

## Decision Summary RA24013

This document summarizes my reasons for issuing Authorization RA24013 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA24013. 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 March 13, 2024, Whitesand Hutterian Brethren, operating as Whitesand Farming Co. Ltd. (Whitesand), submitted the Part 1 and Part 2 applications to the NRCB to construct a manure collection area (MCA) at an existing multi-species CFO.

On March 18, 2024, I deemed the application complete.

The proposed construction involves constructing a swine quarantine barn - 72 ft. x 14 ft. x 4 ft. (21.9 m x 4.3 m x 1.2 m)

On June 18, 2024, Whitesand notified me that they were proposing a different location for the barn (within the existing CFO footprint) and updated the dimensions to 74 ft. x 16 ft. x 4 ft. (22.6 m x 4.9 m x 1.2 m deep).

#### a. Location

The existing CFO is located at section 12-39-19 W4M in the County of Stettler, roughly 4.4 km east of the Town of Stettler, Alberta. The terrain is generally undulating but relatively flat in the immediate area of the CFO.

#### b. Existing permits

The CFO is already permitted under Approval RA16034A.

### 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 mile (805 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 the County of Stettler, which is the municipality where the CFO is located. I also notified the County a second time, to advise them of the new proposed location and dimensions of the barn.

### **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.

A referral letter and a copy of the complete application were emailed to Alberta Environment and Protected Areas (EPA).

I also sent a copy of the application to DEL Canada GP Ltd. and Apex Utilities Inc. as they are right of way/easement holders.

Ms. Laura Partridge, a senior water administration officer, responded on behalf of EPA. Ms. Partridge stated that since there is no change in animal numbers proposed, no further licensing is required at this time.

No other responses were received.

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

I have determined that the proposed construction is consistent with the land use provisions of the County of Stettler'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 construction:

- 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 liners 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.” The County of Stettler is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Mr. Gregory Jackson, a planning & development officer, provided a written response on behalf of the County of Stettler. Mr. Jackson stated that the application is consistent with the County of Stettler’s land use provisions of the municipal development plan. The application’s consistency with the County of Stettler’s municipal development plan is addressed in Appendix A, attached.

Mr. Jackson also listed the setbacks required by the County of Stettler’s land use bylaw (LUB) of 38 metres from the centre line of a county road, and 0.91 metres from the rear and side property boundaries. He did not state if the application appeared to meet these setbacks or not; however, I have assessed these setbacks and the proposed quarantine barn meets these requirements.

Mr. Jackson was notified of the proposed change in location and dimensions of the barn; he responded that he did not have any additional comments.

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

New CFO facilities 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 monitoring for the facility. An assessment was made, and groundwater monitoring is not required for this facility.

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 Whitesand’s existing CFO facilities were assessed in 2014 and 2017 using the ERST. According to those assessments, the facilities pose 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 RA24013 permits the construction of the swine quarantine barn.

Authorization RA24013 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 RA24013 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 RA24013 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA24013.

Authorization RA24013 must be read in conjunction with NRCB previously issued Approval RA16034A, which remains in effect.

July 26, 2024

(Original signed)  
Lynn Stone  
Approval Officer

## **Appendices:**

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Authorization RA24013

## **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.)

Whitesand’s CFO is located in the County of Stettler and is therefore subject to that county’s MDP. The County of Stettler adopted the latest revision to this plan on August 9, 2023, under Bylaw 1704-23. Section 4.15 of the MDP speaks specifically to CFOs.

Under section 4.15, subsections (a) to (g) specify what the County will include in their response to the NRCB. These points are procedural and are not valid land use provisions.

Subsection (h) states that the County will support new and/or expanding CFOs, if they are located outside of the listed exclusion zones. Whitesand’s existing site (and the proposed swine quarantine barn) is not located in an exclusion zone.

Subsections (i and j) list several future residential expansion areas. It goes on to state that where area structure plans, outline plans, and concept plans identify future residential development, an 800 m exclusion zone exists. Whitesand’s existing site (and the proposed quarantine barn) is not located in any of these areas.

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

## **APPENDIX B: Explanation of conditions in Authorization RA24013**

### **a. Construction Deadline**

Whitesand proposes to complete construction of the proposed new swine quarantine barn by 2026. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of November 30, 2026 is included as a condition in Authorization RA24013.

### **b. Post-construction inspection and review delete the plural if only one condition applies**

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 RA24013 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the swine quarantine barn to meet the specification for category B (liquid manure shallow pits); and category C (solid manure – wet) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- b. Whitesand to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the swine quarantine barn.

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 RA24013 includes a condition stating that Whitesand shall not place livestock or manure in the manure storage or collection portions of the new swine quarantine barn until NRCB personnel have inspected the barn and confirmed in writing that it meets the authorization requirements.