

Environmental Protection and Enhancement Act

BEING CHAPTER E-12 R.S.A. 2000 (the "Act")

ENVIRONMENTAL PROTECTION ORDER NO. EPO-EPEA-35819

Amendment No. 5

Canadian Pacific Railway Company
7550 Ogden Dale Road SE
Calgary, Alberta
T2C4X9

["CP"]

WHEREAS on February 26, 2021, the Director signed, and on March 1, 2021, CP was served with an Environmental Protection Order (EPO-EPEA-35819) [the "Order"] setting out requirements to respond to the release of the Substance into the environment;

WHEREAS on March 5, 2021, the Director issued Amendment No. 1 to the Order, requiring the implementation of the Wildlife Plan;

WHEREAS on March 9, 2021, the Director issued Amendment No. 2 to the Order, requiring the implementation of the Railcar Recovery Plan;

WHEREAS on March 11, 2021, the Director issued Amendment No.3 to the Order, requiring the implementation of the Potash Recovery Plan;

WHEREAS on March 29, 2021, the Director issued Amendment No.4 to the Order, requiring the implementation of the Monitoring and Sampling Plan;

WHEREAS Clause 15 of the Order required CP, by not later than March 19, 2021, to submit to the Director, for the Directors written approval a written remediation plan stamped and signed by both;

- a. an independent third party qualified professional registered and in good standing with the Association of Professional Engineers, Geoscientists of Alberta (APEGA) and;
- b. an independent third party qualified professional currently registered in good standing with the Alberta Society of Professional Biologists (ASPB);

WHEREAS on March 19, 2021, CP submitted to AEP, a document titled "Remediation Plan - Potash Derailment Mile 99, Crowsnest Subdivision Hazell, Alberta – Version – 03.19.2021.1200" which was stamped and signed by both;

- a. an independent third party qualified professional registered and in good standing with the Association of Professional Engineers, Geoscientists of Alberta (APEGA) and;
- b. an independent third party qualified professional currently registered in good standing with the Alberta Society of Professional Biologists (ASPB);

WHEREAS the document titled "Remediation Plan - Potash Derailment Mile 99, Crowsnest Subdivision Hazell, Alberta – Version – 03.19.2021.1200" was reviewed by an AEP Senior Fisheries Biologist who identified concerns including, but not limited to;

- a. Missing sections referenced in other portions of the remediation plan;
- b. Lack of detail regarding a schedule for communicating with AEP;

WHEREAS on April 13, 2021, in order to address the concerns regarding the March 19, 2021 "Remediation Plan - Potash Derailment Mile 99, Crowsnest Subdivision Hazell, Alberta – Version – 03.19.2021.1200" CP submitted to AEP, a document titled "Remediation Plan - Potash Derailment Mile 99, Crowsnest Subdivision Hazell, Alberta – Version – 04.12.2021.1200" which was stamped and signed by both;

- a. an independent third party qualified professional registered and in good standing with the Association of Professional Engineers, Geoscientists of Alberta (APEGA) and;
- b. an independent third party qualified professional currently registered in good standing with the Alberta Society of Professional Biologists (ASPB);

WHEREAS the April 13, 2021 "Remediation Plan - Potash Derailment Mile 99, Crowsnest Subdivision Hazell, Alberta – Version – 04.12.2021.1200" rectified the deficiencies identified in the March 19, 2021 plan, and solely forms the Remediation Plan as contemplated by the Order;

WHEREAS The Director accepts and approves the April 13, 2021 Remediation Plan submitted by CP;

WHEREAS section 243 of the *Environmental Protection and Enhancement Act* [the "Act"] provides authority for the Director to amend an environmental protection order;

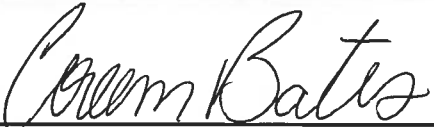
THEREFORE I, Coreen Bates, pursuant to section 243 of the Act DO HEREBY AMEND the Order as follows:

- 1. Adding Clause 23 and 24 as follows:

23. CP shall, by April 14, 2021, fully implement each of the actions set out in the Remediation Plan.

24. CP shall continue the full implementation of the Remedial Plan until notified otherwise by the Director.

DATED at the City of Lethbridge in the Province of Alberta, this 13th day of April, 2021.



Coreen Bates
Compliance Manager
Southern Region

Section 91 of the *Environmental Protection and Enhancement Act* may provide a right of appeal against this decision to the Alberta Environmental Appeals Board. There may be a strict time limit for filing such an appeal.

**For further information, contact the Board Secretary at:
Alberta Environmental Appeals Board
#306 Peace Hills Trust Tower, 10011 – 109 Street,
Edmonton, Alberta T5J 3S8
Telephone (780) 427- 6207; Fax (780) 427- 4693**

Notwithstanding the above requirements, the Parties shall obtain all necessary approvals in complying with this order.

Take notice that this order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this or any other legislation