

The Environmental Management and Protection Act, 2002



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On October 1, 2002 The Environmental Management and Protection Act, 2002 came into effect.

The Environmental Management and Protection Act, 2002 is structured for easy reference and adopts a number of approaches to managing and protecting the environment. It clarifies and simplifies legislation by putting all the administrative components in one part and specific technical legislative requirements in distinct divisions of the statute.

The Environmental Management and Protection Act, 2002 coincides with The Saskatchewan Water Corporation Act and The Saskatchewan Water Authority Act. They work together to ensure that the people of the province have sustainable, reliable, safe and clean drinking water.

The Environmental Management and Protection Act, 2002 includes a specific section dealing with contaminated sites and improved enforcement provisions including administrative penalties for water related issues. Powers of environment officers in The Environmental Management and Protection Act, 2002 are now standardized with those in other ministry legislation. Elements from the former The Ozone-depleting Substances Control Act are included and revised to improve the management of ozone-depleting substances in a manner that is consistent with national commitments and with other provinces.

The Environmental Management and Protection Act, 2002 contains significant changes to definitions, unauthorized discharges, contaminated sites, environmental protection orders and inspection and enforcement provisions including administrative penalties.

UNAUTHORIZED DISCHARGES

The Environmental Management and Protection Act, 2002 includes a general prohibition on unauthorized discharges of substances that may cause an adverse effect to the environment or human health. It prescribes a duty to report any such discharge and it requires the person responsible for a discharge (or who allows a discharge) to take all reasonable measures to minimize damage and restore the environment.

CONTAMINATED SITES

The Environmental Management and Protection Act, 2002 contains specific ministerial powers for designating contaminated sites, providing formal notice of designation, including mandatory notification of all persons connected to the parcel of land, requiring the preparation of a written remedial action plan and, when needed, an agreement regarding apportionment of costs among the responsible persons.



Changes to key definitions:

The concept of **adverse effect** is introduced (the impairment of or damage to the environment, or harm to human health, caused by one or any combination of chemical, physical or biological alteration) and replaces the concept of pollution and contamination. This is consistent with the approach being used in other Canadian jurisdictions.

The definition of **environment** is expanded to reflect the complex ecological and climatic relationships in the environment.

The definition of '**person responsible for a discharge**' replaces the former terms 'owner of a pollutant', 'person having control of a pollutant' and the previously undefined 'person responsible for the presence of a pollutant.' These changes are consistent with other Canadian jurisdictions.

PROTECTION OF WATER

Part IV of The Environmental Management and Protection Act, 2002 deals with **The Protection of Water** and regulating water quality. It also obliges the ministry to prepare and submit an annual **State of Drinking Water Quality Report** to the Cabinet.

The Environmental Management and Protection Act, 2002 also specifies that the person responsible for any waterworks providing water for human consumption must ensure that the water supplied is safe for this purpose. The Environmental Management and Protection Act, 2002 gives the Minister the authority to issue a Precautionary Drinking Water Advisory, a Waterworks Protection Order, an Emergency Waterworks Protection Order as well as other related powers.

ENVIRONMENTAL PROTECTION ORDERS

The Environmental Management and Protection Act, 2002 enables '**environmental protection orders**' and '**emergency environmental protection orders**' to be issued to deal with a range of issues.

Section 46 of the Act speaks to the emergency environmental protection orders that may be issued if the Minister is of the opinion that a person is doing anything or carrying out any activity that may cause, is causing or has caused an "immediate" or "significant" adverse effect to the environment or human health. This clause is "notwithstanding any other provision of the Act" and overrides the requirement for the Minister to provide 30 days notice for a regular environment protection order.

Emergency environmental protection orders expire 15 days after they are issued.

Section 47 of the Act permits the Minister to issue environmental protection orders requiring the person to whom the order is issued to take any measures that the Minister considers necessary to protect and restore the environment. Before issuing the order, the Minister must provide written notice of an intention to issue the order and allow 30 days for written representation to the Minister.

THE OZONE-DEPLETING SUBSTANCES CONTROL ACT

The Ozone-depleting Substances Control Act has been rolled into The Environmental Management and Protection Act, 2002, which retains all of the functional provisions of the former Act while updating the wording to be consistent with other provincial and national programs. The Ozone-depleting Substances Control Act was repealed when The Environmental Management and Protection Act, 2002 came into effect.

ENFORCEMENT POWERS

The Environmental Management and Protection Act, 2002 expands the role and the authority of environment officers in Saskatchewan, giving them the same powers and protections as peace officers.

The **powers of environment officers** have been upgraded so they are consistent with other ministry legislation. Environment officers may **enter or cross over private land** for the purpose of conducting an inspection; **inspect computer, digital and electronic records** as well as paper records; **immediately seize an item** if they believe that adverse effects may be created; and they have **improved authority to search vehicles, aircraft and boats**, which is consistent with The Wildlife Act and other ministry legislation.

ADMINISTRATIVE PENALTIES

The Minister has the authority to issue **administrative penalties** to permittees and licensees pursuant to all water related provisions included in Part IV of the The Environmental Management and Protection Act, 2002. Administrative penalties allow the Minister to assess a financial penalty for clear-cut, administrative violations.