

IN THE ALBERTA COURT OF JUSTICE
CRIMINAL DIVISION

Between:

HIS MAJESTY THE KING
and
SALT BOX COULEE WATER SUPPLY COMPANY LTD.

AGREED STATEMENT OF FACTS

1. On Information 250152659P1, Salt Box Coulee Water Supply Company Ltd. stands charged that:

Count 1: On or between February 21, 2023 and October 3, 2023, at or near Calgary, in the Province of Alberta, did contravene a term or condition of an Enforcement Order: to wit, Amendment No. 1 to Enforcement Order No. EO-EPEA-34579 and did thereby commit an offence contrary to s. 227(g) of the *Environmental Protection and Enhancement Act*.

2. On Information 250183746P1, Salt Box Coulee Water Supply Company Ltd. stands charged that:

Count 1: On or between February 28, 2022 to November 8, 2022 at or near Calgary, in the Province of Alberta, did contravene a term or condition of an Approval: to wit, Approval 67490-02-00, condition 5.1.1(b) which states:

The approval holder shall monitor the waterworks system in accordance with SCHEDULE 3

and did thereby commit an offence contrary to s. 227(e) of the *Environmental Protection and Enhancement Act*, evidence of the

offence having first come to the attention of the Director on February 28, 2023.

3. Salt Box Coulee Water Supply Company Ltd. ("Salt Box") is a privately held company located in Rocky View County, Alberta. It operates the Salt Box Coulee Waterworks System, which provides drinking water to approximately 70 households.

Approval 67490-02-00

4. Salt Box holds Approval No. 67490-02-00 (Approval) for the construction, operation and reclamation of the Salt Box Coulee Waterworks System. It came into effect on February 13, 2019 and expires on February 1, 2029. An Amending Approval was issued on October 20, 2022 replacing the electronic reporting requirement in the original Approval.
5. There are several water sampling requirements contained in the Approval. Some conditions require monthly sampling and reporting. Others require sampling on specified dates and annual reporting. The annual reporting is done through the submission of an annual report due on February 28th of each year containing information for the year prior.
6. Condition 5.1.1(b) requires that the approval holder shall monitor the waterworks in accordance with Schedule 3. Included in Schedule 3 are requirements for what parameter is to be monitored, from what location, and the measurement type, number and frequency.
7. SCHEDULE 3 sets out the following requirement with respect to Total Trihalomethanes (TTHM) and Total Haloacetic Acids (THAA):
 - (a) To be monitored, at a minimum, by one grab sample, taken at the Water Distribution System: Extreme End every 3 months.

8. SCHEDULE 3 also contains monitoring requirements for physical, inorganic and organic chemical and pesticides listed in SCHEDULE 4. These substances require the following monitoring as set out in SCHEDULE 3:
 - (a) Microcystin-total (Cyanobacterial toxins) taken at Water Distribution System: random locations as follows:
 - (i) August 1-16: 1 grab sample
 - (ii) September 1-16: 1 grab sample
 - (b) All other physical, inorganic and organic chemical and pesticide parameters listed in Schedule 4 taken at Water Distribution System: random locations as follows:
 - (i) One sample taken during winter (December to February): 1 grab sample
 - (ii) One sample taken during summer (June to August): 1 grab sample
9. On February 28, 2023, Salt Box reported to the Alberta Environmental and Dangerous Goods Emergencies Line (EDGE) the following contraventions of the Approval:
 - (a) Failure to complete the microcystin analysis between August 1 and 16, 2022
 - (b) Failure to complete the remaining Schedule 4 analysis between June 1 and August 31, 2022.
10. On February 28, 2023, Salt Box submitted its required annual report for the 2022 year. Upon review of the report on March 1, 2023, the Investigator noted the following contraventions:
 - (a) Failure to collect and submit grab samples for microcystin between August 1 and 16;

- (b) Failure to collect and submit grab samples for the remaining Schedule 4 analysis between June 1 and August 31, 2022; and
- (c) Grab samples for TTHMs and THAAs were collected from locations other than the extreme end of the water distribution system in 2022.

11. Specifically:

- (a) The TTHM and THAA samples collected on February 28, 2022 were not collected from the extreme end of the system;
- (b) The TTHM sample collected on September 6, 2022 was not collected from the extreme end of the system;
- (c) There were no THAA samples collected at all between August-October 2022;
- (d) No microcystin samples were collected during the required dates of August 1-16, 2022.
- (e) The remaining SCHEDULE 4 samples collected on September 6, 2022 were not collected during the required dates between June 1 and August 31, 2022.

Amendment No. 1 to Enforcement Order No. EO-EPEA-34579

- 12. Conditions 3.3.5 and 3.3.6 of the Approval required Salt Box to install an on-line chlorine monitoring system with data capture equipment where treated water enters the system on or before December 1, 2020.
- 13. Condition 5.1.1(b) requires Salt Box to monitor the waterworks system in accordance with Schedule 3 of the Approval, including recording the maximum daily value UV flow, the minimum value for the UV light sensor and the daily chlorine-residual free concentration.
- 14. On December 1, 2021, the Director issued Enforcement Order EO-EPEA-34579 to Salt Box to install upgrades and perform the monitoring requirements, as

required in the Approval, on or before February 28, 2022. Salt Box appealed the Order to the Environmental Appeals Board. The Board dismissed the appeal.

15. On January 27, 2023, the Director issued Amendment No. 1 to Enforcement Order No. EO-EPEA-34579 (the "Order") The Order required, among other things, that Salt Box do the following:
 - (a) Clause 2: The Parties shall (a) immediately and (b) continuously monitor (c) the minimum value for UV light sensor reading; and (d) the maximum daily value for UV flow at ≤ 5 -minute sampling intervals as described in section 5.1.1(b) and Schedule 3 of the Approval;
 - (b) Clause 3: The Parties shall (a) immediately and (b) continuously record (c) the minimum value for UV light sensor reading; and (d) the maximum daily value for UV flow at ≤ 5 -minute sampling intervals as described in section 5.1.1(b) and Schedule 3 of the Approval;
 - (c) Clause 5: The Parties shall immediately install on-line chlorine monitoring equipment;
 - (d) Clause 7: The Parties shall (a) immediately and (b) continuously monitor the Chlorine Residual-Free concentration in the water entering the distribution system at ≤ 5 -minute sampling intervals, as described in section 5.1.1(b) and Schedule 3 of the Approval;
 - (e) Clause 8: The Parties shall (c) immediately and (d) continuously record the Chlorine Residual-Free concentration in the water entering the distribution system at ≤ 5 -minute sampling intervals, as described in section 5.1.1(b) and Schedule 3 of the Approval.
16. On February 21, 2023, an Environmental Protection Officer (EPO) conducted a site visit at the Salt Box facility. After speaking with the Operator and reviewing the site, the EPO confirmed that Salt Box was in breach of the Order because of the following:

- (a) the chlorine monitoring equipment had not yet been installed;
 - (b) There was no data capture for the UV flow or UV light sensor reading system; and
 - (c) As a result, the system was not immediately and continuously monitoring nor recording:
 - (i) the daily Chlorine residual-free concentration as described in section 5.1.1(b) and Schedule 3 of the Approval;
 - (ii) the maximum daily UV flow value as described in section 5.1.1(b) and Schedule 3 of the Approval; or
 - (iii) the minimum UV light sensor reading value as described in section 5.1.1(b) and Schedule 3 of the Approval.
17. On February 27, 2023 in response to receiving an Investigator's Notice, Salt Box confirmed in an email response that it had not yet complied with the Order with respect to both the Chlorine upgrade installation, and the Chlorine and UV monitoring and reporting requirements.
18. Investigators interviewed Salt Box's manager on March 17, 2023 and he admitted that the required upgrades had not yet been completed and the monitoring and reporting requirements of the Order were not being complied with.
19. Salt Box eventually complied with these Order requirements as of May 9, 2024. During the period of non-compliance, Alberta Environment sent an EPO to the Salt Box facility on a weekly basis to collect and analyze water samples to ensure water safety.

Agreements

20. The parties agree:

- (a) Salt Box pleads guilty to Count 1 on Information **250152659P1** and Count 1 on Information **250183746P1**

as described in paragraph 1 of this Agreed Statement of Facts. All remaining charges shall be withdrawn upon the Court sentencing Salt Box.

- (b) Salt Box agrees that it will be sentenced on all facts forming part of the circumstances of the offences that could constitute the basis for separate charges pursuant to s. 725(1)(c) of the *Criminal Code of Canada*.
- (c) The facts set out in this Agreed Statement of Facts are fully admitted and acknowledged by Salt Box. The parties will be at liberty to make further submissions about those facts to the Court.
- (d) This Agreed Statement of Facts may be filed and relied upon even if signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE THIS 15 day of June, 2026.



Lindsay Tate
Counsel for the Alberta Crown
Prosecution Service, Appeals and
Specialized Prosecutions Branch.



Robert Allen, Director, Salt Box Coulee
Water Supply Company Ltd.



Sanchit Dhawan
Counsel for Salt Box Coulee Water Supply Company Ltd.