



June 26, 2023

Subject: Memorandum of Understanding (MOU) among Alberta Agriculture and Irrigation (AGI), Alberta Environment and Protected Areas (EPA), and the Natural Resources Conservation Board (NRCB) regarding the storage and application of digestate on agricultural land.

The purpose of this MOU is to coordinate the regulation, under the *Agricultural Operation Practices Act* (AOPA) and the *Environmental Protection and Enhancement Act* (EPEA), of digestate produced using manure, as defined in section 1(c.2) of AOPA, and any feedstock listed in the *Storage and Application of Digestate on Agricultural Land Directive* (the Directive).

This MOU outlines the respective roles and responsibilities of AGI, EPA and the NRCB in ensuring the environmental risks associated with digestate storage and land application are appropriately managed while duplication of efforts and regulatory burden is avoided. This MOU applies to any person responsible for digestate who is applying to EPA for a permit, who elects to fall under the MOU and can demonstrate the digestate meets the requirements of the associated directive to the satisfaction of EPA and the NRCB.

Nothing in this MOU is intended to limit the NRCB Board members' discretion in considering any permit or nutrient management plan, or an order to enforce any such permit or plan or regulation under AOPA, in an adjudicative review under AOPA.

For this MOU:

- "Digestate" means any liquid or solid material formed from the production of biogas in a digester at a plant or facility that is regulated under EPEA, and
- "Feedstock" means manure as defined in section 1(c.2) of AOPA and any substance listed in the Directive that is used for the production of biogas in a digester at a plant or facility that is regulated under EPEA.

This MOU concerns the terms and conditions regarding the assumption of regulatory responsibility between EPA and the NRCB for:

- (1) the storage of digestate at "confined feeding operations" as defined in section 1(b.6) of AOPA on agricultural land and in "manure storage facilities" as defined in section 1 (c.3) of AOPA; and
- (2) the application of digestate to arable land, by any person (For this MOU, the term "arable land" has the same meaning as that used in section 24(1) of the *Standards and Administration Regulation, Alta. Reg. 267/2001*, under AOPA.)

hereafter referred to as the "two activities".

