

Decision Summary RA18023A

This document summarizes my reasons for issuing Authorization RA18023A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons, as well as the full application, are in Technical Document RA18023A. 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 May 24, 2019, the NRCB issued Authorization RA18023 to Allan Child, which allowed the construction of an 85 m x 50 m x 6 m deep earthen liquid manure storage (EMS) at an existing dairy confined feeding operation (CFO). The authorization also permitted the construction of a runoff control catch basin (80 m x 35 m x 2.5 m deep) and a solid manure pad (80 m x 35 m). Allan Child constructed the EMS, in the summer of 2019, with different dimensions than permitted by the authorization. The other two facilities have not yet been constructed.

On February 26, 2020, Allan Child applied to amend that authorization, in order to modify the dimensions of the EMS from 85 m x 50 m x 6 m deep, to 65 m x 63 m x 9 m deep.

The EMS was constructed using the same proposed 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 SW 34-45-13 W4M in Flagstaff County, roughly 14 km north of Killam, Alberta. The terrain of the site is level.

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.)

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

On February 28, 2020, the NRCB emailed referral letters and a copy of the application to Flagstaff County, Alberta Health Services (AHS), Alberta Agriculture and Forestry (AF) and Alberta Environment and Parks (AEP).

3. Responses from Municipality and Referral Agencies

I received responses from the county and AF. No response was received from AHS and AEP.

Ms. Rosemary Hoyland, a development officer with Flagstaff County, provided a written response on behalf of the county. As noted in section 2, Flagstaff County is a directly affected party.

In her response, Ms. Hoyland indicated that she has no issues or concerns with the proposal. The county adopted its current MDP in August 2018, under Bylaw 10/18. This is the same MDP that I considered when I issued Authorization RA18023 in May 24, 2019. Allan Child's present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary RA18023.

An AF inspector indicated that AF has no concerns with the 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.

The risks posed by Allan Child's permitted CFO facilities were assessed in 2019. According to that assessment, the facilities posed a low risk to surface water and groundwater.

Since the 2019 risk assessment, the permit holder expanded the permitted EMS. It is now deeper, and has a greater capacity, than the originally permitted facility. For this reason, I re-assessed the risks posed by the constructed EMS. My re-assessment found that the constructed EMS poses a low risk to groundwater and surface water.

The soil information submitted for the EMS originally permitted by RA18023 remains the same, as indicated in a completion report signed by a professional engineer, confirming that the facility was constructed with the same material that was used for hydraulic conductivity testing, and that the EMS was constructed according to the proposed procedures and design specifications. The constructed and expanded EMS; therefore, has the same compacted clay liner as the EMS permitted by Authorization RA18023.

5. Factors Considered

The previous application RA18023 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 RA18023.

6. Terms and Conditions

Rather than issuing a separate “amendment” to Authorization RA18023, I am issuing a new authorization (RA18023A) with the required amendment. Authorization RA18023A therefore contains all of the terms and conditions in RA18023, except for the modification in regards to the dimensions of the EMS.

7. Conclusion

Authorization RA18023A is issued, for the reasons provided above, in decision summaries RA18023 and RA18023A, and in Technical Documents RA18023 and RA18023A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization RA18023 is therefore cancelled, unless Authorization RA18023A 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.

May 8, 2020

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