

Decision Summary RA19049A

This document summarizes my reasons for issuing Approval RA19049A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons, as well as the full application, are in Technical Document RA19049A. 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 February 20, 2020, the NRCB issued Approval RA19049 to the Rosalind Hutterite Colony (Rosalind Colony), which permitted the increase of chicken layer numbers from 15,000 to 31,000 (plus associated pullets). The approval also permitted the construction of a layer barn (110 m x 25.6 m) and a manure collection shed (30.5 m x 12.2 m) at an existing multi species confined feeding operation (CFO). Rosalind Colony has not yet constructed the barn or the manure collection shed.

On March 30, 2020, Rosalind Colony applied to amend that approval in order to modify the type of reinforcement to be used in the concrete liner of the permitted layer barn and the manure collection shed. The colony is proposing to change the rebar from steel to glass fiber reinforced polymer.

Under the proposal, the concrete liner of the barn and the manure collection shed will be reinforced by glass fiber reinforced polymer rather than conventional steel rebar (see TD RA19049A for details). Except for the proposed modification to the reinforcement, the permitted facilities will be built using the same concrete liners that met the requirements under Approval RA19049. No increase in livestock numbers or manure production is proposed.

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

a. Location

The existing CFO is located at SE 23-44-19 W4M in Camrose County, roughly 24 km southeast of Camrose, Alberta. The terrain is undulating.

2. Notices to “Affected Parties”

Under section 19 of AOPA, the NRCB is required to notify (or direct the applicant to notify) all parties that are “affected” by an approval application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is or is to be located
- any other municipality whose boundary is within a specified distance of the CFO, depending on the size of the CFO
- all individuals who own or reside on land within a specified distance of the CFO, depending on the size of the CFO

For this application, the distance is 0.5 miles. (The NRCB refers to this distance as the “affected party radius.”)

Municipalities that are affected parties are defined by the act to be “directly affected” and are entitled to provide evidence and written submissions. Camrose County is an affected party (and therefore also a directly affected party) because the proposed expansion is located within its boundaries.

All other parties who receive notice of the application may request to be considered “directly affected.” Under NRCB policy, all individuals who own or reside on land within the affected party radius are presumed to be “directly affected” if they submit a written response to the notice within the prescribed timeline. See NRCB Operational Policy 2016-7: *Approvals*, part 6.2.

Under section 20 of the act, all directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions regarding the application.

All directly affected parties are also entitled to request an NRCB board review of the approval officer’s decision on the approval application.

The NRCB published notice of the application in the Camrose Booster on April 7, 2020 and posted the full application on the NRCB website for public viewing. The NRCB also emailed referral letters and a copy of the complete application to Camrose County, Alberta Health Services (AHS), Alberta Environment and Parks (AEP), and Ember Resources. Two courtesy letters were sent to people identified by Camrose County as owning or residing on land within the affected party radius.

3. Responses from Municipality and Referral Agencies

I received responses from the county and AHS. No response was received from AEP, Ember resources, individuals or other non-government parties.

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

Ms. MacMurray stated that the application complies with the county’s municipal development plan (MDP). Additionally, she indicated that the CFO site, and all lands within 1,600 m of the CFO, are zoned as Agricultural in the county’s land use bylaw (LUB).

The county adopted its current MDP on April 12, 2016 under Bylaw 1372. This is the same MDP that I considered when I issued Approval RA19049 in February 20, 2020. Rosalind Colony’s present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary RA19049.

The NRCB also received a response from Wayne Button, an environmental health officer/executive officer with AHS indicating that AHS has no concerns with this application.

4. Environmental risk screening of existing and facilities

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 Rosalind Colony's CFO facilities were assessed earlier in 2020. According to that assessment, the facilities, including the proposed chicken layer and manure storage pad posed a low risk to surface water and groundwater.

Except for the proposed modification of the type of reinforcement to be used in these facilities' concrete liner, the circumstances have not changed since that assessment was done. Under technical guideline "Non-Engineered Concrete Liners for Manure Collection and Storage Areas, the proposed glass fiber reinforced polymer rebar is a suitable substitute for steel rebar or concrete reinforcing mesh for category D concrete. As the concrete liner meets the requirements, the proposed change to reinforcement of the liner does not change the prior risk assessment result.

5. Factors Considered

The previous application RA19049 met all relevant AOPA requirements. The proposed modification to the type of reinforcement to be used in the concrete liner of the permitted layer barn and the manure collection shed has no impact on that determination; which still stands. Additionally, the terms and conditions summarized in section 6, include the terms and conditions from Approval RA19049.

When preparing this decision summary, I received technical assistance from Scott Cunningham, NRCB Environmental Specialist.

6. Terms and Conditions

Rather than issuing a separate "amendment" to Approval RA19049, I am issuing a new Approval (RA19049A) with the required amendment. Approval RA19049A therefore contains all of the terms and conditions in RA19049, except for the modification in regards to the change of reinforcement type to be used in the concrete liner.

7. Conclusion

Approval RA19049A is issued, for the reasons provided above, in decision summaries RA19049 and RA19049A, and in Technical Document RA19049A. In the case of a conflict between these documents, the latest ones will take precedence.

Approval RA19049 is therefore cancelled, unless Approval RA19049A 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 14, 2020

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