

The Management and Reduction of Greenhouse Gases (General and Electricity Producer) Regulations

being

[Chapter M-2.01 Reg 1](#) (effective January 1, 2018).

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 M-2.01 REG 1

The Management and Reduction of Greenhouse Gases Act

PART 1

Preliminary Matters

Title

1 These regulations may be cited as *The Management and Reduction of Greenhouse Gases (General and Electricity Producer) Regulations*.

Definitions

2(1) In these regulations:

“**Act**” means *The Management and Reduction of Greenhouse Gases Act*;

“**IPP**” or “**independent power producer**” means, subject to section 3, a person who:

(a) produces greenhouse gases in excess of 10 000 tonnes per year by generating electricity from a generator, other than by means of biomass or the burning of:

(i) flare gas;

(ii) vented gas; or

(iii) any other collected or captured gas that would otherwise have been released into the atmosphere; and

(b) sells or otherwise delivers the electricity mentioned in clause (a) to a regulated emitter.

(2) For the purposes of the Act and in these regulations, “**regulated emitter**” means a person who produces greenhouse gases in excess of 1 500 000 tonnes per year by generating electricity from a gas or coal-fired generator.

15 Dec 2017 cM-2.01 Reg 1 s2.

Application of regulations to IPPs

3(1) In this section, “**cogeneration facility**” means a facility that simultaneously generates electric energy and produces thermal energy for industrial purposes from the same fuel source.

(2) These regulations do not apply to an IPP with respect to emissions by it from a facility that becomes a cogeneration facility after the date on which these regulations come into force.

15 Dec 2017 cM-2.01 Reg 1 s3.

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PART 2

General Provisions respecting Greenhouse Gases and Emissions

Emissions to be measured in tonnes, etc., of CO₂e

4 For the purposes of the Act and these regulations, greenhouse gas emissions must be measured, calculated and expressed in tonnes (t), kilotonnes (kt) or megatonnes (Mt) of CO₂e.

15 Dec 2017 cM-2.01 Reg 1 s4.

Certain other greenhouse gases prescribed

5(1) For the purposes of subclause 2(j)(iv) of the Act, the prescribed hydrofluorocarbons are those listed in Part 1 of the Appendix.

(2) For the purposes of subclause 2(j)(v) of the Act, the prescribed perfluorocarbons are those listed in Part 2 of the Appendix.

15 Dec 2017 cM-2.01 Reg 1 s5.

Global warming potential and CO₂e of greenhouse gases

6(1) The global warming potential for a greenhouse gas is the 100-year time horizon global warming potential value as established in the Fourth Assessment Report (AR4) issued by the Intergovernmental Panel on Climate Change.

(2) The CO₂e for a greenhouse gas must be quantified in accordance with the following formula:

$$\text{CO}_2\text{e} = \text{GHG} \times \text{GWP}$$

where:

GHG is the mass of the greenhouse gas; and

GWP is the 100-year time horizon global warming potential value for the greenhouse gas.

15 Dec 2017 cM-2.01 Reg 1 s6.

When annual returns must be submitted

7 A regulated emitter shall submit its annual return required by section 19 of the Act on or before June 1 of the year following the year to which the annual return relates.

15 Dec 2017 cM-2.01 Reg 1 s7.

Administrative penalties

8(1) For the purposes of section 78 of the Act, the minister may assess a penalty for a contravention of a provision of the Act or these regulations set out in Part 3 of the Appendix.

(2) An administrative penalty may be imposed only on:

- (a) a regulated emitter; or
- (b) an IPP.

(3) The maximum penalty the minister may assess with respect to each contravention is \$10,000.

15 Dec 2017 cM-2.01 Reg 1 s8.

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PART 3

Matters respecting Gas and Coal-Fired Generators

Definitions for Part

9(1) In this Part, “**fleet**” means all facilities owned or operated by a regulated emitter and all its IPPs.

(2) For the purpose of applying the Act to this Part and in this Part, “**facility**” means the physically connected equipment within a gas or coal-fired generator that operates together to produce electricity by thermal means, including boilers and other combustion devices, gasifiers, reactors, turbines and generators.

15 Dec 2017 cM-2.01 Reg 1 s9.

Qualified person

10 A person is prescribed as a qualified person for the purposes of applying the Act to this Part and for the purposes of this Part if the person:

- (a) is licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*; and
- (b) is certified by the Standards Council of Canada (SCC) or the Canadian Standards Association (CSA Group) in Greenhouse Gas Inventory Quantification and Reporting or Greenhouse Gas Verification.

15 Dec 2017 cM-2.01 Reg 1 s10.

Determining emissions by regulated emitter

11 A regulated emitter shall determine emissions of CO₂ from:

- (a) coal and natural gas burned at a facility by using a fuel-based method described in these regulations; and
- (b) other fossil fuels burned at the facility.

15 Dec 2017 cM-2.01 Reg 1 s11.

Determining emissions from coal

12(1) A regulated emitter shall determine the quantity of CO₂ emissions from coal burned at a facility by analysing the coal in accordance with the following methods:

- (a) if the fuel-based method used is based on the quantity of carbon in the fossil fuel, the carbon content of the fuel must be determined in accordance with:
 - (i) the current version of ASTM D7582 entitled Standard Test Methods for Proximate Analysis of Coal and Coke by Macro Thermogravimetric Analysis; or
 - (ii) the current version of ASTM D5373 entitled Standard Test Methods for Instrumental Determination of Carbon, Hydrogen and Nitrogen in Laboratory Samples of Coal;

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- (b) if the fuel-based method used is based on the high heating value of the fuel, the carbon content of the fuel must be determined in accordance with the current version of ASTM D5865 entitled Standard Test Method for Gross Calorific Value of Coal and Coke.
- (2) A regulated emitter shall conduct a monthly analysis of the coal burned at a facility in accordance with subsection (1) from samples taken from each facility at a minimum of twice per week, with each sample being taken not less than 48 hours after the previous sample, from the coal that was fed for combustion during that week.

15 Dec 2017 cM-2.01 Reg 1 s12.

Determining emissions from natural gas

13 A regulated emitter shall determine the quantity of CO₂ emissions from natural gas burned at a facility:

- (a) by using an emission factor for natural gas equal to 1.829 kg CO₂/m³ for Saskatchewan as found in Table A6 -1 of the most recent National Inventory Report: Greenhouse Gas Sources and Sinks in Canada, as amended from time to time; or
- (b) by determining the quantity of carbon in the natural gas taken and analysed by the supplier of the natural gas.

15 Dec 2017 cM-2.01 Reg 1 s13.

Baseline emissions based on fleet

14 A regulated emitter shall establish its baseline emission level for its fleet.

15 Dec 2017 cM-2.01 Reg 1 s14.

Manner of establishing baseline emissions – based on fleet

- 15(1)** A regulated emitter shall establish its baseline emission level based on the greenhouse gas emissions from its fleet for the 2010 year.
- (2) A regulated emitter shall, within 60 days after the coming into force of these regulations, apply to the minister to have its baseline emission level approved.

15 Dec 2017 cM-2.01 Reg 1 s15.

Emission reduction obligations

16(1) In this section, “**Table**” means a Table in Part 4 of the Appendix.

- (2) Subject to subsection (3), a regulated emitter shall reduce its greenhouse gas emissions within a compliance period as set out in Column 2 of Table 1 so that the emissions from its fleet do not exceed the cumulative emissions cap set out in Column 3 of Table 1 for that compliance period.
- (3) If on or before January 1, 2024 a regulated emitter constructs a carbon capture unit on Boundary Dam Units 4 and 5, the regulated emitter shall reduce its greenhouse gas emissions within a compliance period as set out in Column 2 of Table 2 so that the emissions from its fleet do not exceed the cumulative emissions cap set out in Column 3 of Table 2 for that compliance period.

15 Dec 2017 cM-2.01 Reg 1 s16.

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First annual return

17 Notwithstanding section 7, a regulated emitter shall submit its first annual return for the calendar year 2018 on or before June 1, 2019.

15 Dec 2017 cM-2.01 Reg 1 s17.

Allowed deductions

18(1) Subject to subsections (2) and (3), when completing its annual return for a year, a regulated emitter:

- (a) may only deduct any performance credits approved by the minister for the regulated emitter, on matters related to its fleet; and
 - (b) shall indicate in the annual return the amount of the deductions claimed in the return.
- (2) If a regulated emitter has any unused performance credits approved by the minister that it does not deduct when completing an annual report for a year, it may carry the deductions forward and deduct them when completing an annual report for a subsequent year.
- (3) A regulated emitter shall not include in its annual return emissions that are captured and sequestered in accordance with the laws of Saskatchewan.

15 Dec 2017 cM-2.01 Reg 1 s18.

IPP required to provide information when requested

19 If requested to do so by the minister, an IPP shall provide information respecting its emissions in the form and format and within the period specified by the minister in the request.

15 Dec 2017 cM-2.01 Reg 1 s19.

PART 4
Coming into force

15 Dec 2017 cM-2.01 Reg 1 s19.

Coming into force

20(1) Subject to subsection (2), these regulations come into force on the day on which section 1 of *The Management and Reduction of Greenhouse Gases Act* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 1 of *The Management and Reduction of Greenhouse Gases* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

15 Dec 2017 cM-2.01 Reg 1 s20.

Appendix

PART 1 Hydrofluorocarbons [Subsection 5(1)]

Greenhouse Gas	Chemical Formula
HFC-23	CHF_3
HFC-32	CH_2F_2
HFC-41	CH_3F
HFC-43-10mee	$\text{C}_5\text{H}_2\text{F}_{10}$
HFC-125	C_2HF_5
HFC-134	$\text{C}_2\text{H}_2\text{F}_4$
HFC-134a	CH_2FCF_3
HFC-152a	$\text{C}_2\text{H}_4\text{F}_2$
HFC-143	$\text{C}_2\text{H}_3\text{F}_3$
HFC-143a	$\text{C}_2\text{H}_3\text{F}_3$
HFC-227ea	C_3HF_7
HFC-236fa	$\text{C}_3\text{H}_2\text{F}_6$
HFC-245ca	$\text{C}_3\text{H}_3\text{F}_5$

PART 2 Perfluorocarbons [Subsection 5(2)]

Greenhouse Gas	Chemical Formula
Perfluoromethane	CF_4
Perfluoroethane	C_2F_6
Perfluoropropane	C_3F_8
Perfluorobutane	C_4F_{10}
Perfluorocyclobutane	$\text{c-C}_4\text{F}_8$
Perfluoropentane	C_5F_{12}
Perfluorohexane	C_6F_{14}

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PART 3
Provisions for which Administrative Penalty May be Imposed
[Subsection 8(1)]

Item Column 1	Description of Contravention Column 2	Provision of Act or regulations Column 3
1	Failure to apply to the minister by prescribed date to have baseline emission level approved by the minister	17(3) of the Act
2	Failure to include an opinion from a qualified person verifying the accuracy of the calculation of the baseline emission level	17(4) of the Act
3	Failure to submit an annual return on or before the prescribed date	19(2) of the Act
4	Failure to submit with the first annual return an opinion from a qualified person	19(3) Of the Act
5	Failure to submit an opinion from a qualified person when required by the minister	19(4), (5) and (6) of the Act
6	Failure to provide information when requested by the minister	19 of the regulations

PART 4
Emission Reduction Obligations

TABLE 1
[Subsection 16(2)]

Column 1 Compliance Period	Column 2 Compliance Period -Years	Column 3 CO₂e Cumulative Emissions Cap for All Facilities in Saskatchewan
1	2018-2019	33 500 000 tonnes
2	2020-2024	77 000 000 tonnes
3	2025-2029	64 500 000 tonnes

TABLE 2
[Subsection 16(3)]

Column 1 Compliance Period	Column 2 Compliance Period -Years	Column 3 CO₂e Cumulative Emissions Cap for All Facilities in Saskatchewan
1	2018-2019	33 500 000 tonnes
2	2020-2024	82 000 000 tonnes
3	2025-2029	64 500 000 tonnes

