



Emergency Order No. EM 19-01

EMERGENCY ORDER

*Made under section 42.1 of the
Agricultural Operation Practices Act, RSA 2000, c A-7("AOPA")*

Date Issued: March 15, 2019

Issued by: Kari Lisowski, Inspector, Compliance Division
Natural Resources Conservation Board (NRCB), Red Deer

Issued to: Thorlakson Feedyards Inc.,
Ben Thorlakson (Owner), Milt Scott (Manager)
Box 3490
Airdrie AB T4B 2B7

This is an Emergency Order with respect to a confined feeding operation (CFO), located on the North East Quarter of Section 20, Township 27, Range 28, West of the 4th Meridian, near Airdrie, in the County of Rocky View.

On the 11th day of March, 2019 at approximately 1:00 pm I, Inspector Lisowski of the Natural Resources Conservation Board, inspected the Thorlakson Feedyards Inc. CFO located on the NE 20-27-28 W4.

During my inspection I observed that the catch basin located in the northeast corner of the feedlot property (NE catch basin) was approximately one foot from overflowing, likely due to inflow associated with runoff from the rapid melting of snow that had accumulated in the feedlot area. The catch basin content level was getting close to the overflow culvert. At this time Milt Scott and I discussed ways to mitigate the risk to the environment posed by the catch basins in the event of an overflow.

The NE catch basin was not overflowing at the time of my inspection. However, it is my opinion that overflow of the NE catch basin would result in the flow of catch basin contents off the CFO's property into the county ditch, on the west side of RR 284, thereby constituting a "release of manure into the environment". There is also a risk that this release, if unchecked, may cause an "immediate and significant risk to the environment" because it could flow into and impact an intermittent surface water course that runs east and north of the CFO. Additional inflow in the catch basin is expected since the weather forecast predicts continued warm weather which would result in more snowmelt.

The NRCB has dealt with catch basin overflows at this CFO previously. Historical enforcement action has been taken at the operation in the past. The NRCB has emphasized to the operator on numerous occasions that emptying the catch basins in the fall is important for reducing the

risk of overflows the following spring. On November 1, 2018 I inspected the CFO confirmed that the NE catch basin was almost empty.

To be clear, Thorlakson Feedyards Inc. catch basins are not currently overflowing at this time. Accordingly, precautionary actions are required to prevent catch basins contents from leaving the property.

For these reasons, and under section 42.1 of the *Agricultural Operation Practices Act* (AOPA), the following emergency measures are necessary, and you are hereby ordered to:

1. Take immediate action to hire a custom applicator to pump out the catch basins contents in order to maintain a freeboard of 0.5 metres in all the catch basins, and land spread the contents on section 33-27-28 W4.
2. Take immediate action to plug (temporarily) the overflow culvert in the NE catch basin.
3. Take immediate action to build up the east berm of the NE catch basin to prevent an over flow of catch basin contents.
4. Immediately contact the NRCB by telephone if the freeboard in any of the catch basins becomes less than 0.5 metres (i.e., if there is less than 0.5 metres between the level of the catch basin contents and the overflow culvert or top of berm on the other catch basins).
5. Once the risk of the catch basin overflowing ceases:
 - a. notify the NRCB;
 - b. remove the temporary cap from the culvert in the NE catch basin when the level of the catch basin contents is below the culvert, and
 - c. maintain the berm buildup in the northeast catch basin until otherwise directed in writing by the NRCB.
6. Immediately contact the NRCB if overflow is occurring or is imminent from any catch basin at the feedlot.

Please note that, under section 43 of AOPA, all persons named in an emergency order are jointly responsible for carrying out the terms of the order.

CONSEQUENCES OF NON-COMPLIANCE

Under section 42.2 of AOPA:

1. If the person to whom an emergency order is issued fails to comply with the emergency order the Board may take whatever action the Board considers necessary to carry out the terms of the emergency order;
2. Costs incurred by the Board under this section are recoverable by the Government in an action in debt against the person(s) to whom the emergency order was issued.

INSPECTOR:

[Redacted Signature]
Kari Lisowski
Inspector, Compliance Division
Natural Resources Conservation Board

PERSON ACCEPTING SERVICE:

Signature: [Redacted Signature]

Print name: Milton Scott

Date: Mar 15 / 2019