The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations, 2023

being

Chapter M-2.01 Reg 4 (effective January 1, 2023) as amended by Saskatchewan Regulations 40/2023 and 54/2026.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER M-2.01 REG 4

The Management and Reduction of Greenhouse Gases Act

PART 1
Preliminary Matters

Title

1 These regulations may be cited as *The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations, 2023*.

Definitions and interpretation

2(1) In these regulations:

"Act" means *The Management and Reduction of Greenhouse Gases Act*;

"associated gas" means gas produced from an oil well;

"baseline emissions intensity" means the result obtained by dividing the baseline emissions level for a commercial product at an industrial facility by the baseline production level for the commercial product;

"baseline emissions level" means the regulated emissions associated with the commercial production of a product at an industrial facility averaged over the baseline years for a commercial product at the industrial facility;

"baseline production level" means the total annual quantity of commercial production of a product at an industrial facility averaged over the baseline years for a commercial product produced at the industrial facility;

"baseline submission" means a submission prepared in accordance with section 15 and an applicable standard for the purpose of determining the baseline emissions intensity for each commercial product produced at an industrial facility;

"baseline years" means the baseline years that are established by the regulated emitter for a commercial product at an industrial facility and that are approved by the minister in accordance with an applicable standard;

"business day" means a day other than a Saturday, Sunday or holiday;

"CCUS credit" means a carbon capture, utilization and storage credit that is:

(a) expressed in CO_2e; and

(b) approved by the minister for the capture and permanent storage of greenhouse gas emissions in accordance with an applicable standard;

"commercial product" means a product in commercial production;

"commercial production" means the act of producing a product for eventual sale, transfer or distribution;

"compliance return" means a return prepared in accordance with section 24 and an applicable standard by a regulated emitter for a regulated facility for the purpose of demonstrating how the regulated emitter has fulfilled a compliance obligation in a compliance year in which a compliance obligation is incurred for the regulated facility;

"compliance year" means a year in which a regulated facility is subject to these regulations;

"decommission" means the act of winding down operations or production of commercial products at a regulated facility with the expectation that the operations or production of commercial products at the regulated facility will permanently cease within a definite period;

"electricity facility" means, subject to subsection (6), a regulated facility for which the primary commercial products are electricity and, if applicable, sold heat;

"emission" means the emission of a greenhouse gas as measured in terms of tonnes of CO_2e;

"emissions intensity standard" means a limit on emissions in tonnes of CO_2e per gigawatt-hour of gross electricity generation or tonnes of CO_2e per gigajoule of sold heat generation for an electricity facility as established in Table 2;

"emissions return" means a return prepared in accordance with section 23 and an applicable standard by a regulated emitter for a regulated facility for the purpose of demonstrating:

(a) whether the total regulated emissions by the regulated facility are below, meet or exceed its permitted emissions in each compliance year; and

(b) whether the regulated facility has earned performance credits or has incurred a compliance obligation;

"existing product" means any product that has been in commercial production at an industrial facility for at least 3 consecutive years;

"existing unit" means a unit that first began generating electricity at an electricity facility before January 1, 2023;

"expanded unit" means a unit that first began generating electricity at an electricity facility before January 1, 2023, for which the total capacity for electricity generation was increased on or after January 1, 2023;

"facility" means:

(a) any buildings, units, equipment, structures, on-site transportation machinery and stationary items that:

(i) are located on a single site, on multiple sites or between multiple sites that are owned or operated by the same person or persons; and

(ii) function as a single integrated site;

but does not include public roads;

(b) subject to subsection (2), any other site, plant or establishment that is approved by the minister based on any unique or special circumstances respecting an emitter or class of emitters; or

(c) the portion of a natural gas transmission pipeline system within Saskatchewan that is operated in an integrated way to transmit processed natural gas, including compressor stations, storage installations and compressors, but excluding pipelines, installations or equipment that are used in the local distribution of natural gas and are downstream of a metering station;

"facility under construction" means a facility that is in the process of being assembled and has not previously produced a commercial product in a regulated sector;

"gaseous fuel" means a fossil fuel that is gaseous at a temperature of 15ºC and a pressure of 101.325 kPa;

"gross electricity generation" means the total amount of electrical energy produced by a unit or at a regulated facility, as the case may be, as measured by a certified meter at the electrical terminal of each unit;

"industrial facility" means a regulated facility for which the primary commercial product is not electricity, but that may also generate electricity;

"liquid fuel" means a fossil fuel that is liquid at a temperature of 15ºC and a pressure of 101.325 kPa;

"maximum continuous rating" means the maximum net power that can be continuously sustained by a unit or equipment that generates electricity without the use of duct burners at a temperature of 15ºC and a pressure of 101.325 kPa;

"new product" means any product that has been in commercial production at an industrial facility for less than 3 years;

"new unit" is a unit that first began generating electricity at an electricity facility on or after January 1, 2023;

"performance standard" means the amount of tonnes of CO_2e per unit of commercial product a regulated emitter is permitted to emit without incurring a compliance obligation when producing a unit of commercial product at an industrial facility in a given reduction period;

"performance standard allocation" means the numeric values, established in Table 1 and an applicable standard, that are assigned to each regulated sector and that are used to determine the reduction requirement for the regulated emissions from a commercial product produced at an industrial facility that is subject to the reduction requirement;

"permitted emissions" means, for a compliance year of a regulated facility, the emissions the regulated facility is permitted to emit for all products in commercial production at the regulated facility without incurring a compliance obligation, as determined in accordance with an applicable standard;

"qualified person" means, for the purposes of these regulations, a person who meets the qualifications and eligibility requirements to be a qualified person established in these regulations and an applicable standard;

"reduction period" means the period determined pursuant to section 13 and an applicable standard;

"regulated electricity emissions" means the sum of all emissions from regulated source categories associated with the commercial production of electricity and, if applicable, sold heat produced by a unit or group of units at a regulated facility, including waste heat from the unit or group of units;

"regulated emissions" means emissions from a regulated source category;

"regulated facility" means a facility owned or operated by a regulated emitter that is described in section 3;

"regulated industrial emissions" means the sum of all emissions from regulated source categories for a commercial product produced at a regulated facility, other than electricity and, if applicable, sold heat that are produced by a unit or group of units at a regulated facility;

"regulated sector" means a sector listed in column 1 of Table 1 or mentioned in Table 2;

"regulated source categories" means the categories of the sources of emissions from which greenhouse gas emissions may originate and that are established in an applicable standard;

"sold heat" means thermal energy produced at a regulated facility that is intended for eventual sale to another regulated emitter or an entity that is not governed by these regulations;

"solid fuel" means a fossil fuel that is solid at a temperature of 15°C and a pressure of 101.325 kPa;

"standard" means a standard developed or adopted by the minister pursuant to section 4;

"standby" means a period during which the regulated emitter satisfies the minister that no commercial production of a product at an industrial facility has occurred for a reason that was not provided in the information reported pursuant to section 15 to prepare the baseline submission for the commercial product at the industrial facility;

"Table" means a Table set out in the Appendix;

"total capacity" means, with respect to a unit:

(a) the maximum continuous rating expressed in megawatts of electricity as indicated on the nameplate for the unit or as otherwise indicated by the manufacturer; or

(b) the most electricity that was generated by the unit or equipment during 2 continuous hours in a calendar year, expressed in megawatts of electricity;

"total regulated emissions" means the sum of all emissions from regulated source categories for a regulated facility in a calendar year or compliance year;

"unit" means an assembly comprising a boiler or combustion engine and any other equipment that:

(a) is physically connected to either the boiler or combustion engine, including duct burners and other combustion devices, heat recovery systems, steam turbines, generators and emission control devices; and

(b) generates electricity and, if applicable, produces sold heat from the combustion of fossil fuels.

(2) For the purposes of the definition of "facility" in subsection (1), the minister may approve a site, plant or establishment, or a group of sites, plants or establishments, for an emitter or class of emitters based on:

(a) a request by the emitter or class of emitters; or

(b) the minister's own initiative after notifying the emitter or class of emitters of the reasons for the approval.

(3) For the purposes of these regulations, a regulated facility is considered to commence commercial production in the year in which a product is first produced at the regulated facility for eventual sale, transfer or distribution.

(4) For the purpose of these regulations, the generation of electricity from the combustion of associated gas at an industrial facility is considered a commercial product.

(5) For the purposes of the definition of "facility" in subsection (1), the minister may determine that 2 or more facilities are a single facility for the purposes of these regulations if, in the opinion of the minister, the facilities have been constructed in a manner so as to avoid being subject to these regulations.

(6) For the purposes of the definition of "electricity facility" in subsection (1) and subject to subsection (7), the minister may consider a unit or group of units within the boundary of an industrial facility that is registered pursuant to these regulations to be an electricity facility if the unit or group of units meets the criteria established in an applicable standard.

(7) For the purposes of these regulations, equipment that provides back-up power generation at an industrial facility and that operates for less than 6 continuous months in a year is not to be considered a unit within the boundary of an industrial facility.

(8) For the purposes of the definitions of "regulated electricity emissions" and "regulated industrial emissions" in subsection (1):

(a) the emissions associated with any heat produced by a unit or group of units at an industrial facility that is used on-site, other than energy that is captured and recirculated within the unit or group of units, shall be considered part of the regulated industrial emissions for the industrial facility; and

(b) notwithstanding clause (a), the emissions from the combustion of associated gas at a regulated facility shall be included in:

(i) the regulated electricity emissions if that regulated facility is an electricity facility that is not within the boundary of an industrial facility; or

(ii) the regulated industrial emissions for any other regulated facility.

Application of regulations

3(1) For the purposes of the Act and these regulations, every person is a regulated emitter who owns or operates:

(a) an industrial facility with total regulated emissions greater than or equal to 25,000 tonnes of CO_2e in 2017 or in a subsequent year; or

(b) an electricity facility with total regulated emissions greater than or equal to 10,000 tonnes of CO_2e in 2022 or a subsequent year.

(2) Every person is a regulated emitter who owns or operates a facility that is voluntarily registered in accordance with section 6.

(3) These regulations do not apply to facilities that have commercial products in any sectors that are excluded in an applicable standard.

(4) For the purposes of this section, the determination of total regulated emissions is to be based on information that the person who owns or operates the facility provides to the minister and that the minister considers satisfactory.

(5) The minister may determine the regulated sector to which a commercial product at a regulated facility belongs in accordance with Table 1 and Table 2 and an applicable standard.

(6) If an industrial facility that is not already registered pursuant to section 5 or 6 meets the criteria set out in subsection (1):

(a) in 2017 or 2018, these regulations apply to the facility and the owner or operator of the facility is a regulated emitter on and after January 1, 2019; or

(b) in 2019 or in a subsequent year, these regulations apply to the facility and the owner or operator of the facility is a regulated emitter on and after January 1 of the year after the year in which the total regulated emissions are greater than or equal to 25,000 tonnes of CO_2e.

(7) If an electricity facility that is not already registered pursuant to section 5 or 6 meets the criteria set out in subsection (1):

(a) in 2022, these regulations apply to the facility and the owner or operator of the facility is a regulated emitter on and after January 1, 2023; or

(b) in 2023 or a subsequent year, these regulations apply to the facility and the owner or operator of the facility is a regulated emitter on and after January 1 of the year after the year in which the total regulated emissions are equal to or greater than 10,000 tonnes of CO_2e.

(8) The owner or operator of a facility mentioned in clause (6)(b) or (7)(b) may apply to the minister in accordance with the requirements set out in an applicable standard:

(a) to become a regulated emitter in the year in which that facility meets the applicable criteria in subsection (1); and

(b) to have that facility be subject to these regulations in the year mentioned in clause (a).

Standard

4(1) The minister may develop or adopt one or more standards respecting any matters dealt with by these regulations, including the following:

(a) registrations;

(b) establishing and calculating baseline emissions levels, baseline production levels, baseline emissions intensities and performance standard allocations;

(c) emissions returns and baseline submissions;

(d) compliance obligations and compliance returns;

(e) performance credits, CCUS credits and offset credits;

(f) verification of baseline submissions, emissions returns and other reports and submissions;

(g) determining global warming potential for greenhouse gases;

(h) calculating performance standards, permitted emissions and total regulated emissions;

(i) determining reduction periods;

(j) apportioning emissions and production at a regulated facility;

(k) the Saskatchewan Technology Fund;

(l) establishing for each regulated sector the regulated source categories of emissions from which greenhouse gases may originate;

(m) quantification methodologies for emissions and commercial products;

(n) compliance years;

(o) determining applicable emissions intensity standards; and

(p) audits and inspections.

(2) In accordance with subsection 7(4) of the Act, the minister shall cause every standard to be made public in any manner the minister considers appropriate, including publishing it on the ministry's website.

(3) The minister shall undertake any consultations with regulated emitters that the minister considers appropriate before amending an applicable standard.

(4) No regulated emitter shall fail to comply with an applicable standard.

12 May 2023 cM-2.01 Reg 4 s4.

PART 2
Registrations

Required registration

5(1) Every regulated emitter mentioned in subsections 3(1), (6) and (7) shall register with the minister, in accordance with an applicable standard, each regulated facility that the regulated emitter owns or operates.

(2) Every owner or operator of a facility who applies to the minister pursuant to subsection 3(8) shall register in accordance with an applicable standard.

(3) A regulated emitter who is required to register a regulated facility pursuant to this section shall, in the manner required by an applicable standard, provide a signed declaration respecting the information submitted to the minister for registration of the facility.

(4) A registration pursuant to this section must be made:

(a) for an industrial facility with one or more existing products before a baseline submission is submitted in accordance with an applicable standard;

(b) for an industrial facility without an existing product by the date specified in an applicable standard in the year in which these regulations apply to the facility; or

(c) for an electricity facility by the date specified in an applicable standard in the year in which these regulations apply to the facility.

(5) If the owner and operator of a regulated facility are different persons, only one registration is required for the regulated facility.

(6) A regulated emitter described in subsection (1) or (2) shall immediately send written notice to the minister of any change in the information it submitted for the purposes of registration and provide the minister with the updated information as soon as is practicable after the change.

(7) The minister shall provide written confirmation of registration status to the regulated emitter.

12 May 2023 cM-2.01 Reg 4 s5.

Voluntary registration

6(1) A person who owns or operates a facility may voluntarily register the facility with the minister in accordance with this section and an applicable standard and have the facility registered as a regulated facility if the person provides evidence satisfactory to the minister to establish that the facility:

(a) is an industrial facility that had total regulated emissions less than 25,000 tonnes of CO_2e in the current or previous year;

(b) is an electricity facility that had total regulated emissions less than 10,000 tonnes of CO_2e in the current or previous year;

(c) is an aggregate facility within the meaning of an applicable standard;

(d) is a facility under construction; or

(e) had emissions that meet another threshold that has been approved by the Lieutenant Governor in Council.

(2) The minister shall cause every order of the Lieutenant Governor in Council made for the purposes of subsection (1) to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

(3) A person who voluntarily registers a facility pursuant to subsection (1) shall, in the manner required by an applicable standard, provide a signed declaration respecting the information submitted to the minister for registration of the facility.

(4) The owner or operator of a facility who wishes to voluntarily register the facility shall register at the time approved by the minister on the request of the person.

(5) On registration:

(a) the owner or operator of the facility is deemed to be a regulated emitter;

(b) the facility is deemed to be an industrial facility or an electricity facility, as the case may be; and

(c) the other provisions of these regulations and any standards that govern regulated emitters and regulated facilities apply to:

(i) that owner or operator; and

(ii) the facility.

(6) A registration pursuant to this section must be made:

(a) for a facility that, on registration, will be considered an industrial facility and that has one or more existing products before a baseline submission is submitted in accordance with an applicable standard;

(b) for a facility that, on registration, will be considered an industrial facility and that does not have an existing product by the date specified in an applicable standard; or

(c) for a facility that, on registration, will be considered an electricity facility by the date specified in an applicable standard.

(7) A regulated emitter who has registered pursuant to this section shall immediately send written notice to the minister of any change in the information it submitted for the purposes of registration and provide the minister with the updated information in accordance with an applicable standard and as soon as is practicable after the change.

(8) The minister shall provide written confirmation of registration status to the regulated emitter.

12 May 2023 cM-2.01 Reg 4 s6.

Removal from registration

7(1) A regulated emitter may apply to the minister for an order removing a regulated facility from registration, specifying that the regulated facility is no longer subject to these regulations if:

(a) the regulated facility is an industrial facility and the total regulated emissions for the facility remain less than 25,000 tonnes CO_2e in each of the 3 consecutive compliance years before the date of the application; or

(b) the regulated facility is an electricity facility and the total regulated emissions for the facility remain below 10,000 tonnes CO_2e in each of the 3 consecutive compliance years before the date of application.

(2) The minister may, by order, remove a regulated facility from registration and specify that the regulated emitter is no longer subject to these regulations if:

(a) the total regulated emissions from the regulated facility remain at 0 tonnes CO_2e for 3 or more consecutive compliance years;

(b) the regulated emitter reports no commercial production from the regulated facility for 3 or more consecutive compliance years;

(c) a declaration has been made declaring that the regulated facility is being decommissioned in accordance with subsection 9(1);

(d) in the opinion of the minister, the regulated emitter has failed to comply with the Act, these regulations or an applicable standard; or

(e) in the opinion of the minister, it is in the public interest to do so.

(3) If the minister acts pursuant to subsection (2), the minister shall provide the regulated emitter written notice of the action along with reasons.

(4) An application for the purposes of subsection (1) must be made as part of the emissions return for the third or any subsequent consecutive year after the compliance year in which the regulated facility meets the applicable criteria.

(5) Notwithstanding subsection (4), if an emissions return is not scheduled for the compliance year in which a regulated emitter satisfies the requirements of subsection (1), a regulated emitter may submit an emissions return and make an application for the purposes of subsection (1) by June 1 of the year following the compliance year in which the regulated emitter meets the requirements of subsection (1).

12 May 2023 cM-2.01 Reg 4 s7.

Standby

8(1) A regulated emitter may apply to the minister for a declaration that a product produced at an industrial facility be in standby if:

(a) a baseline emissions intensity has been established for the commercial product at the industrial facility, by providing evidence satisfactory to the minister that commercial production of the product at the facility has halted for a period of at least 3 months for a reason that was not provided in the information reported pursuant to section 15 or 16 to prepare the baseline submission for the commercial product at the facility; or

(b) a baseline emissions intensity has not been established for the commercial product at the industrial facility, by providing a reason satisfactory to the minister as to why the commercial production of the product has halted for a period of at least 3 months.

(2) For the purposes of clauses (1)(a) and (b), an application by a regulated emitter for a declaration that a commercial product be in standby for all or part of a compliance year must be submitted in writing by March 31 of the year following the compliance year for which the regulated emitter is requesting that the commercial product be placed into standby.

(3) If the minister approves an application pursuant to subsection (2) and makes a declaration that a commercial product be in standby, the first day in which the commercial product at the industrial facility is considered to be in standby is the first day of the month when commercial production was halted.

(4) A regulated emitter is exempt from the requirement to have information in an emissions return respecting a commercial product that is in standby verified and from accruing a compliance obligation with respect to a commercial product that is in standby for the period in which the commercial product is in standby.

(5) Subject to subsection (9), a regulated emitter remains subject to requirements for the verification of information in an emissions return and the accrual of a compliance obligation respecting a commercial product for any part of the compliance year during which the product at the industrial facility is not in standby.

(6) At the times required by the minister, a regulated emitter shall submit a signed declaration to the minister to attest that a commercial product produced at an industrial facility is still in standby.

(7) If commercial production of a product in standby at an industrial facility resumes during a compliance year, the regulated emitter who owns or operates the industrial facility shall send written notice to the minister by March 31 of the following compliance year.

(8) The last day in which a product at an industrial facility is considered to be in standby is the last day of the month in which the commercial production of the product resumed.

(9) A commercial product produced at an industrial facility that is exiting standby continues to be exempt from requirements to have information in an emissions return respecting the commercial product verified and from accruing a compliance obligation with respect to that product for:

(a) 3 months after the last day of the month in which commercial production of the commercial product resumed at the industrial facility; or

(b) a shorter exemption period that a regulated emitter may request as part of the written notice submitted pursuant to subsection (7) and in accordance with an applicable standard.

(10) After the expiry of the exemption period mentioned in subsection (9), the regulated emitter:

(a) is subject to the accrual of compliance obligations respecting the product that is no longer in standby; and

(b) shall submit a verified emissions return to the minister in the next compliance year in the manner established in an applicable standard.

(11) If a commercial product produced at an industrial facility enters standby status before the establishment of a baseline emissions intensity in accordance with clause (1)(b), the regulated emitter shall prepare the baseline submission required by section 15 or 16 when the commercial product exits standby at the time approved by the minister.

12 May 2023 cM-2.01 Reg 4 s8.

Decommissioning status

9(1) A regulated emitter may apply to the minister for a declaration that a regulated facility has been, or is being, decommissioned by providing evidence satisfactory to the minister that the regulated facility has been, or is being, decommissioned.

(2) For the purposes of subsection (1), an application by a regulated emitter for a declaration that a regulated facility has been, or is being, decommissioned for all or part of a compliance year must be submitted in writing by March 31 of the year following the compliance year for which the regulated emitter is requesting the regulated facility be declared as being decommissioned.

(3) If a regulated emitter has provided evidence satisfactory to the minister pursuant to subsection (1), the minister shall make a declaration that the regulated facility has been, or is being, decommissioned and may impose any terms and conditions on the regulated emitter or facility that the minister considers appropriate.

(4) If the minister makes a declaration pursuant to subsection (3) that a regulated facility is being decommissioned, the first day on which the regulated facility is considered to be in the process of being decommissioned is the first day of the month in which the decommissioning of the regulated facility commenced.

(5) A regulated emitter is exempt from the requirement to have information in an emissions return respecting a regulated facility verified and from accruing a compliance obligation for the period in which the regulated facility is being decommissioned.

(6) A regulated emitter remains subject to the requirements for verification of information in an emissions return and the accrual of a compliance obligation respecting a regulated facility for any part of the compliance year during which the regulated facility is not being decommissioned.

(7) At the times required by the minister, a regulated emitter shall submit a signed declaration to the minister to attest that a regulated facility is still being decommissioned.

(8) Subject to subsection (9), if the minister makes a declaration that a regulated facility has been decommissioned pursuant to subsection (3), that facility is no longer subject to these regulations.

(9) A regulated emitter of a facility mentioned in subsection (8) shall continue to comply with any terms and conditions imposed on it or the facility pursuant to this section.

12 May 2023 c M-2.01 Reg 4 s9.

Terms and conditions registrations

10(1) The minister may impose terms and conditions on the regulated emitter who owns or operates the regulated facility if the regulated emitter:

(a) has failed to comply with the Act, these regulations or an applicable standard;

(b) has made a false statement or provided false information to the minister, an environment officer, the ministry or any person acting on behalf of the minister;

(c) has omitted to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the minister, an environment officer, the ministry or any person acting on behalf of the minister;

(d) has failed to comply with an order of the minister issued pursuant to this Act, the regulations or an applicable standard; or

(e) has done something that the minister is satisfied is contrary to the public interest.

(2) Before the minister acts pursuant to subsection (1), the minister shall:

(a) provide written notice of and written reasons for the proposed action to the regulated emitter; and

(b) provide the regulated emitter with an opportunity to make written representations respecting the proposed action within 30 business days after being served with the notice mentioned in clause (a).

(3) No regulated emitter shall fail to comply with any terms and conditions imposed on it pursuant to this section.

12 May 2023 cM-2.01 Reg 4 s10.

PART 3
Baselines and Standards re Emissions

Requirement to reduce emission intensities

11 In accordance with these regulations and subject to any applicable standards, every regulated emitter shall reduce the emissions intensity for each commercial product at every regulated facility it owns or operates.

12 May 2023 cM-2.01 Reg 4 s11.

Compliance years

12(1) The first compliance year for a regulated facility is the first year in which that regulated facility is subject to these regulations.

(2) Notwithstanding subsection (1), the first compliance year for an industrial facility that does not have an existing product in commercial production is the third year after the year in which the facility begins commercial production of a new product.

(3) A compliance year commences on January 1 and ends on December 31 for each calendar year for which a regulated facility is subject to these regulations.

12 May 2023 cM-2.01 Reg 4 s12.

Reduction periods

13(1) Every regulated emitter shall determine reduction periods in accordance with an applicable standard for the purposes of determining the performance standard allocation for a commercial product at an industrial facility.

(2) For the purposes of subsection (1), a regulated emitter is not required to determine the reduction periods for electricity that is considered a commercial product for an electricity facility comprising a unit or group of units that exists within the boundary of an industrial facility.

12 May 2023 cM-2.01 Reg 4 s13.

Performance standard allocations – commercial products

14 For the purpose of calculating permitted emissions in accordance with an applicable standard, the performance standard allocation for a commercial product in a regulated sector that is produced at an industrial facility in a given reduction period is determined using Table 1.

12 May 2023 cM-2.01 Reg 4 s14.

Determining certain information re baseline submissions

15(1) Every regulated emitter shall:

(a) establish the baseline emissions level, baseline production level and baseline emissions intensity for each commercial product at an industrial facility it owns or operates in accordance with an applicable standard;

(b) submit to the minister, in accordance with an applicable standard, a baseline submission that includes the information mentioned in clause (a);

(c) include verification of the information mentioned in clause (a) by a qualified person to establish the accuracy of the information to the satisfaction of the minister and in the manner required by an applicable standard; and

(d) provide a signed declaration respecting the information mentioned in clause (a), in the manner required by an applicable standard.

(2) Notwithstanding clause (1)(c), the minister may approve an alternative verification process for a regulated sector or class of emitters in an applicable standard that does not require verification by a qualified person if the minister is satisfied that:

(a) the alternative verification process is undertaken in accordance with accepted practices and ensures compliance by the regulated emitter with the Act and these regulations;

(b) the application of the alternative verification process is based on a maximum threshold for total regulated emissions of less than 1,000 tonnes CO_2e from an industrial facility within a compliance year; and

(c) it is in the public interest.

(3) The information required and included in a baseline submission pursuant to subsection (1) must be submitted to the minister on or before:

(a) the date specified in an applicable standard;

(b) another date that is requested by the regulated emitter and that the minister is satisfied is appropriate; or

(c) another date that the minister may direct in writing.

(4) If the qualified person provides, in the qualified person's statement of verification, an opinion that is adverse to the regulated emitter, or qualifies any information of the regulated emitter, in accordance with the types of opinion established in an applicable standard:

(a) the minister may direct, in writing, that the regulated emitter undertake corrective actions within a specified period; and

(b) the regulated emitter shall undertake the corrective actions within the period specified.

(5) Subject to subsection (6) and an applicable standard, the minister may review baseline emissions intensities as submitted by the regulated emitter and either re-establish a baseline emissions intensity or require a regulated emitter to re-establish a baseline emissions intensity satisfactory to the minister:

(a) when an industrial facility commences commercial production of a new product;

(b) when an industrial facility ceases commercial production of an existing product;

(c) when changes to the operations at an industrial facility result in the established baseline emissions intensity for a commercial product being inaccurate or no longer representative;

(d) if a change in emissions intensity occurs for a commercial product produced at an industrial facility that is equal to or greater than 10 per cent in a compliance year, unless the regulated emitter can demonstrate to the satisfaction of the minister that:

(i) the change in emissions intensity occurred due to variability in emissions intensity that could reasonably be expected for the production of that commercial product at the industrial facility; and

(ii) the change in emissions intensity does not indicate that the baseline emissions intensity established for a commercial product produced at the industrial facility is inaccurate or no longer representative;

(e) when any changes have been made to the quantification methodologies used to calculate emissions or commercial products;

(f) when changes have been made to operational boundaries, ownership or control of greenhouse gas sources or sinks; or

(g) on the application of a regulated emitter pursuant to section 16.

(6) Before the minister re-establishes a baseline emissions intensity or requires the regulated emitter to re-establish a baseline emissions intensity for a commercial product produced at an industrial facility pursuant to subsection (5), the minister shall, in accordance with an applicable standard:

(a) provide the regulated emitter who owns or operates the industrial facility with written notice of the minister's decision along with reasons for it; and

(b) give the regulated emitter an opportunity to make written representations within 30 business days after receiving the written notice respecting the minister's decision.

12 May 2023 cM-2.01 Reg 4 s15.

Application to re-establish baseline emission intensity

16(1) A regulated emitter may apply to the minister for approval to re-establish a baseline emissions intensity for one or more commercial products at an industrial facility on or before the date specified in an applicable standard.

(2) An application pursuant to subsection (1) must:

(a) be submitted in the form and manner satisfactory to the minister;

(b) provide evidence satisfactory to the minister that one or more of the circumstances mentioned in clauses 15(5)(a) to (f) are met; and

(c) include the information reasonably required by the minister.

12 May 2023 cM-2.01 Reg 4 s16.

PART 4
Limits on Emissions and Compliance Obligations

Determination of permitted emissions and total regulated emissions

17(1) In accordance with an applicable standard, but subject to subsection (2), for every compliance year, the minister shall determine the permitted emissions for a regulated facility.

(2) The minister shall not include in the minister's determination of the permitted emissions for a regulated facility any production of a commercial product:

(a) during the period in the compliance year that the commercial product is in standby;

(b) during the exemption period mentioned in subsection 8(9) that occurs within the compliance year; and

(c) during the period in the compliance year that the regulated facility is being decommissioned.

(3) The permitted emissions for a regulated facility shall be determined in accordance with an applicable standard using the applicable performance standard allocation in Table 1 or emissions intensity standard in Table 2 for each commercial product produced at the regulated facility.

(4) For the purposes of subsection (3), if an applicable performance standard allocation or emissions intensity standard has not been established for a commercial product produced at a regulated facility for a compliance year, the most recent applicable performance standard allocation or emissions intensity standard established in the Appendix shall be used for that product in the compliance year.

(5) In accordance with an applicable standard, but subject to subsections (6) and (8), for every compliance year, the regulated emitter shall determine the total regulated emissions by the regulated facility.

(6) A regulated emitter shall not include in its determination of the total regulated emissions the emissions associated with;

(a) a commercial product during the period in the compliance year that the commercial product is in standby;

(b) a commercial product during the portion of the exemption period mentioned in subsection 8(9) that occurs within the compliance year; and

(c) a regulated facility during the period in the compliance year that the regulated facility is being decommissioned.

(7) If the minister is satisfied that a regulated emitter has not complied with an applicable standard or this section when making the determination mentioned in subsection (5), the minister shall:

(a) provide the regulated emitter with a written explanation for the minister's decision and directions for how to make the determination; and

(b) require the regulated emitter to make a new determination in accordance with the directions.

(8) Notwithstanding subsection (5), a regulated emitter is not required to determine the total regulated emissions in a compliance year for the following:

(a) an industrial facility it owns or operates if all commercial products at that industrial facility are considered to be in standby or remain exempt from incurring a compliance obligation after exiting standby pursuant to section 8 for the entirety of that compliance year;

(b) a regulated facility it owns or operates if that regulated facility is in the process of being decommissioned pursuant to section 9 for the entirety of that compliance year.

12 May 2023 cM-2.01 Reg 4 s17.

Total regulated emissions

18 The total regulated emissions by a regulated facility must not exceed the permitted emissions at the regulated facility during a compliance year.

12 May 2023 cM-2.01 Reg 4 s18.

Compliance obligations

19(1) Subject to subsections 8(4), 8(9) and 9(5), if the total regulated emissions by a regulated facility exceed the permitted emissions for that regulated facility during a compliance year, the regulated emitter incurs a compliance obligation.

(2) The compliance obligation for a regulated facility for a given compliance year is the positive amount CO determined in accordance with the following formula:

$$CO = TE - PE$$

where:

CO is the compliance obligation for the regulated facility measured in tonnes of CO_2e;

TE is the sum of the total regulated emissions by the regulated facility determined in accordance with each applicable standard to which the regulated facility is subject during the compliance year, measured in tonnes of CO_2e; and

PE is the sum of the permitted emissions for the regulated facility determined in accordance with each applicable standard to which the regulated facility is subject during the compliance year, measured in tonnes of CO_2e.

12 May 2023 cM-2.01 Reg 4 s19.

Fulfilling compliance obligations

20(1) Every regulated emitter shall fulfil a compliance obligation that it has incurred on or before:

(a) the date specified in an applicable standard;

(b) another date that is requested by the regulated emitter and that the minister is satisfied is appropriate; or

(c) another date that the minister may direct in writing.

(2) For the purposes of subsection (1) and subject to any order made pursuant to section 22 and any applicable standards, a regulated emitter shall fulfil a compliance obligation by doing any, or any combination, of the following in a manner satisfactory to the minister:

(a) make a payment to the Government of Saskatchewan for deposit in accordance with the Act;

(b) retire performance credits;

(c) retire CCUS credits;

(d) undertake any other compliance option approved by the minister that, in the opinion of the minister, is related to reducing, sequestering or limiting the emission of greenhouse gases or that is consistent with the purposes of the Act.

(3) For the purposes of clause (2)(a), the dollar amount of the payment to fulfil a compliance obligation is the amount DCO calculated in accordance with the following formula:

$$DCO = CO \times A$$

where:

DCO is the dollar amount of the payment to the Government of Saskatchewan for deposit in accordance with the Act;

CO is the portion of the compliance obligation determined in accordance with section 19 measured in tonnes of CO_2e that a regulated emitter intends to fulfil through a payment; and

A is the dollar amount per tonne of CO_2e that is:

(a) established for the compliance year in which the compliance obligation was incurred, as determined in accordance with Table 4; or

(b) set by order of the Lieutenant Governor in Council for the compliance year in which the compliance obligation was incurred.

(4) For the purposes of subsection (3), the dollar amount per tonne of CO_2e for the year 2030 that is established in Table 4 continues to apply for all subsequent compliance years unless an alternative rate of payment is established or set by order of the Lieutenant Governor in Council.

(5) The minister shall cause every order of the Lieutenant Governor in Council made for the purposes of this section to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

(6) A payment pursuant to clause (2)(a) must be made in cash or in any other manner approved by the Minister of Finance.

12 May 2023 cM-2.01 Reg 4 s20.

Failure to fulfil a compliance obligation

21(1) If a regulated emitter fails to fulfil a compliance obligation as required by section 20, the dollar amount of the compliance obligation is a debt owing to the Government of Saskatchewan and may be recovered by the minister in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

(2) An unfulfilled compliance obligation bears interest at the rate equal to the sum of:

(a) the prime lending rate of the bank holding Saskatchewan's general revenue fund as determined and adjusted in accordance with this section; and

(b) 3 percentage points.

(3) The interest rate set out in this section must be determined on June 15 and December 15 in each year and:

(a) the interest rate as determined on June 15 applies to unpaid compliance obligations that are owing on or after July 1; and

(b) the interest rate as determined on December 15 applies to unpaid compliance obligations that are owing on or after January 1 of the following year.

12 May 2023 cM-2.01 Reg 4 s21.

Credits and compliance options

22(1) The Lieutenant Governor in Council may make an order respecting performance credits, offset credits, CCUS credits and compliance options, including:

(a) how the credits may be awarded;

(b) the threshold of emissions below an emissions level set out in the order at which point credits will be awarded;

(c) the activities that may qualify to generate credits;

(d) the manner in which credits may be used;

(e) any terms, conditions and restrictions that must be complied with in the use of credits or compliance options; and

(f) any other matter or thing related to credits or compliance options that the Lieutenant Governor in Council considers necessary or appropriate.

(2) The minister shall cause every order of the Lieutenant Governor in Council made for the purposes of this section to be made public in any manner that the minister considers appropriate, including posting it on the ministry's website.

(3) A regulated emitter is to be awarded performance credits in the manner established in an applicable standard.

(4) A regulated emitter is to be awarded CCUS credits in the manner established in an applicable standard.

(5) Performance credits, CCUS credits and any other credit that may be awarded to a regulated emitter pursuant to these regulations shall not be used for the purposes of compliance pursuant to *The Management and Reduction of Greenhouse Gases (General and Electricity Producer) Regulations*.

(6) If there is a conflict or inconsistency between an order made pursuant to this section and a standard developed or adopted by the minister, the order made pursuant to this section prevails to the extent of the conflict or inconsistency.

12 May 2023 cM-2.01 Reg 4 s22.

PART 5
Returns and Qualified Persons

Emissions returns required

23(1) Every regulated emitter shall submit to the minister an emissions return for each compliance year for each regulated facility it owns or operates on or before:

(a) the date specified in an applicable standard;

(b) another date that is requested by the regulated emitter and that the minister is satisfied is appropriate; or

(c) another date that the minister may direct in writing.

(2) Notwithstanding subsection (1), a regulated emitter who owns or operates a regulated facility is not required to submit an emissions return for a compliance year to the minister for the regulated facility if:

(a) all products in commercial production at the regulated facility are considered to be in standby or remain exempt from incurring a compliance obligation after exiting standby pursuant to section 8 for the entirety of that compliance year; or

(b) the regulated facility is in the process of being decommissioned pursuant to section 9 for the entirety of that compliance year.

(3) Every emissions return must contain all of the following:

(a) the information required by and in accordance with an applicable standard;

(b) verification of the required information by a qualified person to establish the accuracy of the information to the satisfaction of the minister and in the manner required by an applicable standard;

(c) a signed declaration from the regulated emitter, in the manner required by an applicable standard.

(4) Notwithstanding clause (3)(b), the minister may approve an alternative verification process for a regulated sector or class of emitters in an applicable standard that does not require verification by a qualified person if the minister is satisfied that:

(a) the alternative verification process is undertaken in accordance with accepted practices and ensures compliance by the regulated emitter with the Act and these regulations;

(b) the application of the alternative verification process is based on a maximum threshold for total regulated emissions of less than 1,000 tonnes CO_2e from a regulated facility within a compliance year; and

(c) it is in the public interest.

(5) If the minister is satisfied that the emissions return contains any errors, omissions or other concerns that are identified within the period for the retention of records established in section 31:

(a) the minister may direct, in writing, that the regulated emitter make any corrections specified in the direction and resubmit the emissions return within the period specified in the direction; and

(b) the regulated emitter shall comply with the direction within the period specified.

(6) If the qualified person provides, in the qualified person's verification of the emissions return, an opinion that is adverse to the regulated emitter:

(a) the minister may direct, in writing, that the regulated emitter undertake corrective actions and resubmit the emissions return within a specified period; and

(b) the regulated emitter shall undertake the corrective actions within the period specified.

12 May 2023 cM-2.01 Reg 4 s23.

Compliance returns

24(1) In accordance with an applicable standard, a regulated emitter shall submit a compliance return to the minister for any compliance year in which a compliance obligation is incurred as determined by section 19.

(2) A compliance return must be submitted on or before:

(a) the date specified in an applicable standard;

(b) another date that is requested by the regulated emitter and that the minister is satisfied is appropriate; or

(c) another date that the minister may direct in writing.

(3) Every compliance return must contain all of the following:

(a) confirmation satisfactory to the minister that the regulated emitter fulfilled any compliance obligation owed by the regulated emitter for the compliance year;

(b) any other information required by and in accordance with an applicable standard;

(c) a signed declaration from the regulated emitter, in the manner required by an applicable standard.

12 May 2023 cM-2.01 Reg 4 s24.

Qualified persons

25(1) Subject to subsection (2), for the purposes of the Act and these regulations, a qualified person is a person who meets the qualifications set out in an applicable standard.

(2) A person is not eligible to be a qualified person for a regulated facility if any of the following apply:

(a) the person is an employee, agent or officer of the owner or operator of the regulated facility or the manager, owner or operator of the regulated facility;

(b) the person is an employee, agent or officer of an affiliate of the owner or operator of the regulated facility;

(c) the person is an employee, agent or officer of the Government of Saskatchewan.

(3) For the purposes of this section, a person who is engaged as an external consultant to the owner or operator of a regulated facility is deemed not to be an agent of the owner or operator.

(4) The minister may request that a qualified person produce evidence to the minister of the person's qualifications and eligibility to be a qualified person.

(5) In verifying information, every qualified person shall comply with the requirements established in an applicable standard.

12 May 2023 cM-2.01 Reg 4 s25.

Moneys to be deposited in the technology fund

25.1 For the purposes of clause 23.3(e) of the Act, the following moneys collected by the Government of Saskatchewan are related to limiting, mitigating, reducing or managing greenhouse gases and are to be deposited in the technology fund:

(a) all moneys received pursuant to the Government of Canada's Low Carbon Economy Leadership Fund;

(b) all moneys received based on the technology fund being registered as an emission-reduction funding program pursuant to the *Clean Fuel Regulations* (Canada), SOR/2022-140.

7 Aug 2026 SR 54/2026 s2.

PART 6
Technology Fund

Applications for money in the technology fund

26(1) A regulated emitter may apply to the minister to obtain a payment of moneys from the technology fund.

(2) An application must be made in accordance with an applicable standard and contain the information required by an applicable standard.

12 May 2023 cM-2.01 Reg 4 s26.

Payments from the fund

27(1) If the minister is satisfied that an application by a regulated emitter is made for a purpose of the fund as set out in section 23.1 of the Act and that it is in the public interest to do so, the minister may approve the application and pay moneys from the technology fund to the regulated emitter.

(2) Moneys from the technology fund may be paid in the form of a grant, loan or other form of financial assistance, other than an equity investment, that the minister considers appropriate.

(3) If the minister does not approve an application, the minister shall provide a written notice of the minister's decision along with reasons for the decision to the regulated emitter who submitted the application.

(4) The minister may impose any terms and conditions on the use of moneys paid pursuant to this section, and every regulated emitter on whom terms and conditions are imposed shall comply with those terms and conditions.

12 May 2023 cM-2.01 Reg 4 s27.

Reports

28(1) Every regulated emitter to whom moneys are paid from the technology fund shall submit a report to the minister respecting the use of those moneys.

(2) A report required pursuant to this section must:

(a) contain the information required by the minister; and

(b) be submitted in the manner and on or before the date required by the minister.

12 May 2023 cM-2.01 Reg 4 s28.

Overpayments

29(1) The minister may declare all or any portion of a payment made to a regulated emitter pursuant to this Part to be an overpayment if the minister is satisfied that:

(a) the applicant has knowingly made a false or misleading statement with respect to a material fact on any form or in any information or document provided to the minister pursuant to these regulations;

(b) the applicant has knowingly omitted to make a statement or to provide any information or document if the omission results in a statement with respect to a material fact being misleading; or

(c) the regulated emitter has failed to comply with the Act, these regulations or the requirements of an applicable standard.

(2) If the minister declares all or any portion of a payment to be an overpayment pursuant to subsection (1), the amount of the overpayment is deemed to be a debt due and owing to the Government of Saskatchewan and may be recovered from the regulated emitter in any manner authorized pursuant to *The Financial Administration Act, 1993* or in any other manner authorized by law.

12 May 2023 cM-2.01 Reg 4 s29.

PART 7
General

Administrative penalties

30(1) For the purposes of section 78 of the Act, the minister may assess a penalty for a contravention of a provision of the Act or these regulations set out in Table 3.

(2) An administrative penalty may be imposed only on a regulated emitter.

(3) The maximum administrative penalty the minister may assess with respect to each contravention is $10,000.

12 May 2023 cM-2.01 Reg 4 s30.

Record keeping

31 Every person who submits a report or return to the minister pursuant to these regulations shall retain all documents and information used to prepare the report or return and ensure all records and information respecting the verification of a report or return are accessible on request, including a record of any methodologies, procedures or instruments that are used, for a minimum of 7 years after the date on which the report or return was submitted.

12 May 2023 cM-2.01 Reg 4 s31.

Confidentiality requests

32(1) For the purposes of subsections 61(3) and (4) of the Act, requests to keep confidential all or any part of a return or other submission to the minister must be made in writing in conjunction with the submission of the return or submission.

(2) After receiving a request for confidentiality pursuant to subsection (1), the minister shall, as soon as is practicable, provide a written response to the regulated emitter indicating if the request has or has not been accepted along with reasons for the minister's decision.

(3) Subject to subsection (4), during the period in which the minister is considering a request for confidentiality pursuant to subsection (1), the information contained in the return or submission to which the request relates will be kept confidential until the minister provides a written response to the regulated emitter pursuant to subsection (2).

(4) For the purposes of subsection (3), the following information contained in a return or submission will not be kept confidential while the minister is considering a request for confidentiality:

(a) any information required in accordance with an applicable standard to register a facility with the minister;

(b) the name of the regulated facility;

(c) the ownership of the regulated facility;

(d) the location of the regulated facility;

(e) the total regulated emissions for the regulated facility;

(f) any other information specified in an applicable standard that the minister is satisfied should not be held confidential.

(5) If the minister proposes to not accept the request for confidentiality pursuant to subsection (2), the minister shall give the regulated emitter 7 business days from the date of receipt of the written response mentioned in that subsection to make written representations to the minster.

(6) After reviewing any written representations made pursuant to subsection (5) or, if no written representations are made, after the expiry of the 7-day period mentioned in that subsection, the minister:

(a) may make a final decision to accept or not accept the request for confidentiality; and

(b) shall provide a written notice to the person of the minister's decision.

Audits and inspections

33 For the purposes of section 67 of the Act, the minister may carry out an audit or inspection on a regulated facility in accordance with an applicable standard.

12 May 2023 cM-2.01 Reg 4 s33.

PART 8
Repeal, Transitional and Coming into Force

RRS c M-2.01 Reg 3 repealed

34 *The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations* are repealed.

12 May 2023 cM-2.01 Reg 4 s34.

Transitional

35(1) In this section, **"former regulations"** means *The Management and Reduction of Greenhouse Gases (Standards and Compliance) Regulations* as they existed on the day before the coming into force of these regulations.

(2) Any registration made for a regulated emitter or facility pursuant to the former regulations that is in existence on the day before the coming into force of these regulations is deemed to be a registration made pursuant to these regulations and may be dealt with pursuant to these regulations.

(3) Any matter or thing established, determined, calculated, approved or otherwise decided on by a regulated emitter or the minister pursuant to the former regulations and that is in existence on the day before the coming into force of these regulations is continued pursuant to these regulations and may be dealt with pursuant to these regulations as if it were established, determined, calculated or otherwise decided on pursuant to these regulations.

(4) Any commercial product at a regulated facility declared to be in standby pursuant to the former regulations and that is in standby on the day before the coming into force of these regulations is deemed to be in standby pursuant to these regulations and may be dealt with pursuant to these regulations.

(5) Any compliance obligation incurred by a regulated emitter pursuant to the former regulations that the regulated emitter has not fulfilled before the coming into force of these regulations, is continued and is to be dealt with pursuant to these regulations as if it were incurred pursuant to these regulations.

12 May 2023 cM-2.01 Reg 4 s35.

Coming into force

36 These regulations come into force on the day on which they are filed with the Registrar of Regulations, but are retroactive and are deemed to have been in force on and from January 1, 2023.

12 May 2023 cM-2.01 Reg 4 s36.

APPENDIX

Table 1

Performance Standard Allocation

[*Section 2 – definition of "performance standard allocation"*]

Column 1	*Column 2*											
Sector	**Reduction Period**											
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
Agricultural and industrial equipment manufacturing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Chemical manufacturing [1]	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Ethanol manufacturing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Fertilizer Manufacturing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Food and beverage processing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Grain and Oilseed Processing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Iron and steel mills	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Mineral Product manufacturing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Mining	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Pulp Mills	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Wood product manufacturing	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Natural gas transmission pipelines	0.9833	0.9667	0.9500	0.9333	0.9167	0.9000	0.8833	0.8667	0.8500	0.8333	0.8167	0.8000
Refining and Upgrading of Petroleum	0.9833	0.9667	0.9500	0.9333	0.9167	0.9000	0.8833	0.8667	0.8500	0.8333	0.8167	0.8000
Upstream oil and gas [2]	0.9833	0.9667	0.9500	0.9333	0.9167	0.9000	0.8833	0.8667	0.8500	0.8333	0.8167	0.8000
Other sectors [3] [4]	0.9875	0.9750	0.9625	0.9500	0.9375	0.9250	0.9125	0.9000	0.8875	0.8750	0.8625	0.8500
Gas-to-power operation	.9938	.9875	.9813	.9750	.9688	.9625	.9563	.9500				

[1] Chemical manufacturing includes commercial production of char and activated carbon.

[2] Upstream oil and gas sector includes straddle and gas processing plants.

[3] Other sectors include any other sector as identified in an applicable standard.

[4] The listed reduction periods for other sectors apply unless otherwise established in an applicable standard or by order of the minister.

Table 2

Emissions Intensity Standards for Electricity Generation Sector

[*Section 2 - definition of "emissions intensity standard"*]

	Emissions Intensity Standard by Fuel Type (tonnes CO_2e per gigawatt hour)				**Emissions Intensity Standard (tonnes CO_2e per gigajoule)**
Column 1	*Column 2*	*Column 3*	*Column 4*	*Column 5*	*Column 6*
Compliance Year	**Solid Fuel**	**Existing Gaseous Fuel** [1]	**New and Expanded Gaseous Fuel** [2]	**Liquid Fuel**	**Sold Heat**
2023	566	370	288	550	0.058
2024	538	370	247	550	0.058
2025	510	370	206	550	0.058
2026	482	370	164	550	0.058
2027	454	370	123	550	0.058
2028	426	370	82	550	0.058
2029	398	370	41	550	0.058
2030	370	370	0	550	0.058

[1] Applies to existing units in the manner established in an applicable standard.

[2] Applies to new units and expanded units in the manner established in an applicable standard.

26 May 2023 SR 40/2023 s2.

Table 3

Provisions for which Administrative Penalty May be Imposed

[*Subsection 30(1)*]

Column 1	*Column 2*	*Column 3*
Item	**Description of Contravention**	**Provision of Act or regulations**
1	Failure to provide reports to the minister	21 of the Act
2	Failure to comply with an applicable standard	4(4) of the regulations
3	Failure to register a regulated facility	5(1) of the regulations
4	Failure to provide information to the minister as required	5(6) of the regulations
5	Failure to provide information to the minister as required	6(7) of the regulations
6	Failure to notify minister	8(7) of the regulations
7	Failure to comply with a direction	15(4) of the regulations
8	Failure to comply with a direction	17(7) of the regulations
9	Failure to fulfil a compliance obligation as required	20 of the regulations
10	Failure to submit emissions return	23(1) of the regulations
11	Failure to comply with a direction	23(5) of the regulations
12	Failure to comply with a direction	23(6) of the regulations
13	Failure to submit compliance return	24 of the regulations
14	Failure to submit report respecting use of moneys	28 of the regulations
15	Failure to retain documents and information used to prepare a report for the minimum period required	31 of the regulations

Table 4

Rate of Payment to Fulfil a Compliance Obligation

[*Subsection 20(3)*]

Column 1	*Column 2*
Year	**Rate of Payment**[1] (dollars per tonne CO_2e)
2019	20
2020	30
2021	40
2022	50
2023	65
2024	80
2025	95
2026	110
2027	125
2028	140
2029	155
2030	170

[1] The rate of payment in Column 2 of Table 4 is established on January 1 of the corresponding year in Column 1 of Table 4 and is effective until December 31 of that year. The rate of payment in Column 2 corresponding to the year 2030 will apply in all subsequent years unless an alternative rate of payment is established pursuant to the regulations or set by order of the Lieutenant Governor in Council.

12 May 2023 c M-2.01 Reg 4.

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