



Decision Summary RA18037XA

Approval Officer Amendment of NRCB Approval RA18037X

This document summarizes my reasons for issuing Approval RA18037XA, an amended version of Approval RA18037X. This amended approval is issued by my own motion under section 23(1) of the *Agricultural Operation Practices Act* (AOPA). My decision is based on the act and its regulations, the policies of the NRCB and all other materials in the application file.

Approval RA18037XA and this decision summary are available from the decisions search engine on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca.

1. Background and reasons for the amendment

Spruit Farms Ltd. owns and operates a swine confined feeding operation (CFO) at NW 36-36-19 W4M in the County of Stettler, roughly 20 km southeast of the Town of Stettler, Alberta.

Approval RA18037X, issued December 19, 2018, following an NRCB Board denial of requests for review, is an amended version of Approval RA18037. Approval RA18037X included conditions to address the potential risk posed by existing manure collection areas and manure storage facilities to surface water and groundwater. It also permitted the construction of a new weaner pig barn and the renovation to an existing feeder pig barn.

In March 2019, a representative of Spruit Farms requested to extend the timeline to protect surface water. This request was approved by the NRCB. On September 27, 2019 I was provided with evidence that the construction conditions related to protecting surface water were met.

There are ongoing conditions in Approval RA18037X, with annual requirements, related to protection of surface water and groundwater in Approval RA18037X. Those conditions will be carried forward into the new approval.

On July 31, 2020, I inspected the new weaner pig barn at the CFO. The pits for the barn were constructed to be 3.5 feet or approximately 1.06 m deep (with 0.6 m below ground) rather than 0.6 m deep (and 0.6 m below ground) as permitted. (This results in an increased manure storage capacity for this barn of approximately 1,820 m³, to a total of 4,195 m³). The as-built pits in the weaner barn will not have any additional nuisance on the neighbours as they are not associated with an increase in livestock or manure production. Otherwise, the as-built weaner pig barn meets Approval RA18037X's permit requirements and AOPA's protective liner requirements, and is located where the barn was permitted. Also, the barn's manure storage liner is no deeper below ground than what was previously proposed. Because of this, I am of the opinion that there is no need to re-evaluate the potential risk that this facility poses to surface water and groundwater (using the NRCB's environmental risk screening tool).

On March 30, 2021, a representative of Spruit Farms indicated that the CFO no longer intends to renovate the existing feeder pig barn. That barn renovation would have resulted in new deeper manure storage pits under that barn with an increase in manure storage capacity in that barn from 393 m³ to 1,624 m³.

As noted in Technical Document RA18037, the CFO's required nine month liquid manure storage capacity is 9,480 m³. In light of the above changes, the CFO has a cumulative liquid manure storage capacity of 10,727 m³ which meets the liquid manure storage requirement set out in the AOPA legislation.

Based on the above, I am amending Approval RA18037X on my own motion under section 23 of AOPA. The amendment will reflect what has been constructed and the conditions that are now met from Approval RA18037X. The amendment will also remove the feeder pig barn renovation that will not be carried out. This amendment does not affect the permitted livestock capacity of Approval RA18037X of 2,400 feeder pigs and 8,000 weaner pigs. This amendment does not otherwise affect the permitted status of the CFO's facilities.

2. Other factors considered

The application for Approval RA18037X was consistent with the land use provisions of County of Stettler's municipal development plan (MDP). This approval officer amendment does not impact the MDP consistency determination in Decision Summary RA18037. The MDP consistency determination in Decision Summary RA18037 applies equally to this amendment. (See Appendix A to Decision Summary RA18037 for a discussion of the county's municipal development plan.)

3. Terms and conditions

For clarity and efficiency, and in accordance with NRCB policy, I have consolidated the requirements and conditions from Approval RA18037X into the new Approval RA18037XA. Consolidating permits generally involves carrying forward all non-redundant terms and conditions from the prior permit into the new permit, and then cancelling the prior permit.

Therefore, Approval RA18037XA contains all of the relevant terms and conditions from Approval RA18037X, except for those that are already met and those which are no longer required. In brief, the conditions from Approval RA18037X which are already met will be carried forward but are identified in the Appendix to Approval RA18037XA. The conditions related to the renovation of the feeder pig barn that will no longer be completed will be deleted.

4. Conclusion

Approval RA18037XA is issued for the reasons provided above.

Approval RA18037X is therefore cancelled, unless Approval RA18037XA is held invalid following a review and decision by the NRCB's board members or by a court, in which case Approval RA18037X will remain in effect.

October 5, 2021

(Original Signed)
Jeff Froese
Approval Officer