

Compliance Directive

AGRICULTURAL OPERATION PRACTICES ACT, RSA 2000, c A-7

Directive #: CD 23-02

Date issued: May 25, 2023

Issued by: Denny Puszkur, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Lethbridge Office

Issued to: Van Huigenbos Farms Ltd.
Henry Van Huigenbos
Box 2517
Fort Macleod Alberta T0L0Z0

Attention: Henry Van Huigenbos

Basis for Order: Unauthorized Construction of a catch basin

This directive relates to the unauthorized construction of a manure collection area facility at a confined feeding operation.

The beef feedlot is located at SE-21-009-26-W4M, in the M.D. of Willow Creek, in the Province of Alberta approximately four kilometers northwest of the town of Fort Macleod. The confined feeding operation is operated under the name Van Huigenbos Farms Ltd., which is owned and managed by Henry Van Huigenbos.

Background

On May 12, 2023, I received a phone call from Henry Van Huigenbos self-reporting that he had excavated a new catch basin. I told Henry that he should have first gotten a permit from the NRCB to dig his catch basin before he had constructed it and that he was to ensure no manure contaminated runoff entered it. Henry said that he wasn't aware that he needed a permit prior to excavating the catch basin because he was planning to expand his feedlot which would require additional runoff capacity anyway.

A site inspection and interview with the operator was conducted on May 15, 2023. I confirmed that Van Huigenbos Farms Ltd excavated a catch basin approximately 20 feet directly south of an existing, permitted catch basin (see Appendix A). The operator indicated that the construction began in early May 2023 and was finished by May 12, 2023. A construction crew was on-site working on another project when the operator decided that he would have them excavate the catch basin while the machinery was present.

A subsequent conversation with NRCB Approval Officer, Cailyn Wilson, confirmed that the operator had submitted a Part 1 permit application for an expansion to his feedlot on January 19, 2023.

Unauthorized Construction of a Manure Collection Area

AOPA's permit requirements are intended to reduce the potential for groundwater contamination and surface water runoff, and to lessen the nuisance impacts of CFOs on neighbours. Without a permit for a manure collection area, the regulatory objects in AOPA may be compromised.

The *Agricultural Operation Practices Act* (AOPA) at section 14 prohibits a person from constructing, expanding, or modifying a manure storage facility (MSF) or manure collection area (MCA) that requires a permit under the regulations unless they hold a permit. Section 1(c.21) of AOPA defines an MCA as including a "catch basin". Section 4(2) of the AOPA Part 2 Matters Regulation, in turn, states that an "authorization" is required to construct, expand, or modify a MCF or MCA that is part of a CFO, unless the CFO owner already holds a permit for that MCF or MCA.

Under Section 39(1) of AOPA, the NRCB may issue an enforcement order to a person if, in the NRCB's opinion, the person is, among other things, contravening the act or its regulations.

This non-compliance was self-reported by the operator. As such a compliance directive is being issued rather than an enforcement order. Accordingly, this directive is to remedy the violations noted above and to mitigate any possible risks to the environment and potential nuisances to any affected neighbours.

DIRECTIVE:

For the reasons provided above, Henry Van Huigenbos and Van Huigenbos Farms Ltd shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Henry Van Huigenbos and Van Huigenbos Farms Ltd shall:

1. Ensure that no manure contaminated runoff enters the unauthorized catch basin until an NRCB Approval Officer authorizes the use of it by way of a permit under AOPA.
2. By May 31, 2023, construct a 2-foot high berm around the entire perimeter of the unauthorized catch basin.
3. By October 1, 2023 if an NRCB permit has not been received for the catch basin, the operator shall completely fill in the catch basin back to surface ground level such that it cannot be used to contain run-off in any manner.
4. Not begin any construction of additional CFO facilities until authorized to do so by an NRCB Approval Officer.

All actions required above shall be in compliance with AOPA and its implementing regulations and shall not violate any other law. These requirements remain in effect until otherwise directed by the NRCB in writing.

If Henry Van Huigenbos or Van Huigenbos Farms Ltd. fails to comply with this directive, the NRCB may take additional enforcement action.

Any of the deadline dates contained above may be extended in writing, but only by the NRCB, at the sole discretion of the NRCB.

(original signed)

Denny Puszkar

Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: MD of Willow Creek

Appendix A

