

Confined feeding operation sentenced under the *Environmental Protection and Enhancement Act*

Edmonton (June 6, 2007)... Habraken Farms Ltd. was sentenced to pay a financial penalty of \$50,000 by the Provincial Court of Alberta in Lethbridge on May 30, 2007 for a release of manure into a common body of water in 2004. The charges were laid by the Natural Resources Conservation Board (NRCB) following an investigation conducted by its compliance division in response to a complaint.

Habraken Farms Ltd. pled guilty on March 5, 2007 to one count under the *Environmental Protection and Enhancement Act* (EPEA), for the release of a substance into the environment that may cause a significant adverse effect. A second charge under EPEA, one charge under the *Agricultural Operation Practices Act* and one charge under the federal *Fisheries Act* were dropped as part of the negotiated guilty plea.

The sentence requires one half of the penalty to be paid as a fine and the other half to be paid to Lethbridge College through a creative sentencing order to support a research project at the Aquaculture Centre of Excellence.

The Natural Resources Conservation Board is an independent board of the Government of Alberta. It is delegated authority by the *Agricultural Operation Practices Act* to regulate Alberta's confined feeding operations, including the storage and handling of manure.

- 30 -

Backgrounder attached

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Backgrounder

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- Habraken Farms Ltd. is a confined feeding operation located adjacent to Grantham Lakes in the Municipal District of Taber. It is a family-owned farm and has a permit for 550 sows.
- The NRCB issued an emergency order on July 20, 2004 when an NRCB inspector confirmed that an irrigation pivot was being used to discharge raw hog manure directly into a fish-bearing lake (Grantham Lakes).
- The NRCB instructed the operator to immediately prevent further run-off from occurring. The operator complied with the order. No other water bodies were affected. Water quality samples indicated that

public health was not at risk from the discharge. However, the release directly into the lake had the potential to cause a significant adverse effect to the environment.

- The NRCB immediately advised the following authorities about the release: Alberta Environment; Environment Canada; Alberta Sustainable Resource Development Public Lands Division and Fish and Wildlife Division; the Department of Fisheries and Oceans; Bow River Irrigation District; the local health authority; and the Municipal District of Taber.
- The investigation into the incident included Alberta Environment, Environment Canada, Sustainable Resource Development and the Bow River Irrigation District as well as the NRCB.
- The NRCB referred the completed file to environmental prosecutors with Alberta Justice for review. On August 24, 2005, the NRCB laid the following charges:
 - one charge under the *Agricultural Operation Practices Act* (AOPA) for a manure release into a common body of water;
 - two charges under the *Environmental Protection and Enhancement Act* for the release of a substance having adverse effects to the environment; and unlawful disposal of waste without the written authorization of the Director, Alberta Environment; and
 - one charge under the *Fisheries Act* (federal legislation) for the release of a deleterious substance into water frequented by fish.
- The portion of the financial penalty payable to Lethbridge College through a creative sentencing order (\$25,000) will be paid in full by June 30, 2007. The fine will support a research project at the Aquaculture Centre of Excellence that is examining the effect of nutrients on water quality: "Utilizing the floating aquatic plant water hyacinth (*Eichhornia crassipes*) to reduce nutrients and improve water quality in sewage lagoons and farm dugouts."

- 30 -

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