

ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT

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

ENVIRONMENTAL PROTECTION ORDER NO. EPO-2020/01-SR

JBS Food Canada ULC, ["JBS"]
2700, 10155 – 102 Street
Edmonton, AB T5J 4G8

WHEREAS JBS is a registered corporation in the Province of Alberta;

WHEREAS JBS holds Approval No. 00000287-03-00, as amended (the "Approval"), for the construction, operation and reclamation of the Brooks meat plant (the "Plant");

WHEREAS the Approval sets out a regulatory process and conditions governing the release of industrial wastewater from the Plant via irrigation to specific parcels of land;

WHEREAS on or about July 9, 2020, JBS contacted Alberta Environment and Parks (AEP) and indicated that an emergency situation exists at the Plant, being that its industrial wastewater storage lagoons are at 90% capacity;

WHEREAS JBS indicated that it could release 949,434 m³ of industrial wastewater under its Approval conditions to reduce the water levels in its industrial wastewater storage lagoons by 2.5m;

WHEREAS JBS also indicated that there is an immediate need to release an additional 1,257,770 m³ of industrial wastewater from its industrial wastewater storage lagoons to ensure sufficient 2020-21 winter storage capacity, and the release of this volume of industrial wastewater could not be done in accordance with the requirements of the Approval;

WHEREAS given this additional volume of industrial wastewater JBS needs to release to achieve storage capacity, not enough of the parcels of land to which JBS is authorized under the Approval to release industrial wastewater currently have receiving soils that meet the prerequisite Approval limits, so the release of this additional industrial wastewater would constitute an unauthorized release into the environment;

WHEREAS JBS has stated that the quality of some of the industrial wastewater within the industrial wastewater storage lagoons does not meet the Approval requirements for release unless the industrial wastewater is diluted with fresh water;



WHEREAS the industrial wastewater is a substance under section 1(mmm) of the *Act*;

WHEREAS the release of industrial wastewater into the environment may occur;

WHEREAS a release of industrial wastewater to the environment surrounding the Plant in a manner that is not authorized by the Approval may cause an adverse effect on the environment;

THEREFORE, I, Stephen Mathyk, the Director, pursuant to section 113 of the *Environmental Protection and Enhancement Act*, DO HEREBY ORDER:

Emergency Release Management Plan

1. JBS shall by **August 14, 2020**, submit to the Director, for the Director's approval, a written Emergency Release Management Plan (the ERMP), that has been prepared and signed by a qualified environmental professional who is currently registered in good standing with the Association of Professional Engineers and Geoscientists of Alberta, or Alberta Institute of Agrology;
2. In the ERMP JBS must include, at minimum, each of the following:
 - a. A figure of the industrial wastewater storage lagoon system, indicating each of the following:
 - i. The common name of each industrial wastewater storage lagoon;
 - ii. The connectivity and direction of flow of wastewater among each of the industrial wastewater storage lagoons; and
 - iii. Identification of each of the industrial wastewater storage lagoons from which wastewater is ultimately released into the irrigation system (Final Source Lagoon);
 - b. A summary table that includes each of the following:
 - i. A list of all the Final Source Lagoons;
 - ii. A list of each of the fields irrigated by each of the Final Source Lagoons, including the common name and legal land location of the fields;
 - iii. Identification of each of the fields whose receiving soils exceed limits under the Approval (the Release Fields);
 - iv. The proposed volume (m³) of industrial wastewater to be released on each of the Release Fields;

- v. The number of hectares of each of the Release Fields onto which industrial wastewater will be released;
- c. A detailed description of the proposed emergency release activities including but not limited to:
- i. The sequencing, timing, daily volume, total volume, and duration of the release activities;
 - ii. How the release activities will be managed and overseen;
 - iii. How and where the industrial wastewater will be monitored prior to each release from each of the industrial wastewater storage lagoons to ensure that the following minimum industrial wastewater release limits will be met;

Parameter	Limits
pH	≥6.0 and ≤9.5
Electrical Conductivity (EC)	≤2.5 dS/m
Sodium Adsorption Ratio	≤9.0

- iv. The measures that will be implemented to prevent and mitigate the impacts of the release activities;
- d. A detailed description of the possible environmental risks and impacts of the release activities, including:
- i. anticipated impacts on the Release Fields;
 - ii. measures JBS will undertake to prevent all impacts off-site of any of the Release Fields;
 - iii. All anticipated impacts on future use of each of the Release Fields for industrial wastewater disposal under the Approval.
- e. A schedule of implementation for the ERMP with a completion date no later than **October 31, 2020**;

3. JBS shall implement the work set out in the ERMP in accordance with the schedule of implementation as approved by the Director;

Landowner Consent

4. Prior to the release of any industrial wastewater under this Order, JBS must obtain written consent from each of the owners of each of the Release Fields;

Emergency Release Activity Reporting

5. JBS shall provide the Director an Emergency Release Activity Report (ERAR), two weeks after commencement of the approved ERMP, and every two weeks thereafter until completion of the ERMP;
6. JBS must include in each ERAR, at a minimum, the following:
 - a. The volume of industrial wastewater released to each of the Release Fields for the period of the report;
 - b. The current volume in each of the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;
 - c. The freeboard in each of the industrial wastewater storage lagoons;
 - d. The total volume of industrial wastewater released to all parcels of land including all releases under this Order and as authorized under the Approval; and,
 - e. Updated projection of available 2020-21 winter storage in the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;

Summary Report

7. Within 30-days of the completion of the ERMP, JBS shall submit to the Director for approval a detailed written summary report (the Summary Report) that has been prepared and signed by a qualified environmental professional who is currently registered in good standing with the Association of Professional Engineers and Geoscientists of Alberta, or the Alberta Institute of Agronomy;
8. In the Summary Report JBS must include, at a minimum, the following:
 - a. A consolidated summary of all analytical results, including the date and time when the associated analytical samples were taken, verifying the minimum industrial wastewater release limits under clause 2(c)(iii) of this Order were met prior to any release from any of the industrial wastewater storage lagoons;
 - b. A consolidated summary of the total volume of industrial wastewater released under this Order to each of the Release Fields;
 - c. The volume of wastewater in each of the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;
 - d. The freeboard in each of the industrial wastewater storage lagoons;



- e. The total volume of industrial wastewater released to all parcels of land including all releases under this Order and as authorized under the Approval;
- f. Updated projection of available 2020-21 winter storage in the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;

Industrial Wastewater Improvement Plan

9. JBS shall by **December 1, 2021**, submit to the Director, for the Director's approval, a written Industrial Wastewater Improvement Plan (IWIP), that has been prepared and signed by a qualified environmental professional who is currently registered in good standing with the Association of Professional Engineers and Geoscientists of Alberta, or the Alberta Institute of Agrology;
10. In the IWIP JBS must include at least each of the following:
 - a. A root cause analysis for the circumstances that led to the need for an emergency release of industrial wastewater;
 - b. An evaluation of the performance, effectiveness, and reliability of the industrial wastewater control system as described by the Approval;
 - c. An evaluation of the performance, effectiveness, reliability, and long term viability of the application of industrial wastewater to the lands as described in Condition 4.3.2(a) of the Approval;
 - d. Proposals for:
 - i. The remediation of impacts from the emergency release of industrial wastewater on the soil quality of each of the Release Fields in order for the soil quality to meet the Receiving Soil Limits in 4.3-A and 4.3-C in the Approval;
 - ii. Short-term measures which JBS can implement to prevent the circumstances that led to the need for an emergency release of industrial wastewater;
 - iii. Long-term measures which JBS can implement to improve the Industrial Wastewater Control System and industrial wastewater disposal practices;
 - iv. A schedule for implementation of each of (i), (ii), and (iii); and,
 - v. Amendments to the Approval required to implement each of the proposals in (i), (ii), and (iii);



- e. A written commitment to submit, by February 1, 2021, an application for an Approval amendment to the AEP Lethbridge District Approvals Manager.

DATED at the City of Lethbridge in the Province of Alberta, this 10th day of August, 2020.



Stephen Mathyk
Director
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. A copy of section 91 is enclosed. 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 Party(ies) 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.