;
- (vv) respecting administrative penalties;
- (ww) with respect to halocarbons:
 - (i) prescribing halocarbons for the purposes of clause 37(1)(i);
 - (ii) identifying halocarbons, whether mentioned in clauses 37(1)(a) to (h) or in the regulations, for the purposes of a provision of Part V;
 - (iii) exempting from the application of Part V or any provision of Part V any halocarbon used for a specified purpose;
 - (iv) for the purposes of any provision of Part V that prohibits any action or that requires any action to be carried out with respect to halocarbons, on and after a prescribed day, prescribing that day;
 - (v) prescribing the manner in which or the purposes for which any halocarbon may be used;
 - (vi) prescribing and governing the manner in which any halocarbon is to be collected, stored, recycled, destroyed or disposed of, and prohibiting the collection, storage, recycling, destruction or disposal of the halocarbon in any other manner;
 - (vii) respecting the training and certification of persons who install, maintain, service, alter, replace or repair equipment that contains or may contain a halocarbon in the proper recovery, recycling or handling procedures;
 - (viii) prescribing and requiring the payment of fees that are to be paid with respect to any matter that is regulated pursuant to Part V;
 - (ix) requiring any records to be maintained and prescribing the manner in which those records are to be maintained;
 - (x) respecting and requiring the use of any labels to be placed on any equipment or thing that contains a halocarbon;

- (xx) requiring owners, operators and persons installing, servicing, testing and decommissioning storage tanks, containers or facilities for hazardous substances to obtain insurance or performance bonds, to deposit funds in any financial institution approved by the minister and in any amounts the minister may consider necessary, to establish trust funds or to provide proof to the minister of financial soundness to cover possible contamination or pollution as a result of the operation, installation, servicing, testing or decommissioning of the storage facility or as a result of the abandonment of a storage tank, container or facility;
- (yy) requiring purchasers and transferees of storage facilities used for hazardous substances to perform environmental assessments of the storage facility and connected premises prior to the purchase or transfer and to report the results of the environmental assessment to the minister;
- (zz) respecting any matter or thing that the Lieutenant Governor in Council considers appropriate for the purposes of section 70, including:
 - (i) prescribing the form of notice required pursuant to subsection 70(3);
 - (ii) prescribing circumstances in which the minister may release any item or thing that has been seized, removed and detained;
 - (iii) prescribing circumstances in which the minister may waive payment of costs pursuant to subsection 70(7);
- (aaa) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any code, standard or guideline;
 - (ii) amending for the purposes of this Act or the regulations any code, standard or guideline adopted pursuant to subclause (i);
 - (iii) requiring compliance with a code, standard or guideline adopted pursuant to subclause (i);
- (bbb) respecting storm water and storm water works, including prohibiting any matter or action related to storm water works and protecting the environment as it is affected by storm water and requiring the holding of a permit to do any matter or undertake any action related to storm water works and protecting the environment as it is affected by storm water;
- (ccc) defining waste dangerous good and, for that purpose, defining waste dangerous good differently for different provisions of this Act or the regulations;
- (ddd) prescribing purposes other than human consumption of water for the purposes of section 20;
- (eee) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (fff) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(2) The minister may delegate to a municipality the administration of any regulations enacted pursuant to clause (1)(kk) insofar as those regulations apply to the storage of hazardous substances within the boundaries of the municipality.

(3) Except in circumstances that are considered by the Lieutenant Governor in Council to be an emergency, the minister shall provide a reasonable opportunity for the public to be heard respecting any prescribed proposed regulation or any prescribed amendment to a regulation pursuant to this Act.

2002, c.E-10.21, s.81.

PART XI

Repeal, Transitional and Coming into Force

S.S. 1983-84, c.E-10.2 repealed

82 *The Environmental Management and Protection Act* is repealed.

2002, c.E-10.21, s.82.

S.S. 1993, c.O-8.1 repealed

83 *The Ozone-depleting Substances Control Act, 1993* is repealed.

2002, c.E-10.21, s.83.

Transitional

84(1) In this section, “**former Acts**” means:

(a) *The Ozone-depleting Substances Control Act, 1993* as that Act existed on the day before the coming into force of this Part; and

(b) *The Environmental Management and Protection Act* as that Act existed on the day before the coming into force of this Part.

(2) Every permit, licence or approval that was issued pursuant to the former Acts or that was continued pursuant to the former Acts and that was in existence on the day that this Part comes into force:

(a) is continued as a permit pursuant to this Act subject to the terms and conditions imposed on it; and

(b) may be dealt with pursuant to this Act as if it were a permit issued pursuant to this Act.

(3) Subject to subsection (5), an order of the minister issued pursuant to the former Acts:

(a) is continued pursuant to this Act; and

(b) may be dealt with as if it had been issued pursuant to this Act.

(4) Every regulation that was continued pursuant to the former Acts and that is in existence on the day before the coming into force of this Part remains in force and may be amended or repealed pursuant to this Act as if it had been made pursuant to this Act.

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c. E-10.21

(5) Every order with respect to the monitoring or sampling of water or reporting respecting water that was issued pursuant to section 24 of *The Environmental Management and Protection Act*, as that Act existed on the day before the coming into force of this Part:

(a) is continued as a permit pursuant to clause 23(1)(b) of this Act subject to the terms and conditions imposed on it; and

(b) may be dealt with pursuant to this Act as if it were a permit issued pursuant to this Act.

(6) Any approval that authorizes or regulates the construction, extension, alteration or operation of a waterworks or sewage works, that was issued pursuant to section 54 of *The Water Corporation Act*, as that Act existed on the day before the coming into force of this Act, and that relates to matters governed by this Act:

(a) is continued in force as a permit issued pursuant to section 23 of this Act; and

(b) may be dealt with pursuant to this Act as if it were issued pursuant to this Act.

(7) Any order issued pursuant to section 4 of *The Environmental Management and Protection Act*, as that Act existed on the day before the coming into force of this Act:

(a) is continued as an environmental protection order; and

(b) may be dealt with as if it were issued pursuant to this Act.

2002, c.E-10.21, s.84.

Coming into force

85 This Act comes into force on proclamation.

2002, c.E-10.21, s.85.

