



Compliance Directive

AGRICULTURAL OPERATION PRACTICES ACT, RSA 2000, c A-7

Directive #: CD 21-07

Date issued: September 24, 2021

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

Issued to: Jeffrey and Amanda Klassen (landowners)
Box 194
Stettler AB T0C 2L0

Signal Ridge Farms Ltd. (CFO Operator)
Box 1240
Stettler AB T0C 2L0

This directive relates to the unauthorized construction of a new pen at the Signal Ridge Farms Ltd. confined feeding operation (CFO). This construction has been done without a permit under the *Agricultural Operation Practices Act* (AOPA). The CFO is located at SE 5-37-18 W4M (the site), in Stettler County, in the Province of Alberta, approximately 18 kilometres south of Botha, Alberta. The CFO is operated under the name Signal Ridge Farms Ltd. (Signal Ridge). The land is owned by Jeffrey and Amanda Klassen.

Jeffrey and Amanda Klassen have owned this land since May 2013 and operated the feedlot since their ownership. Prior to their ownership, the land and CFO were owned and operated by Ralph Klassen, which is when the unauthorized construction occurred.

Part 2 of the AOPA came into effect on January 1, 2002. The CFO did not receive a municipal development permit prior to that date, nor a Natural Resources Conservation Board (NRCB) permit for expansion of the CFO after that date. According to a Google Earth air photo dated September 2003, six pens (Appendix A) and a catch basin were identified. These facilities were likely constructed at the site before 2002. Under section 18.1(1)(a) of the AOPA, the owner or operator of a confined feeding operation that existed on January 1, 2002 with respect to which a development permit was not issued is deemed to have been issued a permit under the AOPA. However, sometime between September 2003 and 2010 (Appendix B) an additional pen (Pen 7) was constructed without obtaining an NRCB permit. As the operator at this time did not obtain

an NRCB permit for Pen 7 (constructed after September 2003), Pen 7 is considered unauthorized construction.

For clarity, this compliance directive does not function as a determination of deemed permit status of this operation.

Background

In 2019 the NRCB initiated a CFO database verification program, with the support of industry and Alberta Agriculture and Forestry. The purpose of this program was to review operations listed in the NRCB's CFO database that do not have permits, complaints, or enforcement actions from the NRCB. The CFO facility at SE 5-37-18 W4M, now operated by Signal Ridge, did not have any of the above mentioned items. Therefore, a file review was warranted in order to obtain information relevant to the status of the CFO.

On July 29, 2021, I contacted Jeff Klassen to inform him about the CFO verification program and that I would like to conduct a site inspection to confirm facilities and livestock numbers at the CFO. Due to operator unavailability I was not able to conduct a site inspection until September 2, 2021. Prior to conducting the site inspection I did a file and aerial photograph review of the CFO. The NRCB had on record, a fax from an NRCB Approval Officer to Ralph Klassen titled *Status of Confined Feeding Operation on SE-5-37-18 W4*, dated July 23, 2008. The document indicated that the date of construction of the CFO was the early 1980's and that the grandfathered capacity of the feedlot is 800 head (livestock type was not confirmed). The fax also stated that additional cattle can be on the quarter section utilizing pasture or being seasonally fed and bedded.

In addition to reviewing available records, I conducted an aerial photograph review through Google Earth and Valtus Imagery. An aerial photo obtained through Google Earth dated September 2003 was compared to a Valtus Imagery aerial photo from 2010. The 2010 aerial photo identified a pen (Pen 7) that had been constructed to the north of the existing feedlot pens.

On September 2, 2021, I met with brothers Jeffrey and Russell Klassen at the CFO and visually confirmed that a pen had been constructed in the area identified as Pen 7 (Appendix B). Jeffrey and Russell were unaware that Pen 7 was considered unauthorized construction as construction had occurred at the CFO prior to their ownership. Jeffrey and Russell informed me that they would like to continue utilizing Pen 7 to confine livestock (at the time of the site inspection livestock were not present in Pen 7). I informed Jeffrey and Russell that they would need to submit an application to the NRCB for an AOPA permit allowing the use of Pen 7 to confine livestock.

On September 13, 2021, Approval Officer Lynn Stone met with the operators and discussed the application process. At this time the operators submitted a Part 1 application to permit the unauthorized construction (Pen 7). The Part 1 application does not indicate an intention to increase permitted livestock numbers.

Unauthorized Construction

Section 14 of the AOPA prohibits any person from constructing (or expanding or modifying) a manure storage facility (MSF) or manure collection area (MCA), for which an authorization is required pursuant to the regulations under the Act. (Section 1(c.21) of the AOPA defines an MCA as including “the floor of a feedlot pen”.) Section 4(2) of the AOPA Part 2 Matters Regulation, in turn, states that an “authorization” is required to construct an MSF or MCA that is part of a CFO, unless the CFO owner already holds a permit for that MSF or MCA.

Pen 7 is considered a MCA and is not covered by any NRCB permits (including a deemed permit). Therefore Ralph Klassen’s historic unauthorized construction and Signal Ridge’s use of Pen 7 to collect livestock manure required an authorization, was not permitted by an authorization (or an approval), and is therefore a violation of section 14(1) of the AOPA.

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

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

Under Section 39(1) of the AOPA, the NRCB may issue an enforcement order to a person if, in the NRCB’s opinion, the person is, among other things, contravening the act or its regulations.

However, as this is the first enforcement action at this site and following the NRCB Compliance and Enforcement Policy, a compliance directive is being issued at this time rather than an enforcement order. As this compliance directive addresses unauthorized construction, this document will be published on the NRCB website.

Directive

For the reasons provided above, Jeffrey and Amanda Klassen (as the landowners) and Signal Ridge (as CFO operator) shall take all necessary and appropriate measures to comply with the AOPA and its regulations. In particular, Jeffrey Klassen and Signal Ridge shall:

1. After December 20, 2021 you must not use Pen 7 to confine livestock or collect or store manure.
2. By December 31, 2021, you must remove all manure that has accumulated in Pen 7. The manure contents can be placed in a manure storage facility or stockpiled in accordance with short term manure storage requirements until the manure can be land applied in accordance with AOPA.

These directives will not apply if before these dates the operation has obtained an active AOPA permit for the use of Pen 7 for those purposes.

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

If you, Jeffrey and Amanda Klassen and Signal Ridge, fail to comply with this directive, the NRCB may take additional enforcement action.

Sincerely,

(Original Signed)

Fraser Grant

Inspector, Natural Resources Conservation Board

Cc: Stettler County, Development and Planning

Appendices

- A. Google Earth Imagery September 2003: CFO at SE 5-37-18 W4M
- B. Valtus Air Photo 2010: CFO at SE 5-37-18 W4M

Appendix A: Google Earth Imagery September 2003: CFO at SE 5-37-18 W4M



Appendix B: Valtus Air Photo 2010: CFO at SE 5-37-18 W4M

