

Site Assessment

Adopted pursuant to *The Environmental Management and Protection Act, 2010*

PART 1 - General

Purpose

1-1(1) This chapter sets out the requirements for site assessments required by the minister pursuant to section 13 of the Act.

Information Note

In accordance with section 84 of the Act, it is an offence to fail to comply with the code.

For definitions of terms see “Glossary of Terms” at end of chapter.

Compliance

1-2 Every person required to conduct a site assessment shall comply with all the requirements established pursuant to:

- (a) Part 1; and
- (b) either:
 - (i) Part 2; or
 - (ii) Part 3.

Qualified persons and certificate

1-3(1) For the purposes of clause 2(1)(bb) of the Act, in this chapter “qualified person” means:

- (a) for the purposes of certifying an environmental protection plan and CAN/SA Z769-00 (R2013) - Phase II Environmental Site Assessment report:
 - (i) a person licensed to practise professional engineering or professional geoscience pursuant to *The Engineering and Geoscience Professions Act*;
 - (ii) a person who is a practising member as defined in *The Agrologists Act, 1994*;
 - (iii) a person who is an applied science technologist pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act* and who has 8 years of experience in site assessment that is recognized by the Saskatchewan Applied Science Technologists and Technicians; or
 - (iv) an individual who is designated by the minister or who is a member of a class of persons designated by the minister pursuant to the Act to undertake the activity;
- (b) for the purposes of completing a visual site assessment:
 - (i) a person who holds a bachelor’s degree in science or a diploma in applied science or engineering technology from a post-secondary institution; or
 - (ii) any person mentioned in clause (c);

- (c) for the purposes of certifying the quality assurance and quality control sampling and analytical procedures:
 - (i) a person who is an applied science technologist or certified technician pursuant to *The Saskatchewan Applied Science Technologists and Technicians Act*; or
 - (ii) any person mentioned in subclause (a)(i), (ii) or (iv).
- (2) Every person required to conduct a site assessment shall ensure that any certificate provided by a qualified person in accordance with this chapter satisfies the requirements set out in the Qualified Person Certification Standard

Information Note

The identification of a person as a qualified person does not entitle that person to engage in an activity if that activity is within the exclusive scope of practice of a profession and that person is not a member of that profession.

Environmental samples and laboratory analysis

- 1-4 (1) Subject to subsection (2), every person required to conduct a site assessment shall ensure that environmental samples are:
- (a) collected, preserved, stored, handled or analysed in accordance with a method approved by a standards-setting organization; and
 - (b) if analysed by a laboratory, analysed by a laboratory accredited pursuant to the requirements of the Canadian Association for Laboratory Accreditation in accordance with the parameters for which the laboratory has been accredited.
- (2) If no parameter-specific environmental sampling method or analytical method accreditation process exists, every person required to conduct a site assessment shall ensure that a qualified person provides a certificate stating that, in his or her opinion, the quality assurance and quality control for sampling and analytical procedures produce accurate, precise and reliable results.

Information Note

Standards-setting organizations include bodies such as the Standards Council of Canada, the Canadian Standards Association, the Underwriters Laboratories of Canada, the International Organization for Standardization, the American Society for Testing and Materials (ASTM) International and the United States Environmental Protection Agency.

General records

- 1-5 (1) Every person required to conduct a site assessment shall ensure that the following records are kept and retained for at least 7 years from the date the record was created:
- (a) all field notes related to the site assessment;
 - (b) all raw data used to prepare the site assessment;
 - (c) all correspondence and records respecting the site assessment, including any reports sent to a person pursuant to section 1-8 and any access agreements that are entered into with any person;

- (d) all information used to complete the National Classification System for Contaminated Sites Spreadsheet;
 - (e) records of any environmental sampling, analysis or monitoring that has been conducted, including:
 - (i) the results of any environmental analysis;
 - (ii) the date, location and time of environmental sampling or monitoring;
 - (iii) the name of the person collecting the environmental sample;
 - (iv) an identification of the environmental sample type;
 - (v) the date of analysis of the environmental sample;
 - (vi) the sampling method used;
 - (vii) the name of the laboratory that performed the analysis of the environmental sample;
 - (viii) the name of the person responsible for performing the analysis of the environmental sample; and
 - (ix) the quality assurance and quality control records of any environmental samples;
 - (f) any certificate received from a qualified person;
 - (g) any other records mentioned in Part 2 or Part 3.
- (2) Every person required to conduct a site assessment shall ensure that the records required to be kept pursuant to this section are made available to the minister on request.

National classification system for contaminated sites spreadsheet

- 1-6** Every person required to conduct a site assessment shall, within 30 days after completing the site assessment:
- (a) complete a National Classification System for Contaminated Sites Spreadsheet in the form provided by the minister; and
 - (b) submit the form mentioned in clause (a) to the minister.

Information Note

A person may request a National Classification System for Contaminated Sites Spreadsheet from the minister:

(1) electronically by using the following link: <https://envrbrportal.crm.saskatchewan.ca/>; or

(2) by requesting a form from the Saskatchewan Ministry of Environment at:

Saskatchewan Ministry of Environment

1-800-567-4224 (toll free in Canada)

Centre.Inquiry@gov.sk.ca

The completed form may be submitted to the minister in accordance with the directions set out in the form.

Identification of substances of potential concern at an environmentally impacted site

- 1-7** Every person required to conduct a site assessment at an environmentally impacted site shall identify the vertical and horizontal limits of the substances of potential concern to the point where the concentration of those substances is at or below:
- (a) the concentration for the particular substance set out in Table 2 of the Discharge and Discovery Reporting Standard; or
 - (b) any concentration acceptable to the minister, which will only be set by the minister after consultation with the person required to conduct the site assessment.

Reporting obligations

- 1-8 (1)** The site assessment report required pursuant to Part 2 or 3 must:
- (a) clearly identify any substance mentioned in section 1-7 whose concentration meets or exceeds the limits set out in Table 2 of the Discharge and Discovery Reporting Standard;
 - (b) if a concentration acceptable to the minister pursuant to clause 1-7(b) was used, include an explanation as to why the concentration was used; and
 - (c) if the site is an environmentally impacted site, include a statement to that effect.
- (2) Every person required to conduct a site assessment shall, as soon as is reasonably practicable after the site assessment is complete, send a report to the following persons advising that he or she is affected by one or more substances of potential concern:
- (a) any owner of land that is being affected by one or more substances of potential concern;
 - (b) in consultation with the minister, any other person.

PART 2 - Alternative Solutions

Information Note

Part 2 applies to every person required to conduct a site assessment who has elected to comply with Part 2.

Results-based objective

- 2-1(1)** The results-based objective of this chapter is to limit the probability of unacceptable adverse effects resulting from the activity addressed by this chapter.
- (2) The results-based objective mentioned in subsection (1) must be satisfied by:
- (a) confirming the presence, characterization, location and extent of any substance that may cause or is causing an adverse effect in an area of land or water by taking reasonable and prudent measures to:
 - (i) assess information at the site, including identifying:
 - (A) the sources of the substances that may cause or are causing an adverse effect;
 - (B) the geological and hydrogeological conditions;
 - (C) any transport pathway for substances that may cause or are causing an adverse effect; and; and
 - (D) any potential receptors;
 - (ii) develop a plan to sample for any substance that may cause or is causing an

- adverse effect;
 - (iii) plan a site investigation appropriate to the level of complexity and severity of the adverse effect; and
 - (iv) conduct the site assessment;
 - (b) ensuring that the site assessment is conducted in a safe and acceptable manner by taking reasonable and prudent measures to:
 - (i) minimize any additional adverse effects; and
 - (ii) minimize human contact with any substance that may cause or is causing an adverse effect;
 - (c) taking reasonable and prudent measures to:
 - (i) interpret, evaluate and document the data gathered during site assessments;
 - (ii) provide a scientifically defensible framework for the preparation of a corrective action plan; and
 - (iii) ensure that the written site assessment report mentioned in section 2-2 includes the information mentioned in subclauses (i) and (ii); and
 - (d) taking reasonable and prudent measures to include components on monitoring, recording and reporting.

Alternative solution

- 2-2** Every person required to conduct a site assessment shall:
- (a) have an environmental protection plan prepared that sets out the methods that will be employed to satisfy the results-based objective described in section 2-1;
 - (b) ensure that a qualified person provides a certificate stating that, in his or her opinion, the methods and components in the environmental protection plan, if carried out in accordance with that plan, will satisfy the results-based objective described in section 2-1; and
 - (c) submit the following documents to the minister:
 - (i) the environmental protection plan for acceptance pursuant to section 27 of the Act;
 - (ii) the certificate from a qualified person obtained pursuant to clause (b).

Information Note

The environmental protection plan, and the certificate(s) from the qualified person, may be submitted to the minister:

(1) electronically by using the following link: <https://envrbrportal.crm.saskatchewan.ca/>; or

(2) by requesting a form from the Saskatchewan Ministry of Environment at:

Saskatchewan Ministry of Environment

1-800-567-4224 (toll free in Canada)

Centre.Inquiry@gov.sk.ca

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

PART 3 - Acceptable Solution

Information Note

The environmental protection plan, and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: <https://envrbrportal.crm.saskatchewan.ca/>; or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

Saskatchewan Ministry of Environment
1-800-567-4224 (toll free in Canada)
Centre.Inquiry@gov.sk.ca

In accordance with section 27 of the Act, the minister may accept the environmental protection plan, accept the environmental protection plan and impose terms and conditions or refuse to accept the environmental protection plan.

Acceptable solution

- 3-1(1)** Subject to subsection (2), every person required to conduct a site assessment shall ensure that:
- (a) a qualified person completes the Visual Site Assessment Checklist in accordance with the Visual Site Assessment Standard;
 - (b) the Visual Site Assessment Checklist is submitted to the minister immediately after it is completed; and
 - (c) if the Visual Site Assessment Checklist identifies a need for further assessment, a site assessment is conducted in accordance with subsection (3) or Part 2.
- (2) A person is not required to comply with subsection (1) if the person conducts a site assessment in accordance with subsection (3) or Part 2.
- (3) If a person has elected to conduct a site assessment in accordance with this subsection, or if a site assessment is required pursuant to clause (1)(c), the person conducting the site assessment shall ensure that:
- (a) the site assessment is conducted in a manner that satisfies the requirements set out in the CAN/CSA-Z769-00 (R2018) - Phase II Environmental Site Assessment standard;
 - (b) a site assessment report is prepared that satisfies the requirements set out in the CAN/CSA-Z769-00 (R2018) - Phase II Environmental Site Assessment standard;
 - (c) a qualified person provides a certificate stating that, in his or her opinion, the report satisfies the requirements set out in the CAN/CSA-Z769-00 (R2018) - Phase II Environmental Site Assessment standard; and
 - (d) the following documents are submitted to the minister:
 - (i) the site assessment report mentioned in clause (b);
 - (ii) the certificate from a qualified person:
 - (A) obtained pursuant to subsection 1-4(2), if any; and
 - (B) obtained pursuant to clause (c).

Information Note

In accordance with section 13 of the Act, if the minister is not satisfied with the site assessment, the minister may direct the person who submitted the site assessment to conduct a further investigation in the manner directed by the minister.

The site assessment report, and the certificate(s) from the qualified person, may be submitted to the minister:

- (1) electronically by using the following link: <https://envrbrportal.crm.saskatchewan.ca/>; or
- (2) by sending the documents to a Saskatchewan Ministry of Environment office. A list of office locations can be requested from:

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Centre.Inquiry@gov.sk.ca

Glossary of Terms

Act

The Environmental Management and Protections Act, 2010.

CAN/CSA-Z769-00 (R2018) - Phase II Environmental Site Assessment standard

The CAN/CSA-Z769-00 (R2018) - Phase II Environmental Site Assessment standard, as established by the Canadian Standards Association, and adopted pursuant to the Adoption of Standards Chapter.

Discharge and Discovery Reporting Standard

The Discharge and Discovery Reporting Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

National Classification System for Contaminated Sites Spreadsheet

Appendices 1 to 6 of the CCME. 2008. National Classification System for Contaminated Sites: Guidance Document. Canadian Council of Ministers of the Environment, Winnipeg.

Qualified Person Certification Standard

The Qualified Person Certification Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter.

Substances of potential concern

Any anthropogenic substance found in soil, sediments ground water or surface water that is present in a concentration that meets or exceeds the limits for a particular substance set out in Table 2 of the Discharge and Discovery Reporting Standard.

Visual Site Assessment Checklist

The Visual Site Assessment Checklist included in section B of the Visual Site Assessment Standard.

Visual Site Assessment Standard

The Visual Site Assessment Standard, as established by the minister on November 15, 2012, and adopted pursuant to the Adoption of Standards Chapter

Standards Referenced in this Chapter

The following standards, adopted pursuant to the Adoption of Standards Chapter, are referenced in this chapter:

- CAN/CSA-Z769-00 (R2018) - Phase II Environmental Site Assessment
- Discharge and Discovery Reporting Standard
- Qualified Person Certification Standard
- Visual Site Assessment Standard