

Decision Summary RA20022

This document summarizes my reasons for issuing Approval RA20022 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA20022. 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 April 23, 2020, Hutterian Brethren Church of Rainbow (Rainbow Colony) submitted a Part 1 application to the NRCB to convert the swine portion of an existing multi-species CFO into a chicken broiler breeder operation. The Part 2 application was submitted on September 24, 2020. On October 1, 2020, I deemed the application complete.

The proposed expansion involves:

- Reducing the number of swine livestock onsite from 580 sows (farrow to finish) to 0, increasing the amount of broiler breeder chickens from 0 to 25,000 and pullet chickens from 0 to 25,000
- Converting the existing swine farrow and pre-grower barn (123.2 m x 31.7 m) into a broiler breeder chicken barn (the east poultry barn)
- Converting the existing swine finisher barn (152 m x 13.7m) into a pullet chicken barn (the central poultry barn)
- Converting the existing pre-finisher swine barn (76 m x 13.7 m) into a pullet chicken barn (the west poultry barn)
- Constructing a new solid manure storage building (26.2 m x 15.2 m) with a new hallway (2.2 m x 8.5 m) attaching the manure storage building to the existing eastern barn
- Constructing an addition onto the north side of the eastern barn (9.7 m x 32.9 m) to house ventilation equipment and a manure transfer chain

The above noted eastern barn addition is to be predominantly used for ventilation equipment and 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. However, a chain and gutter be located in this ancillary structure which will transport manure from the eastern barn to the manure storage building. The portions of the ancillary structure containing the gutter and manure transfer chain are considered to be a manure collection area as defined by AOPA.

On October 28, 2020 a representative of Rainbow Colony advised that the colony would also like to construct an approximate 5 m long extension on to north side of the central barn. This addition would also be used to house ventilation equipment, though there will not be a manure transfer chain located in it. This barn addition is an ancillary structure that does not need to be permitted under the act.

There are no proposed changes to the non-swine portion of the existing multi-species CFO.

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 SE, SW and NW 1-35-26 W4M in Red Deer County, 23 km southeast of the Town of Innisfail, AB. The terrain is generally undulating but relatively flat in the immediate area of the development. The closest body of water is an intermittent un-named tributary to Threehills Creek approximately 180 m to the northeast.

b. Existing permitted facilities

The CFO is grandfathered with a deemed approval under section 18.1 of AOPA. This deemed approval allows the construction and operation of a multi-species CFO. The NRCB determined the CFO’s grandfathered livestock capacity in 2005, but not the grandfathered status of the CFO’s manure collection areas and manure storage facilities. Those areas and facilities and their grandfathered status are discussed in Appendix A, below.

Since Part 2 of AOPA came into effect on January 1, 2002, the NRCB has issued the CFO Approvals RA11058 and RA11058A (which cancelled Approval RA11058) and Authorization RA17027. Collectively, these NRCB permits and the CFO’s deemed approval allow Rainbow Colony to construct and operate a multi species CFO with a livestock capacity of:

- 580 swine (sows farrow to finish)
- 120 milking cows (plus associated dries and replacements)
- 300 laying hens
- 1,000 ducks and,
- 300 geese

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 one mile. (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. Red Deer County is an affected party (and therefore also a directly affected party) because the CFO 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 Central Alberta Life on October 1, 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 Red Deer County, Alberta Health Services (AHS), Alberta Environment and Parks (AEP), Alberta Transportation (AT), and right of way holders Crossroads Gas Coop Ltd., EQUUS, AlphaBow Energy Ltd., Pine Cliff Energy Ltd., and Lynx Energy. Seven courtesy letters were sent to people identified by Red Deer County as owning or residing on land within the affected party radius.

3. Responses to the application

I received responses from Red Deer County, AHS, AEP and AT. No response was received from the above noted right of way holders or other persons or parties.

Ms. Rebecca Schapansky, a title planner with Red Deer County, provided a written response on behalf of Red Deer County. As noted in section 2, Red Deer County is a directly affected party.

Ms. Schapansky stated that Red Deer County is not opposed to this application. She went on to state that the application is consistent with Red Deer County’s municipal development plan. The application’s consistency with Red Deer County’s municipal development plan is addressed in Appendix B, attached.

Ms. Schapansky also listed the setbacks required by Red Deer County’s land use bylaw (LUB) and noted that the application meets those setbacks.

Ms. Pamela Kutuadu, a public health inspector/executive officer with AHS, indicated that her office has no objections to what is proposed. She went on to state that AEP water well IDs #218175 and #1590103 are at a low risk of contamination (based on information within the AEP water well logs). She recommended that these wells should be shock (chlorinated) twice per year and sampled for bacteriological quality since they were reported to be used for domestic purposes.

Ms. Laura Partridge, a senior water administration officer with AEP, did not raise concerns with this application. She indicated that there is no need for additional water licensing at this time.

Ms. Sandy Choi, a development and planning technologist with AT, indicated in her response that a road side development permit is required for what is proposed in this application. She did not raise concerns with this application otherwise.

4. Environmental risk screening of existing and proposed facilities

When reviewing new approval 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, 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 risks posed by Rainbow Colony's existing CFO facilities were assessed in 2012 and 2017. Those assessments indicated that the risks to surface water and groundwater were low.

The site specific conditions have not changed since the 2017 risk assessment was completed. However, the 2012 risk assessment needs to be updated as a "new" water well was installed. For this reason, I completed a new risk screening to ensure that the CFO's facilities were risk screened the same standard. Based on results of the environmental risk screening I completed, the two celled earthen liquid manure storage (EMS), dairy EMS, and feather pens all pose a low potential risk to groundwater and surface water. Since these facilities are presumed to be the highest risk facilities, and they all pose a low potential risk to groundwater and surface water, I presume that all of the CFO's other facilities also pose a low potential risk too.

I also assessed the swine barns that are being converted into poultry barns and the proposed manure storage building, with its attached hallway, and determined that they all pose a low potential risk to groundwater and surface water.

5. Other factors considered

The application meets all relevant AOPA requirements, with the terms and conditions summarized in part 6.

In addition, the proposed CFO expansion is consistent with the land use provisions of Red Deer County's municipal development plan and land use bylaw. (See Appendix B for a more detailed discussion of the county's planning requirements.)

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

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- Meets the required AOPA setbacks from 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

I also determined that the barns that are proposed to be renovated are located within the required AOPA setback from an existing water well. However, as explained in Appendix C, these facilities warrant an exemption from the 100 m water well setback due to the well's construction and location upslope from the barns.

In addition, I assessed the effects of the proposed CFO expansion on the environment. Consistent with NRCB policy, I presumed that these effects are acceptable because the application meets all of AOPA's technical requirements and the directly affected parties' concerns have been adequately addressed (none were expressed). I also presumed that the application's effects on the economy and community are acceptable, and that the proposed CFO expansion 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 considered the information in the application and from my site visit, and from the responses to the application. In my view, the information in those documents are not in conflict with my presumptions.

6. Terms and conditions

Approval RA20022 specifies the new permitted livestock capacity as:

- 120 milking cows (plus associated dries and replacements),
- 25,000 broiler breeder chickens,
- 25,000 pullet chickens,
- 300 laying hens,
- 1,000 ducks and,
- 300 geese

Further, Approval RA20022 permits the construction of the manure storage building and its attached hallway. It also permits the renovation of the three swine barns into poultry barns.

Approval RA20022 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 RA20022 includes conditions that:

- Set a deadline of December 29, 2023 for the approved construction to be completed
- Require the concrete used to construct the liner of the manure storage portion of the manure storage building, including the attached hallway and the gutter connecting it to the eastern poultry barn, to be sulphate resistant and have a minimum 28-day compressive strength of 25 MPa
- Require the concrete used to renovate the manure collection and storage liner in the swine barns (into poultry barns) to be sulphate resistant and have a minimum 28-day compressive strength of 25 MPa
- Require submission of documentation that the concrete used for the above manure collection and storage areas meets the required specifications
- Prohibit Rainbow Colony from placing manure in the manure storage building or livestock or manure in the renovated barns until these facilities have been inspected by the NRCB following their construction and renovation

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

a. Conditions carried forward from previously issued permits

For clarity, and pursuant to NRCB policy, I consolidated the deemed approval and NRCB issued Approval RA11058A and Authorization RA17027 with Approval RA20022 (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 RA20022 includes all existing terms and conditions from Approval RA11058A and Authorization RA17027. Conditions that have been met are identified and included in an appendix to Approval RA20022. The outstanding conditions from Authorization RA17027 will be carried forward into Approval RA20022 with minor revisions (to add clarity).

7. Conclusion

Approval RA20022 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA20022.

Rainbow Colony's deemed approval, and NRCB-issued Approval RA11058A and Authorization RA17027 are therefore cancelled, unless Approval RA20022 is held invalid following a review and decision by the NRCB's board members or by a court, in which case the previous permits will remain in effect.

November 13, 2020

(Original Signed)
Jeff Froese
Approval Officer

Appendices:

- A. Grandfathering determination
- B. Consistency with the municipal development plan
- C. Exemption from water well setbacks
- D. Explanation of conditions in Approval RA20022

APPENDIX A: Grandfathering determination

On March 2, 2005, the NRCB determined that this multi-species CFO's grandfathered livestock capacity is 580 swine (sows farrow to finish), 50 milking cows (plus associated dries and replacements), 300 laying hens, 1,000 ducks and 300 geese. That determination and subsequent decisions related to permits issued under the *Agricultural Operation Practices Act* at this CFO did not include a determination of what manure collection areas and manure storage facilities are part of the "deemed" permit or are grandfathered under section 18.1 of AOPA.

Rainbow Colony states that the following manure collection areas and manure storage facilities are present at the CFO:

- Farrow to pre-grower swine barn
- Pre-finisher swine barn
- Finisher swine barn
- Two celled earthen liquid manure storage (EMS)
- Feather barn
- Two feather pens
- Dairy barn*
- Dairy EMS*
- Calf barn*
- Heifer barn*

The above facilities marked with an asterisk (*) have been permitted by the NRCB for construction under NRCB issued Approval RA11058A or Authorization RA17027.

I found that the structures could reliably be determined by viewing historical aerial photos. Accordingly, under section 11(3) of the Administrative Procedures Regulation under AOPA, I waived the notice that might otherwise be required for determination of facilities under a deemed permit. At any rate, the NRCB published notice of the deemed permit determination as part of the notice for Application RA20022, in the Central Alberta Life on October 1, 2020.

These facilities are not covered by a municipal development permit (or permit issued under the *Public Health Act*) issued before AOPA came into effect on January 1, 2002. Under section 18.1(2)(a) of AOPA, if a CFO existed on January 1, 2002, the CFO's deemed capacity is its physical capacity to confine livestock on January 1, 2002. To determine if the remaining facilities are part of the grandfathered permit, or alternately were constructed without a permit, I must consider what facilities existed at the site on January 1, 2002, including those facilities' dimensions, and other physical characteristics.

I reviewed aerial photos of the CFO from 2002 and 2020 and have determined that several facilities existed at the CFO in 2002. I have determined that these facilities have not been expanded between 2002 and 2020 as their dimensions appear to be the same in both of the photos. Those facilities along with their dimensions are:

- Farrow to pre-grower swine barn (123.7 m x 31.7 m)
- Pre-finisher swine barn (76 m x 13.7 m)
- Finisher swine barn (152 m x 13.7 m)
- Two celled EMS (125 m x 40 m per cell)
- Feather barn (45 m x 15 m)
- Two feather pens (1: triangular 33 m x 43 m x 48 m and 2: 49 m x 25 m)

The already grandfathered livestock capacity stated above is consistent with the facilities listed above with exception of the dairy. The dairy portion of the CFO is effectively a moot point, as

the current dairy facilities were permitted under AOPA by Approval RA11058A and Authorization RA17027.

Based on the above review it is my determination that the three swine barns, two celled EMS, feather barn and pens existed on January 1, 2002 and are grandfathered manure collection areas or manure storage facilities under section 18.1 of AOPA.

APPENDIX B: 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.”)

Rainbow Colony’s CFO is located in Red Deer County and is therefore subject to that county’s MDP. Red Deer County adopted the latest revision to this plan on August 21, 2018, under Bylaw #2018/29.

Section 3.3 of the MDP relates to CFOs. The subsections relevant to this application are discussed below:

1. States that the county “encourages the development of Confined Feeding Operations (CFOs) at appropriate locations, as a means of supporting the local economy and creating employment.” This subsection likely isn’t a relevant “land use provision” but it provides a general context for interpreting and applying the other parts of section 3.3.
2. Lists six “criteria used [by the county] in responding to applications for new CFOs or expansions to existing CFOs...” This subsection is titled “Criteria for *Input*” (emphasis added). This subsection is intended to be used only by the county to prepare its responses to AOPA applications. Therefore, the criteria are procedural in nature and not a land use provision, therefore they are not directly relevant to my MDP consistency determination.

In addition, the criteria require site and CFO-specific discretionary considerations rather than providing generic direction for appropriate land uses. As such, the six criteria are not considered by the NRCB to be “land use provisions.” (See Operational Policy 2016-7: *Approvals*, part 8.2.5.) Therefore, they are not relevant to this MDP consistency determination.

3. Contains three parts under the heading “Conditions for County Support of CFOs”:
 - a. States that the county shall provide input to the Natural Resources Conservation Board (NRCB) in responding to applications for new or expanded CFOs. As with subsection 3.3.2, discussed above, this subsection focuses on the county’s response and therefore is not a land use provision and is not relevant to my MDP consistency determination.
 - b. Relates to the establishment of new CFOs. This application is for the expansion of an already existing CFO, not the establishment of a new one, and is not applicable to this application.

- c. Relates to expanding CFOs and states that “applications made to the NRCB ... may be supported if they:
 - i. Are located within an Intermunicipal Development Plan (IDP) and are in accordance with the policies contained within the IDP regarding new CFOs and expanding CFOs; and
 - ii. are compatible with adjacent land uses. (Bylaw No. 2014/17)”

This CFO is located adjacent to, but not within the Red Deer County and Kneehill County’s IDP (Red Deer County Bylaw 2109/25) area. This application does not conflict with this requirement in the MDP.

During my CFO visit, I observed that all of the land immediately surrounding the CFO appeared to be in uses that appear to be consistent with county’s land use bylaw’s (LUB) Agricultural District. On this basis, the CFO is “compatible” with adjacent agriculturally zoned land uses.

For these reasons, I conclude that the application is consistent with the land use provisions of Red Deer County’s MDP. As noted above, the response from Red Deer County to this application did not raise any objections with this application. Therefore, the county’s response is consistent with my conclusion.

In my view, the text of Red Deer County’s MDP also provides a clear intent to adopt provisions from the LUB, in sections 1, 3, 5 and 10. Following the NRCB Operational Policy 2016-7: Approvals, part 8.2.3, I also considered the county’s Land Use Bylaw 2006/6. Under that bylaw, the subject land is currently zoned Agriculture District (AG). Confined feeding operations are listed as a permitted land use if they are sited on 32 hectare or larger parcels of land.

Under the NRCB’s Approvals Policy (See Operational Policy 2016-7, part 8.3) a proposed development is considered to be consistent with the bylaw if it is listed as either a permitted or discretionary use. The CFO is located on a parcel that has an area greater than 32 hectares, so I am of the opinion that the proposed construction and barn renovations, and the CFO as a whole, are consistent with the county’s LUB.

APPENDIX C: Exemption from water well setbacks

According to the application, one water well is located within 100 m of the swine barns that are to be converted into poultry barns and the proposed manure storage building (including the attached hallway). I have confirmed during a site visit, and based on a review of scaled air photos, that one water well is located approximately 75 m from the barns that are being renovated. No water wells are located within 100 m of the proposed manure storage building.

Because of this proximity, the applicant's proposal to renovate the manure collection and storage liner of the barns conflicts with section 7(1) of the Standards and Administration Regulation, which prohibits the construction of manure storage facilities (MSFs) and manure collection areas (MCAs) within 100 m of water wells. However, section 7(2) of the same regulation allows approval officers to grant an exemption from this prohibition. I must therefore consider 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/MCA.

The regulation also makes it clear that the applicant has the burden of proving 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 the MSF are low if the applicant's proposed MSF/MCA meets AOPA's technical requirements to control runoff and leakage. However, when determining whether an MSF/MCA that meets AOPA's technical requirements should be exempted from the 100 m water well setback requirement, approval officers also assess whether water wells that are less than 100 m from the MSF/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/MCA
- Whether the well is up- or down-gradient from the MSF/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.

Based on information provided by the applicant and from the Alberta Environment and Parks (AEP) water well database, the water well located approximately 75 m west of the swine barns (that are to be converted into poultry barns) is likely AEP water well ID # 218175. This well is reported to have been installed in 1993 and has a perforated or screened zone from 30.5 m to 91.4 m below ground level across interbedded coal, and shale and sandstone layers. These layers are reported to produce 136 L/min of water that is used for domestic and non-domestic purposes. The well's log identifies protective layers of clay from 0.9 m below ground surface to 14 m. This well has a driven seal at 15.9 m below ground level across a shale layer. The well

appeared to be in good condition at the time of my site inspection and its casing was protected by a welded steel cage. The well is located up-gradient of the swine barns that are proposed to be renovated into poultry barns.

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. This tool consists of a two-stage risk screening process; each stage provides a 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.

For the risk screening process described above, the water well scored 22 and 4 in the first and second risk screening stages, respectively.

Based on the above information it is my assessment that an exemption to the 100 m setback rule for the barns that are proposed to be renovated is warranted.

APPENDIX D: Explanation of conditions in Approval RA20022

Approval RA20022 includes several conditions, discussed below, carries forward an outstanding construction condition and carries forward an outstanding decommissioning condition from Authorization RA17027 (with minor revisions to both to add clarity). The conditions from Approval RA11058A and Authorization RA17027 that are already met are identified in the appendix to Approval RA20022.

a. Construction Deadline

Rainbow Colony proposes to complete the conversion of the swine barns into poultry barns and the construction of the manure storage building, and its attached hallway by 2023. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 29, 2023 is included as a condition in Approval RA20022.

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 RA20022 includes conditions requiring:

- the concrete used to construct the liner of the manure collection and storage portion of the manure storage building and its associated hallway to be sulphate resistant and have a minimum 28-day compressive strength of 25 MPa.
- the new concrete used in the renovation of the swine barns' manure collection and storage liners to be sulphate resistant and have a minimum 28-day compressive strength of 25 MPa
- Rainbow Colony to provide documentation to confirm the specifications of the concrete noted above

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 renovated or constructed facilities. Approval RA20022 includes a condition stating that Rainbow Colony shall not place manure in the manure storage building (including its attached hallway), or livestock or manure in the swine barns that are being renovated into poultry barns, until NRCB personnel have inspected these facilities and confirmed in writing that they meet the approval requirements.