

Decision Summary LA19045

This document summarizes my reasons for issuing Approval LA19045 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA19045. 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 October 25, 2019, Durango Livestock Ltd. (Durango) submitted a Part 1 application to the NRCB to expand an existing beef CFO. The application is to increase animal numbers from 3,000 to 5,500 beef finishers and construct eight new pens to a total of 95.1 m x 230.4 m (312 ft. x 756 ft.). The Part 2 application was submitted on April 28, 2020. On May 6, 2020, I deemed the application complete.

Durango received Enforcement Order 20-02 on June 4, 2020 for the unpermitted construction of two out of eight pens that are part of this application. In addition, the enforcement order also noticed a change in footprint of this CFO over the years. I have determined that these facilities also require a permit and will include them in this Approval (Technical Document LA19045).

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 existing CFO is located at NE 10-8-25 W4M in the Municipal District (MD) of Willow Creek, roughly 11 km southeast of the Town of Fort Macleod. The terrain is hilly, with a significant slope on the north side towards an unnamed creek that runs in west-east direction along the north side of the CFO. The distance of the closest manure storage or collection area to this creek is 160 m.

b. Existing permitted facilities

CFO was originally permitted by the MD of Willow Creek on December 11, 2000, under development permit # 146-00. This permit allowed the construction and operation of a 3,000 beef finisher feedlot with the following dimensions: 7 pens 150 ft. x 200 ft. (45.7 m x 61 m), 4 pens 138 ft. x 200 ft. (42 m x 61 m), 1 pen 108 ft. x 200 ft. (33 m x 61 m), 7 smaller pens, a catch basin and ancillary facilities. On March 21, 2011, the NRCB issued Approval LA10053M, amending the leak detection condition of the development permit as part of the Leak Detection Program. Approval LA10053M also determined that the permitted animal number at this CFO is 3,000 beef finishers. Over time, the footprint of the pen area has changed. Therefore, these facilities also need to be included in this permit (see site plan in Technical Document LA19045). CFO’s deemed facilities are listed in the appendix of Approval LA19045.

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 individuals 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 1.5 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. The MD of Willow Creek 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 Macleod Gazette on May 6, 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 MD of Willow Creek, the Blood Tribe, Alberta Health Services (AHS), Alberta Environment and Parks (AEP), and Alberta Transportation. Twenty six courtesy letters were sent to people identified by the Municipal District of Willow Creek as owning or residing on land within the affected party radius.

3. Responses from the municipality and referral agencies

I received responses from the MD of Willow Creek, Alberta Transportation, and AEP. No response was received from the Blood Tribe or AHS.

Ms. Cindy Chisholm, manager of planning & development with the MD of Willow Creek, provided a written response on behalf of the MD of Willow Creek. As noted in section 2, the MD of Willow Creek is a directly affected party.

Ms. Chisholm stated that the application is consistent with the MD of Willow Creek’s municipal development plan. The application’s consistency with the MD of Willow Creek’s municipal development plan (MDP) is addressed in Appendix A, attached.

Ms. Chisholm also listed the setbacks required by the MD of Willow Creek's land use bylaw (LUB) but did not elaborate if the application meets these setbacks.

The NRCB also received written responses from Leah Olsen, planning technologist with Alberta Transportation and Mr. Jeff Gutsell, a hydrogeologist with AEP.

Ms. Olsen stated in her response that a permit from her department is not required and that she has no concerns with this application.

Mr. Gutsell, stated that the existing surface water license is not sufficient to support the expansion and that his department has not received an application for additional water needs yet. He also noted that neither the well that is listed for domestic purposes, I assume that this refers to well ID 2028536, or the well that is listed as 'chemistry' are licensed. He requested that Durango contact his department to provide the necessary licences prior to populating the new pens. Because water licencing is regulated under AEP, I will not discuss this concern any further. However, the request has been forwarded to Durango for its information and action.

4. Responses from other directly affected parties

The NRCB received responses from three individuals.

All of the three persons who submitted responses own or reside on land within the 1.5 mile radius for affected persons. Because of their location within this radius, they are presumed to be directly affected by the application.

Two of the persons, Conrad and Rhonda Van Hierden submitted a letter of support for the expansion and one person, Gerrit Van Hierden submitted a statement of concern. Mr. Gerrit Van Hierden raised concerns regarding a possible increase in litter (silage plastic) from this operation.

The disposal of litter is regulated directly by the MD. However, it is a potential nuisance impact generated by the CFO. The operator is therefore reminded that they have to adhere to the MD's littering bylaws and waste disposal requirements.

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

In addition to the three persons who submitted statements, the five individuals who signed minimum distance separation (MDS) waivers are also presumed to be directly affected parties. These are Megan and Denzil Van Driesten, Ron Fornia and Shauna Orr, and Judy Orr.

5. Environmental risk screening of existing and proposed facilities

When reviewing expansion applications for an existing CFO, NRCB approval officers 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, 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.) 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. See NRCB Operational Policy 2016-7: *Approvals*, part 8.13.

In this case, the risk posed by Durango Livestock's existing catch basin was assessed in 2010 under the Leak Detection Program. According to that assessment, the facility posed a low risk to surface water and groundwater. The feedlot pens were not included in that assessment.

Since the 2010 risk assessment, an updated version of the risk assessment tool was developed. For this reason, I re-assessed the risks posed by the CFO's existing catch basin and the existing feedlot pens. My re-assessment found that the existing feedlot pens and the catch basin pose a low risk to both groundwater and surface water.

I also assessed the proposed new feedlot pens, using the NRCB's risk screening tool, and determined that they all pose a low 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 expansion is consistent with the land use provisions of the MD of Willow Creek's municipal development plan and with the MD of Willow Creek's land use bylaw. (See Appendix A for a more detailed discussion of the county's planning requirements.)

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

- 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
- Meets the required AOPA setbacks from springs and common bodies of water
- Has sufficient means to control surface runoff from manure storage facilities
- Meets AOPA's land base requirements regarding the application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities

I also determined that the proposed new feedlot pens are located within the required AOPA setback from an existing water well. However, as explained in Appendix B, these feedlot pens warrant an exemption from the 100 metre water well setback due to the well's construction and location upslope from the new feedlot pens.

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 expansion on the environment. Consistent with NRCB policy, I determined that these effects are acceptable because the application meets all of AOPA's technical requirements. I also determined that the application's effects on the economy and community are acceptable, and that the proposed expansion is an appropriate use of land. Under NRCB policy, these determinations 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 carefully considered the information in the application along with information from referral agencies and directly affected parties. In my view, these presumptions are not rebutted.

7. Terms and conditions

Approval LA19045 specifies the new permitted livestock capacity as 5,500 beef finishers, permits the construction of the eight new feedlot pens and the use of the already constructed pens as listed above.

Approval LA19045 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 LA19045 includes conditions that:

- Set a deadline of December 30, 2022 for the approved construction to be completed
- Require groundwater well monitoring and reporting
- Prohibit Durango Livestock from placing manure or livestock in the new pens until the facilities have been inspected by the NRCB following their construction

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

a. Conditions carried forward from previously issued permits

For clarity, and pursuant to NRCB policy, I consolidated the following permit with Approval LA19045: LA10053M (see NRCB Operational Policy 2016-7: *Approvals*, part 10.5). Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into the new permit, with any necessary changes or deletions of those terms and conditions, and then cancelling all existing permits once the new permit is issued. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion.

Therefore, in addition to containing the new terms and conditions summarized above, Approval LA19045 includes all existing terms and conditions in Approval LA10053M, except the terms and conditions noted below. Construction conditions that are being carried forward and that have been met are included in an appendix to the new approval.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that conditions #1, 3, 8, 9, and 13 from Approval LA10053M should be deleted and condition # 4 should be re-written. These conditions will therefore not be carried forward to Approval LA19045 as written. My reasons for deleting or re-writing these conditions are provided in Appendix C.

8. Conclusion

Approval LA19045 is issued for the reasons provided above, in the attached appendices, and in Technical Document LA19045.

Durango Livestock's NRCB-issued Approval LA10053M is therefore cancelled, unless Approval LA19045 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval LA10053M will remain in effect.

June 25, 2020

(Original signed)
Carina Weisbach
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Exemptions from water well setbacks and monitoring requirements
- C. Explanation of conditions in Approval LA19045

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.”)

Durango’s CFO is located in the MD of Willow Creek and is therefore subject to that district’s MDP. The MD of Willow Creek adopted the latest revision to this plan on August 2019, under Bylaw #1841.

Section 2 – Agriculture of the MDP points out that agriculture is a predominant land use in the MD while it is important to balance other interests. It continues to state that one of the main objectives of the MDP is to mitigate the siting of a CFOs to minimize conflicts with adjacent land uses. Policy 2.3 then continues to state that the MD shall establish guideline with regards to the NRCB for the regulation an approval of CCFOs within the MD. These guidelines are found in section 9

Section 9.2 of the MDP directs the NRCB to consider six provisions. These are quoted below (in italics); each one is followed by my discussion of how the provision related to this application. The requested considerations are:

(a) The cumulative effect of a new approval on any area near other existing CFO’s/ILO’s

This policy is likely not a “land use provision,” as it calls for project-specific, discretionary judgements about the types of cumulative effects that should be considered and the acceptable maximum levels of each of those effects. For this reason, I do not consider the MDP provision to be relevant to my MDP consistency determination. In any case, the application meets the AOPA requirements for minimum distance separation which is intended to mitigate nuisance impacts of CFO’s such as odours with the waivers provided. Additionally, all CFO operators are required to meet AOPA nutrient loading limits for manure spreading which further mitigates the potential cumulative effects of a CFO.

(b) Environmentally significant areas contained in the Municipal District of Willow Creek: Environmentally Significant Areas in the Oldman River Region report

Durango’s CFO is not within any areas designated “environmentally significant” in the referenced report.

(c) Providing notice to adjacent landowners including applications for registration or authorization

This is likely not a “land use provision” because of its procedural focus and thus I do not consider it to be relevant to my MDP consistency determination. At any rate, as explained above, the NRCB sent out courtesy letters to people identified by the MD of Willow Creek as owning or residing on land within the affected party radius of 1.5 mile, gave public notice and therefore met the notification requirements of AOPA. (See also Operational Policy 2016-8: *Approvals*, part 6).

(d) Applying minimum distance separation calculations to all country residential development

I interpret “minimum distance separation” as referring to the minimum distance separation (MDS) requirements in section 3 and Schedule 1 of the Standards and Administration Regulation under AOPA. There is no country residential development located within the MDS for Durango’s CFO and the application meets the AOPA MDS requirements.

(e) Restricting development in the flood plain, floodway, the flood way fringe and flood prone, or hazard lands within or adjacent to any watercourse within the MD; and

(f) Restricting development in any wetland or riparian area

As discussed in Technical Document LA19045, Durango’s CFO meets the AOPA setbacks to common bodies of water and is not located in a known flood plain. The proposed facilities are also not located in a wetland or riparian area. This provision is therefore met by the application.

For these reasons, I conclude that the application is consistent with the land use provisions of the MD of Willow Creek’s MDP. The district’s response supports my conclusion.

In my view, the Land Use Bylaw is clearly incorporated in the MDP in several sections throughout the MDP including section 15.5 which states:

The Development Authority shall require the NRCB to take into consideration the policies adopted in this plan and the Land Use Bylaw, when issuing an approval.

Therefore I also considered the application’s consistency with this document. Under the MD of Willow Creek’s Land Use Bylaw (#1826 consolidated to Bylaw No. 1849), the subject land is currently zoned as Rural General. CFOs are not listed as prohibited, permitted, or discretionary land use under this zoning. 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). However, the land use bylaw lists “intensive livestock operations” (ILOs), defined essentially as CFOs below AOPA’s permit thresholds, as a discretionary use within areas zoned Rural General. Therefore, I interpret the omission of CFOs from the lists of permitted and discretionary land uses as simply the municipality’s recognition that, since AOPA came into effect in 2002, the NRCB is responsible for permitting CFOs above AOPA thresholds.

As for the lot size restriction, section 2(4) of the Rural General part of the bylaw states that the “parcel size shall remain the same size for which the development approval was originally issued.” Since CFOs are not listed in the LUB, it is my interpretation that the lot restrictions are intended to apply to ILOs that are permitted by the municipality, and are not intended to apply to CFOs above AOPA's permit thresholds.

Section 3 of the Rural General part of the bylaw lists several setbacks. The proposed feedlot pens meet all of these setbacks.

Appendix B: Exemptions from water well setbacks and monitoring requirements

According to the application, one water well (Water Well ID 2028536) is located within 87 metres of the proposed new feedlot pens. I have confirmed this information by site visits and measurements from aerial photos using Google Earth.

Because of this proximity, the applicant's proposed new feedlot pens conflict with a regulation under AOPA, which prohibits the construction of manure storage facilities (MSFs) or manure collection areas (MCAs) within 100 metres of water wells.¹ However, the regulation allows approval officers to grant an exemption from this prohibition. I therefore considered whether an exemption is appropriate in this instance.

Under the regulation, the test for granting an exemption is whether the "aquifer into which the well is drilled is not likely to be contaminated" by the proposed MSF or MCA. (According to the regulation, if granting an exemption, an approval officer may require the applicant to implement a "groundwater monitoring program.")

The regulation also makes it clear that the applicant has the burden of demonstrating that an exemption is warranted.

In considering whether an applicant has met that burden, approval officers presume that the risks of direct aquifer contamination from MSFs or MCAs are low if the applicant's proposed MSF meets AOPA's technical requirements to control runoff and leakage. However, when determining whether an MSF or MCA that meets AOPA's technical requirements should be exempted from the 100 metre water well setback requirement, approval officers also assess whether water wells that are less than 100 metres from the MSF or MCA could act as conduits for aquifer contamination.

Approval officers assess the following factors to determine the risk of aquifer contamination via the water well:

- How the well was constructed
- Whether the well is being properly maintained
- The distance between the well and the proposed MSF or MCA
- Whether the well is up- or down-gradient from the MSF or MCA and whether this gradient is a reasonable indication of the direction of surface and groundwater flow between the two structures

These presumptions and considerations are based on NRCB Operational Policy 2016-7: *Approvals*, part 8.7.1.

In addition, the NRCB has developed a "water well exemption screening tool," based on the factors listed above, to help approval officers assess the groundwater risks associated with a nearby water well and to decide whether an exemption from the 100 metre setback to a well is warranted.² This tool consists of a two-stage risk screening process; each stage provides a

¹ Standards and Administration Regulation, Alta. Reg. 267/2001, section 7(1)(b).

² A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.

numeric risk “score” based on the information inputted into the tool. The first stage focuses on the well’s construction. If the well scores less than 10 at this stage, the tool suggests granting a setback exemption for the subject facility. If the well scores above 28, the tool recommends denying the exemption. Scores between 10 and 28 require applying the second stage of the screening process, which focuses on the gradient and other factors bearing on the risk of manure runoff or leachate reaching the water well. If the risk score at this stage is over 20, the tool suggests denying the setback exemption to the subject well.

The well in question is upslope from the proposed MSF or MCA and the direction of groundwater flow from the MSF or MCA is presumed to be away from the well. The well is sealed with a shale trap and bentonite seal at a depth of 9.14 to 45.72 m below ground. The uppermost groundwater resource is at a depth of 66.75 m. The well is in good condition, well protected and properly capped.

The well scored 11 (out of 28) and 4 (out of 20) in the first and second stages, respectively, of the risk screening process describe above.

Based on this risk score, together with the location and physical protection of the well, an exemption from the 100 metre setback to this well is warranted.

While an exemption from the 100 metre water well setback is warranted, to provide further protection for users of the water well, an exemption is granted on the condition that the applicant must test the well for water quality.

APPENDIX C: Explanation of conditions in Approval LA19045

Approval LA19045 includes several conditions, discussed below, carries forward a number of conditions from Approval LA10053M, and deletes a number of conditions and re-writes one condition from Approval LA10053M (see section 2 of this appendix).

1. New conditions in Approval LA19045

a. Water well monitoring requirement

Although an exemption for the 100 m setback to a water well is granted, as a precaution a groundwater monitoring condition will be added requiring the permit holder to sample and test raw groundwater, according to water well monitoring requirements prescribed by the NRCB in writing. The NRCB may, based on the monitoring results and at its discretion, revise those requirements from time to time, in writing.

b. Construction Deadline

Durango Livestock proposes to complete construction of the proposed new pens by December 30, 2022. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 30, 2022 is included as a condition in Approval LA19045.

c. Post-construction inspection and review

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 LA19045 includes a condition stating that Durango shall not place livestock or manure in the manure storage portions of the new pens until NRCB personnel have inspected the pens and confirmed in writing that they meet the approval requirements.

2. Conditions not carried forward from Approval LA10053M

Condition 1 states: "*Minimum distance separation – The minimum distance separation (MDS) has been calculated for a 5,000 head finishing feedlot. The recommended minimum distance separation is 2,250 feet from the feedlot to the nearest neighboring residence.*"

To avoid carrying a condition that might lead to confusion on permitted animal numbers at this site, I will not carry this condition forward. This condition will be replaced by the animals permitted in this approval (5,500 head finisher cattle). The required MDS for this development is 709 m (2,325 feet) for category 1 (residences on land zoned for agricultural purposes: farmstead, acreage).

Condition 3 states: "*A revised site plan shall be submitted to the MD office prior to the development permit being issued and any further construction.*"

Since January 1, 2002, any CFO related development moved under the jurisdiction of the NRCB. Therefore this condition does no longer apply and will be removed.

Condition 4: "*Groundwater monitoring wells(s) shall be installed in a location(s) to the satisfaction of the NRCB, to ensure the integrity of the catch basin is maintained.*"

Approval LA10053M assessed the risk of the catch basin under the Leak Detection Program. The assessment found that the catch basin poses a low risk to groundwater and suspended the sampling of leak detection wells. Based on this assessment, the NRCB suspended the leak detection requirements. The monitoring statement stated that this well must be kept in good condition. To emphasize this statement, I will replace condition 4 with the following condition: *“the permit holder shall keep the monitoring well in place and in good condition until otherwise directed by the NRCB.”*

Condition 8 states: *“Access to a minimum of 1,400 acres of cultivated dryland or 700 acres of cultivated irrigated land shall be maintained for manure application, by written agreement(s) with nearby land owners. A copy of each agreement, signed by all persons on the land title shall be updated annually, and copies retained if file for viewing by the NRCB if requested.”*

This condition consists of several parts. The first part lists the required land base for manure spreading. This land base is not sufficient to support the proposed expansion permitted in this approval. The required land base for a 5,500 head beef finisher feedlot is 1699 acres dryland or 842.6 acres irrigated land. Hence, this part of the condition 8 will be adjusted to meet the current AOPA requirements.

The second part of this condition requires Durango to annually update these manure spreading agreements and keep copies of these on file for viewing by the NRCB upon request. This requirement was carried over from development permit 146-00 because it is more stringent than the AOPA requirement (as per NRCB policy: Amending Municipal Permit Conditions, policy 2016-1) which states that the applicant must satisfy an approval officer that for the first year following the granting of the application, the applicant has access to sufficient land to meet the land base requirements (section 24 (2) Standards and Administration Regulation).

In this application, Durango has proven that enough manure spreading lands are available for the manure produced at this CFO. I am of the opinion that it would be complicated to request updated manure spreading agreements for some but not other lands where manure is applied. I believe, that the reasoning for this requirements is to ensure that the available land base is not overloaded with nutrients deriving from manure. Sections 24, 25, 28, and Schedule 3 of the Standards and Administration Regulation lay out the parameters any person who spreads manure has to adhere to. These include, but are not limited to, nutrient limits, soil testing, and record keeping. I am therefore of the opinion that condition 8 can be replace with the opening paragraph of this approval which states: *“The permit holder shall comply with the requirements of the Agricultural Operation Practices Act (AOPA) and the regulations passed pursuant to that act.”*

Condition 9 states: *“The owner/operator must comply with the manure application and record keeping requirements in the Standards and Administration Regulation.”*

Condition 13 states: *“Temporary stockpiling of feedlot manure outside of the feedlot pen area to be done in accordance with the AOPA Standards and Administration Regulation.”*

Both conditions, conditions 9 and 13, are included in the opening paragraph of this approval which states: *“The permit holder shall comply with the requirements of the Agricultural Operation Practices Act (AOPA) and the regulations passed pursuant to that act.”* I therefore will not carry these conditions forward individually.