

## Decision Summary RA22010

This document summarizes my reasons for issuing Registration RA22010 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA22010. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at [www.nrcb.ca](http://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.

Under AOPA this type of application requires a registration. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On February 2, 2022, Trevor Goossen submitted a Part 1 application to the NRCB to expand an existing poultry CFO.

The Part 2 application was submitted on February 7, 2022. On February 22, 2022, I deemed the application complete.

In 2018, the applicant had applied for, and received Registration RA17067, which permitted the construction of this barn. However, the applicant was unable to build the barn prior to the construction completion deadline.

The proposed expansion involves:

- Increasing livestock numbers from 19,000 to 53,000 broiler chickens
- Constructing a poultry barn (22 m x 93.9 m)

#### a. Location

The existing CFO is located at Pt. of NE 20-44-20 W4M in Camrose County, approximately six km northwest of Edberg, Alberta. The terrain is level. The closest body of water is a dugout located on the applicant's property.

#### b. Existing permits

To date, the NRCB has issued Registrations RA17067 and RA18064. RA17067 permitted the construction of a new broiler chicken barn, grandfathered the original broiler barn, and an increase to 40,500 broiler chickens. RA18064 permitted an expansion of the grandfathered barn, and an increase to 57,800 broiler chickens. The permitted, but unconstructed new broiler barn was carried forward from Registration RA17067 to RA18064.

Collectively, these NRCB permits allowed Trevor Goossen to construct and operate a 57,800 broiler chicken CFO.

The broiler barn permitted by Approval RA17067 (and carried forward into RA18064) was not constructed within the timeframe allowed. The applicant has chosen to submit this new application (RA22010) to apply for the same barn and increase in poultry numbers. Because of

this, I will be using this application process to amend Registration RA18064 to reflect what was constructed under that permit as well as adjusting the permitted capacity to reflect the capacity of the CFO facilities.

The CFO's existing permitted facilities are listed in the appendix to the Registration RA22010.

## **2. Notices to affected parties**

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are "affected" by a registration application. Section 5 of AOPA's Part 2 Matters Regulation defines "affected parties" as:

- 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
- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

For the size of this CFO the specified distance is 0.5 miles. (The NRCB refers to this distance as the "affected party radius."). There are no banks of a river, stream, or canal within 100 m, nor is there a municipality located within a ½ mile.

A copy of the application was sent to Camrose County, which is the municipality where the CFO is located.

The NRCB gave notice of the application by public advertisement in the Camrose Booster on February 22, 2022. The full application was posted on the NRCB website for public viewing. As a courtesy, eight letters were sent to people identified by Camrose County as owning or residing on land within the notification distance.

## **3. Notice to other persons or organizations**

Under NRCB policy, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

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

Ms. Laura Partridge, a water administration officer, replied on behalf of AEP. In her response, Ms. Partridge indicated that there are no existing *Water Act* authorizations for the site. She provided resources to assist the applicant in applying for a license. The applicant is reminded that they are required to obtain adequate water licensing for their CFO.

Mr. Gregory Ward, a public health inspector, replied on behalf of AHS. In his response, Mr. Ward summarized the application, and made general comments on the topography of the site and the water wells that exist. He concluded that while he has no objection to the application, he provided recommendations regarding the Nuisance and General Sanitation Regulations, and that all water wells used for human consumption be sampled for microbiological testing.

#### **4. Alberta Land Stewardship Act (ALSA) regional plan**

Section 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the existing CFO is located.

#### **5. Municipal Development Plan (MDP) consistency**

I have determined that the proposed expansion is consistent with the land use provisions of Camrose County's municipal development plan. (See Appendix A for a more detailed discussion of the county's planning requirements.)

#### **6. AOPA requirements**

With respect to the technical requirements set out in the regulations, the proposed 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/protective layers of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 10, the application meets all relevant AOPA requirements. The exemption that is required to address the AOPA requirements around water well setbacks are discussed in the following parts of this decision summary.

#### **7. Responses from municipality and other directly affected parties**

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application, and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the act as "directly affected." Camrose County is an affected party (and directly affected) because the proposed CFO expansion is located within its boundaries.

Ms. Kim Hunter, a development officer with Camrose County, provided a written response on behalf of Camrose County. Ms. Hunter stated that the application is consistent with Camrose County's land use provisions of the municipal development plan. The application's consistency with Camrose County's municipal development plan, are addressed in Appendix A, attached.

Ms. Hunter also listed the setbacks required by Camrose County's land use bylaw (LUB) and noted that it was not clear that the application meets, or does not meet these setbacks. The applicant is reminded that they are required to follow these setbacks.

No other responses were received.

## **8. Environmental risk of CFO facilities**

When reviewing a new registration 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](http://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 Trevor Goossen's existing CFO facilities were assessed in 2017 and 2018 using the ERST. According to those assessments, the facilities posed a low potential risk to surface water and groundwater.

The circumstances have not changed since those assessments were done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

## **9. Exemptions**

I determined that the proposed poultry barn is located within the required AOPA setback from a water well. As explained in Appendix B, an exemption to the 100 metre water well setback is warranted due to the water well's construction, and that the application is for solid manure, that is housed indoors.

## **10. Terms and conditions**

Registration RA22010 specifies the cumulative permitted livestock capacity as 53,000 broiler chickens, and permits the construction of the poultry barn.

Registration RA22010 contains terms that the NRCB generally includes in all AOPA registrations, 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, Registration RA22010 includes conditions that generally address a construction deadline, monitoring, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

For clarity, and pursuant to NRCB policy, I consolidated Registration RA18064 with Registration RA22010 (see NRCB Operational Policy 2016-7: Approvals, part 10.5). Permit consolidation helps the co-permit holders, municipality, neighbours and other parties keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements. 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. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. Appendix C discusses which conditions from the historical permits are or are not carried forward into the new Registration.

## **11. Conclusion**

Registration RA22010 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA22010.

Trevor Goossen's NRCB-issued Registration RA18064 is therefore superseded, and its content consolidated into this Registration RA22010, unless Registration RA22010 is held invalid following a review and decision by the NRCB's board members or by a court, in which case Registration RA18064 will remain in effect.

May 6, 2022

(Original Signed)  
Lynn Stone  
Approval Officer

### **Appendices:**

- A. Consistency with the municipal development plan
- B. Exemptions from water well setback
- C. Explanation of conditions in Registration RA22010

## **APPENDIX A: Consistency with the municipal development plan**

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration if the approval officer holds the opinion that the application is consistent with the "land use provisions" of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, "land use provisions" cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

Conversely, "land use provisions" do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 22(2.1) 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.") "Land use provisions" also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 8.2.5.)

Trevor Goossen's CFO is located in Camrose County and is therefore subject to that county's MDP. Camrose County adopted the latest revision to this plan on April 12, 2016, under Bylaw #1372.

As relevant here:

Policy 4.3.7 of the MDP states: "applications for new or expanding CFOs shall meet the Agricultural Operations Practices Act." As discussed above, the application meets all relevant AOPA requirements.

Policy 4.3.8 states: "At the discretion of County Council, large CFOs shall be prohibited in the County." This policy likely is not a "land use provision" because it calls for discretionary judgements about the size of the CFO.

Policy 4.3.9 states: "Development of new or expanding CFOs shall not be supported within 3,219 m (2 miles) of the City of Camrose, 3,219 m (2 miles) from any recreational lake, or 1,610 m (1 mile) from any other urban municipality or hamlet as outlined in the IDP." Trevor Goossen's CFO is not within any of these setbacks.

For these reasons, I determined that the application is consistent with the land use provisions of Camrose County's MDP. The response from the development officer on behalf of Camrose County supports my conclusion.

## APPENDIX B: Exemption from water and well setback

### 1. Water Well Considerations

The proposed poultry barn is to be located less than 100 m from a water well or water wells. I have confirmed that one water well is located approximately 27 m from it during a site visit. This is in conflict with the section 7(1)(b) of the *Standards and Administration Regulation (SAR)* under AOPA.

Section 7(2), however, allows for exemptions if, before construction, the applicant can demonstrate that the aquifer into which the water well is drilled is not likely to be contaminated by the manure storage facility (MSF)/manure collection area (MCA), and, if required, a groundwater monitoring program is implemented.

The potential risks of direct aquifer contamination from the MSF/MCA are presumed to be low if the applicant's proposed MSF/MCA meets AOPA's technical requirements to control runoff and leakage. Approval officers also assess whether the water well itself could act as a conduit for aquifer contamination.

In this case, I felt the following factors were relevant to determine the risk of aquifer contamination via the water well:

- a. How the well was constructed
- b. Whether the well is being properly maintained
- c. The distance between the well and the proposed MSF/MCA
- d. 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.

The water well:

Based on information provided by the applicant and from the Alberta Environment and Parks (AEP) water well database, the water well located approximately 27 m N of the proposed poultry barn is likely AEP water well ID #1670047. This well is reported to have been installed in 2003 and has a perforated or screened zone from 30.78 m to 36.58 m below ground level across stratigraphy. The well was installed with above ground casing. This well is used for domestic and stock purposes. The well's log identifies protective layer or layers from ground surface to 19.81 m below ground level. The well has a bentonite & driven seal from ground surface to 30.48 m below ground level. The well appeared to be in good condition at the time of my site.

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.<sup>1</sup>

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<sup>1</sup> A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at [www.nrcb.ca](http://www.nrcb.ca).

In this case, the results of the water well exemption screening tool suggest that an exemption is likely as seen in Technical Document RA22010.

Under the regulation, an approval officer may require a groundwater monitoring program of the water well in question. In my view, given that this application meets AOPA technical requirements, low risk nature of solid manure, and the fact that all manure will be stored indoors, monitoring is not required.

Based on the above, I am prepared to grant an exemption to the 100 m water well setback requirement for the proposed poultry barn.

## **APPENDIX C: Explanation of conditions in Registration RA22010**

Registration RA22010 includes several conditions, discussed below:

### **1. New conditions in Registration RA22010**

#### **a. Construction Deadline**

Trevor Goossen proposes to complete construction of the proposed new poultry barn by February 1, 2023. In my opinion, having two full construction seasons is more reasonable to allow for unexpected construction delays. The deadline of November 30, 2023 is included as a condition in Registration RA22010.

#### **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, Registration RA22010 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the poultry barn to meet the specification for category D (solid manure – dry) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- b. Trevor Goossen to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the poultry barn.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed according to their required design specifications. To be effective, and to reduce risk to the operator, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Registration RA22010 includes a condition stating that Trevor Goossen shall not place livestock or manure in the manure storage or collection portions of the new poultry barn until NRCB personnel have inspected the poultry barn and confirmed in writing that it meets the registration requirements.

### **2. Conditions carried forward from RA18064**

Registration RA18064 included a condition for the permit holder to store manure in accordance with the “Short-Term Solid Manure Storage” guidelines in the 2008 Reference Guide. Since then, a separate fact sheet has been developed that outlines the same requirements as what was in the Reference Guide, but in a stand-alone document. The condition has been updated to reflect the new fact sheet.

### **3. Conditions not carried forward from RA18064**

Registration RA22010 includes the terms and conditions in RA18064, except those noted below.

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that condition # 8 from RA18064 should be deleted and therefore is not carried forward to Registration RA22010. Condition 8 required Trevor Goossen to maintain and report the number of broilers chickens placed and shipped, per cycle at the CFO site.

This condition was added as in the past, the CFO site had more physical capacity than the

permitted number of birds. By building the poultry barn permitted by Registration RA22010, the applicant now has sufficient capacity, and the reporting is no longer needed.