

ALBERTA
ENVIRONMENTAL APPEALS BOARD

Report and Recommendations

Date of Report and Recommendations – August 8, 2019

IN THE MATTER OF sections 91, 92, 94, 95, and 99 of the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12;

-and-

IN THE MATTER OF an appeal filed by Alberta-Pacific Forest Industries Inc., with respect to the decision of the Director, Upper Athabasca Region, Operations Division, Alberta Environment and Parks, to issue Approval No. 111-03-00 under the *Environmental Protection and Enhancement Act* to Alberta-Pacific Forest Industries Inc.

Cite as: *Alberta-Pacific Forest Industries Inc. v. Director, Upper Athabasca Region, Operations Division, Alberta Environment and Parks* (8 August 2019), Appeal No. 18-021-R1 (A.E.A.B.), 2019 AEAB 27.

BEFORE:

Meg Barker, Board Member

PARTIES:

Appellant: Alberta-Pacific Forest Industries Inc.,
represented by Ms. Teresa Meadows, Meadows
Law.

Director: Mr. Muhammad Aziz, Director, Regional
Approvals, Upper Athabasca Region,
Operations Division, Alberta Environment and
Parks, represented by Ms. Alison Altmiks,
Alberta Justice and Solicitor General.

EXECUTIVE SUMMARY

Alberta-Pacific Forest Industries Inc. (the Appellant) applied for renewal of an Approval issued by Alberta Environment and Parks (AEP), under the *Environmental Protection and Enhancement Act*, to operate a pulp mill (the Plant). AEP renewed the Approval, but included a number of new conditions. The new conditions implement changes that are being made across the industry to ensure pulp mills are following the most current and best practices.

The Appellant filed a Notice of Appeal with the Environmental Appeals Board (the Board), appealing several of the new conditions, arguing that some of the new conditions:

- (a) interrupt the status quo operations of the Plant;
- (b) impose additional compliance responsibilities, which are contradictory or uncertain; and
- (c) require modifications to previous emissions limits that are onerous, may be unattainable, and may limit the Plant's future operations.

The Board held a mediation meeting between AEP and the Appellant (the Parties). At the mediation meeting, the Parties reached an agreement on most of the issues raised by the Appellant in its Notice of Appeal (the Agreement), including:

- clarification as to which storage tanks require emission controls;
- clarification as to what requirements must be met before new landfill cells may be constructed;
- clarification as to the reduction of the limit for the biochemical oxygen demand that may be required under the Approval;
- clarification as to the requirements for the Certified Operator for the landfill; and
- clarification as to the requirements for the management of leachate at the landfill.

Further, the Parties decided to continue their discussion of the unresolved issues, which include:

- the emission limits for chlorine and chlorine dioxide;
- the best practices to be followed for the management of industrial runoff;
- the requirements of the Aquatic Monitoring and Assessment Program;
- the regulation of defoamers; and
- the storage of hazardous waste and hazardous recyclables.

The Parties requested the Board issue a Report and Recommendations, recommending to the Minister that the issues they had agreed upon be implemented as soon as possible. Implementation of the Agreement will allow the Plant to operate under the agreed-upon changes, without having to wait for resolution of the remaining issues.

The remaining issues involve conditions in the Approval that generally have implementation deadlines over the next few years. The Board is of the view there is sufficient time for the Parties to continue to work together to address these remaining issues before the conditions need to be implemented. A subsequent Report and Recommendations and Ministerial Order may be needed if the remaining issues are resolved through mediation or a hearing.

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I. INTRODUCTION

[1] This is the Report and Recommendations of the Environmental Appeals Board (the “Board”) to the Minister of Environment and Parks (the “Minister”), arising from a mediation held on an appeal filed by Alberta-Pacific Forest Industries Inc. (the “Appellant”).

II. BACKGROUND

[2] The Appellant operates the Athabasca Bleached Market Kraft Pulp Manufacturing Plant (the “Plant”) near Athabasca, Alberta. From September 1993 until 1996, the Plant operated under the authority of Approval No. 111-00-00, issued under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12 (“EPEA”). The approval was renewed in 1996 (Approval No. 111-01-00) and again in 2006 (Approval No. 111-02-00). On December 17, 2015, the Appellant applied for a further renewal of the approval, which was slated to expire on October 31, 2016.

[3] The Director, Upper Athabasca Region, Operations Division, Alberta Environment and Parks (the “Director”), extended the expiry date of Approval 111-02-00 three times, with each extension being for a one-year period. On January 28, 2019, the Director issued Approval No. 111-03-00 (the “Approval”).

[4] On February 26, 2019, the Appellant filed a Notice of Appeal with the Board, appealing the following conditions of the Approval:¹

- 1.1.2(d) – the description of the air emission standards document;
- 1.1.2(g) – the description of the application documents incorporated into the Approval;
- 2.4.4 – the requirement for emission controls on storage tanks;
- 3.4.1 and 3.4.7 – the requirements to be met before new landfill cells may be constructed;
- 4.2.9 and Table 4.2-A – the emission limit for chlorine and chlorine dioxide;
- 4.3.5, 4.3.6, 4.4.40 to 4.4.42, including Table 4.4-B – the best practices to be followed for the management of industrial runoff;

¹ See Appendix A for the exact wording of the Approval conditions that were appealed.

- 4.3.19 – the reduction of the limits for biochemical oxygen demand that may be required under the Approval;
- 4.3.31(c)(iii), 4.3.31(c)(iv), and 4.3.38 – the requirements of the Aquatic Monitoring and Assessment Program;
- 4.3.40 to 4.3.43 – the regulation of defoamers;
- 4.4.4 – the storage of hazardous waste and hazardous recyclables;
- 4.4.18 – the requirements for the Certified Operator for the landfill;
- 4.4.29 and 4.4.30 – the requirements for the management of leachate at the landfill; and
- 4.6.8(a) – the use of the Record of Site Condition Form.

Note that some of the conditions listed above were not directly appealed, but are directly connected to conditions that were appealed. For example, condition 3.4.7 is directly connected to condition 3.4.1, which was one of the conditions appealed.

[5] On March 7, 2019, the Board acknowledged receipt of the Notice of Appeal and requested the Director provide the Director’s Record for the Approval. The Board received the Director’s Record on April 29, 2019, and a copy was subsequently provided to the Appellant. The Board held a mediation meeting between the Appellant and the Director (collectively, the “Parties”) on June 12, 2019, in Edmonton, with a Board member appointed as mediator.

III. DISCUSSION

[6] The mediation meeting resulted in an agreement (the “Agreement”) between the Parties as follows:²

- 1.1.2(d) - clarification as to the name of the air emission standards document;
- 1.1.2(g) – clarification as to the application documents incorporated into the Approval;
- 2.4.4 - clarification as to which storage tanks require emission controls, with the exception of the requirements for the methanol storage tank, which is an outstanding issue;
- 3.4.1 and 3.4.7 - clarification as to what requirements must be met before new landfill cells may be constructed;

² See Appendix B for a comparison between the appealed conditions and the wording of the conditions that was agreed to by the Parties.

- 4.3.19 - clarification as to the reduction of the limit for the biochemical oxygen demand that may be required under the Approval;
- 4.4.18 - clarification as to the requirements for the Certified Operator for the landfill;
- 4.4.29 and 4.4.30 - clarification as to the requirements for the management of leachate at the landfill; and
- 4.6.8(a) - clarification regarding the use of the Record of Site Condition Form.

The Parties agreed to vary the wording of these conditions of the Approval, and agreed that, upon the Minister accepting and implementing these variations to the Approval, the Appellant will withdraw its appeal of these conditions.

[7] The Parties also reached an understanding with respect to the meaning of conditions 4.4.40 to 4.4.42, including Table 4.4-B. Based on this understanding, and upon the Minister accepting and implementing the Agreement reached by the parties, the Appellant will withdraw its appeal of conditions 4.4.40 to 4.4.42, including Table 4.4-B.

[8] The Parties agreed they will continue discussions on the remaining conditions, specifically:

- 2.4.4 – the requirement for emission controls on the methanol storage tank;
- 4.2.9 and Table 4.2-A – the emission limits for chlorine and chlorine dioxide;
- 4.3.5 and 4.3.6 – the best practices to be followed for the management of industrial runoff;
- 4.3.31(c)(iii), 4.3.31(c)(iv), and 4.3.38 – the requirements of the Aquatic Monitoring and Assessment Program;
- 4.3.40 to 4.3.43 – the regulation of defoamers; and
- 4.4.4 – the storage of hazardous waste and hazardous recyclables.

[9] As part of the Agreement, the Parties requested the Board issue a Report and Recommendations, recommending to the Minister that the Agreement be implemented, as soon as possible. The Board does not usually issue a Report and Recommendations without a full resolution of all the issues in an appeal. However, in this situation, implementation of the Agreement will allow the Plant to operate under the terms of the Agreement without waiting for the remaining issues in the appeal to be resolved. A subsequent Report and Recommendations

and Ministerial Order may be required if the remaining issues are resolved in mediation or a hearing.

[10] The Board will continue to monitor the progress of the Parties on a monthly basis, and the Parties may request the Board convene another mediation or potentially a hearing.

IV. RECOMMENDATIONS

[1] In accordance with section 99 of EPEA,³ the Board recommends the Minister of Environment and Parks order Approval No. 111-03-00 be varied in accordance with the Agreement reached by the Parties.

[2] Under section 100(2) of EPEA,⁴ copies of this Report and Recommendations and any decision by the Minister are to be provided to:

1. Ms. Teresa Meadows, Meadows Law, on behalf of the Appellant;
and
2. Ms. Alison Altmiks, Alberta Justice and Solicitor General, on behalf of the Director, Operations Division, Upper Athabasca Region, Alberta Environment and Parks.

Dated on August 8, 2019, at Edmonton, Alberta.

“original signed by”

Meg Barker
Board Member

³ Section 99 of EPEA provides:

“In the case of a notice of appeal referred to in section 91(1)(a) to (m) of this Act or in section 115(1)(a) to (i), (k), (m) to (p) and (r) of the *Water Act*, the Board shall within 30 days after the completion of the hearing of the appeal submit a report to the Minister, including its recommendations and the representations or a summary of the representations that were made to it.”

⁴ Section 100(2) of EPEA states:

“The Minister shall immediately give notice of any decision made under this section to the Board and the Board shall, immediately on receipt of notice of the decision, give notice of the decision to all persons who submitted notices of appeal or made representations or written submissions to the Board and to all other persons who the Board considers should receive notice of the decision.”

Appendix A – Appealed Conditions

Condition	Existing Wording									
1.1.2(d)	In all PARTS of this approval ... “Alberta Air Emission Standards for Electricity Generation” means the document of that name published by the Department of Environment as amended or replaced from time to time;									
1.1.2(g)	In all PARTS of this approval ... “application” means the written submissions from the approval holder to the Director in respect of application number 015-111 and any subsequent applications where amendments are issued for this approval;									
2.4.4	Effective from March 01, 2020, all above ground storage tanks containing liquid hydrocarbons or volatile organic liquids shall conform to the <i>Environmental Guidelines for Controlling Emissions of Volatile Organic Compounds from Aboveground Storage Tanks</i> , Canadian Council of Ministers of the Environment, PN 1180, 1995, as amended.									
3.4.1	Subject to 3.4.7, the approval holder shall not commence construction of a landfill cell until the approval holder has received written authorization from the Director as specified in this approval.									
3.4.7	If an authorization or a deficiency letter is not issued within 120 days of the submission of plans in 3.4.2, the approval holder shall implement the plans in accordance with the Landfill Standards as set out in the plans submitted by the approval holder in 3.4.2.									
4.2.9	Releases of the following substances to the atmosphere shall not exceed the limits specified in TABLE 4.2-A.									
Table 4.2-A Bleach Plant	<p>TABLE 4.2-A AIR EMISSION LIMITS</p> <table border="1"> <thead> <tr> <th>EFFLUENT STREAM SOURCES</th> <th>EFFLUENT STREAM PARAMETERS</th> <th>LIMIT</th> </tr> </thead> <tbody> <tr> <td>...</td> <td>...</td> <td>...</td> </tr> <tr> <td>Bleach Plant</td> <td>Chlorine and Chlorine Dioxide (emission rate)</td> <td>5.50 kg per hour (until December 31, 2020) 2.11 kg per hour (from January 01, 2021)</td> </tr> </tbody> </table>	EFFLUENT STREAM SOURCES	EFFLUENT STREAM PARAMETERS	LIMIT	Bleach Plant	Chlorine and Chlorine Dioxide (emission rate)	5.50 kg per hour (until December 31, 2020) 2.11 kg per hour (from January 01, 2021)
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Bleach Plant	Chlorine and Chlorine Dioxide (emission rate)	5.50 kg per hour (until December 31, 2020) 2.11 kg per hour (from January 01, 2021)								
4.3.5	The approval holder shall not store any material outside the Industrial Runoff Control System except as described in the best management practice plan, July 2018, unless otherwise authorized in writing by the Director.									
4.3.6	The approval holder shall manage industrial runoff as described in the best management practice plan, July 2018, unless otherwise authorized in writing by the Director.									
4.3.19	Releases from the Industrial Wastewater Control System shall meet a more stringent limit for BOD ₅ , when directed to so in writing by the Director based on the Director being satisfied that the approval holder has received an adequate opportunity to plan for the proposed change in the BOD ₅ limit.									
4.3.31(c)(iii) & (iv)	<p>The approval holder shall develop an Aquatic Monitoring and Assessment Program proposal which shall contain, at a minimum, all of the following, unless otherwise authorized in writing by the Director: ...</p> <ul style="list-style-type: none"> (c) proposed sampling site locations with respect to the effluent plume delineation including: ... <ul style="list-style-type: none"> (iii) far-field site(s) near the boundary of the effluent mixing zone; and (iv) far-far field site(s); 									

4.3.38	The approval holder shall increase the frequency of monitoring and reporting requirements under the Aquatic Monitoring and Assessment Program upon written notice by the Director.
4.3.40	<p>The approval holder shall submit to the Director for each quarter year, not later than 60 days after the last day of the quarter, a report containing all of the following information:</p> <ul style="list-style-type: none"> (a) the name and address of the plant; (b) for each batch of defoamer: <ul style="list-style-type: none"> (i) the quantity of defoamer in each batch; (ii) the batch number of each batch of that defoamer; and (iii) the name of the manufacturer, importer or vendor from which each batch of defoamer was received during the quarter; (c) a copy of the analysis referred to in 4(1)(a) of the <i>Pulp and Paper Mill Defoamer and Wood Chip Regulations</i> or of the certificate referred to in 4(1)(b) of the <i>Pulp and Paper Mill Defoamer and Wood Chip Regulations</i>; and (d) the name, title, telephone number and signature of the person who provides the information on behalf of the plant.
4.3.41	<p>Where the concentrations of dibenzofuran and dibenzo-para-dioxin set out in reports in respect of four consecutive quarters that are or have been submitted by a person pursuant to this approval or requirements pursuant to the <i>Pulp and Paper Mill Defoamer and Wood Chip Regulations</i> have not exceeded the concentrations set out in Section 4(1) of the <i>Pulp and Paper Mill Defoamer and Wood Chip Regulations</i>, the person may, for the next quarter, submit to the Director a copy of an analysis of a sample of each type of defoamer used or a copy of a certificate provided by the manufacturer of each defoamer that indicates that the type of defoamer contains the following:</p> <ul style="list-style-type: none"> (a) 40 ppb or less by weight of dibenzofuran, and (b) 10 ppb or less by weight of dibenzo-para-dioxin.
4.3.42	<p>Where the approval holder receives a defoamer for use in the plant, the approval holder shall record the following:</p> <ul style="list-style-type: none"> (a) the quantity, and the name of the manufacturer, importer or vendor, of each shipment of a defoamer received by the plant, and the date of delivery of the shipment; and (b) a copy of the certificate referred to in 4(1)(b) of the <i>Pulp and Paper Mill Defoamer and Wood Chip Regulations</i>, in respect of each batch of the defoamer provided by the manufacturer, importer or vendor of the defoamer, or the concentrations of dibenzofuran and dibenzo-para-dioxin in each batch of the defoamer delivered to the plant.
4.3.43	The approval holder shall ensure concentrations of dibenzofuran and dibenzo-para dioxin are measured in accordance with the <i>Reference Method for Determination of Dibenzofurans and Dibenzo-para-dioxins in Defoamers</i> , published by the Department of the Environment, Report 1/RM/20, 1991, as amended from time to time.
4.4.4.	Hazardous waste or hazardous recyclable stored in containers or tanks shall be stored in accordance with the <i>Hazardous Waste Storage Guidelines</i> , Alberta Environment, June 1988, as amended.
4.4.18	The operation of the landfills shall be supervised by a Certified Operator in accordance with Section 4.1 of the Landfill Standards, as amended.

4.4.29	For any cell constructed after July 1, 2009 within the class II landfill, the approval holder shall maintain the leachate head at or below the maximum acceptable leachate head of 300 mm at the lowest point of liner excluding the sumps and leachate pipe trenches.																																	
4.4.30	Upon detection of any exceedances of the maximum acceptable leachate head referred to in 4.4.29, the approval holder shall reduce the leachate head level below the maximum acceptable level within a maximum of 14 calendar days subsequent to the detection.																																	
4.4.40	The approval holder shall monitor the release from the class III landfill industrial runoff control system to the surrounding watershed as required in TABLE 4.4-B, unless otherwise authorized in writing by the Director.																																	
4.4.41	The approval holder shall report to the Director the monitoring results for the class III landfill industrial runoff control system as required in TABLE 4.4-B, unless otherwise authorized in writing by the Director.																																	
4.4.42	<p>For the purpose of TABLE 4.4-B:</p> <ul style="list-style-type: none"> (a) sampling location A is defined as the North Sump; (b) sampling location B is defined as the Middle Sump; and (c) sampling location C is defined as the South Sump. 																																	
Table 4.4-B	<p>TABLE 4.4-B CLASS II LANDFILL INDUSTRIAL RUNOFF CONTROL SYSTEM MONITORING AND REPORTING</p> <table border="1" data-bbox="407 894 1442 1365"> <thead> <tr> <th colspan="4" data-bbox="407 894 1252 926">MONITORING</th> <th data-bbox="1252 894 1442 926" rowspan="3">REPORTING</th> </tr> <tr> <th data-bbox="407 926 618 957" rowspan="2">PARAMETER</th> <th colspan="3" data-bbox="618 926 1252 957">PRIOR TO RELEASE</th> </tr> <tr> <th data-bbox="618 957 821 1020">Frequency</th> <th data-bbox="821 957 1032 1020">Sample Type</th> <th data-bbox="1032 957 1252 1020">Sample Location</th> </tr> </thead> <tbody> <tr> <td data-bbox="407 1020 618 1083">pH</td> <td data-bbox="618 1020 821 1083">Once</td> <td data-bbox="821 1020 1032 1083">Representative grab</td> <td data-bbox="1032 1020 1252 1083">A, B, C</td> <td data-bbox="1252 1020 1442 1365" rowspan="6" style="text-align: center; vertical-align: middle;">Annually By March 31</td> </tr> <tr> <td data-bbox="407 1083 618 1146">Oil and grease</td> <td data-bbox="618 1083 821 1146">Once</td> <td data-bbox="821 1083 1032 1146">Representative grab</td> <td data-bbox="1032 1083 1252 1146">A, B, C</td> </tr> <tr> <td data-bbox="407 1146 618 1209">TSS (mg/L)</td> <td data-bbox="618 1146 821 1209">Once</td> <td data-bbox="821 1146 1032 1209">Representative grab</td> <td data-bbox="1032 1146 1252 1209">A, B, C</td> </tr> <tr> <td data-bbox="407 1209 618 1293">Specific Conductivity (µS/cm)</td> <td data-bbox="618 1209 821 1293">Once</td> <td data-bbox="821 1209 1032 1293">Representative grab</td> <td data-bbox="1032 1209 1252 1293">A, B, C</td> </tr> <tr> <td data-bbox="407 1293 618 1356">COD (mg/L)</td> <td data-bbox="618 1293 821 1356">Once</td> <td data-bbox="821 1293 1032 1356">Representative grab</td> <td data-bbox="1032 1293 1252 1356">A, B, C</td> </tr> </tbody> </table>	MONITORING				REPORTING	PARAMETER	PRIOR TO RELEASE			Frequency	Sample Type	Sample Location	pH	Once	Representative grab	A, B, C	Annually By March 31	Oil and grease	Once	Representative grab	A, B, C	TSS (mg/L)	Once	Representative grab	A, B, C	Specific Conductivity (µS/cm)	Once	Representative grab	A, B, C	COD (mg/L)	Once	Representative grab	A, B, C
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4.6.8(a)	<p>The approval holder shall compile a Groundwater Monitoring Report which shall include, at a minimum, all of the following information:</p> <ul style="list-style-type: none"> (a) a completed up-to-date <i>Record of Site Condition Form</i>, Alberta Environment, 2009, as amended; 																																	

Appendix B – Comparison of Conditions

Condition	Existing Wording	Agreed to Wording
1.1.2(d)	In all PARTS of this approval ... “Alberta Air Emission Standards for Electricity Generation” means the document of that name published by the Department of Environment as amended or replaced from time to time;	In all PARTS of this approval ... “Alberta Air Emission Standards for Electricity Generation” means the Standards included within the “Alberta Air Emission Standards for Electricity Generation and Alberta Air Emission Guidelines for Electricity Generation” document published by the Department of Environment as amended or replaced from time to time;
1.1.2(g)	In all PARTS of this approval ... “application” means the written submissions from the approval holder to the Director in respect of application number 015-111 and any subsequent applications where amendments are issued for this approval;	In all PARTS of this approval ... “application” means the written submissions from the approval holder to the Director, including written submissions to the Director by way of the industrial approvals engineer, in respect of application number 015-111 and any subsequent applications where amendments are issued for this approval;
2.4.4	Effective from March 01, 2020, all above ground storage tanks containing liquid hydrocarbons or volatile organic liquids shall conform to the <i>Environmental Guidelines for Controlling Emissions of Volatile Organic Compounds from Aboveground Storage Tanks</i> , Canadian Council of Ministers of the Environment, PN 1180, 1995, as amended.	Effective from September 30, 2020, all above ground storage tanks containing liquid hydrocarbons or volatile organic liquids shall conform to the Environmental Guidelines from Controlling Emissions of Volatile Organic Compounds from Aboveground Storage Tanks, Canadian Council of Ministers of the Environment, PN 1180, 1995, as amended, or replaced from time to time, unless otherwise authorized by the Director.
2.4.5	[New condition. Addressing a concern with 2.4.4.]	The requirements of 2.4.4 do not apply to tanks where the contribution of the partial pressure of the volatile organic compounds is less than 10 kPa.
3.4.1	Subject to 3.4.7, the approval holder shall not commence construction of a landfill cell until the approval holder has received written authorization from the Director as specified in this approval.	[No change. Concern addressed in 3.4.7.]
3.4.7	If an authorization or a deficiency letter is not issued within 120 days of the submission of plans in 3.4.2, the approval holder shall implement the plans in accordance with the Landfill Standards as set out in the plans submitted by the approval holder in 3.4.2.	If an authorization or a deficiency letter is not issued within 120 days of the submission of plans in 3.4.2, the approval holder may commence construction of a landfill cell in accordance with: (a) the Standards for Landfills in Alberta published by the Government of Alberta, Alberta Environment as amended or replaced from time to time; and

		(b) the plans submitted by the approval holder in 3.4.2.
4.3.19	Releases from the Industrial Wastewater Control System shall meet a more stringent limit for BOD ₅ , when directed to so in writing by the Director based on the Director being satisfied that the approval holder has received an adequate opportunity to plan for the proposed change in the BOD ₅ limit.	Releases from the Industrial Wastewater Control System shall meet a more stringent limit for BOO ₅ , not to exceed a 40% reduction from Table 4.3-A, when directed to so in writing by the Director based on the Director being satisfied that the approval holder has received an adequate opportunity to plan for the proposed change in the BOD ₅ limit.
4.4.18	The operation of the landfills shall be supervised by a Certified Operator in accordance with Section 4.1 of the Landfill Standards as amended.	The operation of the landfills shall be supervised by a Certified Operator in accordance with (a) section 4.1 of the Standards for Landfills in Alberta, as amended or replaced from time to time; and (b) section 3.6 of the Alberta Landfill and Composting Facility Operator Certification Guideline, as amended or replaced from time to time.
4.4.29	For any cell constructed after July 1, 2009 within the class II landfill, the approval holder shall maintain the leachate head at or below the maximum acceptable leachate head of 300 mm at the lowest point of liner excluding the sumps and leachate pipe trenches.	[No change. Concern addressed in 4.4.30.]
4.4.30	Upon detection of any exceedances of the maximum acceptable leachate head referred to in 4.4.29, the approval holder shall reduce the leachate head level below the maximum acceptable level within a maximum of 14 calendar days subsequent to the detection.	Notwithstanding the requirements of 4.4.29, upon detection of any exceedances of the maximum acceptable leachate head referred to in 4.4.29, the approval holder shall have a maximum of 14 calendar days subsequent to the detection to reduce the leachate head level below the maximum acceptable level.
4.6.8(a)	The approval holder shall compile a Groundwater Monitoring Report which shall include, at a minimum, all of the following information: (a) a completed up-to-date <i>Record of Site Condition Form</i> , Alberta Environment, 2009, as amended;	The approval holder shall compile a Groundwater Monitoring Report which shall include, at a minimum, all of the following information: (a) an up-to-date <i>Record of Site Condition Form</i> , Alberta Environment, 2009, as amended, to the satisfaction of the Director;



ALBERTA
ENVIRONMENT AND PARKS

*Office of the Minister
Government House Leader
MLA, Rimbey-Rocky Mountain House-Sundre*

**Ministerial Order
36/2019**

*Environmental Protection and Enhancement Act
R.S.A. 2000, c. E-12*

Order Respecting Environmental Appeals Board Appeal No. 18-021

I, Jason Nixon, Minister of Environment and Parks, pursuant to section 100 of the *Environmental Protection and Enhancement Act*, make the order in the attached Appendix, being an Order Respecting Environmental Appeals Board Appeal No. 18-021.

Dated at the City of Edmonton, in the Province of Alberta, this 12 day of August, 2019.



Jason Nixon
Minister

Appendix

Order Respecting Environmental Appeals Board Appeal No. 18-021

With respect to the decision of the Director, Regional Approvals, Upper Athabasca Region, Operations Division, Alberta Environment and Parks (the "Director"), to issue Approval No. 111-03-00 (the "Approval") under the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c. E-12, to Alberta-Pacific Forest Industries Inc., I, Jason Nixon, Minister of Environment and Parks, order that:

1. The decision of the Director to issue the Approval is varied as follows.
2. Condition 1.1.2(d) is repealed and replaced as follows:

““Alberta Air Emission Standards for Electricity Generation” means the Standards included within the “Alberta Air Emission Standards for Electricity Generation and Alberta Air Emission Guidelines for Electricity Generation” document published by the Department of Environment as amended or replaced from time to time;”.
3. Condition 1.1.2(g) is repealed and replaced as follows:

““application” means the written submissions from the approval holder to the Director, including written submissions to the Director by way of the industrial approvals engineer, in respect of application number 015-111 and any subsequent applications where amendments are issued for this approval;”.
4. Condition 2.4.4 is repealed and replaced as follows:

“Effective from September 30, 2020, all above ground storage tanks containing liquid hydrocarbons or volatile organic liquids shall conform to the Environmental Guidelines from Controlling Emissions of Volatile Organic Compounds from Aboveground Storage Tanks Canadian Council of Ministers of Environment, PN 1180, 1995 as amended or replaced from time to time, unless otherwise authorized by the Director.”.
5. The Approval is varied by adding the following immediately after Condition 2.4.4:

“2.4.5 The requirements of 2.4.4 do not apply to tanks where the contribution of the partial pressure of the volatile organic compounds is less than 10 kPa.”.
6. Condition 3.4.7 is repealed and replaced as follows:

“If an authorization or deficiency letter is not issued within 120 days of the submission of plans in 3.4.2, the approval holder may commence construction of a landfill cell in accordance with:

 - (a) the Standards for Landfills in Alberta published by the Government of Alberta, Alberta Environment as amended or replaced from time to time; and
 - (b) the plans submitted by the approval holder in 3.4.2.”.

7. Condition 4.3.19 is repealed and replaced as follows:

“Releases from the Industrial Wastewater Control System shall meet a more stringent limit for BOD₅, not to exceed a 40% reduction from Table 4.3-A, when directed to do so in writing by the Director based on the Director being satisfied that the approval holder has received an adequate opportunity to plan for the proposed change in the BOD₅ limit.”.

8. Condition 4.4.18 is repealed and replaced as follows:

“The operation of the landfills shall be supervised by a Certified Operator in accordance with:

- (a) section 4.1 of the Standards for Landfills in Alberta, as amended or replaced from time to time; and
- (b) section 3.6 of the Alberta Landfill and Composting Facility Operator Certification Guideline, as amended or replaced from time to time.”.

9. Condition 4.4.30 is repealed and replaced as follows:

“Notwithstanding the requirements of 4.4.29, upon detection of any exceedances of the maximum acceptable leachate head referred to in 4.4.29, the approval holder shall have a maximum of 14 calendar days subsequent to detection to reduce the leachate head level below the maximum acceptable level.”.

10. Condition 4.6.8(a) is repealed and replaced as follows:

“an up-to-date Record of Site Condition Form, Alberta Environment, 2009, as amended, to the satisfaction of the Director;”