

Ministry of Environment Temporary Enforcement Policy during the COVID-19 Pandemic

General Information

The Saskatchewan Ministry of Environment recognizes the challenges industry is facing during the COVID-19 pandemic, and is mindful of its impact on employees and operations. As a result, the ministry is implementing a temporary policy to modify enforcement guidelines for environmental regulations at all industrial and municipal operations regulated by the ministry.

Regulated facilities are still expected to comply with regulatory requirements where reasonably practicable. This policy does not provide leniency for intentional violation of the legislation.

This policy addresses violations related to:

- *The Environmental Management and Protection Act, 2010 and Regulations;*
- *The Environmental Assessment Act;*
- *The Waste Stewardship Regulations;*
- *The Wildlife Act and Regulations;*
- *The Provincial Lands Act and Crown Resource Land Regulations;*
- *The Conservation Easement Act;*
- *The Management and Reduction of Greenhouse Gases Act and Regulations;* and
- The Saskatchewan Environmental Code.

Timelines

This policy will apply retroactively, beginning on March 27, 2020, for all sites currently regulated by the ministry under the above-noted legislation and regulations. The ministry will assess the need for the temporary policy on a regular basis and reserves the right to update the policy as the COVID-19 situation changes.

The ministry will post applicable notifications to the Government of Saskatchewan's saskatchewan.ca/covid19 website. The ministry will post a notification at least seven days prior to terminating this policy.

Scope

The COVID-19 pandemic has impacted many facets of daily life in Saskatchewan, and the industries and municipalities we regulate are not immune. Due to COVID-19-related issues (e.g. loss of essential staff due to illness and self-isolation), facilities may be constrained on the ability to carry out certain activities. These constraints could include inability to collect and analyze samples, or meet reporting timeline obligations. There may also be situations where operations are unable to meet provincial standards on air emissions or industrial waste discharges, experience a discharge/spill within the province, or are unable to meet certain requirements related to providing safe drinking water. These situations will be managed differently, depending on the risk associated with the activity.

This document does not apply where proponents are unable to provide documentation on the nature of the non-compliance, how the non-compliance is related to COVID-19, or in situations where proponents or individuals are not acting in good faith or are knowingly violating legislation.

The document is a temporary policy and does not alter any current environmental legislation or regulation.

General Conditions

All enforcement discretion in this temporary policy is based on the following:

1. Proponents should make every effort to comply with their environmental compliance obligations;
2. If compliance is not reasonably practicable because of COVID-19 issues, proponents shall:
 - a. Report the non-compliance to the ministry, except for Tier 1 activities, as identified below;
 - b. Act responsibly to minimize the effects and duration of any non-compliance caused by COVID-19 related issues;
 - c. Identify and document the specific nature and dates of the non-compliance; and
 - d. Identify and document how COVID-19 was the cause of the non-compliance, and actions taken in the response, including efforts to comply as soon as possible.

Enforcement Tiers

Enforcement is categorized into specific tiers and is risk-based. ***While the ministry has done its best to identify all activities in each tier, if you are unable to slot an activity within an appropriate tier, or have site-specific questions, contact the ministry's general inquiry line at 1-800-567-4224, or your site-specific ministry contact, or program contact as identified in Appendix 1 of this document.***

TIER 1 ACTIVITIES

Tier 1 activities, identified in Appendix 1, **do not** require proponents to notify the ministry if compliance is not met as a result of and during the COVID-19 pandemic. Proponents are still required to document as per General Conditions 2 (above) and be able to produce documentation upon request by the ministry.

The ministry does not expect to seek penalties for Tier 1 activities where the ministry agrees that unforeseen constraints due to COVID-19 were the cause of the non-compliance, and the proponent provides supporting documentation to that effect, when requested.

TIER 2 ACTIVITIES

Tier 2 activities are site-specific, and require either immediate notification, or as required by existing ministry approvals. Based on the circumstances, including the COVID-19 pandemic, the ministry will evaluate whether an enforcement response is warranted.

In situations where a facility fails to meet provincial limits identified in approvals (other than Potable Water), or any Environmental Protection Plans, including those under the Industrial Source (Air Quality) Objectives, the proponent is required to notify the ministry as required within the approval. The ministry will use a risk-based approach with the proponent to minimize impacts and return the situation to compliance as soon as possible.

Proponents of regulated activities where there is significant resource impact or threat to the environment, such as habitat loss, threat of invasive species or impact to surface water, are required to report to the ministry; enforcement actions will be assessed against risk to the environment. Voluntary compliance measures may be considered where physical distancing requirements can be observed.

Posting and inspection of trespass cabins on Crown resource lands may still occur and be assessed for impact.

TIER 3 ACTIVITIES

Tier 3 activities require immediate notification to the ministry and approval conditions are to be met unless otherwise indicated by ministry personnel, or within this document.

Industrial and mining facilities with potable water systems have a responsibility to provide safe drinking water to their staff and others at the facility. There is an expectation that approval requirements be met, except as identified in Tier 1 under Potable Water.

Should situations arise where there is a potential for capacity issues for potable water monitoring as a result of COVID-19 issues at certified test facilities, proponents and certified laboratories are to notify the ministry in advance of this risk.

Tier 3 requirements apply for all environmental discharges/spills where there is an immediate need to protect the environment and human health. Responsible parties for discharges/spills are required to call the Ministry of Environment Spill Control Centre – 24 hours at 1-800-667-7525. Reporting requirements for Tier 3 are documented with approvals for waterworks operations and within legislation for discharges/spills.

Compliance Assurance Activities

As identified within legislation, the ministry has the authority to go on site to carry out compliance assurance activities, such as compliance audits and inspections, at regulated facilities and for regulated activities.

Currently, the ministry has reduced inspections as a result of the COVID-19 pandemic in an effort to reduce risk. Going forward, the ministry will assess the need to inspect and/or audit facilities using a risk-based approach, in accordance with Public Health Orders and physical distancing requirements, and will evaluate the possibility of using technology, surveys or personal protective equipment to reduce the risk of contracting or spreading COVID-19.

Voluntary compliance efforts and self-reporting of non-compliance as a result of COVID-19 are required unless otherwise identified within this policy.

It is our intention to protect the safety of all individuals involved while carrying out the mandate of regulating industrial operations and activities.

Key Links

COVID-19 Personal Protective Equipment Information

- For employers: https://www.saskatchewan.ca/-/media/files/coronavirus/info-for-health-care-providers/ppe/covid19-appropriate-use-ppe_employers.pdf
- General Public: https://www.saskatchewan.ca/-/media/files/coronavirus/info-for-health-care-providers/ppe/covid19-appropriate-use-ppe_public.pdf

Climate change legislation, regulations, and standards can be found [here](#).

World Health Organization guidance on water, sanitation and health care waste, which is relevant for viruses (including the coronavirus):

- <https://www.who.int/publications-detail/water-sanitation-hygiene-and-waste-management-for-covid-19>

Guidance for solid waste management workers and employers related to COVID-19:

- <https://www.saskatchewan.ca/government/health-care-administration-and-provider-resources/treatment-procedures-and-guidelines/emerging-public-health-issues/2019-novel-coronavirus/covid-19-information-for-businesses-and-workers/information-for-municipalities-solid-waste-management>

APPENDIX 1: TIER 1 ACTIVITIES

Environmental Assessment and Stewardship Branch

- **Waste Stewardship Regulations**
 - Annual reports required under the waste stewardship regulations

For all inquiries related to terms and conditions of approvals issued under *The Environmental Assessment Act*, including timelines for submission of required reports, please contact Brianne England (Manager – Applications) at 306-529-8238 or Brianne.England@gov.sk.ca.

Environmental Protection Branch

- **Mining and Industrial Operations**
 - Sampling and analysis of parameters not related to critical or immediate human health or environmental protection
 - Re-alignment of permitted process checks
 - Training requirements
 - Meeting timelines related to Compliance Audit – Type 1 items in Corrective Action Plans
 - Annual and routine reporting
- **Landfill Operations**
 - Training
 - Meeting timelines related to Compliance Audit – Type 1 items in Corrective Action Plans
 - Annual reporting
- **Potable Water Facilities Regulated by the Ministry of Environment**
 - Deferral of Water System Assessments requirements for 2020
 - Monitoring and sampling requirements if the facility is shut down due to COVID-related issues and an alternative potable water source is provided for staff on site. Restart requires approved start-up protocol
 - Training related to Operator Certification
 - Meeting timelines related to Compliance Audit – Type 1 items Corrective Action Plans
 - Deferral of annual reporting to consumers for three months
- **Hazardous Waste Storage Facilities**
 - Meeting timelines related to Compliance Audit – Type 1 items in Corrective Action Plans
- **Other Activities**
 - Deferred reporting of discharge discoveries

For all other inquiries, contact your site environmental protection officer or 1-800-567-4224.

Fish, Wildlife and Lands Branch

- Usage reporting related to peat, sand and gravel, mineral surface, and quarry leases; and
- Closure reporting related as required for aquatic habitat protection permits and Crown work authorizations.

For all other inquiries, contact Tracey Charabin at 306-480-6722 or email Tracey.Charabin@gov.sk.ca.

Climate Change Branch

- Submission of annual greenhouse gas reporting through the federal Greenhouse Gas Reporting Program (GHGRP) as per *The Management and Reduction of Greenhouse Gases (Reporting and General) Regulations* and associated *Standard*.
- Submission of baselines as per *The Management and Reduction of Greenhouse Gases (Baselines, Returns and Verification) Standard* or *The Management and Reduction of Greenhouse Gases (Upstream Oil and Gas Aggregate Facility) Standard*
- Submission of an annual Emissions Return as per *The Management and Reduction of Greenhouse Gases (Baselines, Returns and Verification) Standard* or *The Management and Reduction of Greenhouse Gases (Upstream Oil and Gas Aggregate Facility) Standard*.
- Submission of an Annual Return as per *The Management and Reduction of Greenhouse Gases (General and Electricity Producer) Regulations*.

For questions about the submissions above, please contact the Climate Change Branch at obpsenv@gov.sk.ca. For all other inquiries to the Climate Change Branch, please contact prairie.resilience@gov.sk.ca or Christine Markel at 306-787-1324.