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PART II/PARTIE II

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REVISED REGULATIONS OF SASKATCHEWAN

CHAPTER A-35 REG 5*The Automobile Accident Insurance Act*

Section 81

Order in Council 852/2002, dated December 4, 2002

(Filed December 5, 2002)

PART I

Title, Interpretation and Application**Title**

1 These regulations may be cited as *The Automobile Accident Insurance (Injury) Regulations*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Automobile Accident Insurance Act*;
- (b) “**catastrophic injury**” means:
 - (i) paraplegia or quadriplegia within the meaning of Division 2, Subdivision 2, Part 1 or Part 2 of the Schedule of Permanent Impairments;
 - (ii) amputation resulting in two or more impairments within the meaning of:
 - (A) Division 1, Subdivision 1, Parts 1, section 1.1 of the Schedule of Permanent Impairments; or
 - (B) Division 1, Subdivision 2, Part 1, section 1.1 or Part 2, section 1.1 of the Schedule of Permanent Impairments;
 - (iii) total loss of functional vision within the meaning of clause (a) of Division 4 or an impairment resulting in 85% or more of the entire visual system as determined pursuant to Division 4;
 - (iv) a functional alteration of the brain within the meaning of Division 2, Subdivision 1, Parts 4.6, 4.7 and 4.8 of the Schedule of Permanent Impairments resulting in a determined impairment of 50% or more;
 - (v) a total impairment of 80% or more calculated using the table of successive remainders based on a combination of one or more of the following:
 - (A) those impairments identified in subclauses (i) to (iv);
 - (B) a Division 1, Subdivision 1, Part 2.1 or 3.1(a) impairment;
 - (C) a Division 1, Subdivision 2, Part 3.1 impairment;
 - (D) a Division 2, Subdivision 2, Part 3 impairment;
 - (E) an impairment identified in clause (a) of Division 4;
 - (F) an impairment of 50% or more from Division 4;
 - (G) an impairment of 30% or more from Division 2, Subdivision 1, Parts 4.6, 4.7 and 4.8;

- (c) **“educational institution”** means:
- (i) a school within the meaning of *The Education Act*;
 - (ii) a technical or vocational school;
 - (iii) a university or college;
 - (iv) any other educational institution designated by the Lieutenant Governor in Council of a province or territory of Canada pursuant to the *Canada Loans Act* as a specified educational institution for the purposes of that Act;
 - (v) an institution in another province or territory of Canada or the United States that is in the opinion of the insurer similar to one mentioned in subclauses (i) to (iv);
 - (vi) an institution recognized by the Minister of Education of the Province of Quebec for the purposes of An Act respecting Financial Assistance for Educational Expenses (Quebec); or
 - (vii) an institution certified by the Minister of Employment and Immigration to be an educational institution providing courses, other than courses designed for university credit, that furnish a person with skills for an occupation, or that improve a person’s skills in an occupation;
- (d) **“net business income”** means the income derived from self-employment, by way of a proprietorship or from a partnership interest, less any expense that relates to that income and that is allowed pursuant to the *Income Tax Act* (Canada) and *The Income Tax Act, 2000*, but does not include:
- (i) any capital cost allowance or allowance on eligible property;
 - (ii) any capital gain or loss;
 - (iii) any loss deductible pursuant to section 111 of the *Income Tax Act* (Canada); or
 - (iv) any mandatory or optional inventory adjustments pursuant to section 28 of the *Income Tax Act* (Canada);
- (e) **“Schedule of Permanent Impairments”** means the Schedule of Permanent Impairments as set out in Appendix B to *The Personal Injury Benefits Regulations*;
- (f) **“Table of Successive Remainders”** means the Table of Successive Remainders as set out in Appendix C to *The Personal Injury Benefits Regulations*.
- (2) For the purpose of subclause 25(1)(b)(ii) of the Act, **“practitioner”** means a physician or surgeon.

(3) For the purposes of subsection 41(1) and section 51.1 of the Act, “a **Part VIII beneficiary**”, as it refers to a Saskatchewan resident, includes a corporation that:

- (a) has its registered office in Saskatchewan;
- (b) is not a Crown corporation or government agency; and
- (c) is registered pursuant to *The Vehicle Administration Act* as the owner of the motor vehicle involved in the accident.

(4) The Schedule of Permanent Impairments and the Table of Successive Remainders apply, with any necessary modification, to these regulations.

Application

3 These regulations apply to persons and to bodily injuries caused by a motor vehicle arising out of an accident that are governed by Part II of the Act.

PART II

Determining Who is a Resident of Saskatchewan

Persons resident in Saskatchewan

4 For the purpose of Part II and section 40.2 of the Act and these regulations, “**person resident in Saskatchewan**” means an individual who is lawfully entitled to be in or remain in Canada and who makes a home or is ordinarily resident in Saskatchewan, but does not include:

- (a) a student from another province or territory of Canada, unless that student has established a residence in Saskatchewan; or
- (b) a student from another country.

Loss of status as resident

5 A person resident in Saskatchewan loses that status:

- (a) as soon as that person maintains a residence outside Saskatchewan;
- (b) where that person is absent from Saskatchewan for more than 12 consecutive months, from the last day of the 12th month following the date of that person’s departure from Saskatchewan; or
- (c) as soon as that person leaves Saskatchewan having manifested a clear intention to cease to reside in Saskatchewan.

Retention of status

6(1) Notwithstanding section 5, a person resident in Saskatchewan retains that status in the following circumstances:

- (a) the person is registered as a student on a full-time basis in an educational institution and is pursuing a program of studies outside Saskatchewan;
- (b) the person is studying outside Saskatchewan as a full-time, unpaid trainee at a university, an institution affiliated with a university, a research institute or a governmental or international agency;
- (c) the person is outside Saskatchewan in the employ of the Government of Saskatchewan or any agency of that government, unless the person establishes a permanent residence outside Saskatchewan;

- (d) the person is staying outside Saskatchewan for fewer than 12 consecutive months if:
- (i) his or her spouse and minor children remain in Saskatchewan or he or she maintains a residence in Saskatchewan; and
 - (ii) the purpose of the stay is to assume a temporary employment or fulfil a contract;
- (e) the person is ordinarily a resident in Saskatchewan for at least 183 days per year.
- (2) Notwithstanding section 5, if a person resident in Saskatchewan leaves Saskatchewan to establish his or her residence in another province or territory of Canada or in a state of the United States and that person is designated as the owner of a vehicle in a valid certificate of registration for that vehicle issued pursuant to *The Vehicle Administration Act*, that person retains his or her status as a person resident in Saskatchewan until he or she is required by the laws of the other province, territory or state to have the vehicle registered or licensed in that other province, territory or state.
- (3) The spouse and any minor children of a person mentioned in subsection (1) or (2) having the status of a person resident in Saskatchewan retains that status while they accompany and reside with the person.

Status of minor child

7 A minor child is presumed to be a person resident in Saskatchewan when the person with whom he or she usually lives is a person resident in Saskatchewan.

PART III Calculation of Death Benefits

Manner of determining insured's net income

8(1) In this section, "**maximum yearly employment income**" means the amount prescribed in subsection (2) as adjusted in accordance with section 9.

(2) For the purposes of these regulations, the maximum yearly employment income is \$57,825.

(3) For the purposes of subsection 27(2) of the Act, an insured's weekly net income is the amount WNI calculated in accordance with the following formula:

$$\text{WNI} = \frac{\text{YEI} - \text{D}}{52}$$

where:

YEI is the lesser of:

- (a) the insured's yearly employment income as determined in the manner set out in section 12 or 13 of these regulations; and
- (b) the maximum yearly employment income;

D is the amount calculated by the insurer in accordance with section 14 that is payable by the insured for income tax pursuant to *The Income Tax Act, 2000* and the *Income Tax Act* (Canada), premiums pursuant to the *Employment Insurance Act* (Canada) and contributions pursuant to the *Canada Pension Plan*.

Maximum yearly employment income

9(1) The amount of the maximum yearly employment income prescribed in section 8 shall be adjusted on January 1 of each year in the manner set out below.

(2) The maximum yearly employment income in 2003 and each year after 2003 is the amount MYEI calculated in accordance with the following formula:

$$\text{MYEI} = \$57,825 \times \frac{\text{IAWY}}{\text{IAW95}}$$

where:

IAWY is the average of the average industrial average wage for the 12 months before July 1 of the year before the year for which the maximum yearly insurable earnings are being calculated; and

IAW95 is the average of the industrial average wage for the 12 months before July 1, 1994.

(3) For the purposes of this section, the insurer shall use the most recent data available from Statistics Canada on October 1 of the year before the year for which the maximum yearly insurable earnings are being calculated.

(4) For the purposes of this section, if no figure for the industrial aggregate average weekly earnings for all employees in Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with section 10.

(5) For the purposes of this section, if, after the day this Part comes into force, Statistics Canada uses a new method to determine the industrial aggregate average weekly earnings for all employees for Saskatchewan for a particular month and the new method results in a change of more than 1% when compared with the former method, the insurer shall determine a figure in accordance with section 11.

Industrial average wage not published

10(1) For the purposes of subsection 9(4), where no figure for the industrial aggregate average weekly earnings for all employees in Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with the following formula:

$$M = \frac{S}{12}$$

where:

M is the industrial aggregate average weekly earnings for that month; and

S is the sum of the industrial aggregate average weekly earnings, as published by Statistics Canada, for the 12 months before that month.

(2) The insurer may adjust the amount calculated pursuant to this section to take account of any exceptional circumstances that occurred during the 12 months before the month for which the amount is being calculated.

Change in method by Statistics Canada

11(1) For the purpose of subsection 9(5), the insurer shall determine a figure for the industrial aggregate average weekly earnings based on the lower of the actual change created by the new method and the average of the new method and former method for the 12-month period before the introduction of the new method.

(2) After the new method has been utilized by Statistics Canada for 12 months, the insurer shall calculate a figure based on the new method.

Calculation of yearly employment income – not derived from self-employment

12(1) In this section, “**work cycle**” means the length of time or the number of hours of work, as determined by the insured’s employer, that an insured must complete to earn the insured’s regular salary or wages.

(2) An insured’s yearly employment income not derived from self-employment is to be calculated on the sum of the following:

- (a) the greater of:
 - (i) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned in the work cycle immediately before the accident in which the insured is entitled to a weekly benefit multiplied by the number of work cycles in a normal 12-month period; and
 - (ii) the salary or wages regularly payable, excluding the benefits or commissions mentioned in clauses (b) and (c), earned in the 12 months before the accident;
- (b) any of the following benefits, to the extent that the benefit is not received as a result of the accident and is regularly payable to the insured:
 - (i) a bonus earned in the 12-month period before the accident;
 - (ii) tips, in the amount that is the greater of:
 - (A) the amount reported in the insured’s personal income tax return in the calendar year before the accident; and
 - (B) the amount reported in the insured’s personal income tax return for the calendar year in which the accident occurred;
 - (iii) remuneration for overtime hours that is earned in the 12-month period before the accident;
 - (iv) the cash value from a profit-sharing plan allocation earned in the 12-month period before the accident;
 - (v) the value of the personal use of a motor vehicle provided by an employer at the date of the accident, in the amount reported in the insured’s personal income tax return in the calendar year before the accident or, if no amount was reported, in an amount calculated pursuant to clause 6(1)(e) of the *Income Tax Act* (Canada) as an annualized benefit;

(vi) the cash value of premiums of employer-funded benefit plans paid to the insured in the 12-month period before the accident;

(vii) the cash value of any other benefit received or that the insured was entitled to receive in the 12-month period before the accident, excluding employer-funded benefit plans;

(c) commissions, in the amount that is the greatest of the commissions earned or to which the insured was entitled:

(i) for the 12-month period before the accident;

(ii) for the calendar year before the accident; or

(iii) for the three calendar years before the accident divided by three.

(3) Notwithstanding clauses (2)(b) and (c), if an insured did not hold the employment held at the date of the accident in the 12 months before the accident and the insured can prove that he or she would have earned in the year after the accident a regular benefit or commission, the insurer shall include that benefit or commission in the calculation of the insured's yearly employment income.

Calculation of yearly employment income – self-employed insured

13(1) In this section “**fiscal year**” means the insured's fiscal year.

(2) The insured's yearly employment income derived from self-employment is the greatest amount of net business income that the insured earned within the following periods:

(a) the 12 months before the accident;

(b) the fiscal year before the year before the accident;

(c) if the insured has been self-employed for not less than two fiscal years before the date of the accident, the two fiscal years before the year before the accident divided by two;

(d) if the insured has been self-employed for not less than three fiscal years before the date of the accident, the three fiscal years before the year before the accident divided by three.

(3) For the purposes of subsection (2):

(a) the insured's net business income must be determined in accordance with generally accepted accounting principals; and

(b) the net business income for each period set out in subsection (2) must be calculated in a consistent manner.

Calculation of net income

14(1) In these regulations, the net income of the insured is the yearly employment income determined pursuant to these regulations less the following:

(a) any income tax payable by the insured calculated pursuant to subsection (3);

(b) any premiums payable by the insured respecting employment insurance calculated pursuant to subsection (5); and

(c) any contributions payable by the insured pursuant to the *Canada Pension Plan* calculated pursuant to subsection (6).

(2) In these regulations, the insured's taxable income is the insured's yearly employment income calculated pursuant to section 12 or 13 less the following:

(a) any amount allowable to the insured pursuant to paragraphs 60(b), (c) and (c.2) of the *Income Tax Act* (Canada), in the calendar year before the year for which the taxable income is calculated and prorated as required when the yearly employment income exceeds the maximum yearly employment income set out in subsection 8(2); and

(b) any amount of the yearly employment income that would have been exempt from the insured's income tax pursuant to paragraph 81(1)(a) of the *Income Tax Act* (Canada) as that paragraph existed at the date of the accident.

(3) For the purpose of these regulations, the income tax payable by the insured is the tax payable on the taxable income of the insured calculated in accordance with the *Income Tax Act* (Canada) and *The Income Tax Act, 2000*, allowing only the following credits:

(a) the credit allowed pursuant to section 118.7 of the *Income Tax Act* (Canada) and section 28 of *The Income Tax Act, 2000*, where "B" in the formula set out in that section is the total of:

(i) the premium payable for employment insurance, as determined pursuant to subsection (5) of this section; and

(ii) the contributions payable to the *Canada Pension Plan*, as determined pursuant to subsection (6) of this section;

(b) the credits allowed in:

(i) sections 11, 12, 13, 14, 15, 17, 19, 20, 23 and 29 of *The Income Tax Act, 2000*; and

(ii) subsections 118(1) and (2), sections 118.3 and 118.8 of the *Income Tax Act* (Canada).

(4) For the purposes of subsections (5) and (6), the insured's yearly employment income, as calculated pursuant to section 12 or 13, is the pensionable earnings of the insured for the purposes of the *Canada Pension Plan* and the insurable earnings of the insured for the purposes of the *Employment Insurance Act* (Canada) not derived from self-employment.

(5) In these regulations, the premiums payable pursuant to the *Employment Insurance Act* (Canada) are the amounts payable by the insured as an employee's yearly premium respecting the insured's insurable earnings, based on the rate established at the time the insured's net income is calculated, and the premiums must not exceed the maximum amount payable by him or her pursuant to that Act.

(6) In these regulations, the contributions payable pursuant to the *Canada Pension Plan* are the amounts payable by the insured as an employee's yearly contribution pursuant to the *Canada Pension Plan* respecting the insured's pensionable earnings, based on the rate established at the time the insured's net income is calculated, and the contributions must not exceed the maximum amount payable by him or her pursuant to that plan.

Dependant benefit

15 If there is more than one dependant entitled to death benefits pursuant to section 27.1 of the Act, the insurer shall calculate and pay the death benefits in accordance with the following rules:

- (a) the death benefit mentioned in subsection 27(2) of the Act must be calculated on the basis of the youngest dependant being considered the spouse;
- (b) the death benefits payable in clause (a) are payable until the youngest dependant reaches 21 years of age and each dependant is entitled to an equal share of the death benefits as long as that dependant remains under 21 years of age;
- (c) the death benefits mentioned in subsection 27(5) of the Act must be calculated on the number of dependants, not including the youngest dependant, and must be paid until the second youngest dependant reaches 21 years of age;
- (d) a dependant is entitled to an equal share of the death benefits mentioned in clause (c) as long as that dependant remains under 21 years of age.

Capitalization

16 For the purposes of section 27.2 of the Act, the insurer shall determine the capitalized value of the spouse's benefit based on standard mortality tables published by Statistics Canada using a discount rate of 3% per year.

PART IV**Calculation of Permanent Injury Benefits****Compensation for permanent impairment based on Schedule of Permanent Impairments**

17 Compensation for permanent impairment is to be determined on the basis of the Schedule of Permanent Impairments.

Evaluation of impairment to symmetrical parts of the body

18 Subject to sections 19 and 20 and the Schedule of Permanent Impairments, if a permanent anatomical or physiological deficit resulting from an accident impairs symmetrical parts of the body, or impairs a part of the body that is symmetrical to a part of the body that was permanently impaired before the accident, the percentage of the permanent impairment for that deficit for the purposes of Division 4 of Part II of the Act is determined in accordance with the following formula:

$$P = PB + (TB \times 0.25)$$

where:

P is the percentage to be used pursuant to Division 4 of Part II of the Act;

PB is the percentage attributed to the deficit arising from the accident; and

TB is the total percentage of anatomical or physiological deficits impairing the more severely impaired symmetrical part of an insured's body.

Application of section 18

19 Section 18 does not apply to an anatomical or physiological deficit that:

- (a) affects an internal organ;
- (b) affects an organ controlling vision, balance or hearing; or
- (c) results from an injury to the central nervous system.

Percentage fixed for deficit existing prior to the accident

20 For the purposes of section 18, the percentage of an anatomical or physiological deficit existing before an accident is to be determined using the Schedule of Permanent Impairments or, if the anatomical or physiological deficit does not appear in the Schedule of Permanent Impairments, by using the Schedule of Permanent Impairments as a guideline.

Computation of more than one permanent impairment

21(1) Where an insured has more than one permanent impairment, the percentage of the most severe impairment is computed on the basis of 100% and the percentages of the other impairments, starting with the highest, are computed on the successive remainders, in accordance with the Table of Successive Remainders.

(2) Notwithstanding subsection (1), a percentage of 5% or less attributed to a permanent impairment is not to be computed on the successive remainders, but is to be added to the percentage resulting from the computation of the most severe impairment pursuant to subsection (1).

Section 21 not to be applied to percentage based on enhancement factor

22 Section 21 does not apply to the percentage obtained by applying the enhancement factor mentioned in section 18.

Enhancement factor to be added after computation of successive remainders

23 Where sections 17 to 21 apply to an insured, the percentage resulting from the enhancement factor mentioned in section 18 is added to the other percentages of deficits after the computation on successive remainders has been made.

PART V

Indexation of Benefits**CPI not published**

24(1) For the purpose of subsection 30(3) of the Act, if no figure for the “all-items” Consumer Price Index for Saskatchewan is published by Statistics Canada for a month, the insurer shall determine a figure for that month in accordance with the following formula:

$$\text{CPI} = \frac{\text{SCPI}}{12}$$

where:

CPI is the consumer price index to be used in the month; and

SCPI is the sum of the “all items” Consumer Price Index for Saskatchewan, as published by Statistics Canada, for the 12 months before that month.

(2) The insurer may adjust the amount calculated pursuant to this section to take account of any exceptional circumstances that occurred during the 12 months before the month for which the amount is being calculated.

Change in method of Statistics Canada

25(1) For the purposes of subsection 30(4) of the Act, the insurer shall determine a figure for the “all-items” Consumer Price Index for Saskatchewan based on the lower of the actual change created by the new method and the average of the new method and former method for the 12-month period before the introduction of the new method.

(2) After the new method has been utilized by Statistics Canada for 12 months, the insurer shall calculate a figure based on the new method.

PART VI
Coming into Force

Coming into force

26(1) These regulations come into force on the day on which section 9 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 9 of *The Automobile Accident Insurance Amendment Act, 2002* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER E-10.21 REG 1

The Environmental Management and Protection Act, 2002

Section 81

Order in Council 856/2002, dated December 4, 2002

(Filed December 5, 2002)

PART I
Title, Interpretation and Application

Title

1 These regulations may be cited as *The Water Regulations, 2002*.

Interpretation

2(1) In these regulations:

- (a) “**accredited**” means attainment of the Standards Council of Canada, National Standards System, General Requirements for the Competence of Testing and Calibration Laboratories, (ISO/IEC17025-1999) CAN-P-4D, March 2002, including but not limited to attaining the parameters necessary to undertake the reports required by Part V or by a permit to operate a waterworks issued for the purposes of subsection 21(1) of the Act;
- (b) “**Act**” means *The Environmental Management and Protection Act, 2002*;
- (c) “**approved**” means approved by the minister in writing;

- (d) **“basin”** means a natural or artificially created space or structure that has a shape and character that permits sewage or industrial waste to be treated or retained;
- (e) **“BOD₅”** means a five-day biochemical oxygen demand at 20 degrees centigrade;
- (f) **“CBOD₅”** means a five-day carbonaceous biochemical oxygen demand at 20 degrees centigrade;
- (g) **“chemical feeder”** means a device for dispensing a chemical at a predetermined rate for the treatment of water in a waterworks, sewage works or industrial effluent works;
- (h) **“collection system”** means a system of pipes, conduits, drains, mains, manholes and appurtenances used for collecting and conveying sewage;
- (i) **“design flow”** means the amount of water that is designed to be treated by a water treatment facility or wastewater treatment facility based on standard engineering design parameters and capacities;
- (j) **“distribution system”** means that portion of a waterworks, including water pipes, storage reservoirs, valves, hydrants and associated components, that is designed or used to convey water for human consumptive use or hygienic use to a service connection, but does not include tank fill drop tubes, surface piping or hoses attached to a well;
- (k) **“drinking water”** means potable water;
- (l) **“effluent”** means any waste that is discharged from a sewage works or an industrial effluent works;
- (m) **“existing”** means in existence on the date that these regulations come into force and, with respect to waterworks, includes waterworks mentioned in subsection 31(4);
- (n) **“facultative lagoon”** means a lagoon or treatment pond with an aerobic upper section and an anaerobic bottom section that allows both aerobic and anaerobic processes to occur simultaneously;
- (o) **“free chlorine residual”** means that portion of the total residual chlorine remaining in water that will react chemically and biologically as hypochlorous acid or hypochlorite ion;
- (p) **“ground water treatment plant”** means a water treatment facility that draws all of its water supply from ground water that is beyond the direct influence of surface water;
- (q) **“human consumptive use”** means a use of water for human consumption, including the following uses and applications:
- (i) drinking;
 - (ii) cooking and food preparation;
 - (iii) oral hygiene;

(r) **“hygienic use”** means a use of water for hygienic purposes by humans, including the following uses and applications:

- (i) bathing and personal hygiene, but not including swimming;
- (ii) showering;

but does not include a human consumptive use;

(s) **“lagoon”** means one or more open basins or reservoirs designed to treat or store sewage or industrial waste;

(t) **“mechanical treatment facility”** means a wastewater treatment facility the processes of which are controlled primarily by mechanical means;

(u) **“municipal sewage works”** means a sewage works that is owned or operated by a municipality or by another person on behalf of a municipality;

(v) **“municipal waterworks”** means a waterworks that is owned or operated by a municipality or by another person on behalf of a municipality;

(w) **“municipal well”** means a well that is owned or operated by a municipality or by another person on behalf of a municipality;

(x) **“permittee”** means the person to whom a permit for a works, or a permit with respect to an activity mentioned in section 35 or 36 of the Act, is issued or continued pursuant to the Act or these regulations;

(y) **“pipes”** means closed conduits and all appurtenances attached to those conduits;

(z) **“potable water”** means water that is intended for human consumption or a human consumptive use;

(aa) **“primary basins”** means the basins designed for treatment in a facultative lagoon;

(bb) **“pump house”** means a facility in a waterworks containing one or more pumps and their appurtenances that are designed to pump water in or into the waterworks;

(cc) **“pumping station”** means a facility in a sewage works or industrial effluent works containing one or more pumps and their appurtenances that are designed to pump sewage in or into the sewage works or industrial waste in or into the industrial effluent works;

(dd) **“sanitary sewer”** means a system of conduits, drains, mains and pipes in a sewage works that is intended to convey sewage exclusively or principally;

(ee) **“secondary treatment process”** means a treatment process for sewage or industrial waste that consists of primary treatment and biological treatment and that may also consist of physical treatment or chemical treatment;

(ff) **“service connection”** means a pipe that connects a main with premises;

- (gg) **“storm sewer”** means a system of conduits, drains, mains, manholes, basins and pipes intended to convey storm water exclusively or principally;
- (hh) **“surface water treatment plant”** means a water treatment facility that draws all or part of its water supply from a surface water body source;
- (ii) **“total chlorine residual”** means the chlorine concentration remaining in water as free chlorine residual plus combined chlorine;
- (jj) **“upset condition”** means any abnormal conditions, anomalies or interruptions in the treatment process or the distribution system within a waterworks that may have any adverse effect on the quality of water supplied to consumers;
- (kk) **“wastewater treatment facility”** means those components of a sewage works or industrial effluent works that modify or hold sewage or industrial waste;
- (ll) **“water pipeline”** means all or a portion of a waterworks, distribution system or extended network of pipes that:
- (i) is owned by a person or association other than a municipality;
 - (ii) is intended or used to provide water for human consumptive use or hygienic use; and
 - (iii) serves one or more of, or any combination of, permanent residences, seasonal residences, acreages, farmsteads, trailer courts, commercial buildings, industrial buildings or other, similar facilities;
- (mm) **“water treatment facility”** means those components of a waterworks that are used to filter or condition water for the purpose of rendering the water acceptable for human consumptive use or hygienic use;
- (nn) **“works”** means industrial effluent works, sewage works or waterworks.
- (2) For the purposes of the Act and in these regulations, **“person”** includes an authority, organization or agency.
- (3) For the purposes of these regulations, water beneath the surface of the ground is considered under the direct influence of surface water if that water, in the opinion of the minister, exhibits:
- (a) a significant occurrence of insects or other macro-organisms, algae or large diameter pathogens, including *Giardia lamblia* and *Cryptosporidium*; or
 - (b) significant and relatively rapid shifts in water characteristics, including turbidity, temperature, conductivity or pH factors, that closely correlate to climatological or surface water conditions.

**Interpretation of “watercourse” and other terms used principally in
Division 3 of Part IV of the Act**

3(1) For the purposes of clause 2(cc) and section 36 of the Act and in these regulations, “**watercourse**” includes a stream, creek, river, gully, valley floor, drainage ditch or any other channel, including any artificial channel, in which water flows either permanently or intermittently.

(2) For the purposes of section 36(1)(a) of the Act and in these regulations, “**alter or cause to be altered**” does not include:

(a) excavation and replacement of existing culverts but only if the excavation or replacement:

- (i) is commenced and completed under dry conditions;
- (ii) results in the culvert pipe being installed parallel to the natural channel;
- (iii) results in the culvert pipe being installed below the natural channel bed by a depth equivalent to at least 20% of the culvert diameter; and
- (iv) incorporates, in the opinion of the minister, adequate erosion control measures at the inlet and outlet end of the culvert to prevent washout and damage to the bed or boundary;

(b) directional boring or direct ploughing for the placement of utility lines, but only if all of the boring or ploughing work is commenced and completed under dry or frozen conditions; or

(c) cultivation of intermittent watercourses that have been continuously cultivated without interruption commencing on or before the date these regulations come into force.

(3) For the purposes of section 36(1)(b) of the Act and in these regulations:

(a) “**add**” includes the addition of sand, gravel or rock if that material is added for the purposes of excavating or replacing a culvert in the circumstances mentioned in clause (2)(a);

(b) “**remove**” does not include:

- (i) removal of beaver dams or beaver houses by use of hand tools or dynamite;
- (ii) removal of beaver dams by mechanical means, but only if:
 - (A) the removal does not result in the alteration of the bed, bank or boundary, including noticeable impact to the soil caused by equipment; and
 - (B) the material removed is placed in a way that it cannot be washed back into the watercourse.

(4) For the purposes of section 36(1)(c) of the Act and in these regulations, “**remove vegetation**” does not include:

- (a) cutting, mowing, haying or swathing, but only if all that work is commenced and completed under dry or frozen conditions;
- (b) grazing or watering of livestock, but only if the activity does not result in exposed soil, stream bank slumping or erosion;
- (c) burning of vegetation or plant material, but only if the burning does not occur between May 1st and August 1st of each year;
- (d) harvesting Crown timber in accordance with an approved plan prepared with respect to a licence issued pursuant to *The Forest Resources Management Act*;
- (e) cutting or removal of vegetation by hand tools or hydro-axing for the maintenance of existing utility lines, road allowances, ditches designed for the purpose of moving urban storm water or drainage ditches that are licenced or exempted under *The Drainage Control Regulations*, but only if all that work is commenced and completed under dry or frozen conditions; or
- (f) removal of vegetation or plant material if that removal is for the purposes of excavating or replacing a culvert in the circumstances mentioned in clause (2)(a).

(5) In subsections (2) to (4):

- (a) “**dry conditions**” means, with respect to soil, that the soil in the affected area is dry enough that vehicles or equipment used would not make a noticeable impact on the soil;
- (b) “**frozen conditions**” means, with respect to soil, that the soil in the affected area is frozen solid enough that vehicles or equipment used would not make a noticeable impact on the soil;
- (c) “**intermittent watercourse**” means a watercourse that normally does not experience year-round flow, and includes ephemeral streams that are usually inundated during spring snow melt or following a heavy rain event;
- (d) “**mowing**” means cutting of vegetation, usually for hay or maintenance purposes, but does not include hydro-axing or use of other machines primarily designed to cut brush or trees.

Interpretation of “person responsible for a waterworks or sewage works”

4(1) For the purposes of section 18 of the Act and in these regulations, “**person responsible for a waterworks or sewage works**” means the permittee of the waterworks or sewage works and includes:

- (a) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of the permittee; and
- (b) any principal or agent of a permittee or of a person mentioned in clause (a).

(2) For the purposes of subsections 32(2) of the Act, “**person responsible for a waterworks**” includes, in addition to the persons mentioned in subsection (1), a permittee whose permit has been suspended or cancelled or whose permit has expired.

(3) For the purposes of subsections 32(3) of the Act, “**person responsible for a sewage works**” includes, in addition to the persons mentioned in subsection (1), a permittee whose permit has been suspended or cancelled or whose permit has expired.

Guidelines adopted

5(1) For the purposes of these regulations, the following guidelines, as amended from time to time, are adopted:

- (a) the *Guidelines for Sewage Works Design*, EPB 203 as issued by the department and dated November, 2002;
- (b) the *Municipal Drinking Water Quality Monitoring Guidelines*, EPB 202, as issued by the department and dated November, 2002;
- (c) a *Guide to Waterworks Design*, EPB 201, as issued by the department and dated November, 2002.

(2) The minister shall cause the guidelines adopted pursuant to this section to be made available to the public in any manner that the minister considers likely to bring them to the public’s attention, including causing them to be posted on the department’s Internet website.

PART II

Exemptions from Requirement to obtain a Permit under Part IV of the Act

Exempt discharges and works

6(1) For the purposes of subsection 21(2) of the Act, all sewage works that are not municipal sewage works and that have a design flow of effluent that is 18 cubic metres or less per 24-hour period are exempt from the requirement to have a permit pursuant to section 21 of the Act.

(2) The following discharges are exempt from the requirements of clause 35(1)(a) of the Act:

- (a) a discharge from a sewage works that is not a municipal sewage works and that has a design flow of effluent that is 18 cubic metres or less per 24-hour period;
- (b) a discharge from pipes in a collection system owned or operated by a municipality if the pipes are located under the surface of the property on which the premises served by the collection system are located;

- (c) a discharge from piping fixtures comprising the plumbing within a building or structure;
 - (d) a discharge from one of the following industrial effluent works:
 - (i) a facility that is operated for the disposal of salt water, sediment or other wastes from oil or gas well operation or development;
 - (ii) a facility that collects, stores or contains industrial waste in a building or the underground works of a mine if the industrial waste is not subsequently disposed of into the environment;
 - (iii) a facility that handles or treats waste from abattoirs unless the design flow of effluent from the facility exceeds 18 cubic metres per 24-hour period;
 - (iv) a drainage works as defined in *The Saskatchewan Watershed Authority Act*;
 - (e) a discharge from an intensive livestock operation;
 - (f) a discharge from a waterworks or sewage works for which a permit pursuant to Division 2 of Part IV of the Act has been issued.
- (3) The construction, extension, alteration, installation or operation of the following industrial effluent works is exempt from the requirements of clause 35(1)(c) of the Act:
- (a) a facility that is operated for the disposal of salt water, sediment or other wastes from oil or gas well operation or development;
 - (b) a facility that collects, stores or contains industrial waste in a building or the underground works of a mine if the industrial waste is not subsequently disposed of into the environment;
 - (c) a facility that handles or treats waste from abattoirs unless the design flow of effluent from the facility exceeds 18 cubic metres per 24-hour period;
 - (d) a facility that handles or treats livestock waste from intensive livestock operations;
 - (e) a facility that is a drainage works as defined in *The Saskatchewan Watershed Authority Act*;
 - (f) a facility for the disposal of industrial waste into deep well formations if the disposal is approved pursuant to *The Oil and Gas Conservation Act* and the regulations pursuant to that Act;
 - (g) a pollutant control facility, as defined in *The Mineral Industry Environmental Protection Regulations, 1996*, that is regulated by those regulations.

PART III
Permits under Division 3 of Part IV of the Act

Requirements for applications for permits

7(1) In this section:

(a) “**aquatic guidelines**” means a *Guide to Aquatic Nuisances and their Control*, EPB 47, as issued by the department and dated November, 2002;

(b) “**standards**” means the *Industrial Works Construction Application Standards*, as issued by the department and dated November, 2002.

(2) For the purposes of this Division, the following, as amended from time to time, are adopted:

(a) a *Guide to Aquatic Nuisances and their Control*, EPB 47, as issued by the department and dated November, 2002;

(b) the *Industrial Works Construction Application Standards*, as issued by the department and dated November, 2002.

(3) The minister shall cause the aquatic guidelines and standards adopted pursuant to this section to be made available to the public in any manner that the minister considers likely to bring them to the public’s attention, including causing them to be posted on the department’s Internet website.

(4) A person who applies for a permit pursuant to Division 3 of Part IV of the Act shall:

(a) file a written application with the minister in a form satisfactory to the minister;

(b) provide the information and materials required by:

(i) in the case of a permit required by clause 35(1)(b) of the Act, the aquatic guidelines;

(ii) in the case of a permit required by clause 35(1) (a) or (c) of the Act, the standards;

(iii) in the case of a permit required by section 36 of the Act, section 8 of these regulations; and

(c) provide any other information or materials that the minister may reasonably request.

Application for permit to alter shoreline, etc.

8 If a person applies for a permit required by section 36 of the Act, the person shall provide the following information and materials:

(a) information respecting the fish and wildlife species, vegetative cover, landforms, soil types and water bodies that the minister considers as likely to be affected by the activity that the applicant proposes to undertake;

- (b) a location plan or site map for the land where the proposed activity is to take place showing:
 - (i) who is the registered owner of the land; and
 - (ii) any proposed development, including any proposed access roads, rights of way, stream crossings and borrow pits and the location and description of all stockpiles of materials and work camps, drawn to scale;
- (c) if the permit applied for is to authorize construction, the details regarding construction materials to be used and a construction schedule, including the proposed date for commencing construction, the duration of construction and the completion of construction in or near water;
- (d) proposed measures to mitigate or prevent any potential impact of the proposed activity on aquatic and riparian habitats, including erosion and sediment control plans;
- (e) plans for restoring the environment after the proposed activity has been completed, including replacing or restoring vegetation;
- (f) any additional information and materials that the minister may reasonably request.

Decision respecting permits

9(1) If the minister receives an application and the information and material required by this Part, the minister shall:

- (a) either:
 - (i) if the minister is satisfied that the Act and these regulations have been complied with and that it is not contrary to the public interest to do so, issue a permit; or
 - (ii) refuse to issue a permit; and
 - (b) notify the applicant of the decision.
- (2) On issuing a permit, the minister may impose any terms and conditions on the permit that the minister considers appropriate.
- (3) Every permittee shall inform every employee, helper or agent of the permittee of the contents, terms and conditions of the permittee's permit before that employee, helper or agent performs any work pursuant to the permit.
- (4) No permittee shall fail to:
- (a) comply with any term or condition contained in the permit; or
 - (b) ensure that any employee, helper or agent complies with any term or condition contained in the permit.

Notification to minister of completion by permittee of construction, etc., authorized by permit

10 On completion of the construction, extension or alteration of the industrial effluent works for which a permit is issued, the permittee shall:

- (a) notify the minister in writing of the completion; and
- (b) if requested to do so by the minister, supply the minister with plans showing the works as actually constructed, extended or altered.

Amendment, suspension, cancellation of permits

11(1) In this section, “**permittee**” means a permittee who is governed by a permit issued pursuant to section 9.

- (2) A permittee may apply to the minister to cancel, amend or alter the permit.
- (3) On receipt of an application pursuant to subsection (2) and if the minister considers it appropriate to do so, the minister may cancel, amend or alter the permit.
- (4) The minister may cancel, amend, alter or suspend any permit issued pursuant to section 9, in whole or in part, if:
 - (a) the permittee fails to comply with any term or condition of the permit or has contravened the Act, these regulations or any order made pursuant to the Act or these regulations;
 - (b) the permittee makes any false or misleading statement in any application, information, materials or plans supplied pursuant to the Act or these regulations in support of an application for a permit;
 - (c) the permit was issued as a result of a clerical or administrative error or mistake;
 - (d) unauthorized changes or alterations are made to the activity or works governed by the permit; or
 - (e) the minister is satisfied that it is in the public interest to do so.
- (5) Subject to subsection (8), before the minister does any of the things mentioned in subsection (4), the minister shall give the permittee:
 - (a) written notice of the minister’s intention to cancel, amend, alter, or suspend the permit, and the reasons for doing so; and
 - (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, as to why the permit should not be cancelled, amended, altered, or suspended.
- (6) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (5).
- (7) After receiving the representations mentioned in subsection (5), the minister shall issue a written decision and shall serve the decision on the person who made the representations.

(8) If the minister considers that it is necessary to protect human health or public safety, the minister may immediately cancel, amend, alter or suspend any permit issued pursuant to section 9 without complying with subsection (5) but, if the minister does so, the minister shall give the permittee:

- (a) written notice of the minister's action as soon as is practicable; and
- (b) an opportunity to make written representations to the minister, within 30 days after the written notice mentioned in clause (a) is served, requesting the minister to reconsider the decision to cancel, amend, alter or suspend.

(9) The minister is not required to give an oral hearing to any person to whom a notice has been given pursuant to subsection (8).

(10) After receiving the representations mentioned in subsection (8), the minister shall issue a written decision and shall serve the decision on the person who made the representations.

(11) If the minister cancels, amends, alters or suspends a permit issued pursuant to section 9, the minister:

- (a) may issue any additional order that the minister considers appropriate requiring any repair, restoration or remediation of the environment; and
- (b) in an order mentioned in clause (a), shall specify the period within which the order must be complied with.

(12) No person to whom an order pursuant to subsection (11) is directed shall fail to comply with that order.

PART IV
Water Pollution Control
DIVISION 1
Interpretation, Compliance and Permits

Interpretation and compliance

12(1) In this Part, "**permittee**" means a person to whom a permit has been issued pursuant to this Part for a sewage works or industrial effluent works and includes:

- (a) any successor, assignee, executor, administrator, receiver, receiver-manager or trustee of the permittee; and
 - (b) any principal or agent of a permittee or of a person mentioned in clause (a).
- (2) Every permittee:
- (a) shall comply with this Part; and
 - (b) shall cause the sewage works or industrial effluent works, as the case may be, to conform with this Part.

Applications for sewage works permit

13(1) In this section, “**guidelines**” means a *Guide for Sewage Works Design*, EPB 203, adopted pursuant to section 5.

(2) A person who applies for a permit for a sewage works pursuant to Division 2 of Part IV of the Act shall:

- (a) file a written application with the minister in a form satisfactory to the minister; and
- (b) provide the information and materials required by the guidelines.

DIVISION 2
Operational Matters

No interconnection between sanitary sewers and storm sewers

14 No permittee shall cause any sanitary sewers and storm sewers to be interconnected in a manner that permits sewage in the sanitary sewer to be discharged through the storm sewer.

Pumping stations

15(1) A pumping station that is a part of a sewage works or industrial effluent works must have mechanically forced air ventilation.

(2) A water outlet or any of its component parts that may come in contact with sewage or industrial waste in a sewage works or industrial effluent works must be equipped with a backflow prevention device that, in the opinion of the minister, is effective.

Wastewater treatment facilities

16(1) This section applies to wastewater treatment facilities.

(2) Wastewater treatment facilities must be operated so as to produce effluent that meets the requirements set out in the permittee’s permit, these regulations and any other relevant regulations made pursuant to the Act.

(3) Unless otherwise set out in the permittee’s permit, all wastewater treatment facilities in a sewage works must include:

- (a) a secondary treatment process that produces effluent with no more than:
 - (i) 30 milligrams per litre of BOD₅ or CBOD₅; and
 - (ii) 30 milligrams per litre of total suspended solids; or
- (b) facultative lagoons designed in accordance with subsection (4).

(4) Unless otherwise set out in the permittee’s permit, all facultative lagoons must be designed to have:

- (a) a minimum of two basins operating in series;
- (b) primary basins with a surface area sufficient to ensure that a BOD₅ loading of not greater than 30 kilograms per hectare per day will be applied; and
- (c) a combined storage capacity in all basins, other than the primary basins, of at least 180 days of sewage flow into the basins for the service connections and population to be served by the sewage works.

Report required re any upset conditions

17(1) In this section, “**upset condition**” means any abnormal conditions, anomalies or interruptions in the treatment process or the collection system within the sewage works or industrial effluent works that could adversely affect the quality of effluent discharged into the environment.

(2) Every permittee and every employee, agent or contractor engaged by a permittee shall immediately report to the minister any known or anticipated upset condition, bypass condition or event at or affecting a sewage works or industrial effluent works that could adversely affect the quality of effluent discharged to the environment.

Disinfection of effluent

18(1) In the permittee’s permit, the minister may require the permittee to disinfect any effluent from the sewage works or industrial effluent works.

(2) Every permittee and every employee, agent or contractor engaged by a permittee shall immediately report to the minister any instance where:

- (a) disinfection equipment required by the permittee’s permit fails; or
- (b) the level of disinfection required by the permittee’s permit is not achieved or not anticipated to be achieved.

Required testing of sewage works and industrial effluent works

19 Every permittee shall:

- (a) cause tests to be conducted and information to be collected as required in the permittee’s permit;
- (b) cause operational records or logs to be maintained, including information respecting:
 - (i) maintenance work and any failure of treatment components;
 - (ii) types, dosages and total amounts of chemicals or other substances added to the sewage or industrial waste;
 - (iii) dates of discharge of sewage or industrial waste and the volumes of discharge;
 - (iv) locations from which samples for any tests are taken; and
 - (v) the results of any tests conducted on the samples taken pursuant to subclause (iv);
- (c) promptly make available the operational records or logs mentioned in clause (b) and the results of the tests conducted and the information collected pursuant to clause (a) to the minister or to the public as required by the permit or requested by the minister; and
- (d) promptly provide the minister with any additional information that the minister may reasonably request respecting the operation of the permittee’s sewage works or industrial effluent works.

PART V
Waterworks

DIVISION 1

Application of Part and Exemptions

Application of Part

20(1) This Part applies to the following waterworks that supply water for a human consumptive use or hygienic use:

- (a) all municipal waterworks;
 - (b) all municipal wells that are connected to a distribution system;
 - (c) all water pipelines connected to a municipal waterworks, regardless of volume of water supplied or number of service connections;
 - (d) all water pipelines, not otherwise connected to a municipal waterworks, serving 15 or more service connections;
 - (e) all waterworks, other than those mentioned in clauses (a) to (d), with a design flow exceeding 18 cubic metres in any 24-hour period.
- (2) This Part does not apply to the following:
- (a) pipes in a distribution system owned or operated by a permittee if the pipes are located under the surface of the property on which the premises served by the distribution system are located;
 - (b) piping fixtures comprising the plumbing within a building.

Certain works designated as waterworks

21 The waterworks mentioned in subsection 20(1) are designated as waterworks for the purposes of clause 2(gg) of the Act and these regulations.

DIVISION 2

Requirements for Suppliers of Water for Hygienic Use

Requirements for municipal waterworks and wells

22(1) This section applies to the following waterworks that are governed by this Part:

- (a) municipal waterworks;
 - (b) municipal wells that are connected to a distribution system.
- (2) If authorized by the permittee's permit to supply water for hygienic use, the permittee must comply with the following requirements:
- (a) the water must be produced, stored, managed, conveyed and monitored in accordance with the requirements set out in this Part for water intended or used for hygienic use;
 - (b) a source of water that is suitable and safe for human consumption must be provided by alternative means to the consumers of water from the waterworks;

- (c) in the case of source water drawn from a surface water source or a ground water source under the direct influence of surface water, the water must be disinfected to meet the standards set out in subsection 30(6);
- (d) if the waterworks draws source water from a ground water source that is beyond the direct influence of surface water:
 - (i) the water must be disinfected to meet the standards set out in subsection 30(6); or
 - (ii) the permittee must satisfy the minister that 90% of routine bacteriological samples of water from the waterworks have met the requirements of subclause 32(1)(a)(i) over any period of one year.

Requirements for other waterworks

23(1) This section applies to the following waterworks that are governed by this Part:

- (a) water pipelines connected to a municipal waterworks regardless of volume of water supplied or number of service connections;
 - (b) water pipelines, not otherwise connected to a municipal waterworks or distribution system, serving 15 or more service connections;
 - (c) waterworks, other than those mentioned in section 22 or in clauses (a) and (b), with a design flow exceeding 18 cubic metres in any 24-hour period.
- (2) If authorized by the permittee's permit to supply water for hygienic use, the permittee must comply with the following requirements:
- (a) the water must be produced, stored, managed, conveyed and monitored in accordance with the requirements set out in this Part for water intended or used for hygienic use;
 - (b) in the case of source water drawn from a surface water source or a ground water source under the direct influence of surface water, the water must be disinfected to meet the standards set out in subsection 30(6); and
 - (c) in the case of a waterworks drawing source water from a ground water source that is beyond the direct influence of surface water:
 - (i) the water must be disinfected to meet the standards set out in subsection 30(6); or
 - (ii) the permittee must satisfy the minister that 90% of routine bacteriological samples of water from the waterworks have met the requirements of subclause 32(1)(a)(i) over any period of one year.
- (3) No person shall supply water to consumers for hygienic use unless:
- (a) the person is a permittee who is in compliance with section 22 or this section; and
 - (b) the water is from a waterworks, well or pipeline that meets the requirements of this section.

DIVISION 3
Information and Materials for Waterworks Permits

Information and materials for waterworks permits

24(1) In this section, “**guidelines**” means a *Guide to Waterworks Design*, EPB 201, adopted pursuant to section 5.

(2) A person who applies for a permit for a waterworks pursuant to Division 2 of Part IV of the Act shall:

- (a) file a written application with the minister in a form satisfactory to the minister; and
- (b) provide the information and materials required by the guidelines.

DIVISION 4
Operation of Facilities Associated with Waterworks

Water wells

25(1) In this section, “**approved person**” means a person who holds an approval pursuant to *The Saskatchewan Watershed Authority Act* to construct, extend, alter or operate a well that is used as a source of water in a waterworks.

(2) Every approved person shall ensure that the well:

- (a) has a durable well casing;
- (b) is constructed of new materials; and
- (c) is constructed and maintained to prevent the entry of surface water, dirt or other material into the well casing.

(3) If the water is used or is intended to be used as a source of water for a human consumptive use or a hygienic use, the approved person shall ensure that the well is cleaned and disinfected:

- (a) during drilling operations;
- (b) after the well has been completely constructed but before use; and
- (c) each time after:
 - (i) a new pump has been installed; or
 - (ii) maintenance or repairs have been carried out on a well or pump that is connected to the well.

Water pipes

26(1) Subject to subsections (2) and (3), no permittee shall install:

- (a) a water pipe in a trench with a sewer pipe; or
- (b) a sewer pipe in a trench with a water pipe.

- (2) If the minister is satisfied that it is in the public interest to do so, the minister may authorize a permittee in the permit to install a water pipe in a trench with a sewer pipe if:
- (a) the lowest portion of the water pipe is placed at least 600 millimetres above the highest portion of the sewer pipe in a vertical plane;
 - (b) the water pipe is horizontally separated from the sewer pipe by at least 300 millimetres; and
 - (c) the sewer pipe is not under internal pressure.
- (3) Subsection (1) does not apply to a service connection if the sewer pipe is not under internal pressure and is not located above the water pipe.
- (4) The permittee of a water pipe used to supply water intended for a human consumptive use or hygienic use shall cause the water pipe to be cleaned, disinfected and pressure tested before the commencement of its use.

Water storage reservoirs

- 27(1)** This section applies to reservoirs used to store water intended or used for human consumptive use or hygienic use.
- (2) Every permittee shall ensure that every reservoir that is part of the permittee's waterworks:
- (a) has a watertight cover;
 - (b) is maintained in a state that is, in the opinion of the minister, of good repair; and
 - (c) otherwise complies with this section.
- (3) All manholes providing access to an underground or ground level reservoir must be at least 150 millimetres above the grade of the surrounding area and the grade must be sloped away from the reservoir to prevent flooding by surface run-off.
- (4) All manholes providing access to a reservoir must:
- (a) be equipped with a tight-fitting cover designed to prevent entry of water; and
 - (b) if the reservoir is located outdoors, be kept locked at all times except when being used by persons authorized by the permittee to enter the reservoir.
- (5) All pipes that pass through a reservoir must be constructed and maintained to prevent contaminants from entering the water storage reservoir.
- (6) An opening or pipe used to ventilate a reservoir must:
- (a) be designed to prevent the entry of birds, rodents, rain water or foreign matter; and
 - (b) be screened.

Water treatment facilities and pump houses

28 Every permittee whose waterworks supplies water intended or used for human consumptive use or hygienic use shall ensure that:

- (a) the floor of every water treatment facility or pump house is designed so that drainage occurs only into the floor drains or sumps in the water treatment facility or the pump house;
- (b) every drain line that connects a treatment component in a water treatment facility to a sanitary sewer has a trap that contains water at all times;
- (c) all pipes that connect the discharge pipe from a treatment component in a water treatment facility or pump house to a sanitary sewer are equipped with a backflow prevention device that is, in the opinion of the minister, effective;
- (d) every water treatment facility or pump house is equipped with a meter that records the volume of water passing through the water treatment facility or pump house;
- (e) every chemical feeder in a water treatment facility or pump house is equipped with a device that is capable of adjusting the rate of chemical applied; and
- (f) every water treatment facility and pump house is maintained in a clean and orderly condition satisfactory to the minister.

DIVISION 5

Operation of Waterworks**Adoption of drinking water guidelines**

29(1) In this Division and in Division 6, “**drinking water guidelines**” means all or that part of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, that the minister adopts pursuant to subsection (2).

(2) The minister may adopt all or any part of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, for the purposes of this Division.

(3) If the minister adopts all or any part of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, the minister shall cause a notice of the adoption to be published in the Gazette.

(4) No permittee shall fail to comply with the drinking water guidelines.

(5) If there is a conflict between a standard set out in the drinking water guidelines, a standard set out in Table 2 in the Appendix and a standard set out in the permittee’s permit, the permittee shall comply with the more stringent standard.

Chemical treatment standards for water

30(1) In this section, “**standards**” means “Drinking Water Treatment Chemicals – Health Effects”, NSF/ANSI 60-2002 and dated June 28, 2002.

(2) For the purposes of this section, “Drinking Water Treatment Chemicals – Health Effects”, NSF/ANSI 60-2002 and dated June 28, 2002, as amended from time to time, is adopted.

(3) No person shall use a chemical to treat water intended or used for human consumptive use or hygienic use unless:

- (a) the chemical is listed in accordance with the standards;
- (b) that person provides evidence to the minister that the chemical is equivalent to a chemical listed in the standards; or
- (c) the chemical is an approved chemical.

(4) No permittee shall cause the operation of a distribution system, or portion of a distribution system, that is new, altered, extended or repaired to commence operation until it has been disinfected.

(5) Every permittee of a waterworks supplying water for human consumptive use shall cause continuous disinfection by chlorination, or other approved means, of the water entering a distribution system and of the water throughout the distribution system.

(6) Unless otherwise set out in the permit, every permittee shall cause to be maintained:

- (a) a free chlorine residual of not less than 0.1 milligrams per litre in the water entering a distribution system; and
- (b) a total chlorine residual of not less than 0.5 milligrams per litre or a free chlorine residual of not less than 0.1 milligrams per litre in the water throughout the distribution system.

(7) If a permittee applies fluoride to water, the permittee shall ensure that equipment used to apply the fluoride to water in the waterworks is operated in a manner that will maintain control of chemical dosages that is, in the opinion of the minister, proper.

Standards for constituents in water – new or altered waterworks

31(1) In this section, “**alter**” means, with respect to a waterworks, a change in the water source or water treatment process used by the waterworks.

(2) Subject to subsection (3), every permittee of a waterworks that is constructed, commissioned or altered after the coming into force of these regulations shall ensure that water from the waterworks meets the following standards before the permittee supplies water to its consumers:

- (a) the standards set out in Table 2 in the Appendix and the standards set out in the permittee’s permit;

- (b) the standards for microbiological characteristics specified in section 32, and that section applies with any necessary modification for the purposes of this section;
 - (c) the turbidity, protozoan and viral standards specified in section 33.
- (3) Subsection (2) does not apply to a waterworks for which all or any part of the construction design plans have been submitted to the minister on or before the day that these regulations come into force.
- (4) Waterworks mentioned in subsection (3) are deemed to be existing waterworks for the purposes of these regulations.

Standards for microbial and bacteriological constituents in water – existing waterworks

32(1) On the coming into force of these regulations, every permittee of an existing waterworks supplying water intended or used for human consumptive use or hygienic use shall cause to be maintained throughout the distribution system water that has:

- (a) the following levels, unless otherwise set out in the permittee's permit:
 - (i) total coliform levels of zero organisms detectable per 100 millilitres;
 - (ii) fecal coliform levels of zero organisms detectable per 100 millilitres; and
 - (iii) background bacteria levels on a total coliform or a fecal coliform membrane filtration plate of less than 200 organisms per 100 millilitres or no overgrowth; or
 - (b) if permitted by the permittee's permit, no presence of total coliform or *Escherichia coli* as determined:
 - (i) if required by the permit authorizing the operation of the waterworks, in the case of microbiological constituents by initial field presence/absence tests that meet specification 9223 in *Standard Methods for the Examination of Water and Wastewater*, 20th edition, 1998, as issued by the American Public Health Association, as amended from time to time; or
 - (ii) by any other approved method.
- (2) For the purposes of this section, specification 9223 in *Standard Methods for the Examination of Water and Wastewater*, 20th edition, 1998 as issued by the American Public Health Association, as amended from time to time, is adopted.

Water turbidity standards – water for human consumptive use

33(1) In this section, “**NTU**” means Nephelometric Turbidity Units.

(2) Subject to subsections (3) and (4), unless otherwise set out in the permittee’s permit, every permittee of a waterworks supplying water intended or used for human consumptive use shall cause the following applicable water turbidity, protozoan and viral standards to be maintained:

(a) in the case of a surface water treatment plant employing chemically assisted filtration:

(i) if the monthly average of daily source water turbidity is greater than or equal to 1.5 NTU, the water turbidity levels from each filter must:

(A) not exceed 0.3 NTU:

(I) in at least 95% of the discrete measurements made for each calendar month; or

(II) if continuous turbidity monitoring is employed, at least 95% of the time for each calendar month;

(B) if continuous turbidity monitoring is employed, not exceed 0.3 NTU for more than 12 consecutive hours; and

(C) not exceed 1.0 NTU at any time;

(ii) if the monthly average of daily source water turbidity is less than 1.5 NTU, the water turbidity levels from each filter must:

(A) not exceed 0.2 NTU:

(I) in at least 95% of the discrete measurements made for each calendar month; or

(II) if continuous turbidity monitoring is employed at least 95% of the time each calendar month;

(B) if continuous turbidity monitoring is employed, not exceed 0.2 NTU for more than 12 consecutive hours; and

(C) not exceed 1.0 NTU at any time;

(b) in the case of a surface water treatment plant employing membrane filtration, water turbidity levels from each filter must:

(i) be less than or equal to 0.1 NTU:

(A) in at least 95% of the discrete measurements made for each calendar month; or

(B) if continuous turbidity monitoring is employed, at least 95% of the time each calendar month; and

(ii) not exceed 0.3 NTU at any time;

- (c) in the case of slow sand filtration or diatomaceous earth filtration, the water turbidity levels from each filter must:
- (i) not exceed 1.0 NTU:
 - (A) in at least 95% of the discrete measurements made for each calendar month; or
 - (B) if continuous turbidity monitoring is employed, at least 95% of the time each calendar month;
 - (ii) if continuous turbidity monitoring is employed, not exceed 1.0 NTU for more than 12 consecutive hours; and
 - (iii) not exceed 3.0 NTU at any time;
- (d) in the case of any surface water filtration technology, other than those mentioned in clause (a), (b) or (c), that is used in combination with disinfection, protozoan and viral levels for the water must reliably achieve, to the satisfaction of the minister, at least:
- (i) a 3-log reduction of *Giardia lamblia* and *Cryptosporidium parvum*; and
 - (ii) a 4-log reduction of viruses;
- (e) in the case of a ground water treatment plant, for water entering the distribution system or water pipelines, turbidity levels must not exceed 1.0 NTU:
- (i) in at least 95% of the discrete measurements made for each calendar month; or
 - (ii) at least 95% of the time each calendar month if continuous turbidity monitoring is employed.
- (3) For the purposes of clause (2)(d), the permittee must demonstrate to the satisfaction of the minister that the levels mentioned in that clause are being achieved through pilot studies or other approved means.
- (4) In the case of existing waterworks supplying water intended or used for human consumptive use serving:
- (a) a population of less than 5 000 persons, the turbidity, protozoan and viral standards prescribed in subsection (2) must be complied with within six years after the date that these regulations come into force; or
 - (b) a population of 5 000 or more persons, the turbidity, protozoa and viral standards prescribed in subsection (2) must be complied with within four years after the date that these regulations come into force.

Chemical standards – water for human consumptive use supplied by existing waterworks

34(1) Subject to subsections (2) and 29(5), the permittee of an existing waterworks supplying water intended or used for human consumptive use shall cause drinking water to be maintained to a standard that meets:

- (a) the standards set out in Table 2 in the Appendix; and
- (b) the standards set out in the permittee's permit.

(2) For the purposes of subsection (1), the requirements prescribed by that subsection must be shown to have been met through monitoring requirements that are set out in the permittee's permit authorizing the operation of the waterworks.

(3) In the case of existing waterworks supplying water intended or used for human consumptive use serving:

- (a) a population of less than 5 000 persons, the drinking water quality requirements prescribed in subsection (1) must be complied with within eight years after the date that these regulations come into force; or
- (b) a population of 5 000 or more persons, the drinking water quality requirements prescribed in subsection (1) must be complied with within six years after the date that these regulations come into force.

Assessment and audit of water – water for human consumptive use

35(1) Subject to subsections (2) to (5), the permittee of a waterworks supplying water intended or used for human consumptive use shall ensure that an independent engineering assessment of the following respecting the waterworks is conducted at least once every five years:

- (a) the waterwork's performance;
- (b) the waterwork's condition;
- (c) the waterwork's capacity;
- (d) the waterwork's functionality;
- (e) the waterwork's processes;
- (f) the waterwork's optimization;
- (g) the waterwork's sustainability;
- (h) the waterwork's maintenance.

(2) An assessment conducted pursuant to this section must be conducted in accordance with the standards developed by the minister.

(3) The first assessment required pursuant to subsection (1) must be completed by December 31, 2005.

(4) An assessment is to be done at the sole expense of the permittee of the waterworks.

(5) The permittee of a waterworks supplying water intended or used for human consumptive use shall report the findings of an independent assessment required by this section to the minister within 90 days after the completion of the assessment.

Required notices – water for hygienic use

36 If a waterworks is intended to supply water for hygienic use, the permittee of the waterworks shall ensure that:

- (a) at least twice every year, the owner of every service connection is notified in writing respecting the restrictions on water use;
- (b) at least once every year, the owner of every service connection is supplied with self-adhesive advisory labels that:
 - (i) are acceptable to the minister; and
 - (ii) are to be attached adjacent to taps within the structure so as to advise users that the water is not safe for human consumption;
- (c) the waterworks, standpipes, fill pipes and other publicly accessible water sources found on the distribution system are continuously posted with a notice that the water is not safe for human consumption; and
- (d) the minister is advised at least once each year as to all measures taken to advise users that the water is not safe for human consumption.

What is required if unusual operational anomalies, etc.

37(1) Every permittee of a waterworks and every employee, agent or contractor engaged by a permittee shall immediately report to the minister any known or anticipated upset condition, bypass condition or events at or affecting a waterworks that could adversely affect the quality of water produced by the waterworks.

(2) The persons mentioned in subsection (1) shall immediately report to the minister any instance where:

- (a) disinfection equipment fails; or
- (b) the level of disinfection required by section 30 is not achieved or is not anticipated to be achieved.

DIVISION 6 Water Samples and Tests

Accredited laboratory

38(1) Subject to subsections (2) and (3), on and after March 31, 2004, an accredited laboratory must perform any analysis pursuant to this Division in accordance with the parameters for which it has been accredited.

(2) For the purposes of this Division, if an accredited laboratory is not specifically accredited to perform an analysis required by this Division:

- (a) the minister may approve any analytical protocols and procedures that the minister considers necessary to ensure that water is properly tested; and
- (b) the accredited laboratory performing analysis pursuant to this Division shall perform the analysis in accordance with the analytical protocols and procedures authorized pursuant to clause (a).

(3) If the minister approves any analytical protocols and procedures pursuant to subsection (2), the minister shall cause those protocols and procedures to be made available to the public in any manner that the minister considers likely to bring them to the public's attention, including causing them to be posted on the department's Internet website.

Testing, test results and notice of test results

39(1) Every permittee of a waterworks shall:

- (a) cause water samples to be taken regularly during the operation of the waterworks to test for bacteria and chlorine, and for any other constituents that the permittee's permit requires to be monitored, at those locations and times and at a frequency:
 - (i) specified in the permittee's permit; or
 - (ii) as directed by an order made pursuant to the Act; and
 - (b) subject to subsections (2) and (3), submit the water samples taken pursuant to clause (a) for analysis to an accredited laboratory.
- (2) A water sample taken for the purposes of analysis pursuant to subclause 32(1)(b)(i) may be submitted to an accredited laboratory or to any approved laboratory.
- (3) A permittee may perform tests on water samples taken for the purposes of analysis for on-site total chlorine residuals, free chlorine residuals or turbidity monitoring and need not submit those water samples for testing to an accredited laboratory.
- (4) If the results of any sample test taken pursuant to subsection (1) show that the level of any bacteria or any other constituent in the treated water exceeds the level or range set out in these regulations, the permittee shall:
- (a) in the case a test result showing the presence of total coliforms, fecal coliforms, *Escherichia coli* or 200 or more organisms per 100 millilitres as an overgrowth of background bacteria, conduct any additional testing in accordance with the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment*, EPB 205, dated November 2002 as issued by the department;
 - (b) in the case of any other constituent that exceeds a level set out in these regulations, conduct any additional testing at the times and frequencies and in the manner directed by the minister.
- (5) For the purposes of this section, the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment*, EPB 205, dated November 2002 as issued by the department, as amended from time to time, is adopted.
- (6) If the minister considers it to be necessary, the minister may direct a permittee to conduct any further sampling and testing, in addition to that conducted pursuant to subsection (1), to monitor:
- (a) the quality of the water in the waterworks; or
 - (b) the efficacy of the treatment process.

(7) Subject to subsection (8), any laboratory that conducts any analysis of water samples from a waterworks shall, within seven days after the date of completion of the analysis, report the results of the analysis to:

- (a) the permittee of the waterworks; and
- (b) the minister.

(8) If a sample submitted in accordance with subsection (1) or (6) shows the presence of total coliforms, fecal coliforms, *Escherichia coli* or 200 or more organisms per 100 millilitres as an overgrowth of background bacteria, the laboratory that conducted the analysis shall:

(a) notify the minister in accordance with the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment* mentioned in subsection (5); and

(b) within 72 hours after obtaining the result, send a written copy of the result to the permittee who submitted the samples and to the minister.

(9) On being notified pursuant to subsection (8), the permittee of the waterworks shall:

(a) immediately notify the minister of the measures the permittee has taken and intends to take to remedy the situation in relation to the testing results;

(b) notify consumers served by the waterworks of the measures mentioned in clause (a) in the manner and within the time that is directed by the minister in accordance with the *Bacteriological Follow-up Protocol for Waterworks Regulated by Saskatchewan Environment* mentioned in subsection (5); and

(c) take any other action in relation to the results of testing and quality of water that the minister may direct to protect human health or public safety.

Required testing after completion, alteration, extension or repair

40 Every permittee of a waterworks supplying water for human consumptive use or hygienic use shall cause samples of water from any part of the waterworks, including the distribution system or portion of the distribution system, that is new, altered, extended or repaired to be analysed for bacteria in a laboratory as soon as possible after the completion of the new waterworks or the alteration, extension or repair.

Fluoride in potable water

41(1) If fluoride is applied to potable water, the permittee of a waterworks shall submit samples of water from the waterworks to an accredited laboratory for fluoride analysis.

(2) The samples mentioned in subsection (1) must be taken at the locations and times and in the frequency and manner set out in the permit.

Operational records to be kept

42(1) Every permittee of a waterworks shall cause operational records or logs to be maintained, including records of the following:

- (a) the total water pumped into the distribution system on a daily basis or the total raw water used;
 - (b) the types, dosages and total amounts of chemicals applied to the water for treatment;
 - (c) the locations from which samples for any tests conducted by the permittee of the waterworks were taken in accordance with the permittee's permit and the name of the person who conducted the sampling or testing and the results of those tests;
 - (d) any departures from normal operating procedures that may have occurred and the time and date that they occurred;
 - (e) any instructions that were given during operation of the waterworks to depart from normal operating practices and the name of the person who gave the instructions;
 - (f) any upset condition or bypass condition, the time and date of the upset condition or bypass condition and measures taken to notify others and resolve the upset condition or bypass condition;
 - (g) any condition of low disinfectant levels, the time, date and location of occurrence and measures taken to restore disinfectant levels to required values;
 - (h) the dates and results of calibrating any metering equipment and testing instruments; and
 - (i) the dates and types of maintenance performed on equipment and any actions taken to ensure the normal operations of the waterworks.
- (2) Every permittee of a waterworks shall cause the operational records or logs mentioned in subsection (1) to be recorded and maintained in the following manner:
- (a) operational records or logs must be made in chronological order, with the dates, times and testing locations clearly indicated;
 - (b) entries in an operational record or log must only be made by the permittee;
 - (c) any person making an entry in an operational record or log must do so in a manner that allows the person to be unambiguously identified as the maker of the entry;
 - (d) operational records or logs must be maintained for at least five years;
 - (e) any anomalies or instances of missing entries in an operational record or log must be accompanied by explanatory notes;
 - (f) operational records or logs must only contain data or information that is actually observed or produced;

(g) operational records or logs must not contain default values generated manually or by automated means;

(h) operational records or logs maintained pursuant to clause (d) must be made available promptly on request of the minister.

Water assurance and quality control policy and record keeping – water for human consumptive use

43(1) On and after December 31, 2003, every permittee of a waterworks supplying water intended or used for human consumptive use shall have in place a written quality assurance and quality control policy that is satisfactory to the minister.

(2) On and after December 31, 2003, every permittee of a waterworks shall review the records and logs kept pursuant to section 42 on a monthly basis to ensure that operating parameters and water quality parameters applicable to the operation of the waterworks are being achieved.

(3) If a review of the records and logs mentioned in subsection (2) indicates that the quality of water from the waterworks has been adversely affected, the permittee shall report the findings to the minister as soon as is reasonably practicable after the review has been done.

Annual notice to consumers

44(1) At least once each year, every permittee of a waterworks supplying water intended or used for human consumptive use or hygienic use shall provide consumers supplied by the waterworks with a notification of:

(a) the quality of water produced or supplied by the waterworks in comparison with the levels set out in these regulations; and

(b) the permittee's compliance with sample submission requirements described in the permittee's permit.

(2) As soon as possible after complying with subsection (1), the permittee shall provide the minister with written notice of the permittee's compliance.

**PART VI
Certification**

**DIVISION 1
Interpretation and Application of Part**

Interpretation of Part

45 In this Part:

(a) **“board”** means the Operator Certification Board continued pursuant to section 47;

(b) **“certificate”** means a certificate issued to an operator by the board pursuant to section 66 and includes a certificate issued to an operator in training;

(c) **“operator”** means a person who adjusts, inspects or evaluates a process that controls the effectiveness or efficiency of sewage works or waterworks and includes:

- (i) a person who adjusts or directs the flow, pressure or quality of the water within sewage works or waterworks; and
- (ii) an operator in training.

Application of Part

46(1) This Part applies to:

- (a) municipal waterworks that produce or supply water intended or used for human consumptive use;
 - (b) municipal sewage works;
 - (c) municipal wells that are connected to a distribution system and that produce or supply water intended or used for human consumptive use;
 - (d) waterworks that produce or supply water intended or used for human consumptive use, in addition to municipal waterworks, having a design flow exceeding 18 cubic metres over any 24-hour period;
 - (e) sewage works, in addition to municipal sewage works, having a design flow of sewage exceeding 18 cubic metres over any 24-hour period;
 - (f) all water pipelines connected to a municipal waterworks, regardless of volume of water supplied or number of service connections; and
 - (g) all water pipelines, not otherwise connected to a municipal waterworks, serving 15 or more service connections.
- (2) This Part does not apply to a waterworks producing or supplying water intended or used for hygienic use.

DIVISION 2
Operator Certification Board

Board continued

47 The Operator Certification Board is continued as a corporation.

Membership of board

48(1) The board consists of at least three but not more than seven persons appointed by the minister who, in the minister's opinion, have experience with waterworks or sewage works.

- (2) Each member of the board:
- (a) holds office at pleasure for a term not exceeding three years that is specified in the appointment;
 - (b) is eligible for reappointment; and
 - (c) continues in office until a successor is appointed.

- (3) Members of the board are entitled to:
- (a) remuneration at a rate determined by the board; and
 - (b) reimbursement for expenses in accordance with the rates paid to members of the public service in Saskatchewan.
- (4) If a member of the board dies or resigns, the person ceases to be a member of the board on the date of death or on the date that a written resignation is received by the board, as the case may be.
- (5) If the office of a member of the board becomes vacant, the minister may:
- (a) appoint another person for the remainder of the term of the person who vacated the office; or
 - (b) appoint another person for the term mentioned in subsection (2).
- (6) A vacancy in the office of a member of the board does not impair the power of the remaining members of the board to act.

Board of directors and chairperson

- 49(1)** A board of directors consisting of the members of the board shall manage the business and affairs of the board.
- (2) The members of the board shall designate from amongst their number a chairperson and a vice-chairperson.
- (3) The vice-chairperson shall exercise the powers and perform the duties of the chairperson whenever the chairperson is absent or otherwise unable to act.

Board not an agent of the Crown

- 50** The board is not an agent of the Crown in right of Saskatchewan.

Head office

- 51** The head office of the board is to be situated at any place within Saskatchewan that the board may designate.

Meetings

- 52** The board may meet at any time and place and in a manner that it considers necessary or desirable for the proper conduct of its business.

Responsibilities of board

- 53** The board is responsible for the following:
- (a) receiving and reviewing applications for certificates pursuant to this Part;
 - (b) issuing certificates to applicants whom the board considers qualified.

Powers of board

- 54** The board may:
- (a) accept any funds;
 - (b) enter into contracts or agreements that it considers expedient or desirable in the exercise of its powers or the performance of its responsibilities pursuant to this Part;

- (c) charge fees within the range set out in section 64 for the certification of operators, for renewal of certificates and for matters respecting certification and certificates and collect and expend those fees;
- (d) employ any staff necessary to carry out its responsibilities or the intent of this Part;
- (e) attach any terms and conditions to a certificate that the board considers appropriate;
- (f) issue or renew or refuse to issue or renew a certificate;
- (g) cancel or amend a certificate to correct a clerical or other similar error;
- (h) amend, suspend or cancel a certificate in accordance with section 69;
- (i) appoint any advisory committees that it considers necessary for the efficient conduct of the affairs and business of the board, including appointing persons to an advisory committee who are not members of the board;
- (j) enter into reciprocity agreements with other jurisdictions respecting operator certification standards;
- (k) make bylaws governing its business and operations that it considers appropriate;
- (l) generally do and authorize the doing of any things that it considers incidental or conducive to the exercise of its powers or the performance of its responsibilities pursuant to this Part.

Borrowing powers

55(1) The board may borrow any amount of money that it considers will be required to fund the operations of the board or to fulfil the responsibilities of the board.

(2) The board may provide any guarantee or security that it considers appropriate respecting a loan.

No Crown guarantee for loans by board

56 No loan made pursuant to section 55 is to be guaranteed by the Minister of Finance, and the Government of Saskatchewan is not liable for the repayment of that loan or any interest, principal or premium respecting that loan.

Investments of board

57 The board may:

- (a) invest any part of the capital or operating money of the board in any security or class of securities authorized for investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments in any manner, on any terms and conditions and in any amount that the board considers appropriate.

Fiscal year of board

58 The fiscal year of the board is the period commencing on April 1 in one year and ending on March 31 in the following year.

Audit

59 The board shall appoint an auditor, at the board's expense, who shall audit the board's records, accounts and financial statements:

- (a) annually; and
- (b) at any other times the board or the minister may direct.

Annual report

60(1) In each year, not later than June 30, the board shall provide an annual report to the minister for the previous year that includes:

- (a) the number of applications for certification and for certification renewals, certifications and renewals granted, certifications and renewals denied and hearings by the board;
 - (b) the total number of operators with valid certificates, their names, their level of certification and their places of employment;
 - (c) an annual audited financial statement; and
 - (d) any other information that the minister may request.
- (2) An annual report mentioned in subsection (1) is a public document.
- (3) Subject to subsection (5), the board may publish or distribute a copy of its records and information, including the following information with respect to each certified operator:
- (a) his or her name;
 - (b) his or her level of certification;
 - (c) his or her place of employment;
 - (d) his or her certificate number;
 - (e) the date of issue or upgrading of his or her certificate;
 - (f) the date of expiry of his or her certificate.
- (4) The board may publish or distribute the information mentioned in subsection (3) in any manner and any time that the board considers necessary or appropriate.
- (5) The board may not publish or disclose any record or information, other than the information specifically mentioned in clauses (3)(a) to (f), that is personal in nature or that could disclose an individual's education, test marks or work history.

DIVISION 3
Standards to be met by Operators to obtain Certificates

Standards adopted

61(1) In this section and in section 62:

- (a) **“standards”** means the *Saskatchewan Water and Wastewater Works Operator Certification Standards, 2002*, EPB 139/02/2M, as amended from time to time, and as issued by the department, respecting the training and qualifications of operators and the classification of facilities as adopted pursuant to this section;
 - (b) **“wastewater collection facilities”** means that part of a sewage works that includes the collection system and pumping stations;
 - (c) **“wastewater treatment facilities”** means those components of a sewage works that modify or hold sewage;
 - (d) **“water distribution facilities”** means that part of a waterworks that:
 - (i) includes the distribution system and pump houses; and
 - (ii) only treats water by means of chemical addition;
 - (e) **“water treatment facilities”** means those components of a waterworks that are used to filter or condition water for the purpose of rendering the water acceptable for human consumptive use.
- (2) For the purposes of this Part:
- (a) the *Saskatchewan Water and Wastewater Works Operator Certification Standards, 2002*, EPB 139/02/2M, as amended from time to time, and as issued by the department, respecting the training and qualifications of operators and the classification of facilities is adopted; and
 - (b) the board shall base its decision whether to issue or renew or refuse to issue or renew a certificate, or to amend, suspend or cancel a certificate, on the standards mentioned in clause (a).
- (3) The minister shall cause the standards adopted pursuant to this section to be made available to the public in any manner that the minister considers likely to bring them to the public’s attention, including causing them to be posted on the department’s Internet website.

Classification of facilities

62(1) For the purposes of this Part, waterworks and sewage works are to be divided into the following types of facilities in accordance with the standards:

- (a) water distribution facilities;
 - (b) water treatment facilities;
 - (c) wastewater collection facilities;
 - (d) wastewater treatment facilities.
- (2) The minister may classify a waterworks or sewage works mentioned in subsection (1) in accordance with the standards.

(3) A waterworks or sewage works classified by the minister before the coming into force of this Part retains the classification it had on the date that these regulations come into force until it is reclassified pursuant to the standards.

(4) If the minister considers it appropriate, the minister may reclassify a waterworks or sewage works in accordance with the standards.

DIVISION 4 Certificates

Minimum certificates that operators must hold

63 On and after July 15, 2005, every municipality and permittee of a waterworks or sewage works governed by this Part shall ensure that the operation, repair and maintenance of those works is under the direction of an operator who holds at least the corresponding certificate for the classification of those works that is set out in the standards.

Application for certificate or renewal

64(1) A person who wishes to obtain a certificate shall:

- (a) apply to the board in a form acceptable to the board;
- (b) provide evidence satisfactory to the board that the applicant has the necessary training, education and experience for certification as set out in the standards;
- (c) pay the fee that the board may charge pursuant to subsection (3);
- (d) provide any information and materials that the board may reasonably require to assess the application; and
- (e) comply with any other requirements that may be set by the board.

(2) A person who wishes to renew a certificate shall:

- (a) pay the fee that the board may charge pursuant to subsection (3);
- (b) provide any information and materials that the board may reasonably require to assess the application; and
- (c) comply with any other requirements that may be set by the board.

(3) The board may charge a fee in an amount that it considers necessary to recover its costs in reviewing an application and issuing a certificate to a maximum of \$125 for each year that the certificate applied for may be issued.

(4) Any fee charged pursuant to this section is non-refundable.

(5) Notwithstanding subsection (2), a certificate issued to an operator in training is not renewable.

Board may investigate applicant

65 The board may investigate an applicant or request any information that it considers necessary respecting an application for a certificate or the renewal of a certificate.

Issuance or refusal of certificate

66(1) Within 90 days after receiving an application for a certificate, the board shall:

- (a) if it is satisfied that the applicant has met the requirements of the standards and has complied with these regulations, issue or renew a certificate to the applicant;
 - (b) if it is not satisfied of the matters set out in clause (a), notify the applicant that a certificate will not be issued and provide the applicant with written reasons for not issuing a certificate; or
 - (c) if the board considers it necessary, notify the applicant that further information is required to assess the application.
- (2) An applicant who is not issued a certificate, or whose certificate is not renewed, may, within 30 days after being notified pursuant clause (1)(b), make written representations to the board to have the board reconsider its decision, and the board shall consider those representations in determining whether or not a certificate should be issued or renewed.

Term of certificate and application to upgrade

67(1) A certificate issued or renewed by the board expires on the date set out in the certificate which is not to be later than two years from the date of issue or renewal.

- (2) The holders of a certificate may apply to have the holder's certificate upgraded to a higher level of certification before the holder's certificate expires.
- (3) Sections 64 to 66 apply, with any necessary modification, to an application to upgrade a holder's certificate.

Additional information re renewal of certificate

68 On and after July 15, 2005, in addition to the requirements set out in clause 66(1)(a), an applicant who wishes to have his or her certificate renewed must satisfy the board that the applicant has obtained 5.0 contact hours, 0.5 Continuing Education Unit or 0.67 credit hours per year of training in an area that the board considers to be an appropriate field since the date that the applicant's certificate was issued or last renewed.

Amendment, cancellation, suspension of certificate

69(1) Subject to subsection (2), the board may amend or cancel a certificate, or suspend a certificate for a stated period, if the board is satisfied that:

- (a) the certificate was obtained by fraud, deceit or the submission of an application containing inaccurate information;
- (b) the person holding the certificate has been discharged from employment in a facility for gross negligence or for incompetence in the performance of his or her duties; or
- (c) the person holding the certificate has placed the environment or human health or public safety at risk.

(2) Before taking any action pursuant to subsection (1), the board shall provide the person holding the certificate with:

- (a) reasonable notice of its intended action, including written reasons; and
- (b) an opportunity to make written representations to the board.

(3) The board is not required to give an oral hearing to any person to whom notice has been sent pursuant to subsection (2).

PART VII Administrative Penalties

Provisions for which an administrative penalty may be imposed

70 For the purposes of section 77 of the Act, the provisions of the Act and these regulations listed in Table 1 of the Appendix are prescribed as provisions for which the minister may impose an administrative penalty if they are contravened.

Amount of administrative penalty

71(1) Subject to subsections (2) and (3), the amount of an administrative penalty that may be assessed for each contravention is to be determined in accordance with the range set out in the following Base Penalty Table:

Base Penalty Table

Type of Contravention	Potential for Adverse Effect		
	Major	Moderate	Minor
Major	\$5,000	\$3,500	\$2,500
Moderate	\$3,500	\$2,500	\$1,500
Minor	\$2,500	\$1,500	\$1,000

(2) In establishing an administrative penalty, the minister may consider the significance of the contravention by assessing the following factors:

- (a) the potential impact on the environment and on human health and public safety;
- (b) whether or not there was any mitigation relating to the contravention;
- (c) whether or not steps have been taken to prevent reoccurrence of the contravention;
- (d) whether or not the person who receives the notice of administrative penalty has been assessed a prior administrative penalty or has a prior conviction for an offence respecting a contravention of the Act and these regulations;
- (e) whether or not the person who receives the notice of administrative penalty has derived any economic benefit from the contravention;
- (f) any other factors that, in the opinion of the minister, are relevant.

(3) The maximum administrative penalty that may be assessed for each contravention is \$5,000.

PART VIII
General

Information submitted to the minister deemed to be public information

72(1) All information, data, test results and records submitted to the minister pursuant to a permit, the Act or these regulations is deemed to be public information.

(2) The minister may disclose to the public any of the information, data, test results and records mentioned in subsection (1) at any times and in any manner that the minister considers appropriate.

Application fees for Division 2 – Part IV permits

73 For the purposes of clause 22(d) of the Act, the prescribed fee is \$49 for each notice or certificate respecting the permit that, in the opinion of minister, must be registered pursuant to sections 25 and 27 of the Act.

Required contents of easements

74 For the purposes of clause 27(2)(b) of the Act, every easement must contain the following information and provisions:

- (a) the name of the person proposing to construct, extend, alter or operate the waterworks or sewage works that is the subject of the easement;
- (b) the nature and extent of the construction, extension, alteration or operation of the waterworks or sewage works that is the subject of the easement;
- (c) the name of the registered owner of the land on which the waterworks or sewage works that is the subject of the easement is to be constructed, extended, altered or operated and, if different, the name of the registered owner of the land affected by the waterworks or sewage works that is the subject of the easement;
- (d) the legal description of the lands mentioned in clause (c);
- (e) a provision that:
 - (i) grants an easement by the registered owners of the lands affected by the waterworks or sewage works that is the subject of the easement;
 - (ii) conveys a right to use the land for the purposes and to the extent required to construct, alter, extend or operate the waterworks or sewage works that is the subject of the easement; and
 - (iii) states that the easement runs with the land and is binding on the present and subsequent registered owners of the lands affected by waterworks or sewage works that is the subject of the easement and their heirs, executors, administrators and assigns.

PART IX
Repeal and Coming into Force

R.R.S. c.E-10.2 Reg 2 repealed

75 *The Water Pollution Control and Waterworks Regulations* are repealed.

Coming into force

76 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

APPENDIX

Table 1
Provisions respecting which Administrative
Penalty May Be Imposed

[Section 71]

Provisions of the Act

subsection 23(5)

Provisions of these Regulations

clause 18(2)(a)
clause 19(a)
clauses 26(1)(a)(b)
clause 27(2)(a)
subsection 27(3)
clauses 27(4)(a)(b)
clauses 28(a)(b)(d)(e)
subsections 30(5) and (6)
subclauses 32(1)(a)(i)(ii)(iii)
paragraph 33(2)(a)(i)(C)
paragraph 33(2)(a)(ii)(C)
subclause 33(2)(b)(ii)
subclause 33(2)(c)(iii)
clause 36(c)
clauses 39(1)(a)(b)
clauses 42(1)(a)(b)(c)(d)(e)(f)(g)(h)(i)
clauses 42(2)(a)(b)(c)(d)(e)(f)(g)
subsection 44(1)
section 63

Table 2
[Section 31 and subsection 34(1)]

Chemical – Health Category		
Parameter	Maximum Acceptable Concentration (mg/L)	Interim Maximum Acceptable Concentration (mg/L)
Arsenic		0.025
Barium	1	
Benzene	0.005	
Benzo(a)pyrene	0.00001	
Boron		5.0
Cadmium	0.005	
Carbon tetrachloride	0.005	
Chromium	0.05	
Cyanide	0.2	
Dichlorobenzene, 1,2	0.2	
Dichlorobenzene, 1,4	0.005	
Dichloroethane, 1,2		0.005
Dichloroethylene, 1,1	0.014	
Dichloromethane	0.05	
Dichlorophenol, 2,4	0.9	
Fluoride ¹	1.5	
Lead ²	0.01	
Mercury	0.001	
Monochlorobenzene	0.08	
Nitrate ³ as NO ₃	45	
Selenium	0.01	
Tetrachlorophenol, 2,3,4,6	0.1	
Trichloroethylene	0.05	
Trichlorophenol, 2,4,6	0.005	
Trihalomethanes (THM) ⁴		0.1
Uranium	0.02	
Vinyl Chloride	0.002	

¹ Maximum allowable concentration of naturally occurring fluoride in treated drinking water intended or used for human consumptive use.

² Faucets should be thoroughly flushed before sample is collected.

³ Nitrate levels in excess of 45 mg/L (10 mg/L as nitrate-nitrogen) may cause adverse health effects in infants less than six months old.

⁴ Based on an annual average of 4 seasonal samples.

Radiological*

Screening Parameter	Concentration Becquerels per litre
Gross alpha	0.1
Gross beta	0.11

* Radiological – Water samples may be initially screened for radioactivity using gross alpha and gross beta activity determinations. Compliance with the standards may be inferred if the measurements for gross alpha and gross beta activity are less than 0.1 Bq/L (becquerels per litre) and 1 Bq/L, respectively, as these are lower than the strictest Maximum Acceptable Concentrations. If these values are exceeded then Part 5 of the *Guidelines for Canadian Drinking Water Quality*, Sixth Edition, Health Canada, 1996, as amended from time to time, apply.

Chemical – Pesticides*

Parameter	Maximum Acceptable Concentration (mg/L)	Interim Maximum Acceptable Concentration (mg/L)
Atrazine		0.005
Bromoxynil		0.005
Carbofuran	0.09	
Chlorpyrifos	0.09	
Dicamba	0.12	
2,4-D**		0.1
Diclofop-methyl	0.009	
Dimethoate		0.02
Malathion	0.19	
Pentachlorophenol	0.06	
Picloram		0.19
Trifluralin		0.045

* Pesticides commonly used in Saskatchewan

** 2,4 Dichlorophenoxyacetic acid

CHAPTER F-8.001 REG 23*The Farm Financial Stability Act*

Section 5

Order in Council 849/2002, dated December 4, 2002

(Filed December 5, 2002)

Title

- 1 These regulations may be cited as *The Short-term Hog Loan Regulations, 2002*.

Interpretation

- 2 In these regulations:

- (a) **“Act”** means *The Farm Financial Stability Act*;
- (b) **“breeding hog”** means a boar or gilt that:
 - (i) is owned and fed in Saskatchewan by the participant who applies for a loan;
 - (ii) weighs a minimum of 90 kilograms live weight;
 - (iii) is sold for breeding purposes; and
 - (iv) has not previously been included as a breeding hog by any participant on an application for a loan pursuant to these regulations;
- (c) **“consolidated loan amount”** means the total of the remaining principal amount of the loan and any outstanding accrued interest as at a date specified pursuant to subsection 7(3), 8(1) or 9(1);
- (d) **“delivered”** means:
 - (i) in the case of a slaughter hog, delivery to a processing plant;
 - (ii) in the case of a breeding hog or weanling hog, delivery in accordance with the terms of the sale contract;
- (e) **“hog”** means any member of the genus species *Sus scrofa* L., domestic or wild;
- (f) **“mature hog”** means:
 - (i) a breeding hog; or
 - (ii) a slaughter hog;
- (g) **“participant”** means:
 - (i) an individual who:
 - (A) is 18 years of age or more;
 - (B) is named in a valid Saskatchewan Health Services card issued for the purposes of *The Saskatchewan Medical Care Insurance Act*;
 - (C) is a producer of hogs in Saskatchewan; and
 - (D) markets hogs during the relevant period; or

- (ii) a corporation, co-operative or partnership that:
 - (A) has its head office in Saskatchewan and, in the minister's opinion, carries on business principally in Saskatchewan;
 - (B) is a producer of hogs in Saskatchewan; and
 - (C) markets hogs during the relevant period;
- (h) **"prime rate of interest"** means the prime lending rate expressed as an annual rate of interest that is charged by the Bank of Montreal on Canadian dollar commercial loans made in Canada to the bank's most credit-worthy customers;
- (i) **"relevant period"** means the period commencing on September 3, 2002 and ending on April 30, 2003;
- (j) **"Saskatchewan average index"** means the grade received by Saskatchewan hog producers on slaughter hogs marketed through SPI;
- (k) **"Saskatchewan market price"** means the weekly average price per 100 kilograms for Index 108 slaughter hogs, as reported by SPI;
- (l) **"slaughter hog"** means any hog, other than a boar or sow, that:
 - (i) is owned and fed in Saskatchewan for a minimum of 100 days by the participant who applies for a loan; and
 - (ii) is sold to a processing plant;
- (m) **"SPI"** means the hog marketing group incorporated in Saskatchewan as SPI Marketing Group Inc.;
- (n) **"weanling hog"** means any hog that:
 - (i) is farrowed in Saskatchewan by a sow owned by the participant who applies for a loan;
 - (ii) weighs less than 40 kilograms live weight;
 - (iii) is sold for further feeding; and
 - (iv) has not previously been included as a weanling hog by any participant on an application for a loan pursuant to these regulations.

Application

3(1) A participant who wishes to apply for a loan pursuant to these regulations must submit to the minister, in the form required by the minister:

- (a) an application that is completed in all respects, including the signing of any declarations that the minister may require;
- (b) any loan and security agreements that the minister considers necessary to ensure the repayment of any loan that may be made to the participant pursuant to these regulations;

- (c) a signed undertaking to comply with:
 - (i) subsection 6(2); and
 - (ii) subsection 7(6), if applicable;
 - (d) if the participant markets hogs through SPI, a signed statement authorizing SPI to deduct and remit any loan repayments for the purposes of subsection 7(5); and
 - (e) any other information that the minister may require to consider the application.
- (2) All applications must be received by the minister on or before June 15, 2003.

Loan amount and terms of loan

4(1) If the minister receives an application pursuant to section 3 and is satisfied that the participant has complied with these regulations, the minister may make a loan to the participant:

- (a) for each mature hog delivered by the participant during the relevant period, in an amount equal to the lesser of:
 - (i) \$50; and
 - (ii) the amount P calculated in accordance with the following formula:

$$P = [(\$145 - S) \times 90\%]$$

where:

S is the Saskatchewan market price for the week in which the mature hog was delivered.

- (b) \$10 for each weanling hog delivered by the participant in any week during the relevant period that the Saskatchewan market price is less than \$145 per 100 kilograms.

(2) The minister may impose any terms and conditions respecting the loan, including terms and conditions respecting repayment, that the minister considers appropriate or necessary, and the participant shall comply with those terms and conditions.

Interest rates

5(1) Subject to subsection (3), every loan made pursuant to these regulations and every consolidated loan amount is to bear interest at the prime rate of interest.

(2) Interest on amounts advanced pursuant to section 6 is to be computed from the date of the advance.

(3) If a participant is in default, as set out in section 10, on a loan made pursuant to these regulations, the loan, together with accrued interest, is to bear interest at the prime rate of interest plus 2%.

Advances

- 6(1)** The minister may make monthly advances to a participant on any loan approved pursuant to these regulations.
- (2) To be eligible to receive monthly advances:
- (a) a participant who markets hogs through SPI during the relevant period shall authorize SPI to provide the minister with any information that the minister may require respecting hogs marketed by that participant; and
 - (b) a participant who markets hogs otherwise than through SPI during the relevant period shall provide the minister directly with any information that the minister may require respecting hogs marketed by that participant.
- (3) If a participant is in default, as set out in section 10, on a loan made pursuant to these regulations, the minister may discontinue making advances on the loan to that participant, and no advance made pursuant to these regulations binds the minister to make further advances.

Repayment – participants marketing mature hogs

- 7(1)** Subject to subsections (2) to (4), when the Saskatchewan market price exceeds \$150 per 100 kilograms, every participant who received a loan for mature hogs pursuant to these regulations shall begin repaying the participant's loan amount with interest from each sale of mature hogs at the rate of one-third of the difference between:
- (a) the Saskatchewan market price; and
 - (b) \$150 per 100 kilograms.
- (2) Subject to subsections (3) and (4), if the Saskatchewan market price, after exceeding \$150 per 100 kilograms, drops to or below \$150 per 100 kilograms, the participants who received a loan for mature hogs pursuant to these regulations are temporarily relieved from making repayments on their loan amounts until the Saskatchewan market price again exceeds \$150 per 100 kilograms.
- (3) Subject to subsection (4), effective April 30, 2004, participants who received a loan for mature hogs pursuant to these regulations shall repay their consolidated loan amounts with interest in monthly instalments, with the first instalment to be paid on May 31, 2004, in an amount equal to the greater of:
- (a) the amount that is to be repaid pursuant to subsection (1) for the month ending and that is calculated on all mature hogs delivered by the participant in that month; and
 - (b) the sum of:
 - (i) one thirty-sixth of the total of the participant's consolidated loan amount outstanding as at April 30, 2004; and
 - (ii) the accrued interest on the consolidated loan amount for the month ending.
- (4) All loan amounts and interest payable pursuant to these regulations must be paid in full on or before April 30, 2007.

(5) A participant mentioned in subsection (1) who markets mature hogs through SPI shall authorize SPI to deduct repayments weekly from the participant's hog sale proceeds and remit the repayments to the minister.

(6) A participant mentioned in subsection (1) who markets mature hogs otherwise than through SPI shall submit to the minister a monthly report of the participant's mature hog sales, in a form acceptable to the minister, and shall submit monthly repayments directly to the minister.

Repayment – participants marketing weanling hogs

8(1) Every participant who received a loan for weanling hogs pursuant to these regulations shall repay the participant's consolidated loan amount with interest in monthly instalments, beginning on the earlier of:

- (a) the later of:
 - (i) May 1, 2003; and
 - (ii) the date on which participants who received loans for mature hogs begin repaying their loans pursuant to subsection 7(1); and
- (b) May 31, 2004.

(2) A participant mentioned in subsection (1) must pay the participant's consolidated loan amount with interest in full on the earlier of:

- (a) three years from the date on which the participant is to begin repaying the consolidated loan amount; and
- (b) April 30, 2007.

Repayment – participants who cease production

9(1) Notwithstanding sections 7 and 8, a participant who received a loan pursuant to these regulations but who ceases producing hogs and does not market hogs for a period of more than four consecutive months shall repay the participant's consolidated loan amount with interest in monthly instalments, beginning within 30 days after the expiration of that four-month period.

(2) A participant mentioned in subsection (1) must pay the participant's consolidated loan amount with interest in full on the earlier of:

- (a) three years from the date on which the participant is to begin making monthly repayments of the consolidated loan amount pursuant to subsection (1); and
- (b) April 30, 2007.

Default

10(1) A participant is in default on a loan made pursuant to these regulations if:

- (a) the participant defaults with respect to any payment of principal or interest due on the loan;
- (b) the participant fails to comply with any term or condition imposed on the loan by the minister;

- (c) the participant fails to submit to the minister the information required pursuant to:
 - (i) clause 6(2)(b); or
 - (ii) subsection 7(6);
 - (d) after giving the participant an opportunity to be heard, the minister determines that the participant knowingly made a false or misleading statement on the application for the loan or on any form or in any information or document provided to the minister pursuant to these regulations; or
 - (e) any bankruptcy, receivership, reorganization, compromise, arrangement, insolvency or liquidation proceedings, or any other actions by or for the benefit of creditors, are instituted by or against the participant.
- (2) If a participant is in default pursuant to subsection (1):
- (a) the principal remaining on the loan, together with accrued interest:
 - (i) becomes immediately due and payable to the Crown in right of Saskatchewan; and
 - (ii) bears interest at the rate mentioned in subsection 5(3); and
 - (b) the Crown in right of Saskatchewan may take any action authorized at law that it considers necessary:
 - (i) to effect collection of the principal and interest owing;
 - (ii) to obtain any additional security;
 - (iii) to realize on its security; or
 - (iv) to effect any compromise with, or grant any concession to, any participant or to any other person to the extent that it considers advisable.

Waiver of default

11 If a participant is in default, as set out in section 10, on a loan made pursuant to these regulations, the minister may waive the default on any terms and conditions that the minister considers appropriate.

Early repayment

12 Notwithstanding any other provision of these regulations or any term or condition of the loan, a participant may repay a loan and interest in a greater amount or at an earlier time than that required by these regulations or the terms and conditions of the loan.

Coming into force

13 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER F-13.4 REG 27*The Financial Administration Act, 1993*

Section 24

Order in Council 850/2002, dated December 4, 2002

(Filed December 5, 2002)

Title

1 These regulations may be cited as *The Saskatchewan Sales Tax Credit Overpayment (Remission) Regulations*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Income Tax Act, 2000*;
- (b) “**individual**” means an individual by whom an amount is deemed to have been paid pursuant to subsection 39(3) of the Act on account of the individual’s tax payable for the 2001 taxation year during either or both of the months of July 2002 and October 2002;
- (c) “**tax**” means tax pursuant to the Act.

(2) Terms or expressions used in these regulations that are also used in section 39 of the Act have the same meaning in these regulations as in that section of the Act.

Remission

3 A remission is granted to every individual of any amount payable by the individual pursuant to section 87 of the Act resulting from the payment to the individual of a refund in excess of the amount deemed to have been paid by the individual pursuant to section 39 of the Act on account of the individual’s tax payable for the 2001 taxation year, during either or both of the months of July 2002 and October 2002, if, in calculating the amount deemed to have been paid by the individual, the excess amount refunded resulted from using, pursuant to clause 39(5)(a) of the Act, the individual’s adjusted income for the year rather than the individual’s income for the year.

Coming into force

4 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER H-3.1 REG 21*The Highway Traffic Act*

Sections 77 and 119

Order in Council 853/2002, dated December 4, 2002

(Filed December 5, 2002)

Title

1 These regulations may be cited as *The Seat-belt Exemption Regulations, 2002*.

Exemptions operator

2(1) In this section, “**Class**”, with respect to a motor vehicle, means a Class established pursuant to *The Vehicle Classification and Registration Regulations*.

(2) The following persons are exempt from the requirement set out in section 77 of *The Highway Traffic Act* to wear a seat-belt:

- (a) the operator of a motor vehicle when travelling at less than 40 kilometres per hour and making intermittent stops at intervals of 100 metres or less if the motor vehicle is being used for:
 - (i) transporting and clearing garbage from a municipality or rural municipality;
 - (ii) door-to-door delivery of dairy products;
 - (iii) transporting items for a municipality or rural municipality for recycling;
- (b) the operator of a motor vehicle that is being used for the delivery of mail;
- (c) the operator of a motor vehicle registered in Class PT while transporting passengers for hire;
- (d) a police officer while the police officer is transporting prisoners or other persons who, in the opinion of the police officer, represent a danger to the personal safety of the police officer, except where provision has been made for the safety of the police officer;
- (e) a passenger in a motor vehicle if the passenger is under lawful arrest or has been committed to, or is currently being held or detained in a correctional institution, jail, remand centre, penitentiary facility, detention centre or other custodial centre;
- (f) the operator of a motor vehicle registered in Class PC if:
 - (i) the operator is operating the motor vehicle on a regularly scheduled route and is travelling at speeds under 40 kilometres per hour; or
 - (ii) the operator has reason to believe that his or her safety may be compromised.

Exemption re children

3 Subsection 77(4) of *The Highway Traffic Act* does not apply to the operator of a motor vehicle that is registered in Class PT while transporting passengers for hire.

R.R.S. c.H-3.1 Reg 7 repealed

4 *The Seat-belt Exemption Regulations* are repealed.

Coming into force

5(1) Subject to subsection (2), these regulations come into force on the day on which section 10 of *The Highway Traffic Amendment Act, 2002* comes into force.

(2) If these regulations are filed with the Registrar of Regulations after the day on which section 10 of *The Highway Traffic Amendment Act, 2002* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

CHAPTER P-37.1 REG 10*The Public Health Act, 1994*

Section 46

Order in Council 857/2002, dated December 4, 2002

(Filed December 5, 2002)

Title

1 These regulations may be cited as *The Health Hazard Regulations*.

Interpretation

2(1) In these regulations:

- (a) “**Act**” means *The Public Health Act, 1994*;
- (b) “**public building**” means a building or structure to which the public has access as of right or by express or implied invitation, and includes a public accommodation;
- (c) “**public place**” means a place to which the public has access as of right or by express or implied invitation, and includes a public building;
- (d) “**public water supply**” means a supply of water to which sections 5 to 9 apply;
- (e) “**recreational area**” means an area intended for use by the public for enjoyment or appreciation of the natural environment in the out-of-doors, and includes sports grounds, playgrounds and beaches;
- (f) “**service connection**” means a connection between a distribution system and premises;
- (g) “**special event**” means:
 - (i) a theatre production;
 - (ii) a fair or festival;
 - (iii) an exhibition;

- (iv) a concert;
- (v) an art or craft show; or
- (vi) a multicultural event;

(h) “**wayside area**” means an area of land that is adjacent to a public thoroughfare and is used or permitted to be used by the travelling public for rest periods of less than 24 hours, but does not include a campground.

(2) In these regulations, a reference to a local authority is a reference to the local authority that has jurisdiction in the area in which the public water supply, the public place, the personal service facility or the dead animal, as the case may be, is located.

Application to public water supply

3(1) Subject to subsection (2), sections 5 to 9 apply to a supply of water that is intended to be used for drinking or personal hygiene purposes and:

- (a) is provided at any of the following places:
 - (i) a facility as defined in *The Child Care Act*;
 - (ii) an approved home as defined in *The Mental Health Services Act*;
 - (iii) a hospital approved pursuant to *The Hospital Standards Act* or a facility designated as a hospital or health centre pursuant to *The Regional Health Services Act*;
 - (iv) a personal care home as defined in *The Personal Care Homes Act*;
 - (v) a private-service home or a residential-service facility, as defined in *The Residential Services Act*;
 - (vi) a special-care home as defined in *The Housing and Special-care Homes Act* or a facility designated as a special-care home pursuant to *The Regional Health Services Act*;
 - (vii) any facility, establishment, business or premises that is required to be licensed by any regulations pursuant to *The Public Health Act, 1994*;
 - (viii) a school or an independent school, as defined in *The Education Act, 1995*;
 - (ix) a recreational area;
 - (x) a special event;
 - (xi) a wayside area;
 - (xii) an itinerant use accommodation as defined in *The Public Accommodation Regulations*;
 - (xiii) a multi-dwelling unit owned by the Saskatchewan Housing Corporation;

- (b) is a well or other supply of water intended for public use that is not connected to a distribution system; or
 - (c) is provided from a distribution system that is connected to at least three but less than 15 service connections.
- (2) Subsection (1) does not apply to:
- (a) commercially bottled water;
 - (b) a supply of water that is a waterworks within the meaning of *The Environmental Management and Protection Act, 2002*;
 - (c) a supply of water to which subsection 10(1) applies; or
 - (d) a supply of water that, for the purposes of section 15 of the Act, is posted as being not potable water.

Duties, etc., on more than one person

4 Where a provision of these regulations imposes a duty or requirement on more than one person, the duty or requirement applies to all of those persons, but the duty or requirement is imposed primarily on the person with the greatest degree of control over the matters that are the subject of the duty or requirement.

Approval re public water supplies

5(1) No person shall establish, extend, renovate or alter a public water supply unless the owner or operator has obtained written approval to do so from the local authority.

(2) Subsection (1) does not apply to the routine maintenance of a public water supply or to any alteration to, or renovation of, a public water supply that is governed by *The Plumbing and Drainage Regulations*.

(3) Nothing in subsection (1) requires the operator of a public water supply in operation on the coming into force of these regulations to obtain written approval to establish that public water supply.

Duties of owners, operators of public water supplies

6(1) The owner or operator of a public water supply shall:

- (a) ensure that the water is potable at the place where it is delivered for use;
- (b) locate, construct and operate the public water supply in a manner that will:
 - (i) reduce the potential of contamination of the water source; and
 - (ii) prevent the contamination of water within the distribution system, including any place where water is collected, stored or treated; and
- (c) subject to subsections (4) and (5), submit samples of water for analysis to the Provincial Laboratory or another laboratory approved by the minister, in accordance with subsection (3).

- (2) An owner or operator of a public water supply who submits samples of water for analysis as required by clause (1)(c) shall include with the sample a notice advising the laboratory that the sample is taken from a public water supply.
- (3) The owner or operator of a public water supply shall submit samples of water from the supply:
- (a) for bacteriological analysis:
 - (i) in the case of a public water supply that is operated throughout the year, once every three months; and
 - (ii) in the case of a public water supply that is operated on a seasonal basis, once per year, with the sample for a year being taken at a time specified by the local authority; and
 - (b) for major ion analysis:
 - (i) in the case of a ground water supply, at least once in every period of 365 days unless otherwise directed by the local authority; and
 - (ii) in the case of a surface water supply, at least once in every period of 730 days unless otherwise directed by the local authority.
- (4) A local authority may require the owner or operator of a public water supply to submit samples for analysis at more frequent intervals than subsection (3) requires if:
- (a) the results of an analysis indicate that the supply is, or has the potential to become, a health hazard; or
 - (b) for any other reason, the local authority determines that more frequent analysis is appropriate to monitor the safety of the supply.
- (5) A local authority may require the owner or operator of a public water supply to submit samples for analysis other than those mentioned in subsection (3) if the local authority suspects that the supply may be subject to contamination that would not be identified in an analysis required by that subsection.

Reporting of results

- 7(1) Subject to subsection (2), a laboratory that conducts an analysis of samples of water from a public water supply for the purposes of section 6 must, within seven days after the date of completion of the analysis, report the results of the analysis to:
- (a) the owner or operator of the public water supply; and
 - (b) the local authority.
- (2) If the results of an analysis indicate the presence of *E. coli* or fecal coliforms in the sample, the laboratory that conducted the analysis shall:
- (a) immediately notify the local authority; and
 - (b) within 72 hours after obtaining the results, send a written copy of the results to the owner or operator who submitted the sample and to the local authority.

(3) An owner of a public water supply who receives notice pursuant to subsection (2) must immediately inform any operator and the local authority of the notification.

(4) An operator of a public water supply who receives notice pursuant to subsection (2) must immediately inform the owner and the local authority of the notification.

(5) A local authority may make information available to the public respecting the public water supplies that are located within the jurisdictional area of the local authority, including, without limiting the generality of the foregoing, information respecting:

- (a) the location of a public water supply;
- (b) the owner and the operator of the public water supply;
- (c) the nature of the public water supply;
- (d) the compliance of the owner and operator with the requirements to submit samples for analysis pursuant to section 6;
- (e) the results of analyses carried out pursuant to section 6 on samples from the public water supply; and
- (f) any concerns that the local authority has respecting the safety of the public water supply.

Treatment of public water supply

8 If a local authority suspects that a public water supply constitutes a health hazard, the local authority may require the owner or operator to provide ongoing treatment of the kind and to the extent required by the local authority.

Notice of breakdown, disruption of treatment

9 The owner or operator of a public water supply shall immediately notify the local authority of any event or situation that may affect the safety of the public water supply, including:

- (a) any malfunction of treatment equipment that could affect the safety of the public water supply;
- (b) any breakdown or contamination of a distribution system; and
- (c) any matter that may affect the safety or suitability of the source water from which the public water supply is derived.

Delivery of potable water by bulk tank

10(1) Subject to subsection (2), if potable water intended to be used for drinking or personal hygiene purposes is delivered by way of a bulk water tank, the person who delivers the water shall ensure that:

- (a) the water being delivered is potable at the point of delivery; and
- (b) unless otherwise approved by the local authority with jurisdiction over the place where the water is being delivered, the water is obtained from a waterworks that is the subject of a permit, issued pursuant to *The Environmental Management and Protection Act, 2002*, authorizing the operation of a waterworks supplying water intended or used for human consumptive use.

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- (2) Subsection (1) does not apply if the person is delivering water to:
- (a) that person's place of residence; or
 - (b) a private function hosted by that person.
- (3) A local authority may require a person mentioned in subsection (1):
- (a) at intervals specified by the local authority, to take samples of the water;
 - (b) to submit the samples for any analysis that the local authority may direct to a laboratory mentioned in clause 6(1)(c); and
 - (c) to report the results of the analyses to the local authority.
- (4) A person mentioned in subsection (1) who submits samples of water for analysis pursuant to clause (3)(b) shall include with the sample a notice:
- (a) advising the laboratory that the sample is taken from a bulk water tank containing water intended to be used for drinking or personal hygiene purposes; and
 - (b) setting out the name of the local authority that required the person to submit the samples for analysis.
- (5) Subject to subsection (6), a laboratory that conducts an analysis of samples of water from a bulk water tank for the purposes of this section must, within seven days after the date of completion of the analysis, report the results of the analysis to:
- (a) the person mentioned in subsection (1); and
 - (b) the local authority.
- (6) If the results of an analysis indicate the presence of *E. coli* or fecal coliforms in the sample, the laboratory that conducted the analysis shall:
- (a) immediately notify the local authority; and
 - (b) within 72 hours after obtaining the results, send a written copy of the results to the local authority and the person mentioned in subsection (1).
- (7) A person mentioned in subsection (1) who receives notice pursuant to subsection (6) must immediately inform the local authority of the notification.
- (8) A local authority may make information available to the public respecting the delivery of water by bulk water tank within the jurisdictional area of the local authority, including, without limiting the generality of the foregoing, information respecting:
- (a) the locations to which the water is delivered;
 - (b) the persons who deliver water by bulk water tank within the jurisdictional area;
 - (c) the nature of the water being delivered by bulk water tank;

- (d) the compliance of a person mentioned in subsection (1) with the requirements to submit samples for analysis pursuant to this section;
 - (e) the results of analyses carried out pursuant to this section on samples from a bulk water tank; and
 - (f) any concerns that the local authority has respecting the safety of water being delivered by bulk water tank.
- (9) If a local authority suspects that a supply of water mentioned in this section constitutes a health hazard, the local authority may require the person delivering the water to take any steps directed by the local authority to remedy the hazard.

Sanitary facilities and services – public places

11 Unless the local authority approves otherwise, the owner or operator of a public place shall:

- (a) provide toilets and sinks that are easily accessible to the public; and
- (b) provide garbage receptacles, and use garbage disposal methods, that prevent:
 - (i) access to the garbage by insects, rodents and other animals;
 - (ii) the development and emission of offensive odours; and
 - (iii) contamination of ground water or surface water.

Air quality in public buildings

12(1) If a public building or a portion of a public building receives emissions from internal combustion engines, the owner or operator shall:

- (a) ensure that any part of the building to which the public has access has a natural or mechanical ventilation system that prevents or abates a health hazard caused by those emissions; and
 - (b) uses and maintains the ventilation system so as to prevent or abate the health hazard.
- (2) In the case of a public building that is an ice arena, the owner or operator must ensure that ice-resurfacing equipment used in the building is maintained to a level, and used in a manner, that minimizes air pollution emissions from the equipment.
- (3) Where a local authority has reason to believe that the air quality in a public building may pose a health hazard to a member of the public, the local authority may require the owner or operator of the building to conduct any tests specified by the local authority to monitor air quality in the building and to provide the results of those tests to the local authority.

Personal service facilities

13(1) For the purposes of subclause 2(aa)(iii) of the Act, the following are prescribed as personal service facilities:

- (a) facilities in which body piercing, bone grafting or scarification services are provided to the public;
 - (b) subject to subsection (2), facilities other than those described in clause (a) or in subclause 2(aa)(i) or (ii) of the Act in which a service involving a procedure that is invasive to the body of the person receiving the service is provided to the public.
- (2) Clause (1)(b) does not apply to facilities in which a service involving a procedure that is invasive to the body of the person receiving the service is provided by a person acting in his or her capacity as a member in good standing of a professional association that is regulated by an Act.
- (3) No person shall cause or permit a personal service facility to be operated:
- (a) in an unsanitary manner or under unsanitary conditions; or
 - (b) in a manner that may facilitate the transmission of a communicable disease.

Disposal of dead animals

14 Subject to *The Wildlife Regulations, 1981*, when an animal dies or is unintentionally killed, the owner or the person in possession of the animal shall cause the carcass to be removed and buried or disposed of to the satisfaction of the local authority.

Posting of signs

15(1) A local authority may post a notice or sign, or require the owner or operator of a public place to post a notice or sign, to notify the public of a potential health hazard within its jurisdictional area.

(2) Without limiting the generality of subsection (1), where a local authority determines that a body of water within its jurisdictional area that is used for swimming poses a health risk to swimmers, the local authority may:

- (a) post a notice stating that the body of water is unfit or unsafe for swimming; or
- (b) require the person who owns or is in possession of land adjacent to or abutting the water and who invites, encourages or permits the public to enter on the land for swimming in the body of water to post a notice stating that the body of water is unfit or unsafe for swimming.

Sask. Reg. 420/64 amended

16(1) The Sanitation Regulations, being Saskatchewan Regulations 420/64, are amended in the manner set forth in this section.

- (2) Sections 3 to 5 are repealed.
- (3) Sections 9 to 14 are repealed.
- (4) Sections 18 to 21 are repealed.
- (5) Section 41 is repealed.
- (6) Section 45 is repealed.

Sask. Reg. 729/68 repealed

17 Saskatchewan Regulations 729/68, made pursuant to *The Public Health Act*, R.S.S. 1953, c.230, are repealed.

Sask. Reg. 213/79 repealed

18 The Regulations Governing Barber and Beauty Culture Establishments, 1979, being Saskatchewan Regulations 213/79, are repealed.

Coming into force

19(1) Subject to subsection (2), these regulations come into force on the day on which *The Water Regulations, 2002* come into force.

(2) If these regulations are filed with the Registrar of Regulations after *The Water Regulations, 2002* come into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 113/2002*The Public Guardian and Trustee Act*

Section 54

Order in Council 854/2002, dated December 4, 2002

(Filed December 5, 2002)

Title

1 These regulations may be cited as *The Public Guardian and Trustee Amendment Regulations, 2002*.

R.R.S. c.P-36.3 Reg 1 amended

2 *The Public Guardian and Trustee Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 **The following clause is added after clause 2(c):**

“(d) **‘quarter’** means a calendar quarter ending on March 31, June 30, September 30 or December 31 in each year”.

Section 4 amended

4 **Section 4 is amended by striking out “month” wherever it appears and in each case substituting “quarter”.**

Section 5 amended

5(1) **Subsection 5(1) is amended by striking out “month” wherever it appears and in each case substituting “quarter”.**

(2) **Subsection 5(2) is amended by striking out “month” wherever it appears and in each case substituting “quarter”.**

(3) **The following subsections are added after subsection 5(2):**

“(3) For the purposes of this section, the period beginning on October 1, 2002 and ending on October 31, 2002 is deemed to be a quarter.

“(4) For the purposes of this section, the period beginning on November 1, 2002 and ending on December 31, 2002 is deemed to be a quarter”.

Section 6 amended

6(1) Subsection 6(1) is amended by striking out “month” wherever it appears and in each case substituting “quarter”.

(2) Subsection 6(2) is amended by striking out “month” wherever it appears and in each case substituting “quarter”.

(3) The following subsections are added after subsection 6(2):

“(3) For the purposes of this section, the period beginning on October 1, 2002 and ending on October 31, 2002 is deemed to be a quarter.

“(4) For the purposes of this section, the period beginning on November 1, 2002 and ending on December 31, 2002 is deemed to be a quarter”.

Section 7 amended

7 Clause 7(1)(c) is repealed.

Coming into force

8 These regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 114/2002*The Alcohol and Gaming Regulation Act*

Sections 54.1 and 179

Order in Council 855/2002, dated December 4, 2002

(Filed December 5, 2002)

Title

1 These regulations may be cited as *The Alcohol Control Amendment Regulations, 2002*.

R.R.S. c.A-18.01 Reg 3 amended

2 *The Alcohol Control Regulations, 1994* are amended in the manner set forth in these regulations.

Section 15 amended

3 Subsection 15(2) is amended by striking out “beverage alcohol” and substituting “beer, wine and coolers”.

Section 29 amended

4 Subsection 29(1) is amended:

(a) in clause (b) by striking out “beer, wine and coolers” and substituting “beverage alcohol”; and

(b) in clause (c) by striking out “beer, wine and coolers” and substituting “beverage alcohol”.

Section 29.1 amended

5(1) Subsection 29.1(1) is amended in the portion preceding clause (a) by striking out “beverage alcohol” and substituting “beer, wine and coolers”.

(2) Subsection 29.1(2) is amended in the portion preceding clause (a) by striking out “beverage alcohol” and substituting “beer, wine or coolers”.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on December 8, 2002.

(2) If these regulations are filed with the Registrar of Regulations after December 8, 2002, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 115/2002*The Ethanol Fuel Act*

Section 7

Order in Council 863/2002, dated December 6, 2002

(Filed December 9, 2002)

Title

1 These regulations may be cited as *The Ethanol Fuel (General) Amendment Regulations, 2002*.

R.R.S. c.E-11.1 Reg 1, section 5 amended

2 Subsection 5(1) of *The Ethanol Fuel (General) Regulations* is repealed and the following substituted:

“(1) A distributor shall blend ethanol with required fuel in a manner that results in the average volume of ethanol-blended fuel available for distribution by that distributor in Saskatchewan having a composition of at least:

(a) in the period commencing April 1, 2004 and ending on December 31, 2004, 5.0% ethanol; and

(b) in the period commencing January 1, 2005, 7.5% ethanol”.

Coming into force

3 These regulations come into force on the day on which they are filed with the Registrar of Regulations.