

DISCHARGE AND DISCOVERY REPORTING

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

Purpose

- 1-1** This chapter sets out the requirements pursuant to section 9 of the Act for reporting a **discharge** of a **substance** that may cause or is causing an **adverse effect** or for reporting a discovery of such a substance.

Information Note

This chapter comes into force on June 1, 2015.

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

When to report a discharge

- 1-2** The discharge of a substance must be reported if:
- (a) the substance may cause or is causing an adverse effect; or
 - (b) the substance meets the criteria set out in Table 1 of the Discharge and Discovery Reporting Standard for that substance.

Information Note

In accordance with section 8 of the Act, a discharge is not required to be reported if the discharge is expressly authorized pursuant to any of the following provided that the substance discharged is in a quantity, concentration or level, or at a rate of release that does not exceed what is expressly authorized by any of the following:

- (a) the Act or the regulations;
- (b) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
- (c) any approval, permit, licence or order issued or made pursuant to:
 - (i) the Act or the regulations; or
 - (ii) any other Act, Act of the Parliament of Canada or the regulations made pursuant to any other Act or Act of the Parliament of Canada;
- (d) the Saskatchewan Environmental Code; or
- (e) an accepted environmental protection plan.

Information Note**Who reports a discharge**

In accordance with section 9 of the Act, the following persons have an obligation to report a discharge:

- (a) every person who discharges, or allows the discharge of, a substance into the environment that may cause or is causing an adverse effect;
- (b) a police officer or employee of a municipality or government agency who is informed of or who investigates a discharge of a substance into the environment that may cause or is causing an adverse effect. (A police officer or employee is not required to report a discharge if he or she has reasonable grounds to believe that the discharge has been reported by another person.)

When to report a discovery

1-3 The discovery of a substance must be reported if:

- (a) the substance may cause or is causing an adverse effect;
- (b) the substance discovered is in a quantity or concentration that could pose a serious risk to the **environment** or public health or safety; or
- (c) the substance meets the criteria set out in Table 2 of the Discharge and Discovery Reporting Standard for the applicable media with respect to that substance.

Information Note**Who reports a discovery**

In accordance with section 9 of the Act, the following persons have an obligation to report a discovery:

- (a) every person who owns or occupies land on which a substance is discovered;
- (b) every person who discovers a substance while conducting work;
- (c) a police officer or employee of a municipality or government agency who is informed of or who investigates a discovery of a substance into the environment that may cause or is causing an adverse effect. (A police officer or employee is not required to report a discovery if he or she has reasonable grounds to believe that the discovery has been reported by another person.)

Immediate report to minister in certain circumstances

1-4(1) Subject to subsection (2), every **person** required to report a discharge pursuant to section 1-2, or a discovery pursuant to clause 1-3(b), shall:

- (a) immediately report the discharge or discovery to the **minister**;
- (b) include the following information in the report, if the information is known or can be readily obtained by that person:
 - (i) the location and time of the discharge or discovery;
 - (ii) in the case of a discharge, whether the discharge was the result of a transportation incident or an incident at a facility;

- (iii) the type and quantity of the substance discharged or discovered;
 - (iv) if a fire is associated with the discharge or discovery;
 - (v) if an accountability system has been established for all responders on the scene to ensure that persons responding to an incident are accounted for when entering and leaving the incident;
 - (vi) if an incident command has been established and a recognized hierarchy of command is in place to manage the incident;
 - (vii) if an emergency response assistance plan required by the *Transportation of Dangerous Goods Act, 1992 (Canada)* has been implemented;
 - (viii) if fish-bearing waters may be or are affected;
 - (ix) if potable water may be or is affected;
 - (x) the distance to the nearest body of [water](#) or storm drain;
 - (xi) the distance to the nearest occupied building;
 - (xii) the details of any action taken or proposed to be taken on the area affected by the discharge or discovery;
 - (xiii) a physical description of the area, and the surrounding area, in which the discharge occurred or discovery was made; and
- (c) provide the minister with any other information or material respecting the discharge or discovery that the minister may reasonably require.
- (2) Subsection (1) does not apply to a person who reports a discharge in accordance with:
- (a) any approval, [permit](#), licence or order issued or made pursuant to the Act or any regulations made pursuant to the Act; and
 - (b) an [accepted environmental protection plan](#).

Information Note

A person may immediately report a discharge or discovery to the minister:

- (1) by telephone at 1-800-667-7525 (24-hours toll free in Canada); or
- (2) in person by attending a Saskatchewan Ministry of Environment office during regular office hours. 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

Follow-up written report required when immediate report made pursuant to section 1-4

- 1-5(1)** Subject to subsection (2), every person required to immediately report a discharge or discovery to the minister pursuant to subsection 1-4(1) shall, within 30 days after providing that report, provide the minister with:
- (a) a completed Saskatchewan Discharge or Discovery Report Form; and
 - (b) any other information or material respecting the discharge or discovery that the minister may reasonably require.
- (2) Subsection (1) does not apply to:
- (a) a police officer or an employee of a [municipality](#) or [government agency](#) who is informed of or who investigates a discharge or discovery; or
 - (b) a person who provides a report of the discharge pursuant to *The Oil and Gas Conservation Act* or *The Pipelines Act, 1998*.

Report of discovery to minister within 30 days in certain circumstances

- 1-6(1)** Subject to subsection (2), every person required to report a discovery pursuant to clause 1-3(a) or (c) shall:
- (a) report the discovery to the minister within 30 days by providing the minister with a completed Saskatchewan Discharge or Discovery Report Form; and
 - (b) provide the minister with any other information or material respecting the discovery that the minister may reasonably require.
- (2) Subsection (1) does not apply to a person who reports a discharge in accordance with:
- (a) any approval, permit, licence or order issued or made pursuant to the Act or any regulations made pursuant to the Act; and
 - (b) an accepted environmental protection plan.

Information Note

The Saskatchewan Discharge or Discovery Report Form may be obtained:

- (1) electronically by using the following link: www.environment.gov.sk.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.

Obligation to report to others in certain circumstances

- 1-7(1)** Every person required to report a discharge pursuant to section 1-2 shall, as soon as is reasonably practicable, report the discharge:
- (a) subject to subsection (3), to any owner of land that is affected by the discharge; and
 - (b) in consultation with the minister, to any person who may be affected by the discharge.
- (2) Every person who owns land on which a substance is discovered and who is required to report a discovery pursuant to section 1-3 shall, as soon as is reasonably practicable, report the discovery:
- (a) subject to subsection (3), to any owner of adjacent land that is affected by the discharge; and
 - (b) in consultation with the minister, to any person who may be affected by the discharge.
- (3) A report mentioned in clause (1)(a) or (2)(a) is not required to be made to any owner who is a [person responsible](#).

Joint report

- 1-8** If more than one person is required to submit a report, a joint report may be prepared and submitted.

Glossary of Terms

Act

The Environmental Management and Protection Act, 2010.

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.

Standards Referenced in this Chapter

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

- Discharge and Discovery Reporting Standard