

# **PUBLIC NOTICE**

## ***ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT*** **BOW RIVER IRRIGATION DISTRICT** **NOTICE OF DECISION**

In accordance with section 68 of the Environmental Protection and Enhancement Act, Bow River Irrigation District has been issued an approval by Alberta Environment and Parks for a renewal of an approval to apply pesticides within 30 meters of an open body of water under specific conditions for routine maintenance and operation of irrigation infrastructure. The operation is located at 704 7 Avenue N Vauxhall, Alberta

The *Environmental Protection and Enhancement Act* may provide you a right of appeal against this decision to the Alberta Environmental Appeals Board. You should note that there are strict time lines for filing an appeal dependent on the type of appeal. If you choose to appeal this decision, please contact:

Office of the Registrar of Appeals  
The Environmental Appeals Board  
3rd Floor, 10011 - 109 Street  
Edmonton, Alberta T5J 3S8  
Telephone: (780) 427-6207  
Fax: (780) 427-4693

A Notice of Appeal must be submitted within 30 days of the date of this notice. Please quote Application No. 008-104029

The Public Notice of this application will also be posted on the Department's website at <https://avw.alberta.ca/PublicNoticesViewer.aspx> .

Copies of the application can be obtained from:

Attention: Bill Skelly  
Bow River Irrigation District  
Telephone: 403-654-2111

## APPROVAL

### PROVINCE OF ALBERTA

#### **ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT** **R.S.A. 2000, c.E-12, as amended.**

APPROVAL NO.: 10409-05-00

APPLICATION NO.: 008-10409

EFFECTIVE DATE: February 18, 2020

EXPIRY DATE: February 15, 2030

APPROVAL HOLDER: Bow River Irrigation District

ACTIVITY: the application of pesticides in, on or within 30 horizontal metres of  
an open body of water

is subject to the attached terms and conditions.

Designated Director under the Act: 

Date Signed: FEB 18 2020

## **TERMS AND CONDITIONS ATTACHED TO APPROVAL**

### **PART 1: DEFINITIONS**

#### **SECTION 1.1: DEFINITIONS**

- 1.1.1 All definitions from the Act and the regulations apply except where expressly defined in this approval.
- 1.1.2 In all PARTS of this approval:
- (a) "Act" means the *Environmental Protection and Enhancement Act*, R.S.A. 2000, c.E-12, as amended;
  - (b) "application" means the written submissions from the approval holder to the Director in respect of application number 008-10409 and any subsequent applications for amendments of approval number 10409-05-00;
  - (c) "aquatic vegetation" means vegetation that must be partially submerged in water for part of its lifecycle to survive;
  - (d) "bed and shore of an open body of water" means land that is or has been covered by water to the extent that:
    - (i) no vegetation grows on the land; or
    - (ii) the vegetation that grows on the land is aquatic vegetation;
  - (e) "Director" means an employee of the Government of Alberta designated as a Director under the Act;
  - (f) "pesticide(s)" means the Product(s)/Active Ingredient(s) listed in the table(s) in this approval;
  - (g) "project" means the application of pest control products listed in Table 3.2-1, Table 3.2-2, and Table 3.2-3 within 30 metres of open bodies of water along canals, laterals, drains and rights-of-way and within open bodies of water that are owned or operated by the Bow River Irrigation District for control of broadleaf weeds, brush, and aquatic vegetation as described in application 008-00010409.
  - (h) "regulations" means the regulations enacted pursuant to the Act, as amended; and
  - (i) "year" means calendar year, unless otherwise specified.

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## **TERMS AND CONDITIONS ATTACHED TO APPROVAL**

### **PART 2: GENERAL**

#### **SECTION 2.1: REPORTING**

- 2.1.1 The approval holder shall immediately report by telephone any contravention of the terms and conditions of this approval to the Director at 1-780-422-4505 or 1-800-222-6514.
- 2.1.2 The approval holder shall submit a written report to the Director within 7 days of the reporting pursuant to 2.1.1.
- 2.1.3 The approval holder shall submit an Annual Report to the Director on or before November 30<sup>th</sup> of the year in which the information was collected.
- 2.1.4 The Annual Report shall include, at a minimum, all of the following information:
  - (a) a map indicating where each application of pesticide occurred during the year;
  - (b) the area treated;
  - (c) the amount of mixed pesticide applied; and
  - (d) any off-target impacts.

#### **SECTION 2.2: RECORD KEEPING**

- 2.2.1 The approval holder shall obtain a copy of the records maintained in accordance with the *Pesticide (Ministerial) Regulation AR 43/97* by the holder of any Pesticide Applicator Certificate conducting pesticide applications pursuant to this approval.
- 2.2.2 The approval holder shall retain records obtained pursuant to 2.2.1 for a minimum of 5 years.

#### **SECTION 2.3: OTHER**

- 2.3.1 The terms and conditions of this approval are severable. If any term or condition of this approval or the application of any term or condition is held invalid, the application of such term or condition to other circumstances and the remainder of this approval shall not be affected thereby.

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## **TERMS AND CONDITIONS ATTACHED TO APPROVAL**

### **PART 3: OPERATIONS AND LIMITS**

#### **SECTION 3.1: OPERATIONS**

- 3.1.1 The approval holder shall not apply pesticides in, on, or within 30 horizontal metres of an open body of water except as provided for in this approval, the regulations and the *Environmental Code of Practice for Pesticides*, Alberta Environment, 2010, as amended.
- 3.1.2 The approval holder shall ensure that the application of pesticide(s) under the authority of this approval is restricted to canals, laterals, drains and rights-of-way that are owned or operated by the Bow River Irrigation District and as described in the Project and as described in application 008-10409.
- 3.1.3 The approval holder shall ensure that the application of pesticides is conducted by the holder of :
  - (a) a Pesticide Applicator Certificate; and
  - (b) a Pesticide Service Registration.
- 3.1.4 The approval holder shall provide a copy of this approval to all pesticide application crews that apply pesticides in accordance with this approval.
- 3.1.5 The approval holder shall ensure all crews and contractors understand and abide by the approval conditions.
- 3.1.6 The approval holder shall provide yearly written notification of the pesticide applications indicated in TABLES 3.2-1 and 3.2-2 to Bow River Irrigation District water users no less than 30 days and no more than 90 days prior to the first pesticide application each year.
- 3.1.7 The approval holder shall not conduct application of pesticides prescribed in TABLES 3.2-1 and 3.2-2 within 250 metres upstream of any water intake for a municipal waterworks system or raw water co-operative.
- 3.1.8 The approval holder shall provide municipalities and water co-operatives with water intakes as indicated in 3.1.7 with at least 14 days prior written notification of each application of pesticide prescribed in TABLES 3.2-1 and 3.2-2 occurring within 1500 metres upstream from their water intakes.
- 3.1.9 The approval holder shall provide an outline of the precautions that will be taken to ensure that pesticide does not contaminate water with any notification provided pursuant to 3.1.8.

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## **TERMS AND CONDITIONS ATTACHED TO APPROVAL**

### **SECTION 3.2: PESTICIDE APPLICATION LIMITS**

#### **BROADLEAF WEED, BRUSH, AND GENERAL VEGETATION CONTROL**

- 3.2.1 The approval holder shall not apply pesticide where:
- (a) land is slumping or washed out,
  - (b) bare soil, or
  - (c) poorly draining soil (e.g. soils that are compacted, fine textured, or low in organic matter such as clay).
- 3.2.2 The approval holder shall ensure that no application of pesticide is made during periods where the winds are:
- (a) dead calm,
  - (b) gusty, or
  - (c) greater than 16 km/h.
- 3.2.3 The approval holder shall ensure that pesticides applied for broadleaf weed, brush, and general vegetation control are not deposited within or on an open body of water.
- 3.2.4 The approval holder shall limit pesticide applications to control brush to locations where the brush restricts water flow, canal access, or threatens canal bank integrity.
- 3.2.5 The approval holder shall ensure no pesticide is applied using spray droplets smaller than the American Society of Agricultural Engineers (ASAE) coarse classification.
- 3.2.6 The approval holder shall ensure boom height is 60cm or less above the ground.
- 3.2.7 The approval holder shall ensure that no application of 2,4-D Amine 600 Liquid Herbicide, Oracle Dicamba Agricultural Herbicide, or VP480 Herbicide occurs when heavy rain is forecasted within 24 hours.
- 3.2.8 The approval holder shall not apply more than two broadcast applications of 2,4-D Amine 600 Liquid Herbicide, Oracle Dicamba Agricultural Herbicide, Estaprop XT Liquid Herbicide, per calendar year.
- 3.2.9 The approval holder shall ensure that Oracle Dicamba Agricultural Herbicide is applied when air temperature is between 10-25°C.

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**TERMS AND CONDITIONS ATTACHED TO APPROVAL**

3.2.10 The approval holder shall:

- (a) handle;
- (b) apply;
- (c) transport;
- (d) store; and
- (e) dispose

of the pesticide specified in TABLE 3.2-1, 3.2-2, and 3.2-3 in accordance with the information and instructions identified on the product label, the regulations and as described in the Project.

3.2.11 Application site(s), Product(s)/Active Ingredient(s), Target Pest(s), Application Rate(s), and Application Method(s) for broadleaf weed, brush and general vegetation control shall be as prescribed in TABLE 3.2-1.

**TABLE 3.2-1: PESTICIDE APPLICATION LIMITS**

Application Site(s)	Product(s)/Active Ingredient(s)	Target Pest(s)	Application Rate(s) and/or Application Method(s)
Land areas in, or within 30 horizontal metres of an open body of water	2,4-D Amine 600 (2,4-D) PCP Act Reg. No. 14726	Broadleaf weed species as per the pest control product label.	<ul style="list-style-type: none"> <li>• Use species specific label application rates</li> <li>• Backpack sprayer</li> <li>• Pump-sprayer</li> <li>• Hand-gun/hose</li> <li>• Vehicle-mounted boom/boomless system*</li> </ul>
Land areas in, or within 30 horizontal metres of an open body of water	Oracle Dicamba Agricultural Herbicide (dicamba) PCP Act Reg. No. 26722	Broadleaf weed species as per the pest control product label.	<ul style="list-style-type: none"> <li>• Use species specific label application rates</li> <li>• Backpack sprayer</li> <li>• Pump-sprayer</li> <li>• Hand-gun/hose</li> <li>• Vehicle-mounted boom/boomless system*</li> </ul>

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Land areas in, or within 30 horizontal metres of an open body of water	VP480 Herbicide (glyphosate) PCP Act Reg. No. 28840	Broadleaf weed species as per the pest control product label.	<ul style="list-style-type: none"> <li>• Use species specific label application rates</li> <li>• Backpack sprayer</li> <li>• Pump-sprayer</li> <li>• Hand-gun/hose</li> <li>• Vehicle-mounted boom/boomless system*</li> </ul>
Land areas in, or within 30 horizontal metres of an open body of water	Estaprop XT Liquid Herbicide (Dichlorprop-P, 2,4-D) PCP Act Reg. No. 29660	Broadleaf weed and brush species as per the pest control product label.	<ul style="list-style-type: none"> <li>• Use species specific label application rates</li> <li>• Backpack sprayer</li> <li>• Pump-sprayer</li> <li>• Hand-gun/hose</li> <li>• Vehicle-mounted boom/boomless system*</li> </ul>

\*ensure label specific buffer zones are observed for sensitive aquatic habitat or use application methods that do not require a buffer zone.

**CATTAIL AND REED CANARY GRASS CONTROL**

3.2.12 Application site(s), Product(s)/Active Ingredient(s), Target Pest(s), Application Rates(s), and Application Method(s) for cattail and reed canary grass control shall be as prescribed in TABLE 3.2-2.

**TABLE 3.2-2: PESTICIDE APPLICATION LIMITS**

Application Site(s)	Product(s)/Active Ingredient(s)	Target Pest(s)	Application Rate(s) and Application Method(s)
Land areas in, or within 30 horizontal metres of an open body of water	VP480 Herbicide (glyphosate) PCP Act Reg. No. 28840	Common Cattail ( <i>Typha latifolia</i> ), Reed Canary Grass ( <i>Phalaris arundinacea</i> )	<ul style="list-style-type: none"> <li>• Use species specific label application rates</li> <li>• Backpack sprayer</li> <li>• Pump-sprayer</li> <li>• Hand-gun/hose</li> <li>• Vehicle-mounted boom/boomless system*</li> </ul>

\*ensure label specific buffer zones are observed for sensitive aquatic habitat or use application methods that do not require a buffer zone.

3.2.13 All open bodies of water in which the pesticide is to be applied for cattail and reed canary grass control must be dewatered at the time of application and must remain dewatered for at least seven days following application.

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3.2.14 Application of pesticide intended for cattail and reed canary grass control must be confined to locations where growth restricts water flow and canal access, or threatens canal bank integrity.

3.2.15 Where no distinct channel is evident, the width of the cattail and reed canary grass treated area shall not exceed the average width of the defined upstream channel.

**AQUATIC VEGETATION CONTROL WITH MAGNACIDE H**

3.2.16 Application site(s), Product(s)/Active Ingredient(s), Target Pest(s), Application Rates(s), and Application Method(s) for aquatic vegetation control shall be as prescribed in TABLE 3.2-3.

**TABLE 3.2-3: PESTICIDE APPLICATION LIMITS**

Application Site(s)	Product(s)/Active Ingredient(s)	Target Pest(s)	Application Rate(s) and Application Method(s)
Within flowing water	Magnacide H (acrolein) PCP Act Reg. No. 10948	Submerged aquatic plants, algae	<ul style="list-style-type: none"> <li>• Under-water injection</li> <li>• Maximum concentration – 10 parts per million (ppm)</li> <li>• Maximum application time – 3 hours</li> </ul>

3.2.17 Magnacide H shall be applied according to procedures and precautions specified in the most recent version of the manufacturer's Magnacide H Herbicide Application and Safety Manual except as specified in Table 3.2-3.

3.2.18 Magnacide H shall not be permitted to enter the following water systems:

- (a) Municipal waterworks systems;
- (b) Water systems used to supply water for household purposes;
- (c) Dugouts or ponds used for livestock watering;
- (d) Dugout or ponds containing stocked fish;
- (e) Reservoirs owned or operated by the irrigation district;
- (f) Creeks;
- (g) Rivers.

**Designated Director under the Act**