



COMPLIANCE DIRECTIVE

AGRICULTURAL OPERATION PRACTICES ACT

Revised Statutes of Alberta 2000 Chapter A-7

Date issued: April 8, 2021

Compliance Directive # CD 21-02

Issued by: Fraser Grant,
Inspector, Compliance and Enforcement Division,
Natural Resources Conservation Board (NRCB)

Issued to: Jos and Dorthy Peters
RR#2
Millet AB T0C 1Z0

This directive is regarding construction of an extension to the shop and the use of the extension and a portion of the shop for confining livestock. These activities are unauthorized by and in violation of the *Agricultural Operation Practices Act* (AOPA). The subject shop and extension are part of a dairy goat confined feeding operation (CFO) located at SW 32-47-26 W4M, in Wetaskiwin County, approximately 19 kilometres west of Millet, Alberta.

The CFO is owned and operated by Jos and Dorthy Peters (the “Peters”). The CFO is permitted by Registration RA16006XA which the Natural Resources Conservation Board (NRCB) issued on August 11, 2016.

Background

On March 29, 2021, the NRCB received a complaint relating to unauthorized construction at the Peters’ dairy goat CFO. After receiving the complaint, I phoned the Peters who confirmed that they had constructed an extension to the existing shop and were currently housing goat replacements in that extension and a portion of the shop. The Peters also informed me that they had spoken with the County of Wetaskiwin who told them that a county permit was not required for the construction. The Peters claimed that they were unaware that an AOPA permit was required to construct the shop extension to confine young stock replacement goats. After our phone conversation, on March 29, 2021 the Peters submitted a Part 1 application under AOPA for the shop and shop extension.

On March 30, 2021, I inspected the CFO and confirmed that an extension to the existing shop had been constructed. The shop extension measured approximately 16 m x 24 m and was

constructed with a clay floor. During my inspection, replacement goats were being housed in the shop extension and in a portion of the existing shop. I informed the Peters that the shop and shop extension were not permitted under AOPA for confining livestock and collecting and storing manure, and will therefore require a permit under the act.

During the inspection, the Peters claimed that construction of the shop extension began in January 2021 and that they had started using the shop extension and shop to house replacement goats in February 2021. The shop extension was constructed for the purpose of confining livestock. The Peters also informed me that they had not intended to increase animal numbers above the 800 milking goats (plus replacement animals) permitted by Registration RA16006XA. According to the Peters, their intent in constructing the expansion was to increase the square footage allocated for the animal numbers allowed by their existing Registration. The Peters informed me that they have been in contact with an engineering company to conduct soil testing of the clay floor and are currently preparing the NRCB Part 2 application.

Unauthorized Use of the Shop and Unauthorized Construction of the Shop Extension

As relevant here, section 13(1) of AOPA prohibits any person from constructing a CFO for which a registration is required under the regulations, without a registration. Section 13(2) then states that, if the NRCB issues a registration, the CFO must be operated in accordance with the terms of that registration. The Peters' CFO is permitted by Registration RA16006XA. That registration allows the Peters' to confine and feed dairy goats in all portions of the dairy barn, and other areas identified in Application RA16006XA.

The Peters' use of the shop and shop extension area to confine goats is not permitted by the Registration and therefore is a violation of section 13(2) of AOPA.

Section 14 of AOPA prohibits any person from constructing (or expanding or modifying) a manure storage facility (MCF) or manure collection area (MCA), for which an authorization is required pursuant to the regulations under the Act. (Section 1(c.21) of AOPA defines an MCA as including the "floor of a barn".) Section 4(2) of the AOPA Part 2 Matters Regulation, in turn, states that an "authorization" is required to construct an MCF or MCA that is part of a CFO, unless the CFO owner already holds a permit for that MCF or MCA (and provided, as here, that the owner is not also increasing the CFO's animal numbers).

The shop and the shop extension areas are a MCA and are not covered by the Peters' existing Registration. Therefore the Peters' construction and use of the extension, and modification of the shop, to confine livestock (and collect livestock manure) required an authorization under AOPA and is currently unauthorized under the act.

AOPA's permit requirements are intended to reduce the potential for groundwater contamination and surface water runoff, and to lessen the nuisance impacts of CFOs on neighbours. Without a permit, AOPA's regulatory objectives may be compromised.

Accordingly, this directive is to remedy the violations noted above and to mitigate any possible risks to the environment and to any affected neighbours.

DIRECTIVE:

For the reasons provided above, Jos and Dorothy Peters shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular,

Jos and Dorothy Peters shall:

1. By August 1, 2021, remove all livestock and manure from, and cease confining livestock in, the existing shop and shop extension, if the operation does not hold an AOPA permit to confine livestock in that area.
2. Until August 1, 2021, Jos and Dorothy Peters shall not confine more than 120 replacement goats in the shop and shop extension. (This is the number of goats I counted on my March 30, 2021 inspection.)

All actions required above shall otherwise be in compliance with AOPA and its regulations, and shall not violate any other laws. These requirements remain in effect until otherwise directed by the NRCB in writing.

If you fail to comply with this directive, the NRCB may take additional enforcement action.

(Original Signed)

Fraser Grant
Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: Wetaskiwin County, Development and Planning
Francisco Echegaray, Applications Division, NRCB