

## DISCHARGE AND DISCOVERY REPORTING

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

### Purpose

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

#### Information Note

This chapter comes into force on June 1, 2015.

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

### When to report a discharge

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

#### Information Note

If the discharge is reported in accordance with the Ministry of Economy Petroleum and Natural Gas Division Directive PNG014, the reporting obligation under section 1-2 of the chapter is met.

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

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

**Information Note****Who reports a discharge**

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

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

**When to report a discovery**

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

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

**Information Note****Who reports a discovery**

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

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

**Immediate report to minister in certain circumstances**

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

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

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

**Information Note**

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

- (1) by telephone at 1-800-667-7525 (24-hours toll free in Canada); or
- (2) in person by attending a Saskatchewan Ministry of Environment office during regular office hours. A list of office locations can be requested from:
  - Saskatchewan Ministry of Environment
  - 1-800-567-4224 (toll free in Canada)
  - Centre.Inquiry@gov.sk.ca

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

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

### Report of discovery to minister within 30 days in certain circumstances

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

#### Information Note

The Saskatchewan Discharge or Discovery Report Form may be obtained:

- (1) electronically by using the following link: [www.environment.gov.sk.ca](http://www.environment.gov.sk.ca); or
- (2) by requesting a form from the Saskatchewan Ministry of Environment at:  
Saskatchewan Ministry of Environment  
1-800-567-4224 (toll free in Canada)  
[Centre.Inquiry@gov.sk.ca](mailto:Centre.Inquiry@gov.sk.ca)

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

### Obligation to report to others in certain circumstances

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

### Joint report

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

## Glossary of Terms

### Act

*The Environmental Management and Protection Act, 2010.*

### Discharge and Discovery Reporting Standard

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

## Standards Referenced in this Chapter

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

- Discharge and Discovery Reporting Standard