Saskatchewan Mining Association
Environmental Forum 2014

Saskatchewan Environmental Code
Application for Mining industry

October 29, 2014
TODAY’S PRESENTATION

1. Results Based Regulatory Initiative Overview
2. Saskatchewan Environmental Code – highlights for Mining Industry
3. Qualified Persons
4. Next steps
Why RBR?

- Shift focus from prescriptive to desired environmental outcomes
- Paper/permit intensive organization
- Need to align with growing economy
What is RBR

• Modern regulatory system
• Effective legislation
• Clear expectations and outcomes
• An articulation of sustainability principles
• Environmental protection delivered as a routine business process
Objectives of New Model

No Lessening of standards
not self regulation

Facilitate economic growth
via efficient & consistent regulations

Env. protection at speed of routine business
supported by qualified professionals

Timely, science & knowledge-based decisions
by a professional public service

Enhanced Compliance
inspections & audits
RBR Components

Legislation

Environmental Code

Responsive Ministry Structure and Culture

Results-based regulation supports:
  Environmental protection
  Sustainable use of resources
  Economic and social benefits

Auditing, Compliance and Enforcement

Change Management

Business Transformation

Information and Technology
Legislative and Regulatory Changes applicable to Mining Operations

Acts and Regulations to be repealed:

Replaced with:
The Environmental Management and protection Act, 2010 - The EMPA General Regulations - The Saskatchewan Environmental Code (including supporting standards) - The Waterworks and Sewage Works Regulations

Regulations that will remain in force include:
Environmental Code

• **Enable** enhanced protection of the environment delivered as a routine business system.

• **Replace** (where appropriate) the current prescriptive requirements of the regulations.

• **Consolidate** environmental protection objectives, standards, policies, guidelines and best practices

• **Promote efficiency** through clear, unambiguous requirements and expectations
Environmental Code

- Promote harmonization of environmental protection policies across government

- Promote innovation through alternatives

- Collaborative process to develop code chapters
Which Chapters apply to mining?

- Discharge and Discovery Reporting
- Site Assessment
- Corrective Action Plan
- Transfer of Responsibility
- Substance Characterization
- Industrial Air Source
Impacted Sites Process

Discovery
Assessment
Corrective Action Plan
Closure
Discharge and Discovery Reporting

- 3 Reporting Triggers
- 30 day written report
- Amalgamates requirements
- Historical Impacts Reportable
- EPP
- Supporting standards
The EPP

- Substance specific
- Hierarchy
  - Safety
  - Environmental Protection
  - Continuity
- Standard Triggers still apply
- Report to “EPO” with 72 hours
Industrial Air Source Chapter

• Existing operations require EPP prior to 5 year transition

• New facilities or alterations – code applies immediately

• QP to develop EPP
Will my current approval need to change?

• Not immediately - all operating approvals will remain in effect.
• Amendments to current approvals discussed with Environmental Project Officers (EPOs) prior to the renewal date.
• EPP to be developed for Industrial Air Source portions of operation
• Approval conditions amended to reflect the approved EPP and any other special conditions
WHY QUALIFIED PERSONS

• Critical to the success of RBR implementation
• Help ensure code outcomes are achieved
• Protect public safety and environment
RESULTS Based Chapters
_Details a set of OBJECTIVES that must be met_

PROCESS Based Chapters
_Details a PROCESS to be followed_

Part 1
_Applies to all SOLUTIONS_

Part 2
_ALTERNATIVE Solution_
_Always requires a plan certified by a QP and accepted by the Minister_

Part 3
_ACCEPTABLE Solution_
_Work done according to proven standards or requirements - sometimes requires a QP_

**Always**
Qualified Persons Responsibilities

1. **Provide opinions**
   Certify outcomes, methods

2. **Do the work**
   Design / operation monitoring and reporting

_Responsible for ensuring environmental health and public safety is protected._

**Sometimes**
RESPONSIBILITIES

Responsibility of Qualified Person - contained in the Acts and bylaws (e.g. scope of practice)

Responsibility of Proponent – ultimate responsibility of activity lies with the proponent
OFFENCES

It is an **OFFENCE** to:

• provide misrepresentations;

• not disclose all material facts; and

• not comply with any professional associations.
COMPLIANCE AND ENFORCEMENT

1) Audits
2) Warning Letters
3) Impose Conditions
4) Refuse to Accept Materials
5) Admin Penalties
6) File complaint with Professional Association
7) Initiate Prosecution
Am I a Qualified Person?

1. QPAC Process - QP Class listed in chapter
2. Minister Designation Process
QPAC PROCESS

- QPAC includes members from professional associations, environmental sciences, industry and traditional use
- Content Committees developed core skills and competencies for activities
- QPAC reviewed skills and competencies
- QPAC recommended to minister professions that poses those core skills and competencies
QPAC PROCESS

NEED to look in each chapter what PURPOSE the QP is used for:

• for the purposes of certifying an environmental protection plan:

• for the purposes of certifying a site suitability report or a technical investigation:

• for the purposes of certifying a tier 1 endpoint corrective action plan:

• for the purposes of certifying a tier 2 endpoint corrective action plan:
Minister Designation Process

QP submits the application

Reviewed and validated by Code Secretariat and ministry branches

If NO - an “Intent of Response” gives applicant 30 days to respond

If YES – the final response is provided to applicant (with any terms and conditions)
Certificate of Designation
Next Steps

- Watch for announcement of effective date
- Provide comment on Impacted Sites Guidance Document
- Participate in training events
- Look for opportunities to participate in development of future code chapters
- Comply with the New Legislation, Regulations and Environmental Code