



# COMPLIANCE DIRECTIVE

## AGRICULTURAL OPERATION PRACTICES ACT

### Revised Statutes of Alberta 2000 Chapter A-7

**Date issued: November 29, 2022**

**Compliance Directive # CD 22-05**

**Issued by:** David Smejkal,  
Inspector, Compliance and Enforcement Division  
Natural Resources Conservation Board (NRCB)

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

**Attention: Jos and Dorthy Peters**

This directive is regarding unauthorized construction of a white hoop fabric building structure located east of the current barn used for confining livestock (Figure 1). This structure is unauthorized by and in violation of the *Agricultural Operation Practices Act* (AOPA). The subject structure is 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 RA16006XB from the Natural Resources Conservation Board (NRCB).

### **Background**

On November 18, 2022, the NRCB received a complaint relating to compliance concerns at the Peters dairy goat CFO. After receiving the complaint, I phoned the Peters on November 22, 2022 (right before my inspection) and went over the complainant’s concerns with them. They stated that I was welcome to go to their operation to do an inspection.

After I conducted my inspection, the only non-compliance I observed was young goats being housed in a white hoop fabric building structure located east of the barn. The white hoop fabric building structure is approximately 20 m x 10 m in size, and approximately 60 young goats were being housed in the structure at the time of the inspection. I contacted the approval officer on this file during my inspection and he confirmed that the white hoop fabric building structure is not part of an NRCB permit, therefore, the white hoop fabric building structure would be considered to be unauthorized construction. Since the unauthorized construction of the white hoop fabric building

structure to house goats was the only non-compliance I observed during my inspection, it's all that will be covered in this Compliance Directive.

While on-site I spoke to the Peters and they claimed that the NRCB knew about goats being in this structure, and since we didn't say anything about it, they assumed it was okay to house goats in it. They mentioned that they have had goats in the white hoop fabric building structure, on and off, since it was constructed approximately in 2016. They also stated that the structure has a compacted clay liner and thought it would meet AOPA liner requirements. I informed the Peters that the white hoop fabric building structure was not permitted under AOPA for confining livestock and collecting and storing manure, and will therefore require a permit under the Act. The Peters indicated that they were unaware that an AOPA permit was required to confine goats in the white hoop fabric building structure. The Peters mentioned that they would do their best to get back in compliance because they wanted to continue to use this structure to house goats.

After my inspection I spoke to the last inspector who was on-site, as well as the file's approval officer, and both were unaware that the white hoop fabric building structure was being used to house goats. While they had not inspected the structure specifically, they both stated that they were under the impression that the structure was being used to store equipment. It is of importance to note that in the Peters two recent applications for Registration RA16006XB and Authorization RA21018, they did not list the white hoop fabric building structure as an existing facility that was being used to house goats. The Peters also did not mention that they were housing goats in the white hoop fabric building structure when the NRCB issued Compliance Directive 21-02 in April 2021, for unauthorized construction (of a shop extension or pole shed).

### **Unauthorized Construction of the White Hoop Structure**

The Peters white hoop fabric building structure area is not an area identified in the applications that led to Registration RA16006XB or Authorization RA21018. As such, the white hoop fabric building structure is not permitted under AOPA.

Section 14 of 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 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, expand, or modify a MCF or MCA that is part of a CFO, unless the CFO owner already holds a permit for that MCF or MCA. I note that the CFO owners are not increasing the CFO's animal numbers.

The white hoop fabric building structure area is a MCA and is not covered by the Peters existing Registration or Authorization. Therefore, the Peters construction and use of the white hoop fabric building structure, to confine livestock (and collect livestock manure) required an authorization under AOPA and is currently unauthorized under the legislation.

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, the NRCB's risk management function as a regulator is undermined, and AOPA's regulatory objectives may be compromised.

The young goats being housed in the white hoop fabric building structure are small baby goats and would not survive being housed outside during the winter months. The Peters have committed to getting an NRCB permit for the structure as soon as possible. For these reasons it seems unreasonable at this time to create any unneeded harm to the young goats by forcing them to be housed outside, so depopulation will not be required until the weather is warmer (spring) and the goats are older.

This is the second unauthorized construction violation the Peters have had; the NRCB will take an escalated enforcement approach on any further unauthorized construction violations.

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

**DIRECTIVE:**

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

1. No later than March 15, 2023, remove all livestock and manure from, and cease confining livestock in, the existing white hoop fabric building structure, if the operation does not hold an AOPA permit to confine livestock and collect manure in that area.
2. Until March 15, 2023, Jos and Dorthy Peters shall not confine more than 60 goats in the white hoop fabric building structure. (This is the number of goats I counted on my November 22, 2022, 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.

Sincerely,

(Original Signed)

David Smejkal  
Inspector, Compliance and Enforcement Division  
Natural Resources Conservation Board

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

**Appendices:**

**A. Figure 1 – 2022 Google Earth Photo**