

Decision Summary RA21017A

This document summarizes my reasons for issuing Authorization RA21017A, an amended version of Authorization RA21017, under the *Agricultural Operation Practices Act* (AOPA). Additional reasons, as well as the full application, are in Technical Document RA21017A. 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 September 16, 2021, the NRCB issued Authorization RA21017 to The Board of Governors of Lakeland College (Lakeland College), which allowed them to construct a dry cow shed (30.5 m x 9.2 m) and a feed apron (30 m x 4.3 m) at an existing dairy CFO. Lakeland College has not yet constructed the dry cow shed and feed apron.

On October 28, 2021, Lakeland College applied to amend that authorization in order to modify the location of the dry cow shed and feed apron 27.7 m to the east of their permitted location, and to rotate the feed apron 90 degree to the south to run parallel with the dry cow shed.

Under the proposal, the dry cow shed and feed apron will be built using the same concrete liner that was previously permitted for the original facilities. No increase in livestock numbers or manure production is proposed.

Under AOPA, this type of application requires an amendment to an authorization.

a. Location

The existing CFO is located at SW 30-50-6 W4M in the County of Vermilion River, roughly 0.5 km southwest of the Town of Vermilion. The terrain is relatively flat and slopes gently to the south and east.

2. Notices to “Affected Parties”

Under section 21 of AOPA, the NRCB notifies all parties that are “affected” by an authorization application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is located or is to be located
- in the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a municipality entitled to divert water from that body within 10 miles downstream
- any other municipality whose boundary is within a notification distance. In this case, the notification distance is 0.5 mile (800 m) from the CFO

A copy of the application was sent to the County of Vermilion River, which is the municipality where the CFO is located, and to the Town of Vermilion which has a boundary within the notification distance for the CFO.

3. Responses from the Municipalities and Referral Agencies

Referral letters and a copy of the complete application were also emailed to Alberta Health Services (AHS), Alberta Environment and Parks (AEP), and Alberta Agriculture and Forestry (AF).

I received responses from the County, the Town of Vermilion and AHS.

The NRCB received an oral response to the application notice from Mr. Roger Garnett, the director of planning and development with the County of Vermilion River, and a written response from Ms. Michelle Harvey, development officer with the county. As noted in section 2, the County of Vermilion River is a directly affected party.

In their responses, Mr. Garnett and Ms. Harvey indicated that the county has no concerns with this application. The county adopted its current MDP on January 2020 under Bylaw 19-03, which was revised on August 31, 2021 under Bylaw 21-17. This is the same MDP that I considered when I issued Authorization RA21017 in September 16, 2021. Lakeland College's present application is consistent with that MDP for the same reasons as those provided in Appendix A of Decision Summary RA21017.

The Town of Vermilion is also a directly affected party because it is an affected municipality. The NRCB received a written response from Mr. Allan Wilson, planner and development officer with the Town of Vermilion. Mr. Wilson indicated that the Town did not have any concerns with the college amendment application.

Mr. Gregory Ward, an AHS environmental health officer/executive officer responded to the referral letter. In his letter, he summarized the scope of the application. He further included a few comments for consideration under the Nuisance and General Sanitation Regulations. Mr. Ward concluded that AHS has no objections to the proposed development.

4. Environmental risk screening of existing facilities and proposed new MSF

New CFO facilities which clearly meet or exceed AOPA requirements are automatically assumed to pose a low risk to surface and groundwater. However, there may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials, an approval officer may require surface and groundwater monitoring for the facility. In this case a determination was made and monitoring is not required.

When reviewing a new authorization application for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST provides for a numeric scoring of risks, which can fall 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 supported 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 Lakeland College's existing CFO facilities were assessed in 2016 using the ERST. According to that assessment, the facilities posed a low potential risk to

surface water and groundwater. Additionally, under application RA21017, I used the NRCB's environmental risk screening tool to determine the level of risk the proposed dry cow shed and feed apron posed to surface water and groundwater. The risk assessment found that these two proposed facilities posed a low risk to groundwater and surface water.

Except for the proposed new location of the dry cow barn and the rotation of the feed apron permitted by Authorization RA21017, the circumstances have not changed since that assessment was done. The concrete information submitted for the facilities originally permitted by RA21017 remains the same.

For these reasons, a new assessment of the risks posed by the CFO's existing facilities, and the proposed new dry cow shed and feed apron is not required.

5. Factors Considered

The previous application RA21017 met all relevant AOPA requirements. The proposed change to the location of the dry cow shed and the orientation of the feed apron have no impact on that determination; which still stands. Additionally, the terms and conditions summarized in section 6, include the terms and conditions from Authorization RA21017.

6. Terms and Conditions

Rather than issuing a separate "amendment" to Authorization RA21017, I am issuing a new authorization (RA21017A) with the required amendment. Authorization RA21017A therefore contains all of the terms and conditions in RA21017, except for the modification in regards to the location of the dry cow shed and the orientation of the feed apron.

7. Conclusion

Authorization RA21017A is issued, for the reasons provided above, in Decision Summaries RA21017 and RA21017A, and in Technical Documents RA21017 and RA21017A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization RA21017 is therefore cancelled, unless Authorization RA21017A is held invalid following a review and decision by the NRCB's board members or by a court, in which case the previous permit will remain in effect.

December 16, 2021

(Original Signed)
Francisco Echegaray, P.Ag.
Approval Officer