

# Proposed Compost Facility Code Chapter of the Saskatchewan Environmental Code

What We Heard – 2023 Public Engagement

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## Introduction

The Government of Saskatchewan is undertaking research and engagement to develop a Compost Facility Chapter as part of the Saskatchewan Environmental Code. The draft chapter aligns with best management practices across Canada, ensuring protection from unacceptable adverse effects due to improper management at these sites. The Ministry of Environment (ministry) initiated online engagement for the draft chapter in April 2023. This document summarizes feedback from the online survey, virtual engagement sessions, written and verbal responses.

## Why We Consulted

The Solid Waste Management Strategy was launched publicly on January 23, 2020, as a roadmap to develop practical and sustainable solid waste management systems in Saskatchewan. The strategy outlines the goals and commitments that will move the province towards a coordinated and comprehensive integrated solid waste management system that protects the environment and promotes economic development and opportunities for innovation.

A common theme identified through previous engagement on the strategy and a red-tape review of The Municipal Refuse Management Regulations (MRMR) was the need for consistent enforcement and application of rules and regulations to address matters related to landfill management in Saskatchewan. Support for establishing chapters for transfer stations and compost facilities was expressed to address concerns about ministry staff's capacity and availability.

## How We Consulted

1. The ministry drafted the chapter based on current best practices across Canada to provide flexibility for compost facility owners to achieve environmental compliance. As per the Saskatchewan Environmental Code, results-based principles are incorporated to ensure those affected by the regulations are involved in its development.
2. In winter 2022, a focus group of eight external industry and municipal experts met to review the draft chapter. Over the course of six, two-hour meetings, there were discussions and deliberations on key aspects of the draft chapter.
3. Revisions were made to the draft chapter based on conversations that occurred during the focus group meetings.
4. Public engagement occurred between April 2023 and June 2023. Virtual engagement sessions were held on May 11 and 29, 2023.

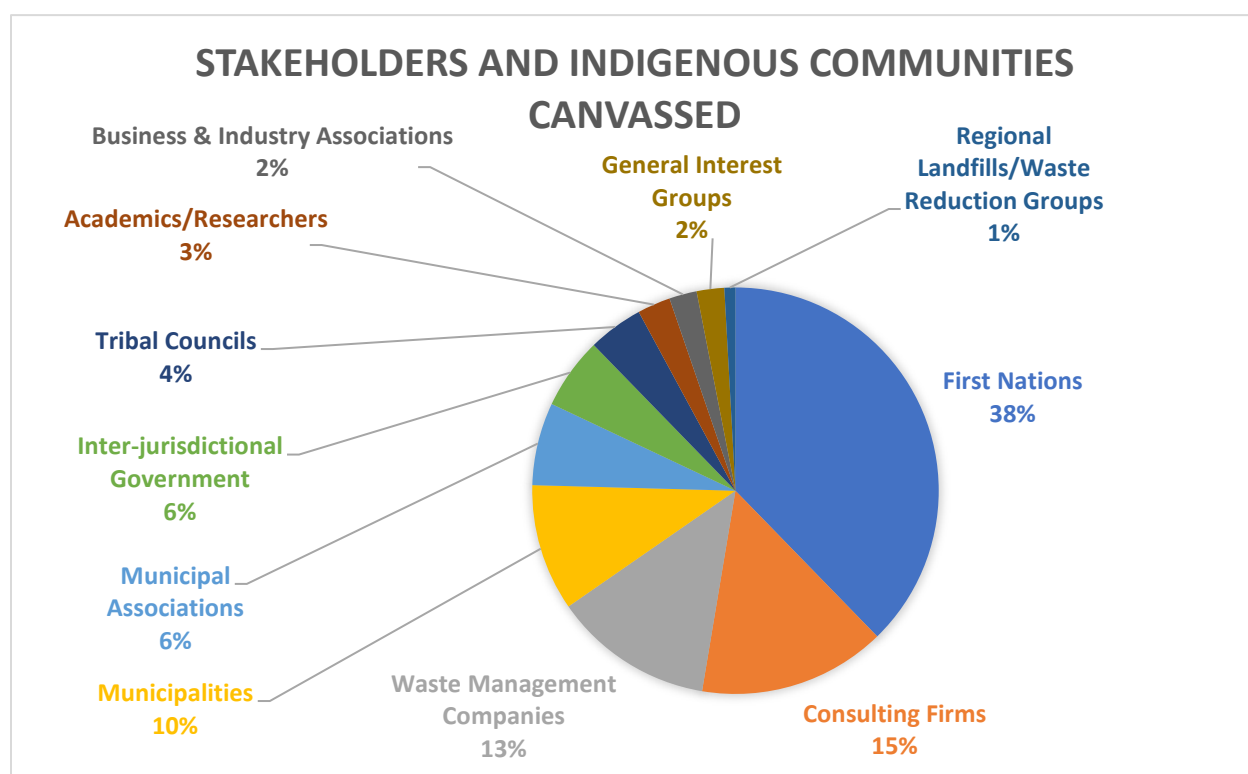
The following documents, released on April 27, 2023, were used to support the public engagement:

1. The draft compost facility chapter.
2. A draft standard for acceptable feedstocks and amendments.
3. A discussion paper outlining key elements of the chapter as well as current and future state requirements.
4. An online survey consisting of 14 core questions on key aspects of the chapter.

The ministry accepted written feedback, survey responses and verbal feedback through virtual engagement sessions. The deadline to submit feedback was June 30, 2023. Results from the public engagement will inform the finalization of the chapter, keeping public and stakeholder engagement as a key tenet of code development.

## Participants

A breakdown of stakeholders, Indigenous communities and other parties (n=228) that were canvassed by the ministry for engagement on the chapter is shown in Figure 1(a). There were 93 engagement experiences. Engagement experiences are the sum of persons present at virtual engagement sessions, written, verbal and survey responses. Figure 1(b) contrasts the feedback received by each group in Figure 1(a). The participation rate was 41 per cent. Despite municipalities and municipal associations only making up a combined 16 per cent of those canvassed, 37 per cent of engagement experiences came from that group, indicating they are well represented. The SUMA and SARM newsletters were leveraged to better reach and engage municipalities in Saskatchewan. About 15 per cent of those canvassed were consultants and about 20 per cent of engagement experiences resulted from that group. First Nations and Tribal Councils represented 42 per cent of those canvassed by the ministry, but only about three per cent of engagement experiences came from that group. The ministry acknowledges that regulating compost facilities on reserves is usually managed through Indigenous Services Canada; however, Indigenous Treaty Rights and agreements with the Government of Saskatchewan are recognized where



other new compost facilities could be proposed in the province.

Figure 1(a): Stakeholders and Indigenous Communities Canvassed (n = 228)

Fifty-eight survey responses were received. Thirteen were complete, while 45 were partially complete. The survey completion rate was 22 per cent; however, respondents were not required to complete the survey. This allowed respondents to provide feedback on specific parts of the chapter only, such as those that would directly affect them or those on which they had expertise.

This document summarizes the results of all feedback received following the survey format. Results will be shown graphically, where possible, to highlight agreement or disagreement with specific parts of the

chapter. Emergent themes and their resolutions will be summarized. Finally, the next steps in chapter development will be presented.



Figure 1(b): Stakeholder and Indigenous Community Engagement Experiences (n = 93)

### Current State of Composting in Saskatchewan

Figure 2 summarizes the state of composting in Saskatchewan. Currently, less than half of municipal respondents (Figure 2a) compost, though 37 per cent of those not currently composting intend to in the future. Twenty-one per cent of respondents had no plans to compost in the future. Those not pursuing composting indicated it was either outside of their jurisdiction or that the population in question was farmers who manage their waste on site. Of the group representing consultants, qualified persons (QP) or others involved in some aspect of waste management (Figure 2b), 65 per cent already oversee some aspect of compost facility management. Of the 35 per cent that do not oversee some aspect of compost facility management, 67 per cent plan to oversee some aspect of that work in the future. Formalizing the process of regulating compost facilities may benefit those currently operating or intending to operate a compost facility. The chapter will offer a made-in-Saskatchewan, results-based and flexible approach to the siting, design, construction, operation, monitoring and closure of these facilities.

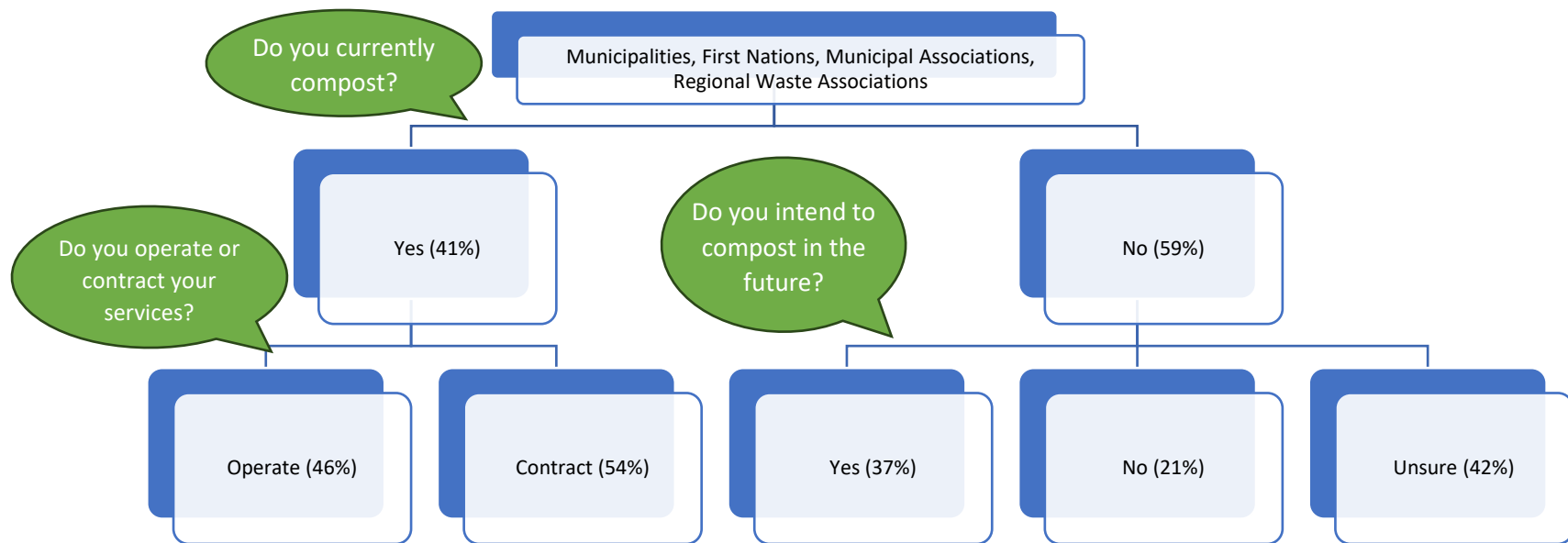


Figure 2(a): Attitudes towards composting – municipalities, First Nations, Municipal Associations, Regional Waste Associations

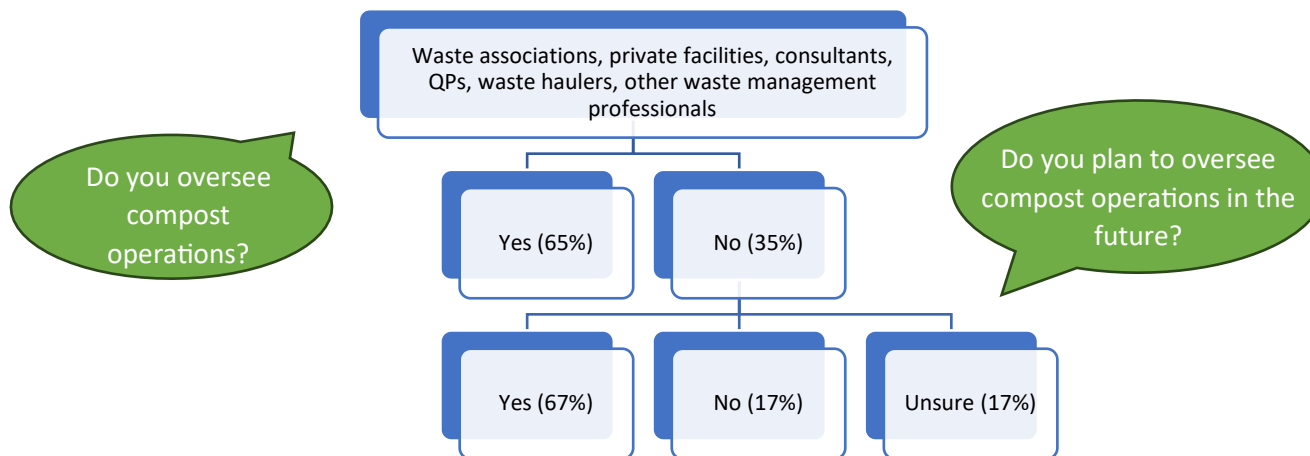


Figure 2(b): Attitudes towards composting – Waste associations, private facilities, consultants, QPs, waste haulers, other waste management professionals.

## What We Heard

Table 1 summarizes the survey results. Survey respondents were invited to submit written feedback on each question. Relevant feedback is summarized for each section, along with written feedback submitted via email submissions or verbal feedback.

### Application (Section 1-1)

This section identifies activities excluded from the chapter requirements due to being too small, too large, or managed by other regulations. Eighty per cent of survey respondents found the information in the application section complete. Of the 20 per cent that did not, most commented on the definition of “three generators” or the lack of consideration for small generators managing only leaf and yard waste. The ministry will consider these comments and develop more comprehensive definitions. One respondent suggested the 15,000-tonne threshold, over which composting facilities would be permitted through *The Environmental Management and Protection Act, 2010* (EMPA), should be 20,000 tonnes to harmonize with Alberta. The ministry chose a smaller threshold due to differences in population compared to Alberta. This threshold ensures that the largest facilities in Saskatchewan are permitted through EMPA, allowing the ministry to be involved in their operations and environmental compliance. The 15,000-tonne threshold is Saskatchewan-specific.

### Notification Period (Section 1-3)

The target implementation date of the chapter is March 31, 2024. After implementation, new and expanding compost facilities that meet chapter criteria must comply with the siting, design and construction requirements. No new requirements will be imposed on existing sites unless the owner is expanding the compost facility, operating the facility in a manner that may cause or is causing an environmentally adverse effect, or as directed by the Minister of Environment (Minister). Sixty per cent of survey respondents agreed that the six-month notification period was sufficient for existing sites to come into compliance. Written feedback indicates that 18 per cent disagreed with the six-month timeline, while 24 per cent were unsure if the timeline was sufficient. Written responses indicated concerns with the timeline, depending on the workload of municipal administrators. Most sites will already have all the documentation ready for notification (operations plans, emergency response plans and environmental monitoring plans), since these documents may already exist as part of their municipal waste management permit requirements. Administrators will only have to upload these documents to the ENV portal. The ministry understands that time and personnel availability may be limited depending on the time of year. The ministry commits to working with sites that cannot meet the six-month notification period to bring them into compliance where required.

Table 1: Summary of survey results

Question (n = # of responses)	Yes	No	Unsure
Is the information provided in Section 1-1 (Application) complete? (n = 46)	80%		20%
Is the six-month notification period sufficient? (n = 45)	58%	18%	24%
Do you have any concerns with the use of a qualified person (QP) for any of the requirements listed? (n = 42)	29%	71%	
Are there common siting, design or operation factors that are not considered in the acceptable solution (Part 3) that you feel should be included? (n = 39)	18%	82%	
Should only new or expanding facilities be required to evaluate their site suitability? (n = 36)	53%	47%	
Are the proposed lists of feedstocks and amendments in the standard suitable and complete? (n = 30)	80%		20%
Does section 3-5 provide adequate detail on the requirements of operations plans? (n = 30)	50%	20%	30%
Should it be mandatory for a qualified person (QP) to write the operations plan? (n = 29)	55%	45%	
Does Section 3-5 provide adequate detail on the requirements of emergency response plans? (n = 28)	54%	14%	32%
Should it be mandatory for a qualified person (QP) to write the emergency response plan? (n = 28)	36%	64%	
Do the requirements set out in the code provide sufficient monitoring to ensure environmental protection? (n = 13)	85%		15%
Are you in favour of the adoption of a compost chapter? (n = 22)	68%	32%	



### Qualified Person (Section 1-5)

Once in force, ministry staff will no longer review applications for compost facilities following the acceptable solution prior to construction. Instead, this duty will fall to QPs, as defined in the chapter. Seventy-one per cent of survey respondents agreed with the use of a QP for the requirements listed in the code. Survey respondents were asked to provide feedback on requirements they had concerns with. This is summarized in Figure 3, below. QPs and QP certificates were the largest areas of concern (24 per cent), followed by environmental monitoring, laboratory analysis, and quality assurance/quality control sampling, including analytical reporting (14 per cent each). The environmental protection plan, site suitability report and closure report each shared the smallest amount of concern (8 per cent each).

With respect to QPs and certificates, cost was identified as a barrier. Other concerns surrounded the definition of a qualified person, with respondents indicating that the list includes people unlikely to be knowledgeable about the decomposition of organic matter while excluding some who would be well qualified. The qualified person definition listed in this chapter is consistent with definitions listed in other code chapters for similar activities. Those who are not defined as a qualified person in the chapter but who believe they are qualified may apply for designation by the Minister. Information on this process is available [here](#).

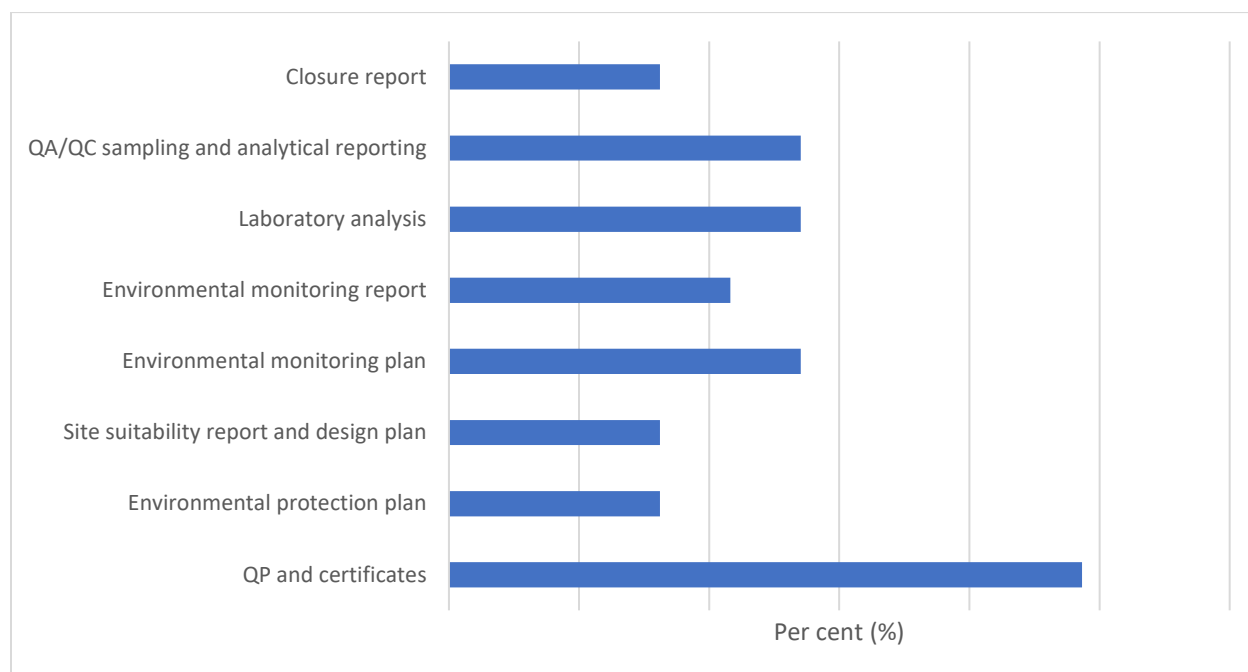


Figure 3: Summary of areas of concern regarding QPs

### Alternative Solution (Part 3)

The alternative solution can be used when some or all conditions of the acceptable solution cannot be met, or when an innovative approach is preferred. Eighty-two per cent of respondents thought that the acceptable solution included all necessary siting, design and operational factors; however, some respondents felt that the acceptable solution did not distinguish between low-risk feedstock acceptance and applied the same requirements to sites accepting only leaf and yard waste. Furthermore, one respondent noted some protected areas are not included in the chapter. There were several comments about how existing sites should be required to evaluate their site suitability because they may be causing

adverse effects. When the chapter comes into force, sites causing adverse effects will have to follow the impacted sites process.

### Siting (Section 3-1 and 3-2)

Proper siting ensures compost operations do not adversely impact the environment, human health and safety, or cause a nuisance for communities in proximity to the facility. Fifty-three per cent of respondents agreed that site suitability should only be mandatory for new or expanding facilities, while 47 per cent thought that existing facilities should also be required to evaluate their site suitability. Some respondents believed that existing facilities should be grandfathered in, while others believed that all sites should be required to uphold this new standard. Some noted that when a facility is already placed at a landfill or transfer station where siting has already occurred, there should be no need to evaluate site suitability. The ministry recognizes that re-doing site suitability studies may be onerous and costly. Furthermore, most newer sites will have completed a rigorous site suitability study prior to construction. That information can be used to summarize and report points that are relevant. Concerns surrounding the cost of building new sites were also mentioned. The survey and written responses were split equally, with reasonable arguments made for either option. The ministry will not require existing sites to complete site suitability evaluations; however, those currently operating that are causing adverse effects will have to comply with the impacted sites process.

### Feedstock and Amendment Standard

A standard for acceptable feedstock and amendments will be used with the chapter since it can be more easily updated to reflect changes in materials that should or should not be accepted at composting facilities. Eighty per cent of respondents agreed that the proposed list was complete. Concerns were raised that the list did not separate feedstocks based on risk. For example, facilities accepting yard waste and small branches will operate differently than sites accepting dead animals, biosolids and other high-risk types of waste. There was concern the standard might discourage basic composting activities. The ministry expects operators will develop operations plans that include methodologies suitable for the type of feedstock they are accepting, which will minimize environmental risks. Operators can decide which feedstocks they accept; the standard is not a mandatory acceptance list.

### Operation and Emergency Response (Section 3-5 and 3-6)

Operating and emergency response plans ensure consideration for sound operations and the prevention of adverse impacts. Fifty per cent of respondents agreed that there was sufficient detail on the requirements of the operations plan, while 30 per cent disagreed and 20 per cent were unsure. One respondent noted that the experience of an owner does not provide assurance of understanding microbial processes and the impacts of runoff on aquatic environments. Another noted the requirements were too stringent for facilities that only accept leaf and yard waste, possibly discouraging small municipalities and cities from composting.

The survey also included a question on respondents' views about the ministry's role in reviewing operations plans. The results are shown in Figure 4, below. Most respondents felt it was only appropriate for the ministry to review operations plans if concerns arose, helping to achieve efficiency and address ministry staff capacity and availability.

Opinions on whether a QP should be required to prepare the operations plan were evenly split, with 55 per cent of respondents believing that a QP should write operations plans. Respondents in favour of having a QP prepare the plan noted the utility of having professionals who understand the decomposition of organic matter, testing methods and environmental impacts prepare the plans. Furthermore, respondents also noted that having a QP prepare the plan would result in a lower risk of

environmental issues and a higher likelihood of remaining in compliance. Of the 45 per cent that did not think a QP should be required to prepare the operations plan, cost and availability of qualified persons were the main concerns. Others noted that operators have the know-how to prepare the operations plan and that a QP should only be required to review the operations plan and make changes if required. One comment was related to whether a QP should be required to write an operations plan for low-risk sites, such as those accepting only leaf and yard waste. Another respondent who agreed that QPs do not need to write operations plans noted further guidance on how one may become qualified to write an operations plan should be provided. The ministry will clarify this information in guidance and notes that, while an operator does not need a QP to write an operations plan, nothing prevents them from hiring a QP to help with the operations plan if they so desire.

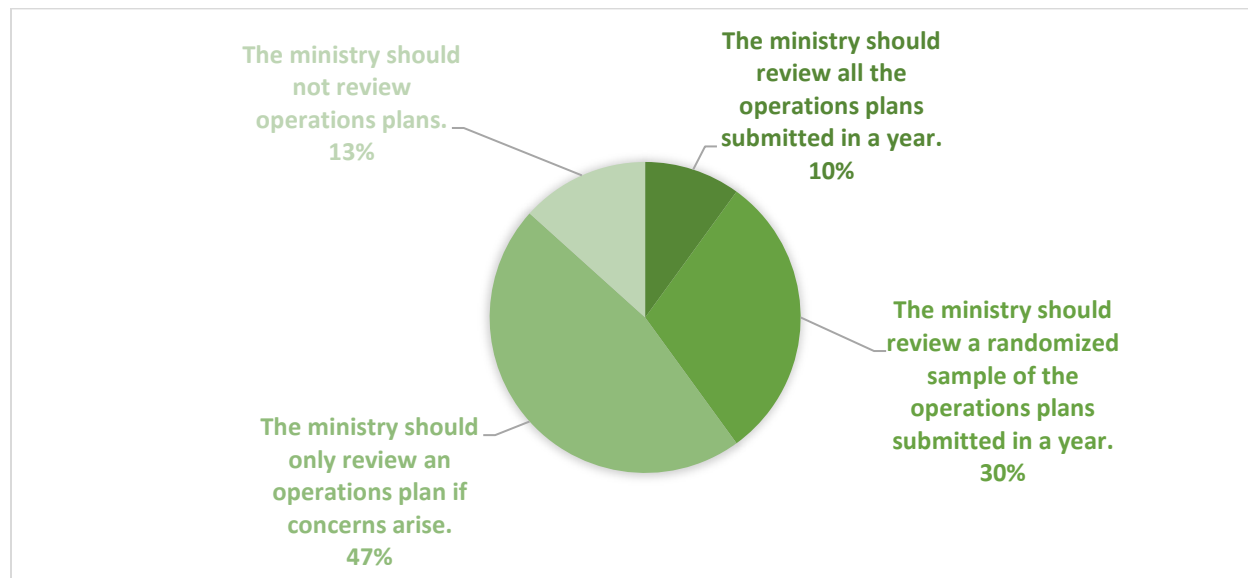


Figure 4: Respondent views regarding ministry review of operations plans.

With respect to the emergency response plans (Section 3-6), 54 per cent of respondents believed the draft chapter provided sufficient detail, while 32 per cent were not sure and 14 per cent did not agree. Some noted that a QP should prepare the emergency response plan. Another noted that the emergency response plan should be different for lower-risk sites like those accepting leaf and yard waste.

The survey also included a question on how respondents felt about the ministry's role in reviewing emergency response plans. The results are presented in Figure 5, below. The results are like those presented for operations plans, with most respondents believing that only a randomized sample of emergency response plans should be reviewed by ministry staff in any given year.

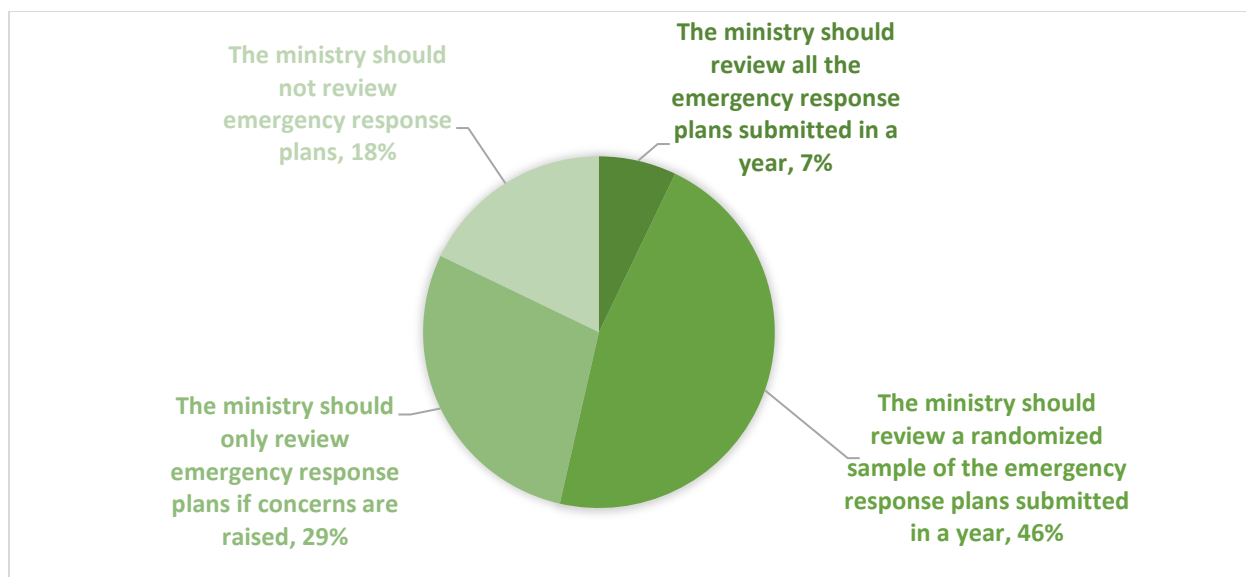


Figure 5: Respondent views regarding ministry review of emergency response plans.

Sixty-four per cent of respondents did not believe a QP should be required to write the emergency response plan. The main concerns surrounding the use of a QP for writing an emergency response plan were cost, shortage of QPs and increased red tape for municipalities. Two respondents noted that, if the guidelines for requirements of the emergency response plan are provided, an experienced individual should be able to prepare and complete a plan. Of the 36 per cent of respondents who believed that a QP should prepare the plan, the main reasons cited were specialized knowledge of fire control and impacts on water bodies and the use of a QP if concerns arise or after a large incident occurs. The ministry will not require a QP to prepare the emergency response plan, but operators are free to use a QP if they choose.

### Environmental Protection

Eighty-five per cent of respondents agreed the requirements set out in the draft chapter provide sufficient monitoring for environmental protection. One respondent indicated the required groundwater monitoring for leaf and yard waste will make it cost-prohibitive for smaller municipalities. With regards to the groundwater parameters for routine monitoring, one respondent noted the requirement for total metals should be reviewed. Although Alberta currently requires total metals within their Code of Practice, this is under review and may be changed to align with landfill standards, which require dissolved metals. The ministry continues to consider this, and the chapter will reflect best practices used in other jurisdictions and in other program areas within the ministry.

### Composting Facilities and Transfer Stations

The survey included a question on the interaction between the transfer station and compost chapters and how this affects respondents' facilities, operations or communities. The results are summarized in Figure 6, below. The results were split between all categories. As such, the ministry expects both chapters will apply to several facilities. The ministry will strive to ensure overlapping requirements for transfer stations with composting piles are clearly communicated in the guidance for the current chapter. The ministry also understands communities needing to notify the ministry of their operation under both chapters may face additional administrative burdens.

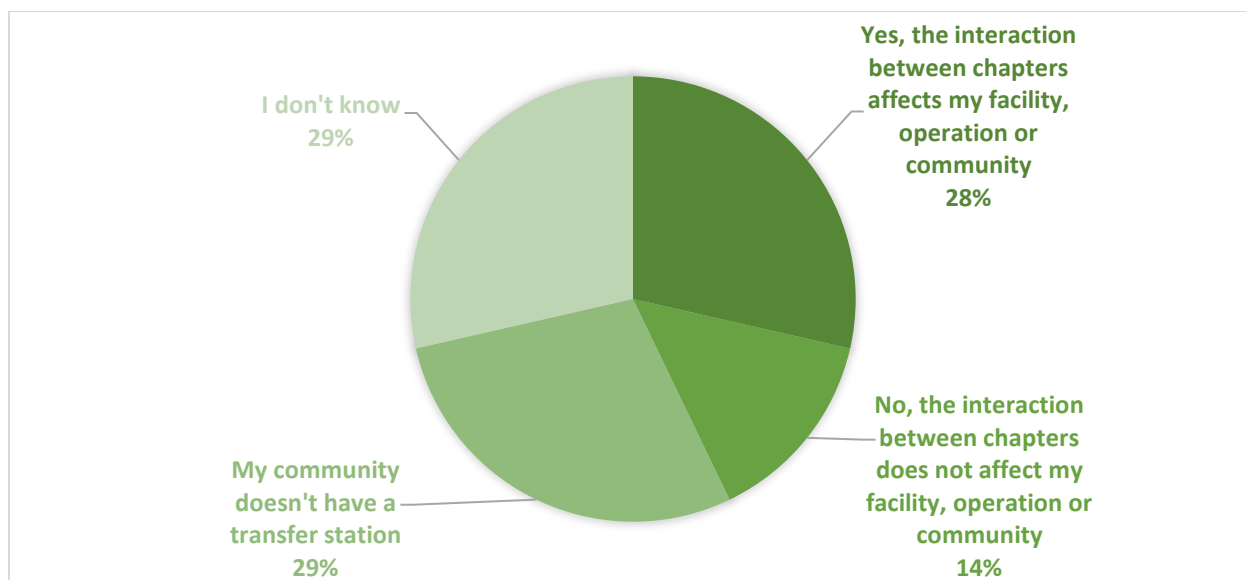


Figure 6: Summary of possible interactions between transfer stations and compost facilities

### Northern and Remote Sites

Northern and remote waste management facilities face unique challenges, including shortened operational seasons, increased costs, increased wildlife presence, increased emergency response times, sensitive habitats and receptors, and others. Respondents were asked about considerations for northern and remote sites. Written responses were related to wildlife controls. Once again, there were comments on risk depending on feedstock types. Cost is a limiting factor for small, remote sites and may discourage composting. The chapter is flexible enough for notifications to consider these additional factors in meeting the outcomes.

### Document Retention

Retention times for various documents are listed and respondents were asked if any documents should have a different retention time. Most thought retention times were acceptable, though some indicated the retention time and documents required may be onerous for low-risk sites. One respondent indicated it would be more appropriate to retain feedstock source and analysis documentation for one to two years rather than seven. Concerns were also raised about keeping information on sources and final destinations confidential for market advantage. This information will not be submitted to the ministry but should be retained for reporting in cases of inspection or audit. It is the duty of the operator to keep this information confidential.

### Adoption of the chapter

The final question asked whether respondents were in favour of the adoption of a compost chapter. Sixty-eight per cent were in favour of the chapter, while 32 per cent were not. Comments in support of the chapter indicated it was straightforward, easy to follow, would level the playing field and uphold all facilities to the same standard while also encompassing many aspects that smaller composters will have to deal with. The chapter provides clear guidance, reduces administrative burden and speeds up the approval process. There was support for the use of QPs, although cost and resource availability remained a concern for some. The main concerns with the draft chapter surrounded feedstock acceptance and how, without a small volume exemption, the chapter may discourage composting in small communities.

## Emergent Themes

The overall results from the survey, public engagement and written feedback were generally supportive of the chapter. Emergent concerns are summarized below.

### Low Volume Exemption and Definition of Generator

The draft chapter is likely to discourage small composting operations of leaf and yard waste. The goal of the chapter is to strike a balance between regulating facilities that are sufficiently large while not impacting smaller sites carrying out low-risk activities. As such, a low-volume exemption has been drafted and will be included in the chapter.

### Definition of Qualified Persons

The definition of a qualified person (QP) is too narrow, excluding professionals that would be qualified to do the work required in the draft chapter while including others that may not be qualified. The ministry has a process in place for being designated as a QP under the chapter. Those who believe they are qualified but do not necessarily meet the definition in the chapter may still apply to be a QP.

### Cost

Costs and a possible lack of QPs to complete the work required in the draft chapter may be prohibitive. Concerns about costs being too high or uncertainty on anticipated costs likely lead to some uncertainty around support for the chapter. Particularly, concern was raised about the requirements and associated costs that would be placed on smaller facilities and how this may discourage composting. The addition of a low-volume exemption may alleviate some of these concerns.

### Transfer Stations and Composting Facilities

Composting facilities, transfer stations and landfills are similar in nature and may often be sited closely, if not directly adjacent. Naturally, the intersection between composting facilities and transfer stations came up during this engagement. Each activity on the same site will be managed as separate activities; however, the ministry may consider streamlining activities, such as notification, in the future to reduce administrative burden.

### Guidance

Many respondents noted the expectations of the draft chapter were, at times, unclear. The ministry expects to release a guidance document to be used alongside the chapter, which outlines the requirements of the code in simpler terms. This will provide comprehensive guidance, which may reduce costs and provide clearer expectations. Guidance will be limited to providing helpful information and does not supersede the requirements set out in the chapter.

## Moving Forward

Based on written feedback, survey responses, verbal feedback through virtual engagement sessions and past engagement efforts on the Saskatchewan Solid Waste Management Strategy, there is support for a compost facility chapter as part of the Saskatchewan Environmental Code.

Responses indicate an opportunity to improve the draft chapter as presented as part of the public engagement to encourage composting at smaller sites. Striking a balance between environmental protection and human health and costs for risk management will be key. The Government of

Saskatchewan thanks participants for contributing constructive feedback to the development of the compost facility chapter.

While the Government of Saskatchewan considers the input received and makes any necessary revisions to the draft compost facility chapter, systems will be prepared to support an efficient notification process. Saskatchewan is committed to providing a robust and flexible regulatory system for waste disposal and management.