

**ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT
BEING CHAPTER E-12 R.S.A. 2000 (the "Act")**

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

AMENDMENT NO. 3

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

WHEREAS Environmental Protection Order No. EPO-2020/01-SR (the "Order") was issued to JBS on August 10, 2020;

WHEREAS Amendment No. 1 to the Order was issued to JBS on January 29, 2021, requiring a written Short-Term Industrial Wastewater Plan for the 2021 irrigation season by March 5, 2021;

WHEREAS JBS submitted the Short-Term Industrial Wastewater Plan on March 5, 2021;

WHEREAS Amendment No. 2 to the Order was issued to JBS on June 16, 2021, authorizing the implementation of the 2021 Emergency Release Management Plan (2021 ERMP);

WHEREAS JBS submitted the Industrial Wastewater Improvement Plan (IWIP) as required on December 1, 2021 as required under Clause 9 of the Order;

WHEREAS on April 21, 2022, JBS submitted a 2022 Emergency Release Management Proposal requesting permission to irrigate ineligible fields with industrial wastewater, and setting out a plan to implement the release of industrial wastewater (the "2022 ERMP");

WHEREAS JBS stated in the 2022 ERMP that it has an urgent need to release 1, 892, 705 m³ of industrial wastewater from the industrial wastewater storage lagoons to fields that would otherwise not meet the eligibility requirements under the Approval. JBS advises that it needs to release this volume of industrial wastewater to ensure adequate 2022-23 winter storage capacity in its industrial wastewater storage lagoons;

WHEREAS given the 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 stated in the 2022 ERMP that the samples taken from all lagoons do not meet the limit for Electrical Conductivity (EC) in the Approval. The ERMP also includes an analysis of the EC to include only the parameters of concern related to salts and removes the nutrient portion of the EC which are beneficial to crops. This calculated value for EC meets the Approval limits;

WHEREAS JBS stated in the 2022 ERMP that the Sodium Adsorption Ratio (SAR) in the Northeast Stimson Lagoon exceeds the Approval limit. The ERMP also includes an analysis of the expected change in SAR and EC for each field based on this sample;

WHEREAS it would be most advantageous and mitigative to release undiluted industrial wastewater onto parcels of land earlier in the growing season, given the considerations for optimal crop nutrient uptake and seasonal precipitation events;

WHEREAS JBS has stated in the 2022 ERMP that a volume fresh water from the Eastern Irrigation District will be applied following the release of undiluted industrial wastewater to the fields to maintain a net downward movement of salts;

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

WHEREAS the 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;

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

WHEREAS Coreen Bates, Compliance Manager, is designated as a Director under the Environmental Protection and Enhancement Act for the purposes of issuing and amending environmental protection orders (the "Director");

THEREFORE, I, Coreen Bates, the Director, pursuant to section 243 of the Environmental Protection and Enhancement Act, DO HEREBY AMEND the Order as follows:

2022 Emergency Release Management Plan (2022 ERMP)

21. JBS shall implement the work set out in the 2022 ERMP in accordance with the schedule of implementation as approved by the Director;
22. In addition to the requirements of Clause 21 of this Amendment, JBS shall conduct the monitoring required by Approval Clause 4.2.11 and TABLE 4.2-B at sampling Locations B at least once each week for all parameters except Flow, until October 31, 2022 or unless otherwise authorized in writing by the Director.
23. JBS shall immediately report each exceedance of each industrial wastewater control system limit set out in TABLE 4.2-A of the Approval.
24. In implementing the 2022 ERMP, JBS shall complete the entirety of the work set out in the

2022 ERMP no later than October 31, 2022;

Landowner Consent

25. Prior to the release of any industrial wastewater under this Order, as amended, JBS must obtain written consent from each of the owners of the parcels of land;

Emergency Release Activity Reporting

26. JBS shall provide the Director a written Monthly Emergency Release Activity Report (ERAR) for the calendar month immediately preceding the date of the ERAR, then each month, from the date of issuance of this Amendment to November 30, 2022;

27. JBS shall submit the Monthly ERAR in accordance with the following schedule:

- a. May 9, 2022;
- b. June 7, 2022;
- c. July 7, 2022;
- d. August 8, 2022;
- e. September 7, 2022;
- f. October 7, 2022; and
- g. November 7, 2022.

28. JBS must include in each ERAR, at a minimum, each of the following:

- a. The volume of industrial wastewater, including percent dilution with fresh water, released to each of the parcels of land 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. Copies of sample results taken from sampling Locations B, as defined in the Approval;
- 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; and,
- f. Updated projection of available 2022-23 winter storage in the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;

Summary Report

29. Within 30-days of the completion of the 2022 ERMP, JBS shall submit to the Director for approval a detailed written summary report (the 2022 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 Agrology;

30. In the 2022 Summary Report JBS must include, at a minimum, each of the following:
- a. A consolidated summary of all analytical results from all monitoring required under this Amendment, including the date and time when the associated analytical samples were taken;
 - b. A consolidated summary of the total volume of industrial wastewater released under this Order, as amended, to each of the 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, as amended, and as authorized under the Approval;
 - f. Updated projection of available 2022-23 winter storage in the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;
31. In Clause 10(e) of the Order, deleting the words "February 1, 2022", and replacing them with "October 1, 2022"

DATED at the City of Lethbridge in the Province of Alberta, this 22nd day of April, 2022.



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. 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.