

EMERGENCY ORDER NO 14-01

AGRICULTURAL OPERATION PRACTICES ACT

REVISED STATUTES OF ALBERTA 2000 CHAPTER A-7

Date Issued: April 8, 2014

Issued by: Lynn Stewart, Inspector, Field Services Division, Natural Resources Conservation Board (NRCB), Red Deer

Issued to: Thorlakson Feedyards Inc., Box 3490, Airdrie, AB T4B 2B7

Ben Thorlakson (Owner)

Milt Scott (Manager)

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

On or about the 7th day of April, 2014 at approximately 5:00 pm at or near Airdrie, Alberta, Inspector Lynn Stewart of the Natural Resources Conservation Board inspected land owned by Thorlakson Feedyards Inc. at the NE 20-27-28-W4. The inspection was initiated by a complaint that the catch basins on the site were overflowing.

At her arrival on the site, Ms. Stewart observed that the catch basins were overflowing, and that catch basin contents were flowing through the county ditch on the west side of RR 284. The runoff continued through a culvert, under RR 284, continued alongside the east ditch of RR 284, and east alongside Twp 274. The runoff ran underneath Twp 274 via an irrigation crossing, and continued into SW 28-27-28-W4. Runoff was observed running east through the feedlot along the access road by the old hog barn and crossed south into the fresh water-containing east coulee. The contaminated fresh water from the east coulee continued into an intermittent water way throughout the NW 21-27-28-W4 and eastward. Both the coulee and the intermittent water way are "common bodies of water" under section 1(d) of the Standards and Administration Regulation, Alta. Reg. 267/2001.

The overflowing of the catch basin and resulting runoff constitutes a "release" of manure into the environment. In addition, this release is causing and has caused an "immediate and significant risk to the environment" because it is flowing onto and contaminating public lands and other peoples' private lands.

For these reasons, and pursuant to section 42.1 of the Agricultural Operations Practices Act, you are hereby ordered to:



1. Take immediate action to pump out the eastern catch basin onto SW 28-27-28-W4 so as to maintain a freeboard of 0.5m or greater (i.e. a distance of at least 0.5m from the level of the catch basin contents and the overflow pipe).
2. Contact Alberta Environment and Sustainable Resources to request permission to close the gates on the emergency dam to prevent runoff from entering the common bodies of water.
3. Take immediate action to construct a berm preventing runoff from entering the east coulee on NE 20-27-28-W4.
4. Once the catch basin ceases overflowing, immediately remove the runoff from the county ditches on RR 284 and Twp 274 and pump onto SW 28-27-28-W4.
5. Immediately contact the NRCB by telephone if the freeboard in the catch basin again becomes less than 0.5m (i.e. if there is less than 0.5m between the level of the catch basin contents and the overflow pipe).
6. If an overflow is occurring or is imminent, immediately contact the NRCB.

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 to whom the emergency order was issued.

Milt Scott

Lynn Stewart

Inspector, Field Services Division

Natural Resources Conservation Board