

Decision Summary RA18008A

This document summarizes my reasons for issuing Authorization RA18008A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons, as well as the full application, are in Technical Document RA18008A. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

1. Background

On March 8, 2018, the NRCB issued Authorization RA18008 to the Hutterian Brethren of Red Willow (Red Willow Colony), which allowed them to construct a 61 m x 61 m x 5.5 m deep earthen liquid manure storage (EMS) at an existing multi species confined feeding operation (CFO). Red Willow Colony has not yet constructed the EMS.

On January 17, 2020, Red Willow Colony applied to amend that authorization in order to modify the dimensions of the EMS, from 61 m x 61 m x 5.5 m deep to 91.4 m x 91.4 m x 5.5 m deep.

Under the proposal, the EMS will be built using the same compacted clay liner that was previously permitted for the original EMS. No increase in livestock numbers or manure production is proposed.

Under AOPA, this type of application requires an amendment to an authorization.

a. Location

The existing CFO is located at SE 23-40-18 W4M in Stettler County, roughly six km east of the Hamlet of Red Willow, AB. The terrain is level with a general slope to the southeast towards the Red Willow Creek.

2. Notices to “Affected Parties”

Under section 21 of AOPA, notice of an authorization application must be provided to municipalities that are “affected” by the application. Section 5 of AOPA’s Part 2 Matters Regulation lists the categories of municipalities that are affected parties. These categories include the municipality where the existing CFO is located. Under section 21(2) of the act, all affected municipalities are automatically also “directly affected” parties. The NRCB interprets section 21(3) as allowing affected municipalities to provide written submissions regarding whether the application meets the requirements of the regulations under the act. (See Operational Policy 2016-7: *Approvals*, part 7.11.2.)

Stettler County is both an affected and directly affected party because the proposed modification of the EMS is located within its boundaries.

On January 27, 2020, the NRCB emailed referral letters and a copy of the application to Stettler County, Alberta Health Services (AHS) and Alberta Environment and Parks (AEP).

3. Responses from Municipality and Referral Agencies

I received responses from the county, AHS and AEP.

The NRCB received an oral response to the application notice from Jacinta Donovan, director of planning services at Stettler County. As noted in section 2, Ponoka County is a directly affected party.

In her response, Ms. Donovan indicated that the county has no concerns with this application. The county adopted its current MDP June 25, 2014 under Bylaw 1529-14. This is the same MDP that I considered when I issued Authorization RA18008 in March 8, 2018. Red Willow Colony's present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary RA18008.

Ms. Laura Partridge, a senior water administration officer with AEP, indicated that Red Willow Colony does not require additional water licensing at this time.

Mr. Quentin Schatz, an AHS executive officer/public health inspector, has no concerns with this application.

4. Environmental risk screening of existing facilities and proposed new MSF

When reviewing new permit applications for an existing CFO, NRCB approval officers normally assess the CFO's existing buildings, structures and other facilities, using the NRCB's environmental risk screening tool, to determine the level of risk they pose to surface water and groundwater. This tool provides for a numeric scoring of risks, which can fall within either a low, moderate or high risk range. (A complete description of this tool is available under CFO/Guides on the NRCB website at www.nrcb.ca.) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment unless site changes are identified that require a new assessment, or the assessment was done with a previous version of the risk screening tool and requires updating.

In this case, the risks posed by Red Willow Colony's CFO facilities were assessed in 2013. According to that assessment, the facilities posed a low risk to surface water and groundwater. Additionally, under application RA18008, I used the NRCB's environmental risk screening tool to determine the level of risk the proposed EMS posed to surface water and groundwater. The risk assessment found that the new EMS posed a low risk to groundwater and surface water.

Except for the proposed new dimensions of the EMS permitted by Authorization RA18008, the circumstances have not changed since that assessment was done. The soil information submitted for the EMS originally permitted by RA18008 remains the same. The proposed expanded EMS will also have the same compacted clay liner as the EMS permitted by Authorization RA18008. Lastly, the new size of the EMS does not change the prior risk assessment result.

For these reasons, a new assessment of the risks posed by the CFO's existing facilities, and the proposed new expanded EMS is not required. The risk pose by the new EMS is therefore presumed to be low.

5. Factors Considered

The previous application RA18008 met all relevant AOPA requirements. The proposed change to the size of the EMS has no impact on that determination; which still stands. Additionally, the terms and conditions summarized in section 6, include the terms and conditions from Authorization RA18008.

6. Terms and Conditions

Rather than issuing a separate “amendment” to Authorization RA18008, I am issuing a new authorization (RA18008A) with the required amendment. Authorization RA18008A therefore contains all of the terms and conditions in RA18008, except for the modification in regards to the dimensions of the EMS.

7. Conclusion

Authorization RA18008A is issued, for the reasons provided above, in decision summaries RA18008 and RA18008A, and in Technical Document RA18008A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization RA18008 is therefore cancelled, unless Authorization RA18008A is held invalid following a review and decision by the NRCB’s board members or by a court, in which case the previous permit will remain in effect.

April 24, 2020

(Original Signed)
Francisco Echegaray, P.Ag.
Approval Officer