

**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. 2**

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, with a requirement to submit a Short-Term Industrial Wastewater Plan by no later than March 5, 2021;

**WHEREAS** JBS submitted a Short-Term Industrial Wastewater Plan on March 5, 2021 that included a request to complete a resampling program to determine if any of the parcels of land, as defined in the Approval, could be eligible to receive industrial wastewater;

**WHEREAS** on May 27, 2021, JBS notified AEP that the proposal to complete a resampling program for the 2021 season was not successful and did not result in additional parcels of land being eligible for irrigation of the industrial wastewater;

**WHEREAS** on June 7, 2021, AEP requested JBS submit a plan for how they intend to deal with the release of industrial wastewater to allow for adequate 2021-22 winter storage capacity of their industrial wastewater storage lagoons;

**WHEREAS** on June 10, 2021, JBS submitted an Emergency Release Management Proposal requesting permission to irrigate ineligible fields with industrial wastewater, and setting out a plan and schedule to implement the release of industrial wastewater. A revised Emergency Release Management Proposal was submitted on June 15, 2021 (the "2021 ERMP");

**WHEREAS** JBS stated in the 2021 ERMP that it has an urgent need to release 1,469,580 m<sup>3</sup> 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 2021-22 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** in the 2021 ERMP JBS indicates 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** it would be most advantageous and mitigative to release industrial wastewater onto parcels of land earlier in the growing season, given the considerations for optimal crop nutrient uptake and seasonal precipitation events;

**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");

**WHEREAS** the Director accepts and approves the 2021 ERMP submitted by JBS;

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

#### **2021 Emergency Release Management Plan (2021 ERMP)**

13. JBS shall implement the work set out in the 2021 ERMP in accordance with the schedule of implementation as approved by the Director;
14. In implementing the 2021 ERMP, JBS shall complete the entirety of the work set out in the 2021 ERMP no later than October 31, 2021;

#### **Landowner Consent**

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

#### **Emergency Release Activity Reporting**

16. JBS shall provide the Director an Emergency Release Activity Report (ERAR), no later than two weeks after commencement of the approved 2021 ERMP, and every two weeks thereafter until completion of the ERMP;

17. 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. 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 2021-22 winter storage in the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;

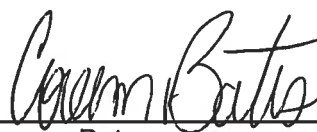
#### **Summary Report**

18. Within 30-days of the completion of the 2021 ERMP, JBS shall submit to the Director for approval a detailed written summary report (the 2021 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;
19. In the 2021 Summary Report JBS must include, at a minimum, each of 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 TABLE 4.2-A of the approval, 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, 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 2021-22 winter storage in the industrial wastewater storage lagoons expressed in cubic meters and percentage of capacity;

**Industrial Wastewater Improvement Plan**

20. Clause 10 of the Order shall be amended as follows:
- a. To Clause 10(d)(i), immediately following the word "Approval", the following words are added:  
  
", and a proposal for the implementation of a Groundwater Monitoring Program for each parcel of land that receives treated industrial wastewater, including identifying and evaluating all groundwater users within 2km of each parcel of land"; and
  - b. To Clause 10(d)(iii), immediately following the word "practices", the following words are added:  
  
", including a detailed evaluation of the possibility of constructing and operating an industrial wastewater treatment system to serve the plant".

DATED at the City of Lethbridge in the Province of Alberta, this 16 day of June, 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. 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.**