

## Decision Summary RA23017

This document summarizes my reasons for issuing Authorization RA23017 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA23017. 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 an authorization. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On May 29, 2023, Leonard Tschetter, on behalf of the Hutterian Brethren Church of Camrose (Camrose Colony), submitted a Part 1 application to the NRCB to expand a manure collection area (MCA) facility at an existing multi species CFO.

The Part 2 application was submitted on November 22, 2023, and on the same day I deemed the application complete.

The proposed expansion involves:

- Expanding the feedlot catch basin - from 130 m x 35 m x 3.5 m deep to 130 m x 70 m x 3.5 m deep

#### a. Location

The existing CFO is located at Section 3-48-20 W4M and SE 10-48-20 W4M in Camrose County, roughly 6.4 km north of the City of Camrose. The terrain is relatively flat and surrounded by rolling terrain.

#### b. Existing permits

As the CFO existed on January 1, 2002, it is grandfathered with a deemed approval under section 18.1 of AOPA. The deemed permit includes Camrose County issued development permits 99-084 (which has since been consolidated into Approval RA22006), and 01-123, which allow for the construction and operation of a multispecies CFO. The determination of the CFO's deemed permit status under section 18.1 of AOPA is explained in Decision Summary RA09027.

To date, NRCB-issued Approval RA22006 allows Camrose Colony to construct and operate a multispecies CFO with 3,500 feeder pigs, 170 milking cows (with associated dry cows and replacements allowed on site), 1,200 beef finishers, 10,000 layer chickens, 2,000 broiler chickens, 200 turkeys, 1,500 ducks and 400 geese. The CFO's existing permitted facilities are listed in the Appendix of Approval RA22006.

## **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 1.5 miles (2,414 m) from the CFO.

None of the CFO facilities are located within 100 m of a bank of a river, stream, or canal.

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

## **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), Alberta Environment and Protected Areas (EPA), and Alberta Agriculture and Irrigation (AGI).

I also sent a copy of the application to Telus, Ducks Unlimited Canada and Enermark Inc. as right of way holders.

I received a response from Mr. Wayne Button, an environmental health officer/executive officer with AHS, and from AGI. Both respondents stated they had no objection to the application.

I reached out to Ms. Cindy Skjaveland, a development and planning technologist with Alberta Transportation and Economic Corridors (TEC), regarding the application and the possible need for a roadside development permit. Ms. Skjaveland stated that the expanded catch basin falls within the development control zone for Highway 833, and that a roadside development permit will be required for this application. The applicant is reminded that it is their responsibility to reach out to TEC and obtain the necessary roadside development permit.

No responses were received from any other organization.

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

I have determined that the proposed modification 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.)

## **5. 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 water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA groundwater protection requirements for the design of floors and protective layers of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 8, the application meets all relevant AOPA requirements.

## **6. Responses from municipality**

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.

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 expanded facility 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 is addressed in Appendix A, attached.

Ms. Hunter also listed the setbacks required by Camrose County’s land use bylaw (LUB) and noted that the application does not meet these setbacks. She added that aerial data shows the application does not meet the 10 m side yard setback requirements, and that the existing/expanded catch basin may cross the property line to the north of the catch basin. She also stated this could be corrected by completing a land title consolidation. I reached out to Kim for clarification, and she mentioned that the setback requirement and land title consolidation would only be an issue if the applicant were to sell their property, and that for the sake of this application, land title consolidation would not be required by the county.

## **7. Environmental risk of facilities**

New MCA which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. There may be circumstances where, because of the proximity of a shallow aquifer, porous subsurface materials, or surface water systems, an approval officer may require groundwater or surface water monitoring for the facility. In this case a determination was made that those circumstances are not present, 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](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 9.17.

In this case, the risks posed by Camrose Colony's existing CFO facilities were assessed in 2022 using the ERST. According to that assessment, the facilities posed a low potential risk to surface water and groundwater.

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

## **8. Terms and conditions**

Authorization RA23017 permits the expansion of the existing feedlot catch basin.

Authorization RA23017 contains terms that the NRCB generally includes in all AOPA authorizations, 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, Authorization RA23017 includes conditions that generally address construction deadline, document submission, and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

## **9. Conclusion**

Authorization RA23017 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA23017.

Authorization RA23017 must be read in conjunction with previously issued Approval RA22006, which remains in effect.

February 23, 2024

(Original signed)  
Sarah Neff  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Authorization RA23017

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

Under section 22 of AOPA, an approval officer may only approve an application for an authorization or amendment of an authorization 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.

“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 9.2.7.)

Camrose Colony’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 Municipal Development Plan Bylaw 1372.

Below are the MDP policies that apply to CFOs.

Policy 4.3.7 requires that applications for a new or expanding CFO “meet the Agricultural Operations Practices Act (AOPA)”. This is likely not a land use provision. At any rate, as discussed in section 5 above and in Technical Document RA23017, the application meets all relevant AOPA requirements.

Policy 4.3.8 states that “at the discretion of County Council, large CFOs shall be prohibited in the County”. However, the MDP does not define what qualifies as a “large CFO”. This policy is likely not a “land use provision” because it calls for discretionary judgements about the acceptable maximum size of a CFO.

Policy section 4.3.9 states that the county does not support new or expanding CFOs that are “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”. Camrose Colony’s CFO is not located within the setbacks from the City of Camrose, an urban municipality or hamlet, or a recreational lake.

Policy sections 9.0 “Environmental”, are not applicable because the proposed CFO is not located within an environmentally sensitive area as shown on Figure 5 of Camrose County’s MDP.

For these reasons, I conclude that the application is consistent with the land use provisions of Camrose County’s MDP that I may consider.

## **APPENDIX B: Explanation of conditions in Authorization RA23017**

Authorization RA23017 includes several conditions, discussed below:

### **a. Construction Deadline**

Camrose Colony proposes to complete construction of the proposed expansion to the existing feedlot catch basin by December 2025. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of December 15, 2025, is included as a condition in Authorization RA23017.

### **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, Authorization RA23017 includes conditions requiring:

- a. A completion report, stamped by a professional engineer, certifying that the catch basin expansion has been constructed in accordance with the proposed design. At a minimum the report must confirm that the facility is constructed in the approved location, and with the approved dimensions including side slopes.

The NRCB routinely inspects newly constructed facilities to assess whether the facilities were constructed in accordance with the permit requirements. To be effective, these inspections must occur before livestock or manure are placed in the newly constructed facilities. Authorization RA23017 includes a condition stating that Camrose Colony shall not place manure impacted runoff in the expanded catch basin until NRCB personnel have inspected the catch basin and confirmed in writing that it meets the authorization requirements.