

**AGRICULTURAL OPERATION PRACTICES ACT**  
**REVISED STATUTES OF ALBERTA 2000 CHAPTER A-7**  
**ENFORCEMENT ORDER NUMBER: 08-04**

**Date Issued:** Friday, June 13, 2008  
**File Number:** RP05006  
**Inspector:** Alasdair Gordon MacKinnon

Mr. Benedict Edward Thorlakson  
Thorlakson Feedyards Inc.  
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This letter constitutes an order to Thorlakson Feedyards Inc. and 474256 Alberta Limited and Benedict Edward Thorlakson, owner and operator of a cattle feedlot located on the Northeast Quarter of Section 20, Township 27, Range 28, West of the 4th Meridian, in the Municipal District of Rocky View No. 44, Airdrie, Alberta.

**Background:**

In June of 2005 and further into that summer, as a result of the historic rains in central Alberta, the NRCB received numerous complaints from the public concerning manure impacted surface water overflowing the catch basins at Thorlakson Feedyards and flowing into fresh water cattle dugouts of neighbours downstream to the east of the feedlot. There was no enforcement action taken by the NRCB or any other regulatory agency against Thorlakson Feedyards for the overflow of their catch basins as numerous other confined feeding operations had experienced similar circumstances and in all instances the events were considered acts of nature.

In June of 2005, Mr. Benedict Edward Thorlakson (hereinafter referred to in this document as Ben Thorlakson) made a commitment in writing to the NRCB that he would voluntarily contract with an environmental consultant to develop and implement a plan and upgrade the facilities at Thorlakson Feedyards with the intent of completing the project if the fall of 2005.

In August of 2005, Envirowest Engineering Inc. of Ponoka were contracted by Thorlakson Feedyards to study the feedlot site and make environmental upgrade recommendations on surface water run on and run off controls.

On April 28, 2006, the NRCB received the expected report produced by Envirowest Engineering Inc. for Thorlakson Feedyards entitled Surface Runoff Management Plan for the site.

On September 05, 2006, the NRCB received a second report generated by Envirowest Engineering Inc. for Thorlakson Feedyards entitled Final Surface Runoff Management Plan for the site.

On June 14, 2007, the NRCB received a third report from Envirowest Engineering Inc. entitled Amended Surface Runoff Management Plan for the site.

In all three environmental reports noted above, it was identified that manure contaminated run off from the feedlot pens flows and mingles with spring water both in an area of the feedlot known as the central coulee and an area of the feedlot known as the east coulee. It was identified in all three environmental reports produced by Envirowest Engineering for Thorlakson Feedyards that environmentally, this issue required their attention and needed to be addressed.

After receiving each of the above noted plans, the NRCB gave written direction and support to Thorlakson Feedyards and their engineer and asked that the identified issue of the feedlot pen contaminated surface water runoff flowing into the springs be addressed. In a letter that Ben Thorlakson wrote to the NRCB in 2005, Thorlakson Feedyards believed that they would address this and other environmental issues by the fall of 2005. Despite the subsequent production of three environmental engineer reports in April of 2006, September of 2006 and June of 2007 and the assumption that the construction work required to implement the approved plan would take place during the construction seasons of 2006 or 2007, the issue of contaminated run off mingling with spring water at Thorlakson Feedyards remained unaddressed.

On November 15, 2007, NRCB and Alberta Environment staff met with Ben Thorlakson and Milt Scott, the foreman at Thorlakson Feedyards, to determine the progress of the implementation of the approved environmental plan for the feedlot. Ben Thorlakson and Milt Scott advised the NRCB and Alberta Environment staff that they wanted to amend the most recently submitted plan of June 14, 2007 in that they now intended to apply to Alberta Environment for licensing and full capture and use of the springs located in both the central and east coulees. This application would take place as well as completing the run on control to the south of the feedlot and the installation of their irrigation pipe under the county road just to the north of the feedlot by the four way intersection. Both Ben Thorlakson and Milt Scott advised the NRCB and Alberta Environment staff that the work would be completed no later than April 30, 2008.

On November 19, 2007, NRCB issued a written directive by way of a letter to Ben Thorlakson confirming the discussions which took place at the November 15 meeting and highlighted the feedlot's own voluntary deadline of completion of the project of April 30, 2008 as the deadline that the NRCB had adopted for completion of the project as well. The letter stressed that Envirowest Engineering Inc. would have to sign off on all work completed and that written updates be periodically provided by the feedlot to the NRCB as to the progress of the work.

In the ensuing number of months, Thorlakson Feedyards never sent any written updates to the NRCB on the progress of the work. On April 28, 2008, the NRCB sent an e-mail sent to Ben Thorlakson and Milt Scott pointing out the fact that the April 30, 2008 was at hand and asking them for a written update as to what had been completed on the project and what was still required to be completed. No response by way of e-mail or any written response was given to the NRCB by Thorlakson Feedyards.

As per NRCB Compliance Policy, as the written directive of the voluntary completion of the project by April 30, 2008 had passed without completion of the project, the issuance of an NRCB Enforcement Order was warranted. On Monday, June 02, 2008, NRCB staff and Alberta Environment staff met with Milt Scott from Thorlakson Feedyards and their engineer, Shawna Low of Envirowest Engineering to discuss the issuance of this order and to solicit from Thorlakson Feedyards and their engineer their ability to meet timelines and complete the necessary construction of the project.

On June 11, 2008, due to heavy and sustained rains in the Airdrie area, both the east catch basin and the central coulee catch basin overflowed at Thorlakson Feedyards. According to data available on The Weather Network website, the precipitation in the Airdrie area between May 12 and June 12, 2008, totaled 175 mm. This total is only 3 mm less than for the same period of the historic rains of 2005 in the Airdrie area. However as a result of the construction in the fall of 2005 by Thorlakson Feedyards of their emergency containment berm to the north east of the feedlot, the manure contaminated surface water runoff was contained by that structure.

### **Progress to Date:**

Notwithstanding the above background information, since 2005 Thorlakson Feedyards has been working cooperatively with the NRCB in environmental upgrades to their site in the following manner:

- Hired engineer to assess their site and make recommendations to mitigate risk to the environment
- Built the emergency containment berm on Section 28 mentioned above
- Cleaned the catch basins of manure sludge to increase their holding capacity and field spread the material for crop nutrient value
- Completed Alberta Environmental Plan
- Built a berm around the western edge of the feedlot to reduce surface water run on onto the site
- Began construction on the southern edge of the feedlot to reduce surface water run on onto the site
- Released spring fed holding pond on Section 21
- Bought a new pump to increase capacity to move water quickly when needed

- Bought a large amount of gated irrigation pipe in order to distribute catch basin water across a large area of crop land
- Bought a large CAT in order to be able to clean out the pens in winter in order to avoid spring road bans and remove as much snow and ice as possible to reduce spring melt water
- Sealed off all but one water well pit on site, brought them above ground level and put sheds over each well to reduce risk of surface water contamination to the water wells
- With the M.D. of Rocky View's permission, bored under the county road in two locations with sealed pipe to transport catch basin water to the crop fields for irrigation purposes

**Inspection:**

Upon my inspection of Thorlakson Feedlot of June 11, 2008, it was evident that the contaminated surface runoff from the feedlot pens continued to flow into the springs and that no work had yet been done by Thorlakson Feedyards to address this concern.

**Reasons:**

Under Section 39(1) of the Agricultural Operation Practices Act, the Natural Resources Conservation Board may, if in the opinion of the Board a person is creating a risk to the environment, whether or not the person has been charged or convicted in respect of the contravention, may issue an enforcement order directing that person to stop engaging in anything that is described in the enforcement order, subject to any terms or conditions set out in the order and/or to undertake any investigation, construction, alteration, repair or other measures specified in the enforcement order, within the time specified in the order. Based on background information detailed above and my observations made during my most recent site inspection, I have issued the following order.

**ORDER:**

Therefore, I, Alasdair Gordon MacKinnon, Inspector with the Natural Resources Conservation Board, pursuant to Section 39(1) of the Agricultural Operation Practices Act do hereby order and direct that Thorlakson Feedyards Inc. and 474256 Alberta Ltd. and Benedict Edward Thorlakson, owner and operator of a cattle feedlot operation on the Northeast Quarter of Section 20, Township 27, Range 28, West of the 4th Meridian in the Municipal District of Rocky View No. 44, near Airdrie, Alberta, shall:

- Take all necessary and appropriate measures to stop and prevent manure contaminated feedlot surface water runoff from mingling with and impacting any springs and or spring

water located on the Northeast Quarter of Section 20, Township 27, Range 28, West of the 4<sup>th</sup> Meridian.

-Further it is ordered that all work associated with this project be approved by the engineer hired by Thorlakson Feedyards.

-Further it is ordered that all work associated with this project and approved by the engineer is signed off by their engineer as work completed according to the June 14, 2007 plan, the June 02, 2008 meeting and the subsequent e-mail from their engineer to the NRCB of June 10, 2008. Written correspondence outlining the timelines must be received by the NRCB no later than Monday, June 23, 2008.

-Further it is ordered that Thorlakson Feedyards and/or their engineer submit all required completed applications to Alberta Environment for the diversion of spring water at the site no later than June 30, 2008.

-Further it is ordered that within 5 days of Thorlakson Feedyards receiving approval from Alberta Environment for the diversion of the spring water, Thorlakson Feedyards begins construction of that diversion of the spring water.

-Further it is ordered that upon receipt of this Enforcement Order, Thorlakson Feedyards and/or their engineer will provide weekly e-mail updates to the NRCB as to the progress of the project.

-Further it is ordered that all work undertaken by Thorlakson Feedyards to prevent manure contaminated feedlot surface water runoff from mingling with and impacting any springs and or spring water is work that is completed no later than September 30, 2008.

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Alasdair Gordon MacKinnon  
NRCB Inspector, Central Region

**CONSEQUENCES OF NON-COMPLIANCE:**

Agricultural Operations Practices Act, section 42(1) states “If a person to whom an enforcement order is directed fails to comply with the enforcement order, the Board may apply to the Court of Queens Bench for an Order of the Court directing the person to comply with the enforcement order.”

**SERVICE OF ORDER:**

Delivered to: \_\_\_\_\_

Method of Delivery: \_\_\_\_\_

Date of Delivery: \_\_\_\_\_

## **RIGHT TO REQUEST A REVIEW:**

Under Section 41 of the Agricultural Operation Practices Act, you have the right to request that the Natural Resources Conservation Board (the Board) conduct a review of this enforcement order:

41(1) The Board may, on the request of a person to whom an enforcement order is directed, review and confirm, vary, amend or rescind the enforcement order.

(2) An enforcement order takes effect at the time prescribed in the enforcement order and its operation is not suspended by a request for a review, but the Board may, if it thinks fit, suspend the operation of an enforcement order when a review is requested until a decision on the review is rendered.

(3) A written copy of the Board's decision under subsection (1) must be served on the persons to whom the enforcement order that is being reviewed is directed.

If you wish to have the Board review this order, please submit a written request to Carly Kaban, NRCB Review Coordinator, 4th Floor, Sterling Place, 9940 - 106 Street, Edmonton, Alberta T5K 2N2. You must clearly explain whether you want the Board to vary, amend or rescind the enforcement order and provide your reasons. If you want the enforcement order suspended until the Board review is completed, you must also include this in your written request and provide your reasons for suspending the order. If you have any questions about requesting a review or about the review process please call Carly Kaban at (780) 422-2960.