

Decision Summary LA20015

This document summarizes my reasons for issuing Approval LA20015 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA20015. 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 17, 2020, Serfas Farms Ltd. (Serfas Farms) submitted a Part 1 application to the NRCB to construct a new beef CFO consisting of 40,000 head beef finishers, 110 feedlot pens with a total dimension of 842.5 m x 849 m and six catch basins (126 m x 33 m x 4 m each). The Part 2 application was submitted on March 18, 2020. On April 18, 2020, I deemed the application complete.

The application also includes construction of a fresh water reservoir. This facility is an “ancillary structure,” under section 1(1)(a.1) of the Agricultural Operations, Part 2 Matters Regulation, because it will not be used to store or collect manure or to confine livestock. Therefore, under section 4.1 of that regulation, this structure does not need to be permitted under the act.

Under AOPA, this type of application requires an approval. (This is one of several types of “permits” issued under AOPA. For an explanation of the different types and when each one applies, see www.nrcb.ca.)

a. Location

The proposed CFO is located at Sec. 2-15-18 W4M in the Municipal District of Taber, roughly 7.5 km northeast of the Hamlet of Enchant, AB. The terrain slopes gradually to the south. The closest common body of water is an irrigation canal which runs in south-northwest direction along the south side of the CFO. The distance from the closest part of the CFO to that irrigation canal is approximately 110 m.

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 from the CFO, depending on the size of the CFO
- all persons who own or reside on land within a specified distance from the CFO, depending on the size of the CFO

For this application, the distance is four 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. The Municipal District of Taber is an affected party (and therefore also a directly affected party) because the proposed CFO is located within its boundaries. Vulcan County is also an affected party because its boundary is within the four mile affected party radius.

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 Taber Times on April 8, 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 the Municipal District (MD) of Taber, Vulcan County, Alberta Health Services (AHS), Alberta Environment and Parks (AEP), Alberta Transportation, and the Bow River Irrigation District (BRID). Eighty-eight courtesy letters were sent to people identified by the MD of Taber and Vulcan County as owning or residing on land within the affected party radius.

3. Responses from the municipalities and referral agencies

I received responses from the MD of Taber, Vulcan County, Alberta Transportation, AEP, and the BRID. No response was received from AHS.

Mr. Kirk Hughes, director of planning and economic development, provided a written response on behalf of the MD of Taber. As noted in section 2, the MD of Taber is a directly affected party.

Mr. Hughes stated that the application is consistent with the MD of Taber’s municipal development plan (MDP) and that there are no other area structure plans or intermunicipal development plans which apply to the application. The application’s consistency with the MD of Taber’s MDP, is addressed in Appendix A, attached.

Mr. Hughes also stated that the application appears to meet the setbacks as required by the MD of Taber’s land use bylaw No. 1723. However, he noted that the proposal does not meet the 30 meter setback to the property line and recommended the consolidation of the parcels. The response was forwarded to Serfas Farms for their information. Serfas Farms has since submitted an application to Alberta Land Titles and the consolidation of the parcels has been approved (Documents are on file).

In a second response, received May 21, 2020, the MD of Taber raised concerns on behalf of the Vauxhall and District Regional Water Service Commission (VDRWSC) about surface water contamination during construction and operation of the CFO. The response stated that water from Lost Lake is for human consumption and that any contamination will impact the treatment process and cost. It therefore requested to ensure that there is no negative impact on the water

quality of Lost Lake. This concern is addressed in Appendix B, attached.

Vulcan County did not raise any specific concerns but requested a meeting with the surrounding land owners to gather their input. The NRCB generally does not conduct meetings where the merits of a specific applications are discussed. In this case, the deadline to submit a statement of concern was two days after Vulcan County's response was received by the NRCB. Because of the short window, I decided that it is not practical to contact the applicant to see if he was interested in holding a meeting and give adequate notice to participants to participate in such a meeting. At any rate, courtesy letters were send out to all residents and landowners within four mile of the proposed CFO inviting their input. However, I contacted the county and offered an extension of the deadline to submit their comments should they want to raise other concerns with this application. Vulcan County sent a follow up email on May 13 stating that they had no further comments.

Ms. Leah Olsen, a development/ planning technologist, provided a written response on behalf of Alberta Transportation. Ms. Olsen raised no concerns with the application and stated that a permit from her department is not required.

Mr. Jeff Gutsell, a hydrogeologist, provided a written response on behalf of AEP. Mr. Gutsell's comments included that the application did not include the 'water declaration page' that provides evidence that the applicant is aware of issues related to water supply. He also commented on the waivers that were provided for this application. He noted that they were signed for a different application (LA19408). In his response, Mr. Gutsell also stated that Serfas Farms would be responsible in contacting the BRID to ensure appropriate water supply agreements are in place for the expansion and that he would like to have a copy of the agreement. Serfas Farms has since received confirmation from the BRID that enough water is available and a copy of the water conveyance agreement was forwarded to Mr. Gutsell for his information. Mr. Gutsell's concerns are addressed in Appendix B, attached.

Mr. Richard Phillips, general manager of the BRID, stated in his response that the BRID has agreed to provide water for this CFO. He continued to explain the drainage patterns of the irrigation canals in this area and stated that it is critical to prevent any runoff from entering the district works. This concern is addressed in Appendix B.

4. Responses from other parties

The NRCB received responses from two individuals and the B&A Planning Group who responded on behalf of TC Energy who operates the NOVA gas line.

Both of the individuals who submitted a joint response own or reside on land within the 4 mile radius for affected persons. Because of their location within this radius, they are presumed to be directly affected by the application.

The directly affected parties raised concerns regarding:

- Nuisance impacts including odor, dust, flies
- Deterioration of roads and traffic and road safety
- Land value

In addition to the two persons who submitted a statement of concern, as per NRCB policy, the three persons who signed minimum distance separation (MDS) waivers are presumed to be directly affected parties.

The concerns raised by the directly affected parties and TC Energy are addressed in Appendix B.

5. Environmental risk screening proposed facilities

As part of my review of this application, I assessed the risk to surface water and groundwater posed by the CFO's proposed manure storage and collection facilities. I used the NRCB's environmental risk screening tool for this purpose (see NRCB Operational Policy 2016-7: *Approvals*, part 8.13). The 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/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.)

All of the CFO's proposed facilities pose a low potential risk to groundwater and surface water.

6. Other factors considered

The application meets all relevant AOPA requirements, with the terms and conditions summarized in part 7.

In addition, the proposed CFO is consistent with the land use provisions of the Municipal District of Taber's municipal development plan. (See Appendix A for a more detailed discussion of the county's planning requirements.)

Under the MD of Taber's Land Use Bylaw #1899, the subject land is currently zoned as Rural Agricultural. The LUB does not specifically list CFOs as a permitted or discretionary use under this section. Ordinarily, a land use bylaw intends to preclude land uses that are not listed as permitted or discretionary (and that do not meet any other relevant criteria). CFO developments are discussed throughout the LUB and under Schedule 3 are listed as not requiring a development permit. I interpret this LUB's omission of CFOs as simply a reflection of the municipal district's recognition that, since AOPA came into effect in 2002, the NRCB is responsible for permitting CFOs.

With respect to the act's technical requirements, the proposed CFO:

- Meets the required AOPA setbacks from all nearby residences, with two exceptions (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS). The owners of those residences have signed written waivers of the MDS requirement to their residences. The owner of a residence located immediately outside of the MDS also provided a signed MDS waiver.
- Meets the required AOPA setbacks from water wells, springs and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities with the increased thickness of the proposed compacted clay liners.

As required by section 4(1) of the South Saskatchewan Regional Plan (SSRP), I considered that document's Strategic Plan and Implementation Plan and determined that the application is

consistent with those plans. In addition, there are no notices or orders under the Regulatory Details portion of the SSRP that apply to this application.

In addition, I assessed the effects of the proposed CFO on the environment. Consistent with NRCB policy, I presumed that these effects are acceptable because the application meets all of AOPA's technical requirements. I also presumed that the application's effects on the economy and community are acceptable, and that the proposed CFO is an appropriate use of land. Under NRCB policy, these presumptions are based on the application's consistency with the municipal development plan and land use bylaw. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.7.3.). I have reviewed the information before me and considered concerns from referral agencies and directly affected parties; and given the consistency with the planning documents and with AOPA's regulatory requirements, I do not consider the presumptions rebutted.

7. Terms and conditions

Approval LA20015 specifies the new permitted livestock capacity as 40,000 beef finishers and permits the construction of 110 feedlot pens and six catch basins.

Approval LA20015 also contains terms that the NRCB generally includes in all AOPA approvals, including terms stating that the applicant must follow AOPA requirements and must adhere to the project descriptions in their application and accompanying materials.

In addition to the terms described above, Approval LA20015 includes conditions that:

- Set a deadline of December 31, 2022 for the approved construction to be completed
- Require submission of a completion report, prepared and signed by a professional engineer, confirming the liner thickness (0.5 m for the feedlot pens and 1 m for the catch basins) and that the hydraulic conductivity of the compacted clay liners I meets AOPA requirements
- Prohibit Serfas Farms from placing manure or livestock in the feedlot pens and from allowing manure contaminated runoff to enter the catch basins until the facilities have been inspected by the NRCB following their construction

For an explanation of the reasons for these conditions, see Appendix C.

8. Conclusion

Approval LA20015 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA20015.

May 27, 2020

(original signed)
Carina Weisbach
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Determining directly affected party status and concerns raised by referral agencies and directly affected parties
- C. Explanation of conditions in Approval LA20015

APPENDIX A: Consistency with the municipal development plan

Under section 20 of AOPA, an approval officer may approve an application for an approval only if the approval officer finds that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

The NRCB interprets the term “land use provisions” as covering MDP policies that provide generic directions about the acceptability of various land uses in specific areas and that do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. (See NRCB Operational Policy 2016-7: *Approvals*, part 8.2.5.) Under this interpretation, the term “land use provisions” also excludes MDP policies that impose procedural requirements. In addition, section 20(1.1) of the act precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” of a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions.”)

Serfas Farms’ is located in the Municipal District (MD) of Taber and is therefore subject to that municipal district’s MDP. The MD of Taber adopted the latest revision to this plan on August 13, 2019 under Bylaw #1951.

Sections 5.1.13 – 5.1.15 of the MDP provide policies “related to confined feeding operations.” The stated purposes of these policies include providing the NRCB with “requirements that the council of the M.D. of Taber wish to have considered when applications for CFOs are evaluated for approval....”

The text in sections 5.1.13-5.1.15 is not clear as to whether these policies were intended to apply to applications for both new CFOs and for expansions of existing CFOs. However, a broad reading of these provisions suggests that they were meant to cover new CFOs as well as CFO expansions. Therefore, I presume these sections apply to Serfas Farms’ proposed construction.

Each of the applicable sections are discussed below.

Section 5.1.13

This section states that CFOs should be discouraged in the areas shown in Map 2 as “restricted”. Serfas Farms’ CFO is not within any of the “restricted” areas in Map 2.

Sections 5.1.14(a)-(d)

These sections list setbacks for CFOs from roads and property lines. Serfas Farms consolidated the impacted quarter sections. Therefore, Serfas Farms’ proposed construction is not within any of these setbacks.

Section 5.1.15

Under this section, the Municipal District requests that the NRCB consider the four following items:

- (a) the proximity of the operation to open bodies of water and the topography of the

- surrounding lands in order to minimize any negative impacts to drinking water supplies;
- (b) the cumulative effect of a new approval on any area near other existing confined feeding operations;
- (c) environmentally sensitive areas shown in the report, Municipal District of Taber Environmentally Sensitive Areas in the Oldman River Region;
- (d) give[ing] notice to adjacent landowners even in the case of applications for registration or authorization.

Neither (a) or (b) are likely “land use provisions,” as they call for site-specific judgements about the acceptability of an individual operation in light of certain criteria (“proximity,” magnitude and nature of cumulative effect, effect on environmentally sensitive areas). As such, these two MDP policies are not relevant to my MDP consistency determination. (See Operational Policy 2016-7: *Approvals*, part 8.2.5.). Even if (a) and (c) are relevant, Serfas Farms’ proposed construction is consistent with them, as discussed below.

At any rate, Serfas Farms’ proposed construction meets requirements related to item (a), which refers to the impact of the operation on drinking water supplies. Several of the requirements under AOPA and its regulations are designed to prevent or minimize leakage from CFO facilities and thus to prevent manure from reaching and contaminating surface water and groundwater. Because Serfas Farms’ proposed construction meets these requirements, this facility will not pose a material risk to surface water or groundwater (and therefore potential drinking water supplies).

The CFO is not located in an environmentally sensitive area as indicated in item 5.1.15(c) above.

Policy 5.1.15(d) is a procedural requirement so it is likely not a “land use provision.” Therefore it is not relevant to my MDP consistency determination. At any rate, as explained above, in addition to notifying the Municipal District of Taber and several referral agencies, the NRCB also sent courtesy letters to all landowners and residences within a four mile radius as identified by the MD of Taber (see also Operational Policy 2016-7: *Approvals*, part 7.4). The notification requirements under AOPA have been met.

For these reasons, I conclude that the proposed construction and establishment of a new feedlot is consistent with the land use provisions of the Municipal District of Taber’s MDP. The Municipal District’s response supports my conclusion.

APPENDIX B: Determining directly affected party status and concerns raised by referral agencies and other parties

The following individuals own or reside on land within the “affected party radius,” as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation:

Jim and Vivian Ragan
NE18-15-17 W4

Therefore, under NRCB policy, because they submitted a timely response, these individuals are presumed to be “directly affected” by the application. See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.

The following persons who submitted MDS waivers are also presumed to be directly affected parties. (See NRCB Operational Policy 2016:7 – *Approvals*, part 6.2.):

Robert and Marlene Wiest
SE 3-15-18 W4

Raw Farms Ltd.
SE 34-14-18 W4

Serfas Farms Ltd
NW 34-14-18 W4

The third waiver, signed by Serfas Farms, was signed by the same person who submitted the application. According to section 3(6) Part 1, Standard and Administration Regulation, the MDS does not apply to a residence within the MDS if the owner of the proposed CFO owns or controls the residence. Hence, this waiver was not required. Being the applicant, Serfas farms is automatically a directly affected party.

In addition to the above listed parties, TC Energy submitted a response to the permit application but does not reside or own property within the notification radius. TC Energy operates the NOVA Gas pipeline which has a right of way registered on the Land Title, including an agreement with the land owner (Serfas Farms Ltd.). However, TC Energy may still qualify as directly affected party based on its “exposure to potential nuisances or risks” posed by the proposed development (*Ijtsma*, RFR 2011-05, page 3).

Serfas Farms contacted TC Energy to resolve the concerns that were raised in their response. In an email on May 14, 2020, Serfas Farms explained to me that they send a response to TC Energy addressing their concern in respect to the fresh water reservoir, the right-of-way and the crossing of the pipeline. As mentioned above, since that email, Serfas Farms and TC Energy had a meeting to discuss the application.

In addition, in an email, I asked if TC Energy intended to apply for directly affected party status. TC Energy confirmed it did not. I therefore presume that TC Energy is satisfied with the commitments Serfas Farms made in their conversation.

Concerns raised:

Referral agencies

a. Alberta Environment and Parks (AEP)

In a letter dated April 8, 2020, an AEP hydrogeologist stated that AEP was concerned that:

- the applicant did not sign the declaration concerning the Water Act

I spoke with the applicant to explain the need to ensure that sufficient water is available prior to starting constructing. He signed the above mentioned declaration which is included in Technical Document LA20015.

- the MDS waiver signed by the Wiests shows a different application number

It is correct that the waiver that was signed by Robert and Marlene Wiest shows application number LA19048, which was for a previous application. That application was subsequently withdrawn and replaced with Application LA20015. However, because the 'declaration of permit applicant regarding MDS waiver' described the same project – most significantly, the animal numbers for LA20015 (40,000) – and was initialled by the signee of the waiver, I accepted the waiver.

- the soil permeability testing conducted at this site does not seem to meet the requirements for natural occurring protective layers under the act.

The applicant did not apply for a natural occurring protective layer but for a compacted clay liner throughout the feedlot area and the catch basins.

Mr. Gutsell also stated that no water licenses (surface or groundwater) were issued for this land location and that no water wells are recorded in AEP's database. He is aware that there is potential that the applicant has a water conveyance agreement with the BRID and requested a copy of the agreement to prove that sufficient water is available. In a letter from the BRID to the applicant (Serfas Farms), the BRID committed to convey the required water. A copy of the agreement was forwarded to AEP for their information.

b. Bow River Irrigation District (BRID) and Vauxhall and District Regional Water Service Commission

In a letter dated April 9, 2020, the manager of BRID stated that it was concerned that runoff might reach the Enchant Drain which conveys irrigation return flow and natural runoff from a large portion of the district to Lost Lake. The water from Lost Lake is pumped back into the irrigation canal system to supply water for irrigation and domestic use. He emphasized that it is critical that no manure contaminated runoff must enter the drain system.

The Vauxhall and District Regional Water Service Commission raised concerns about surface water contamination during construction and operation of the CFO. The response stated that water from Lost Lake is for human consumption and that any contamination will impact the treatment process and cost. It therefore requested to ensure that there is no negative impact on the water quality of Lost Lake.

The proposed catch basin capacity at freeboard is 74,844 m³. The required volume for the district of Taber is 36,458 m³ based on the footprint of the proposed pen area, including chase alleys, handling facilities, and all other areas contributing to the runoff volume from this feedlot. Because the catch basin volume is significantly larger than required under the act, I am satisfied that BRID's concern is adequately addressed. However, the applicant is reminded that it is their responsibility to control and manage any runoff from their CFO and to maintain the 0.5 m catch basin freeboard at all times as required under section 19(3) of the Standards and Administration Regulation.

d. TC Energy

Kayla McCarthy, community planner with B&A Planning Group responded on behalf of TC Energy. In her response, Ms. McCarthy expressed concerns about the proximity of the CFO's structures to the pipeline and pointed out that some of the proposed features of the CFO are within the right-of-way or even cross the pipeline (e.g. a road). She continued to state that such developments require a written consent from TC Energy and that a representative must be on site during developments within the right-of-way-area. She also stated all applicable setbacks and what is allowed within these areas. In addition, she also expressed concerns with the fresh water pond and the potential of water seeping into the ground and spillage that could compromise the integrity of the pipeline infrastructure.

This concern is outside the jurisdiction of the NRCB to address. However, a copy of the letter was forwarded to the applicant for his information and action. On May 14, 2020, the applicant wrote to TC Energy to respond to their concerns. On May 21, 2020, the applicant provided me with an email saying that he has met with TC Energy to discuss his project including a crossing agreement. In this email he committed to adhere to all of TC Energy's protocols during construction. He also stated that he will relocate the chase alley that was originally proposed to be located within the right-of-way setback so that none of the CFOs components are within these setbacks. He continued to commit to fence off the right-of-way-area and establish a grass cover.

Directly affected parties

The directly affected parties raised the following concerns:

- Nuisance impacts including odor, dust, and flies
- Deterioration of roads and traffic, road safety
- Land value

Nuisance impacts including odor, dust, and flies

AOPA's minimum distance separation (MDS) is a means for mitigating odour and other nuisance impacts from CFOs. Mr. and Ms. Ragan's residence is located about three km northeast of the site and outside of the required 1,462 m MDS. The NRCB generally considers the MDS as the distance beyond which the odors and other nuisance effects of a CFO are considered to be acceptable under AOPA. In addition, section 20 of the Standards and Administration Regulation requires the operator to apply reasonable measures to control the level of infestation of flies. That said, people residing beyond the MDS may still experience odors and other nuisance impacts from time to time and, in some instances, those impacts may be more than trivial.

In addition to odors from the CFO itself, odors and other nuisance impacts are also likely to occur when manure spreading takes place. However, the frequency of these exposures will likely be limited and of short duration.

The manure spreading lands that were proposed to receive manure from Serfas Farms' new feedlot, as well as the land where the Mr. and Ms. Ragan reside, are zoned agricultural. It is expected that some odors related to normal agricultural practices will be experienced in this zoning area.

In order to limit the nuisance impact of manure application on direct seeded or tame forage land, section 24 of the Standards and Administration Regulation precludes manure spreading without incorporation within 150 m of residences. Manure that is spread on conventionally tilled land must be incorporated within 48 hours. Setbacks and incorporation can help to minimize normal odors from manure spreading.

Incidences of non-compliance or inappropriate disturbance can be reported to the NRCB's 24 hour a day response line (1-866-383-6722 or 310-0000 toll free line).

Increase in road use and road safety during manure spreading events

The Ragans' concern appeared to be around increased road use and their subsequent deterioration in addition to the traffic due to other feedlots in the area. The other concern that was brought up in respect to road use is road safety in particular during manure spreading events. Their observation is that apart from the deterioration of the roads mentioned above, trucks also leave big clumps of mud around the field exit areas.

The NRCB does not have direct responsibility for regulating road use. Section 18 of the *Municipal Government Act* gives counties "direction, control and management" of all roads within their borders. It is impractical and inefficient for the NRCB to attempt to manage road use through AOPA permits. (See Operational Policy 2016-7: *Approvals*, part 8.9.). The MD did not voice any concerns in respect to road use.

Land value

In previous board decisions the NRCB's board members have stated that concerns regarding effects on land or property values are "not a subject for [the board's] review under AOPA or for approval officers' consideration". According to the board, impacts on property values are a land use issue, which is a "planning matter dealt with by municipalities in municipal plans and land use bylaws." It also said that these impacts are not relevant to its consideration when the development is consistent with the MDP's land use provisions (See Pigs R Us Inc., RFR2017-11/BA17002).

APPENDIX C: Explanation of conditions in Approval LA20015

a. Construction Deadline

Serfas Farms proposes to complete construction of the proposed new feedlot pens and catch basins one year after the approval is issued. I consider this timeline to be very short for the proposed facilities. To allow for poor weather conditions and other unforeseeable events, I believe a three year construction period is more appropriate. The deadline of December 31, 2022 is included as a condition in Approval LA20015.

b. Post-construction inspection and review

The NRCB's general practice is to include conditions in new or amended permits to ensure that the new or expanded facilities are constructed according to the required design specifications.

Accordingly, Approval LA20015 includes conditions requiring a written construction completion report for the catch basins and the feedlot pens. The report shall be stamped and signed by a "professional engineer," as defined in the Standards and Administration Regulation, and shall:

- Certify that the catch basins and the feedlot pens were constructed at the location specified in the site plan provided with the application;
- Certify that the liner material used in the catch basins and the feedlot pens is the same material that was submitted for hydraulic conductivity testing;
- Provide the constructed catch basin and the feedlot pen dimensions, including elevations below and above grade, liner thickness (0.5 m for the feedlot pens and 1 m for the catch basins, berm height, and side slopes;
- Provide the in-situ density test results of the constructed catch basin and feedlot pen liners.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed according to their required design specifications. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Approval LA20015 includes a condition stating that Serfas Farms shall not place livestock or manure in the manure storage or collection portions of the new feedlot pens and catch basins until NRCB personnel have inspected the feedlot pens and catch basins and confirmed in writing that they meet the approval requirements.