

*The
Environmental
Management and
Protection (General)
Regulations*

being

Chapter E-10.22 Reg 1 (effective June 1, 2015) as amended
by Saskatchewan Regulations [29/2017](#).

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.

Table of Contents

	PART I		PART V
	Preliminary Matters		Beverage Container Program
1	Title	11	Interpretation of Part
2	Interpretation	12	Deposits
3	Qualified person		PART VI
	PART II		Air Quality
	Shoreline Alteration	13	Industrial activity
4	Interpretation of Part	14	Permit required
5	Interpretation of terms used in section 38 of the Act		PART VII
6	Permit required		Orphaned Environmentally Impacted Sites
	PART III	15	Orphaned environmentally impacted sites
	Discharges of Substances at or Near Water		PART VIII
7	Permit required		Administrative Penalties
	PART IV	16	When administrative penalties are available
	Certain Facilities Requiring Permits	17	Person on whom an administrative penalty may be imposed
8	Application	18	Maximum administrative penalty
9	Permit required		PART IX
10	Transitional		Coming into Force
		19	Coming into force
			Appendix

CHAPTER E-10.22 REG 1

The Environmental Management and Protection Act, 2010

PART I

Preliminary Matters

Title

1 These regulations may be cited as *The Environmental Management and Protection (General) Regulations*.

Interpretation

2 In these regulations, “Act” means *The Environmental Management and Protection Act, 2010*.

7 Nov 2014 cE-10.22 Reg 1 s2.

Qualified person

3 For the purposes of the Act and these regulations and subject to the code, “qualified person” means:

- (a) a person licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*;
- (b) a person who is an applied science technologist or certified technician pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act*;
- (c) a person who holds a bachelor’s degree in science or a diploma in applied science or engineering technology from a post-secondary institution;
- (d) a person who is a practising member as defined in *The Agrologists Act, 1994*;
- (e) an operator who holds at least the corresponding certificate for the classification of waterworks, or sewage works, that is set out in the Saskatchewan Water and Wastewater Works Operator Certification Standards;
- (f) a person who is certified for the safe handling of halocarbons by the Heating, Refrigeration and Air Conditioning Institute of Canada;
- (g) a person who has obtained training in refrigeration, air conditioning or fire extinguishing equipment as a service person, repair person, installation person, domestic appliance technician, refrigeration and air conditioning mechanic, automotive mechanic, heavy-duty vehicular mechanic/technician, industrial mechanic, technical representative or power engineer from a post-secondary institution;
- (h) an individual who is designated by the minister, or who is a member of a class of persons designated by the minister, pursuant to the Act for one or more purposes or activities that are governed by the Act, the regulations or the code.

7 Nov 2014 cE-10.22 Reg 1 s3.

PART II
Shoreline Alteration

Interpretation of Part

4 In this Part:

- (a) **“dry conditions”** means, with respect to soil, that the soil in the affected area is dry enough that vehicles or equipment used would not make a noticeable impact on the soil;
- (b) **“frozen conditions”** means, with respect to soil, that the soil in the affected area is frozen solid enough that vehicles or equipment used would not make a noticeable impact on the soil;
- (c) **“intermittent watercourse”** means a watercourse that normally does not experience year-round flow, and includes ephemeral streams that are usually inundated during spring snow melt or following a heavy rain event;
- (d) **“mowing”** means cutting of vegetation, usually for hay or maintenance purposes, but does not include hydro-axing or use of other machines primarily designed to cut brush or trees.

7 Nov 2014 cE-10.22 Reg 1 s4.

Interpretation of terms used in section 38 of the Act

5 For the purposes of section 38 of the Act and in these regulations:

- (a) **“add”** includes the addition of sand, gravel or rock if that material is added for the purposes of excavating or replacing a culvert in the circumstances mentioned in subclause (b)(i);
- (b) **“alter or cause to be altered”** does not include:
 - (i) excavation and replacement of existing culverts, but only if the excavation or replacement:
 - (A) is commenced and completed under dry conditions;
 - (B) results in the culvert pipe being installed parallel to the natural channel;
 - (C) results in the culvert pipe being installed below the natural channel bed by a depth equivalent to at least 20% of the culvert diameter; and
 - (D) incorporates adequate erosion control measures at the inlet and outlet ends of the culvert to prevent washout and damage to the bed or boundary;
 - (ii) directional boring or direct ploughing for the placement of utility lines, but only if all of the boring or ploughing work is commenced and completed under dry or frozen conditions; or
 - (iii) cultivation of intermittent watercourses that have been continuously cultivated without interruption commencing on or before December 5, 2002;

- (c) **“remove”** does not include:
- (i) removal of beaver dams or beaver houses by use of hand tools or dynamite;
 - (ii) removal of beaver dams by mechanical means, but only if:
 - (A) the removal does not result in the alteration of the bed, bank or boundary, including noticeable impact to the soil caused by vehicles and equipment; and
 - (B) the material removed is placed in a way that it cannot be washed back into the watercourse;
- (d) **“remove vegetation”** does not include:
- (i) cutting, mowing, haying or swathing, but only if all that work is commenced and completed under dry or frozen conditions;
 - (ii) grazing or watering of livestock, but only if the activity does not result in exposed soil, stream bank slumping or erosion;
 - (iii) burning of vegetation or plant material if the burning occurs during the period commencing on August 1st in one year and ending on April 30th in the following year;
 - (iv) harvesting Crown timber in accordance with an approved plan prepared with respect to a licence issued pursuant to *The Forest Resources Management Act*;
 - (v) cutting or removal of vegetation by hand tools or hydro-axing for the maintenance of existing utility lines, road allowances, ditches designed for the purpose of moving urban storm water or drainage ditches that are licensed or exempted pursuant to *The Drainage Control Regulations*, but only if all that work is commenced and completed under dry or frozen conditions; or
 - (vi) removal of vegetation or plant material if that removal is for the purposes of excavating or replacing a culvert in the circumstances mentioned in subclause (b)(i);
- (e) **“watercourse”** includes a gully, valley floor, drainage ditch or any other channel, including any artificial channel, in which water flows either permanently or intermittently.

7 Nov 2014 cE-10.22 Reg 1 s5.

Permit required

6(1) Subject to subsection 38(6) of the Act, a person who intends to engage, or who engages, in an activity mentioned in subsection 38(4) of the Act is required to obtain a permit.

(2) The minister may impose any terms and conditions on a permit mentioned in subsection (1) that the minister considers appropriate.

7 Nov 2014 cE-10.22 Reg 1 s6.

PART III
Discharges of Substances at or Near Water**Permit required**

7(1) Subject to subsection (2), a person who intends to do, or who does, any of the following is required to obtain a permit:

- (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 bank or bank boundary of a water body or watercourse for the purpose of poisoning, killing or otherwise controlling weeds, algae or other organisms.
- (2) A permit is not required:
- (a) for discharges by an industrial waste works if the industrial waste is discharged exclusively into sewage works operated by a municipality;
 - (b) for any discharge authorized by and carried out in accordance with *The Waterworks and Sewage Works Regulations*;
 - (c) for discharges mentioned in clause (1)(b) 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.

7 Nov 2014 cE-10.22 Reg 1 s7.

PART IV
Certain Facilities Requiring Permits**Application**

8(1) In this section, “**household**” means all individuals who dwell in the same residence.

- (2) Subject to subsection (3), this Part applies to the following facilities:
- (a) mining or milling operations;
 - (b) pulp or paper mills;
 - (c) chemical plants;
 - (d) petroleum upgraders and refineries;
 - (e) coal-fired power generating plants;
 - (f) ethanol or biodiesel processing facilities;

ENVIRONMENTAL MANAGEMENT
AND PROTECTION (GENERAL)

E-10.22 REG 1

- (g) canola and oilseeds crushing facilities;
 - (h) wood treatment facilities;
 - (i) wood products manufacturing facilities;
 - (j) industrial waste or hazardous waste treatment facilities that treat more than 10 000 kilograms of waste per year;
 - (k) any facility that collects, contains, stores, transmits or generates more than 50 000 kilograms of industrial wastes above ground;
 - (l) any facility that collects, contains, stores, transmits or generates industrial waste underground;
 - (m) any facility that stores industrial waste in storage lagoons or ponds with an aggregate capacity of greater than 10 000 cubic metres;
 - (n) any facility that permanently disposes of solid waste or industrial waste by placing it above or below ground;
 - (o) any facility that temporarily stores solid waste;
 - (p) any facility that disposes of hazardous waste.
- (3) This Part does not apply to:
- (a) a facility mentioned in subsection (2) that does not collect, contain, store, transmit, treat, dispose of or generate industrial waste or hazardous waste;
 - (b) upstream oil and gas facilities and pipelines regulated pursuant to *The Oil and Gas Conservation Act*, *The Pipelines Act, 1998* or the *National Energy Board Act* (Canada);
 - (c) agricultural operations;
 - (d) the disposal of household waste if:
 - (i) the household waste is generated by an individual who is a member of the household; and
 - (ii) the household waste is disposed of on land that is owned or leased by an individual who is a member of the household and on which the household waste is generated;
 - (e) a facility mentioned in clause (2)(o) that is used only to temporarily store solid waste in a receptacle, bin or container that prevents waste, or any liquid in the waste from leaving the container; or
 - (f) any activity that is regulated by:
 - (i) the Act;
 - (ii) any other regulations made pursuant to the Act; or
 - (iii) the code.

Permit required

9(1) A person who intends to construct, alter, operate, temporarily close, close or decommission a facility that is mentioned in subsection 8(2) and that is not exempt from this Part pursuant to subsection 8(3):

- (a) is required to obtain a permit; and
- (b) shall provide a financial assurance in the form and amount acceptable to the minister.

(2) The minister may impose any terms and conditions on the permit mentioned in subsection (1) that the minister considers appropriate.

7 Nov 2014 cE-10.22 Reg 1 s9.

Transitional

10(1) Every permit for an industrial waste works that is continued in force pursuant to subsection 103(2) of the Act remains in force until January 1, 2020, unless the permit is suspended or cancelled in accordance with the Act.

(2) A person who holds a permit mentioned in subsection (1) shall, on or before January 1, 2020, comply with these regulations.

7 Nov 2014 cE-10.22 Reg 1 s10.

PART V
Beverage Container Program**Interpretation of Part**

11(1) In this Part:

- (a) **“aseptic container”** means a multi-material, shelf-stable container;
- (b) **“beverage”** means a liquid that is a ready-to-serve drink intended for human consumption by drinking and includes the following:
 - (i) beverage alcohol as defined in *The Alcohol and Gaming Regulation Act, 1997*;
 - (ii) carbonated soft drinks;
 - (iii) carbonated fruit drinks;
 - (iv) fruit juices;
 - (v) vegetable juices;
 - (vi) non-alcoholic beer;
 - (vii) non-alcoholic wine;
 - (viii) non-carbonated fruit drinks;

- (ix) non-carbonated soft drinks;
- (x) tea;
- (xi) water;
- (xii) energy drinks;
- (xiii) plant-based drinks;
- (xiv) fluid milk.

(2) For the purposes of clause 39(a) of the Act, the following are categories of prescribed containers:

- (a) metal cans;
- (b) plastic bottles;
- (c) non-refillable glass bottles;
- (d) aseptic containers;
- (e) paper-based polycoat gable top containers.

(3) Notwithstanding subsection (2), the following are not categories of prescribed containers:

- (a) reusable glass beer bottles that are part of a program that collects and recycles or reuses the bottles;
- (b) beverage containers that are greater than five litres in volume;
- (c) beverage containers that are part of an operating reuse or recycling system.

7 Nov 2014 cE-10.22 Reg 1 s11; 7 Apr 2017 SR
29/2017 s3.

Deposits

12 The deposit imposed by subsection 40(1) of the Act:

- (a) with respect to metal cans and plastic bottles, is:
 - (i) 10¢ per can or bottle with a volume of less than one litre; and
 - (ii) 25¢ per can or bottle with a volume of one litre or more;
- (b) with respect to glass bottles, is:
 - (i) 10¢ per bottle with a volume of 300 millilitres or less;
 - (ii) 20¢ per bottle with a volume of less than one litre but more than 300 millilitres; and
 - (iii) 40¢ per bottle with a volume of one litre or more; and
- (c) with respect to aseptic containers and paper-based polycoat gable top containers, is:
 - (i) 10¢ per container with a volume of less than one litre; and
 - (ii) 25¢ per container with a volume of one litre or more.

7 Nov 2014 cE-10.22 Reg 1 s12; 7 Apr 2017 SR
29/2017 s4.

PART VI
Air Quality**Industrial activity**

13 For the purposes of clause 51(d) of the Act, the burning of any of the following substances constitutes an industrial activity:

- (a) waste or spent lubricating oil;
- (b) hazardous substances;
- (c) hazardous wastes;
- (d) motor vehicle tires;
- (e) animal carcasses;
- (f) railway ties and other wood treated with wood preservatives;
- (g) waste materials from building or construction sites;
- (h) trash, garbage or other waste from commercial, industrial or municipal operations;
- (i) materials containing rubber or plastic;
- (j) spilled oil or oil production by-products;
- (k) materials disposed of as part of reclamation operations;
- (l) animal manure.

7 Nov 2014 cE-10.22 Reg 1 s13.

Permit required

14(1) A person who intends to engage, or who engages, in an industrial activity is required to obtain a permit.

(2) The minister may impose any terms and conditions on the permit mentioned in subsection (1) that the minister considers appropriate.

7 Nov 2014 cE-10.22 Reg 1 s14.

PART VII
Orphaned Environmentally Impacted Sites**Orphaned environmentally impacted sites**

15(1) For the purposes of section 90 of the Act, an “**orphaned environmentally impacted site**” means an area of land onto which, or water into which, a substance that is causing an adverse effect has been discharged.

(2) For the purposes of clause 90(6)(a) of the Act, the minister may use moneys in the fund established pursuant to section 90 of the Act to reclaim, restore and remedy orphaned environmentally impacted sites if one the following conditions is met:

(a) the minister has not been able to locate the person responsible for the discharge of the substance;

(b) the minister has been able to locate the person responsible for the discharge of the substance but the minister believes that person does not have the financial resources to remediate the site.

7 Nov 2014 cE-10.22 Reg 1 s15.

PART VIII Administrative Penalties

When administrative penalties are available

16 For the purposes of section 88 of the Act, the minister may assess a penalty for a contravention of any provision of the Act set out in the Appendix.

7 Nov 2014 cE-10.22 Reg 1 s16.

Person on whom an administrative penalty may be imposed

17 An administrative penalty may be imposed on any person on whom a duty is imposed by the Act, the regulations made pursuant to the Act or the code, including a qualified person.

7 Nov 2014 cE-10.22 Reg 1 s17.

Maximum administrative penalty

18 The maximum amount of an administrative penalty is \$10,000.

7 Nov 2014 cE-10.22 Reg 1 s18.

PART IX Coming into Force

Coming into force

19(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Environmental Management and Protection Act, 2010* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the coming into force of section 1 of *The Environmental Management and Protection Act, 2010*, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

7 Nov 2014 cE-10.22 Reg 1 s19.

ENVIRONMENTAL MANAGEMENT
AND PROTECTION (GENERAL)

Appendix
[Section 16]

Item #	Description of contravention	Provision of the Act
1	Failure to comply with criteria, terms, conditions or requirements approved by the minister as an alternative to those set out in the code	3(5)
2	Failure to conduct a site assessment when required to do so by the minister	13
3	Failure to prepare a corrective action plan when required to do so by section 14 of the Act	14
4	Using an environmentally impacted site in a manner contrary to the compatible uses authorized by section 21 of the Act	21
5	Failure to comply with the terms or conditions of a permit	24, 29(1)(a)
6	Failure to comply with the terms or conditions of a permit required by a regulation	25(b), 29(1)(a)
7	Failure to comply with the accepted environmental protection plan and any terms and conditions imposed on the accepted environmental protection plan	27(3)(b), 29(2)(a)
8	Failure to comply with the code as it applies to the activities engaged in	29(1)(c), (2)(b)
9	Failure of a qualified person to satisfy the requirements set out in section 30 of the Act	30
10	Failure to comply with an environmental protection order	56, 84(1)(c)

7 Nov 2014 cE-10.22 Reg 1.