



In consideration of Decision Summary RA20047, Authorization RA20047 is issued to:

Name: BioRefinex Canada Inc. (the “permit holder”)
Address: 909 17th Avenue SW Site 400. Calgary AB T2T 0A4
Contact person: Chris Thrall

I. Definitions

In this authorization:

- “Digestate” means the residue (liquid and solid) formed during the production of biogas in the anaerobic digesters located on SE 29-40-26 W4M. (Those digesters are owned by BioRefinex Canada Inc. and permitted under the *Environmental Protection and Enhancement Act* (EPEA) by Alberta Environment and Parks Approval No. 321355-00-00 and amending Approval No. 321355-00-01(as amended)).
- “MOU” means the Memorandum of Understanding among Alberta Environment and Parks (AEP), Alberta Agriculture and Forestry [now Alberta Agriculture, Forestry and Rural Economic Development (AFRED)], and the Natural Resources Conservation Board (NRCB), Regarding On-Farm Storage and Land Application of Digestate, effective April 8, 2020.
- “Permit” means an NRCB-issued or deemed Approval, Registration, or Authorization under the *Agricultural Operation Practices Act* (AOPA).
- For all terms not specifically defined in this authorization, the definitions in AOPA and the accompanying regulations, and in AEP Approval No. 321355-00-00 and amending Approval No. 321355-00-01, apply.

II. Terms

1. This authorization only comes into force upon, and is contingent upon, ALL of the following three things being in place at the same time:
 - a. An executed Designation under the MOU relating to the biodigester facilities that are the subject of this Authorization;
 - b. A valid, active EPEA approval by AEP for the biodigester facilities that are the subject of this Authorization, whether that be Approval No. 32155-00-00 amended by Approval No. 321355-00-01, or another approval; and
 - c. Permits under AOPA held by all off-site manure storage facilities proposed by the permit holder to store digestate, and those facilities constructed to the NRCB’s satisfaction.



2. The permit holder may apply, or cause to be applied, digestate to arable land, subject to the conditions below and under a Digestate Handling and Nutrient Management Plan approved by the NRCB in writing.
3. The Digestate Handling and Nutrient Management Plan may be amended by the NRCB in writing from time to time.
4. Except as provided in this authorization, the permit holder shall adhere to and follow the requirements of AOPA and the regulations pursuant to that Act. Where the requirements of this authorization are more stringent than the requirements under AOPA, the permit holder shall abide by the requirements of this authorization. Requirements relating to the land application of “manure” should be read as applying equally to the land application of digestate.
5. The permit holder is responsible for all costs associated with monitoring, sampling, testing, recording and reporting requirements in this Authorization, including in the Digestate Handling and Nutrient Management Plan.
6. If any of the terms or conditions of this Authorization, including in the Digestate Handling and Nutrient Management Plan, is contravened, the permit holder shall report the contravention immediately to the NRCB.

III. Conditions

A. Conditions relating to the nature of the digestate

1. The permit holder may apply, or cause to be applied, digestate on arable land, only if:
 - a. all of the feedstocks used to produce the digestate are listed in Appendix B of the MOU; and,
 - b. on a continued process basis, at least fifty percent (50%), by weight, of the feedstocks used to produce the digestate is “manure,” as defined in section 1(c.2) of AOPA.

B. Conditions relating to the application of digestate to arable land

2. The permit holder shall prepare an annual Digestate Land Application Report which shall include, at a minimum, all of the information required for the Digestate Land Application Report as outlined in the NRCB-approved Digestate Handling and Nutrient Management Plan.

The report shall be submitted to the NRCB by March 31 of each year, unless otherwise authorized in writing by the NRCB.



3. Except as provided in condition 5 below, the permit holder shall apply digestate to arable land either by direct injection, or incorporation within 48 hours of surface application, unless the digestate is applied to crops that are forage or directly seeded.
4. The permit holder, and any contractor or agent of the permit holder, shall not apply digestate to any land designated by the NRCB as unsuitable for receiving digestate, based on digestate characterization(s) or soil testing information.
5. The permit holder, and any contractor or agent of the permit holder, shall not apply digestate to frozen or snow-covered land without prior approval from the NRCB.

C. Conditions relating to the storage of digestate

6. The permit holder shall prepare an annual Digestate Storage Report which shall include, at a minimum, all of the information required for the annual Digestate Storage Report as outlined in the NRCB-approved Digestate Handling and Nutrient Management Plan.

The report shall be submitted to the NRCB by March 31 of each year that this Authorization is in force, unless otherwise authorized in writing by the NRCB.

7. The permit holder shall not store digestate in any manure storage facility designated by the NRCB as unsuitable for storing digestate.

This authorization becomes effective immediately upon the three things in term 1 all being in place at the same time. For clarity, in the event AEP Approval No. 32155-00-00 amended by Approval No. 32155-00-01 expires, or lapses, or becomes invalid or inactive, this authorization will automatically be suspended until such time that the biodigester facilities acquire a valid, active approval from AEP under EPEA.

The Authorization terms and conditions remain in effect unless amended by the NRCB, in writing.

May 11, 2022

(Original Signed)
Francisco Echegaray, P.Ag.
Approval Officer