



# Changing How We Do Business

An Introduction to  
Results-based Regulations and  
The Saskatchewan Environmental Code

November 2014



The Saskatchewan Ministry of Environment is moving to a results-based regulatory structure and has embarked on developing and implementing a visionary framework that includes unprecedented stakeholder participation to ensure it is positioned to provide effective environmental management aligned with a growing economy.

## **Changing How We Do Business** ***Client-centered and Results-based***

The Saskatchewan Environmental Code in entirety is available on the Ministry of Environment's website. Background information on the results-based regulatory model and principles underlying the code, its structure, content and development is also available on the website at: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca).

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## EXECUTIVE SUMMARY



**What began as a recommendation for regulatory reform grew into a complete makeover of the ministry's mode of operation and business processes and tools.**

In 2008, the ministry initiated a comprehensive review of the province's existing regulatory model. This included benchmarking Saskatchewan against models in Alberta, British Columbia, Manitoba and Ontario. It included extensive consultation with the public. More than 1,300 people participated in the code review process, including over 350 face-to-face meetings. Despite the full range of interests represented, everyone agreed:

1. Effective environmental management is essential in an economy built on natural resources;
2. An expanding economy, increased environmental science and knowledge, and shrinking government resources would challenge the ministry's ability to be effective;  
and
3. There was a need for innovation and to work differently to ensure environmental protection could keep pace with industry growth.

The recommendations were to modernize and streamline the acts, develop an environmental code and foster the use of qualified persons and innovative environmental solutions. The ministry went further and embarked on extensive organizational changes. Business processes were leaned, online services were introduced, a client service office was created, improved access to knowledge was emphasized, and working groups of private and public interests were established as policy development partners. The aforementioned initiatives and partnerships, all undertaken simultaneously, were critical to the ministry's success in changing how it does business.

## THE RESULTS-BASED PROJECT AND PROCESS



The ministry's new results-based regulatory model is an outcome-based process that specifies the environmental protection to be achieved and largely leaves the determination of how it is to be achieved to the proponent. Results-based regulation is not deregulation, self-regulation, abdication of authority or responsibility by government, or an attempt to pave the way for unrestricted development. It establishes clear performance expectations while eliminating ineffectual scrutiny and attention to process, especially for routine, well understood, and low-risk activities. It allows government resources to be focused on the monitoring and compliance of activities that pose a higher risk to the environment and to human health and safety.

**A Bottom-up Approach** – Both the code and its development process are unique, with an unprecedented level of leadership and stakeholder involvement. More than 200 experts and industry leaders from all sectors (including government, regulated communities, ENGOs and interested parties) contributed their time and expertise. This process values a broader range of knowledge at the outset to help draft the outcomes. The result creates a greater sharing of responsibility and ownership of environmental laws in Saskatchewan.

**Code Development Committee** - The committee, established in 2010, provides advice to the Minister of Environment on issues relating to environmental protection, law, governance and the content of the code.

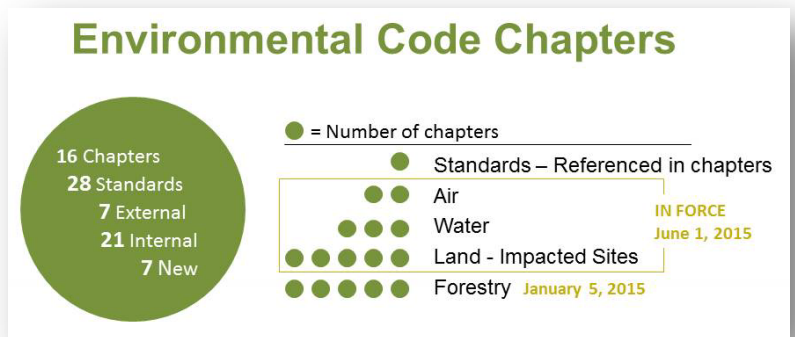
**Code Content Committees** - Five code content committees and several external reviewers collaborated to write the technical/legal code requirements.

**Qualified Persons Advisory Committee** - The committee advises the ministry on the subject of qualified persons and ensures the appropriate class of persons are listed in the code chapters.

# ENVIRONMENTAL CODE



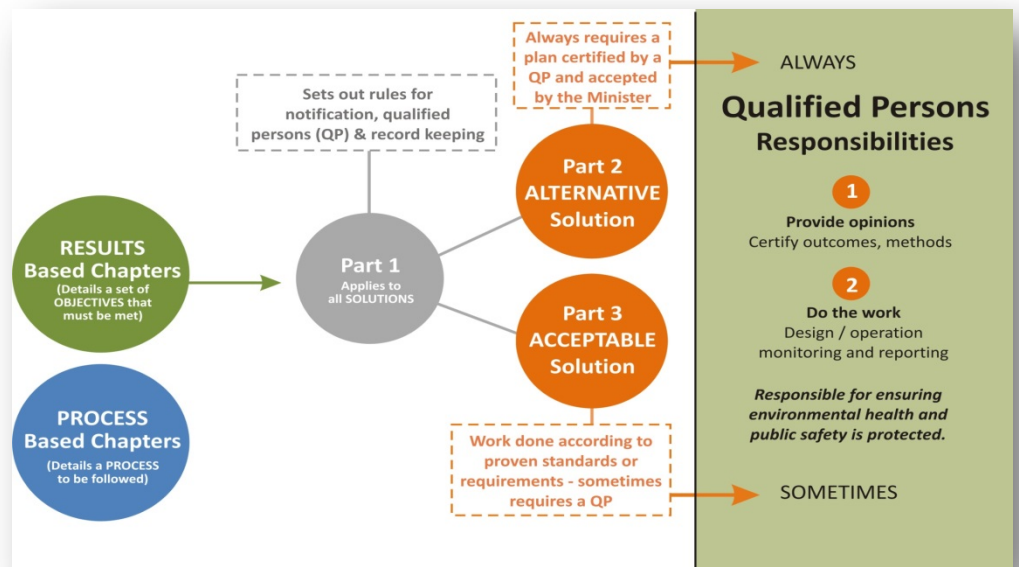
**The Saskatchewan Environmental Code** contains 16 chapters referencing five regulations and 28 environmental standards. The activities covered include: impacted sites, forest resource management, water mains, sewage mains, hydrostatic testing, halocarbon control, and industrial source air quality.



**The results-based approach introduces two significant changes and outcomes:**

Allowing alternative solutions fosters options in how compliance is achieved and encourages innovation.

Increased reliance on Qualified Persons means enhanced use of current environmental science and technology.



RBR Changes and Outcomes		
Changes		Outcomes
1	Focus on outcomes and provide clear direction	Enhanced environmental stewardship and resource management as a result of emphasizing results instead of processes
2	Consolidate objectives, standards, policies, best practices and guidelines	Promote harmonization of environmental and resource management policies across government by clearly stating one set of consolidated provisions
3	Increase reliance on qualified professionals	Leverages use of sophisticated environmental and resource management science and technology
4	Reduce permits and approvals for low/medium risk activities and provide options for compliance	Reduces administrative decisions and fosters flexibility and innovation
5	Formalize ministerial decisions regarding reviews and approvals	Increases legal certainty for project developers
6	Expand Minister's powers to commission environmental studies	Improves measures for enforcing environmental protection
7	Strengthen accountability tools	Increases confidence in environmental and resource management
8	Establish a new compliance assurance program	Enhances government authority to conduct technical audits, as opposed to just inspections, and enforce compliance
9	Strengthen penalties and increase fines	Strengthens deterrents for non-compliance
10	Expand current requirements for financial assurance from developers on high risk activities and plans	Ensures that developers are financially responsible for and financially capable of cleaning up after their activities
11	Increase ministry's authority to order repairs to the environment	Enhances environmental stewardship
12	Increase ministerial power to gain access to and inspect contaminated sites and to reject corrective action plans that are not sustainable	Increases power to encourage compliance
13	Expand access to online environmental data	Increases pressure to comply through transparency and accountability
14	Establish a new fund for orphaned contaminated sites with revenue collected from offences and penalties and other sources	Increases cleaning up of contaminated sites
15	Clarify content in state of the environment reporting to focus on relationship between environment and economy	Improves annual gauge of how programs are working and helps guide future decisions

## Saskatchewan Environmental Code Chapter Summary

### A: General Environmental Management and Protection

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

### B: Land Management and Protection

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

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

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

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

**Substance Characterization** – applies to a person classifying hazardous substances, hazardous waste or industrial waste. The purpose of this chapter is to further define these substances and provide a process for persons to classify these substances either by their characteristics or by being designated or listed.

All persons in the province must ensure they properly classify the substances in their possession in order to ensure all applicable requirements are met.

## **C: Water Management and Protection**

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

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

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

## **D: Natural Resource Management and Environmental Protection**

**Forest Regeneration Assessment** – applies to persons having an obligation to renew lands that have been harvested on their licence area and who conduct regeneration assessments. The purpose of this chapter is to measure the species, distribution and growth of trees that have either been planted or that are naturally regenerating on forest land following harvesting or disturbances by development activities. The specific information gathered through this chapter is fundamental to determining if the forest land is sufficiently regenerated and if forest management planning assumptions will be met.

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

**Forest Operating Plan** – applies to the holders of licenses granted the authority to harvest forest products pursuant to The Forest Resources Management Act. Licensees include the holders of forest



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management agreements, term supply licenses, forest product permits and parties to a forest management fund who are proposing to conduct forest management activities. The purpose of this chapter is to consolidate the current set of requirements governing the annual submission of information respecting a licensee's proposed forest management activities including harvesting, renewal and roads. The annual planning of forest management activities is the process by which the licensee proposes how they will achieve the longer-term landscape level objectives and targets set out in the forest management plan.

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

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

### E: Air Management and Protection.....

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

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