

**Emergency Order No. EM 20-02**

# **EMERGENCY ORDER**

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

**Date Issued:** July 2, 2020

**Issued by:** Kevin Seward, Inspector, Compliance Division  
Natural Resources Conservation Board (NRCB), Lethbridge

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

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 4<sup>th</sup> Meridian, in the County of Rocky View, in the Province of Alberta.

On July 1, 2020, I received a phone call from Milt Scott. Mr. Scott indicated that the catch basins at the Thorlakson feedlot were full and close to overflowing due to the large amount of rainfall the area has received over the last couple days. The parcel of land where the irrigation pivot is located and utilized to irrigate catch basin contents is currently saturated also as a result of the large amounts of rainfall. Therefore any additional application of irrigated catch basin contents will consequently just runoff and not be absorbed into the soil for crop use on that parcel.

History has demonstrated that if the catch basin overflows manure-contaminated water will flow into the county ditch on the west side of RR 284. At this point it would leave the operator's property and "comingle" with fresh surface water in the intermittent water course that runs east and north of the CFO.

Currently, Thorlakson Feedyards Inc. catch basins are not overflowing. However, it is my opinion that a release of manure into the environment may occur. It is also my opinion that the release may cause immediate and significant risk to the environment because it will flow into and contaminate an intermittent surface water course. Accordingly, precautionary actions are required to prevent catch basin contents from leaving the property.

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

1. Take immediate action to build up the berm on NE catch basin to prevent an over flow of that catch basin from flowing on to the NE 20-27-28 W4. This must be completed by end of the day on July 7, 2020.

2. Immediately contact the NRCB by telephone if the freeboard in any of the catch basins again becomes less than 0.5 m (e.g. if there is less than 0.5 m between the level of the catch basin contents and the overflow culvert).
3. If an overflow is occurring or is imminent, immediately contact the NRCB.

Any deadlines noted above may be extended or modified by the NRCB if agreed to by the NRCB in writing.

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.

Kevin Seward  
Kevin Seward  
Inspector, Compliance Division  
Natural Resources Conservation Board

Date: July 2, 2020