

Chapter 23

Environment – Regulating Contaminated Sites

1.0 MAIN POINTS

Contaminated sites can pose risks to public health and safety if not properly managed.¹ The Ministry of Environment regulates all contaminated sites in Saskatchewan within the rules set by *The Environmental Management and Protection Act, 2010* and the Saskatchewan Environmental Code. At December 2018, it was regulating over 1,100 contaminated sites not yet fully reclaimed in Saskatchewan.

By December 2018, the Ministry had implemented the last recommendation from our 2008 audit of its processes to assess, monitor, and report on the status of contaminated sites.

The Ministry obtained priority ratings for all of the contaminated sites in its IT system it was regulating. In addition, it evaluated about 70% of its manual files, which includes contaminated sites identified prior to 2014. It calculated the priority ratings for manual files it evaluated, when the manual files did not already include the priority ratings. It indicated it planned to complete evaluating the remaining manual files in 2020-21.

2.0 INTRODUCTION

2.1 Background

Regulating contaminated sites helps prevent, minimize, or mitigate potential damage to human or ecosystem health. Under *The Environmental Management and Protection Act, 2010* and related regulations, the Ministry is responsible for regulating activities that impact the environment.

In June 2015 as part of its regulatory regime, it implemented a new Saskatchewan Environmental Code.² The Environmental Code defines expected environmental outcomes. The Environmental Code allows the regulated community to determine how best to achieve those outcomes.

2.2 Focus of Follow-Up Audit

This chapter reports the results of our fifth follow-up of the one recommendation from a 2008 audit about regulating contaminated sites.

Our *2008 Report – Volume 1*, Chapter 4 reported that the Ministry, in regulating contaminated sites, needed better processes to assess, monitor, and report on the status

¹ Under *The Environmental Management and Protection Act, 2010*, section 2(l), an environmentally-impacted site is an area of land or water that contains a substance that may cause or is causing an adverse effect. In this chapter, we refer to environmentally-impacted sites as contaminated sites.

² The Environmental Code is a results-based regulatory approach to protect the environment. It incorporates the required environmental outcomes into regulations. www.saskatchewan.ca/business/environmental-protection-and-sustainability/environmental-code (14 March 2019).



of contaminated sites. It contained four recommendations. By March 2017, the Ministry had implemented three of the four recommendations.³

To conduct this audit engagement, we followed the standards for assurance engagements published in the *CPA Canada Handbook – Assurance* (CSAE 3001). To evaluate the Ministry's progress towards meeting our recommendation, we used the relevant criteria from the original audit. Management agreed with the criteria in the original audit.

To carry out this engagement, we assessed information in the Ministry's IT system to manage contaminated sites, and discussed key actions with relevant officials.

3.0 STATUS OF RECOMMENDATION

This section sets out the recommendation including the date on which the Standing Committee on Public Accounts agreed to the recommendation, the status of the recommendation at December 2018, and the Ministry's actions up to that date.

3.1 Ministry Obtained Priority Ratings for Contaminated Sites

We recommended that the Ministry of Environment complete its risk assessments for identified contaminated sites and rank them in terms of priority. (2008 Report – Volume 1, p. 55, Recommendation 2; Public Accounts Committee agreement June 16, 2008)

Status – Implemented

The Ministry received from parties responsible for site cleanup, or assessed itself, priority ratings for all contaminated sites consistent with the Environmental Code.

We found the Ministry had national classification system for contaminated sites (NCSCS) ratings for all of the contaminated sites not yet reclaimed in its IT system.⁴ NCSCS ratings help identify the level of risk the site presents to the environment and priority for cleanup. The lower the NCSCS rating, the higher the priority for action.

At December 2018, it had in its IT system over 1,100 contaminated sites not yet fully reclaimed in Saskatchewan.

For each of the 30 contaminated sites in its IT system we tested, we found the following:

- Records in its IT system agreed to support
- NCSCS ratings the Ministry had calculated itself were supported and reasonable

³ In 2009, 2011, 2014, and 2017, we reported whether Environment had implemented these recommendations.

⁴ NCSCS rating is a national classification system for contaminated sites used to convey the degree of contamination and priority for cleanup. For example, class 1 classification indicates that action is required to address existing concerns for public health and safety

- The Ministry's staff reviewed NCSCS ratings submitted by the party responsible for the contaminated site.

The Environmental Code expects every person required to do a site assessment to give the Ministry the NCSCS rating for the site within 30 days of completing the site assessment.⁵

At December 2018, the Ministry estimated it had evaluated about 70% of its manual files. We found the Ministry changed its manual file review process since our 2017 follow-up audit. It now did the following:

- It calculated the NCSCS priority rating itself when it identified contaminated sites in its review of its manual files.
- It made other changes that sped up its review process.

As a result, it made significant progress reviewing its manual files since our last follow-up.

We found the Ministry's decision of whether the manual file was a contaminated site was documented and appropriate in the 30 manual files we tested.

It indicated it plans to finish reviewing manual files and entering identified contaminated sites and the NCSCS rating into its IT system during 2020-21. From its review of over 6,000 manual files so far, it identified almost 1,900 contaminated sites.⁶

These manual files included contaminated sites, spills, and registered hazardous waste storage sites.

Obtaining and evaluating completed risk assessments for contaminated sites reduces the threat of high-risk sites not being given sufficient attention and not being cleaned up within an appropriate timeframe. Delays in cleanup may cause unnecessary risk to public health and safety.

⁵ Ministry of Environment, *Saskatchewan Environmental Code Chapter B.1.2 Site Assessment*, section 1-6. www.publications.gov.sk.ca/details.cfm?p=79430 (14 March 2019).

⁶ The almost 1,900 contaminated sites it identified from its review of manual files is greater than the 1,100 contaminated sites that require an NCSCS rating and are not yet fully remediated in its IT system because not all contaminated sites require a site assessment. Only sites that require a site assessment need an NCSCS rating.

