

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

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

Amendment No. 2 to

ENVIRONMENTAL PROTECTION ORDER NO. EPO-2019/01-UAR

Darren Myshak
67, 53504 Range Road 274
Spruce Grove AB T7X 3R9

KMC Oilfield Services Ltd.
102, 5300-50th Street
Stony Plain AB T7Z 1T8

Muskeg Construction Ltd.
102, 5300-50th Street
Stony Plain AB T7Z 1T8

(the "Parties")

WHEREAS Environmental Protection Order No. EPO-2019/01-UAR ("the "EPO") was issued to the Parties on October 24, 2019;

WHEREAS Environmental Protection Order No. EPO-2019/01-UAR amendment No.1 was issued to the Parties on October 31, 2019 amending the completion dates for Clauses 2, 3, 3(e), 4, 5, 6, 6 (c), 7 and 8;

WHEREAS on October 31, 2019, the Director approved GEN7 Environmental Solutions Ltd. employee's Ryan Radchenko, Kerri Widenmaier and Larry Bonsan (the "consultant") as the professional holding a designation listed in the Professional Responsibilities in Completion and Assurance of Reclamation and Remediation Work in Alberta Joint Practice Standard (v1.1 July 2012);

WHEREAS the Parties, the consultant and AEP met at the Lands on November 7, 2019, and the consultant took samples from the tank containment structures on the Lands;

WHEREAS on November 7, 2019, the Parties advised AEP at the Lands, that they were going wait to bring in Vacuum Trucks until they receive sampling data from the consultant;

WHEREAS on November 21, 2019, the Director sent an email to the Parties reminding them that Clause 6 of Environmental Protection Order No. EPO-2019/01-UAR required them to submit to the Director for review and approval, a dismantling plan for the removal of all fixtures and chattels that are located on the Lands by November 21, 2019. The Director requested an update;

WHEREAS on November 22, 2019, the Director spoke to the Parties about the requirements of the EPO. The Parties advised that the containment areas are full of ice and that everything had frozen in, which is why he believed dismantling should occur in the spring. The Parties advised that ice removal makes the job longer and cost more money;

WHEREAS on November 22, 2019, the Director advised the Parties to put the Parties' request to extend the EPO deadlines in writing and include the rationale as to why the extension is necessary;

WHEREAS on November 25, 2019, the consultant submitted an email (the "email") to the Director on behalf of the Parties, requesting that the dismantling of the tank farm not occur in frozen conditions, resulting in a more thorough, faster clean up in and around the tank farms in the spring non-frozen conditions. The consultant also advised that Darren Myshak stated that the containment rings in place are functional and in good condition and furthermore, the 400bbl tanks on site have been cleaned so no contamination will come from the currently occupied equipment on site;

WHEREAS on November 25, 2019, the consultant's email presented the director with an option to complete delineation of the entire tank farm site and offsite to the west for salinity concerns (with the exception of directly under the tanks) using Electro Magnetic Survey (EM) with some hand auger boreholes to collect samples for lab analysis to verify the EM results. This would provide the Director an assessment of the risk of migration and the potential risk of impact to the watercourse and the potential to impact the aquatic life in or down gradient of the watercourse. The email provided two schedules of potential timelines based on the Electro Magnetic Survey results. Those schedules were as follows:

Low Risk of Migration

Schedule 1	
Delineation Plan	Submittal date Nov. 28/19
Delineation Assessment	Completion date Dec. 20/19
Delineation Report (inc remediation recommendations)	Completion date Dec. 31/19
Dismantling Plan	Submittal date Jan. 17/20
Dismantling Procedures	Completion date May 15/20
Dismantling Report	Completion date May 30/20
Remediation Activities	Completion date June 30/20
Remedial Report	Completion date July 30/20

High Risk of Migration

Schedule 2	
Delineation Plan	Submittal date Nov. 28/19
Delineation Assessment	Completion date Dec. 20/19
Delineation Report (inc remediation recommendations)	Completion date Dec. 31/19
Dismantling Plan	Submittal date Jan. 7/20
Dismantling Procedures	Completion date Jan. 31/20
Dismantling Report	Completion date Feb. 14/20
Remediation Activities	Completion date March 30/20
Remedial Report	Completion date April 30/20

WHEREAS I, Owen Butz, Compliance Manager, Upper Athabasca Region have been appointed a Director for the purposes of issuing and amending Environmental Protection Orders under the *Act*;

WHEREAS the Director is of the opinion that the EPO must be amended to reflect the new deadlines;

THEREFORE, I, Owen Butz, Director, Upper Athabasca Region, pursuant to section 243 (1)(a) of the *Environmental Protection and Enhancement Act*, DO HEREBY AMEND the EPO and ORDER THAT:

1. In Clause 3, "December 12, 2019" is deleted and replaced with "November 29, 2019";
2. In Clause 3(e), "December 19, 2019" is deleted and replaced with "December 20, 2019";
3. In Clause 4, "December 19, 2019" is deleted and replaced with "December 20, 2019";
4. In Clause 5, "January 16, 2020" is deleted and replaced with "December 31, 2019";
5. In Clause 6, "November 21, 2019" is deleted and replaced with "January 17, 2020";
6. In Clause 6(c), "December 5, 2019" is deleted and replaced with "May 15, 2020";
7. In Clause 7, "December 5, 2019" is deleted and replaced with "May 15, 2020";
8. In Clause 8, "January 16, 2020" is deleted and replaced with "May 30, 2020";

DATED at the city of Spruce Grove in the Province of Alberta, this 28th day of November, 2019.



Owen Butz
Compliance Manager
Upper Athabasca 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, please contact the Board Secretary at #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 environmental protection order is a remedial tool only, and in no way precludes any enforcement proceedings being taken regarding this matter under this Act or any other legislation.