

## Decision Summary BA24019

This document summarizes my reasons for issuing Authorization BA24019 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document BA24019. 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 December 23, 2024, Tiemstra Poultry Ltd. submitted a Part 1 application to the NRCB to construct a manure collection area (MCA) facility at an existing poultry CFO.

The Part 2 application was submitted on December 23, 2024. On January 7, 2025, I deemed the application complete.

The proposed construction involves:

- Constructing a rooster barn – 32 m x 19 m

#### a. Location

The existing CFO is located at SE 27-61-3 W5M in the County of Barrhead, roughly 2 km SE of Neerlandia, AB. The terrain is relatively flat with an overall slope to the east.

To date, the CFO has been permitted under NRCB Approval BA24004. That permit allowed the construction and operation of a 34,000 chicken broiler breeder and 17,000 pullets CFO. The CFO's existing permitted facilities are listed in the appendix of Approval BA24004.

### 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 805 m (0.5 miles) 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 Barrhead, 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 Environment and Protected Areas (EPA) and APEX Utilities Inc.

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

I have determined that the proposed construction is consistent with the land use provisions of Barrhead 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 construction:

- Meets the required AOPA setbacks from all nearby residences, with two exceptions (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS). As explained below in section 8, MDS does not apply for this application
- 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 9, the application meets all relevant AOPA requirements. The exemptions that are required to address the AOPA requirements around MDS are discussed in the following parts of this decision summary.

### **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 Barrhead is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Ms. Debbie Oyarzun, the CAO and development officer with the County of Barrhead, provided a written response on behalf of the county. Ms. Oyarzun stated that the application is consistent with the county's land use provisions of the municipal development plan. The application's consistency with the County of Barrhead's municipal development plan is addressed in Appendix A, attached.

Ms. Oyarzun also listed the setbacks required by the county's land use bylaw (LUB). The application appears to meet these setback requirements.

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

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 Tiemstra Poultry'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.

There have been no changes related to groundwater or surface water protection, water wells, or CFO facilities since that assessment was done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

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, surface water, construction supervision, or an exemption monitoring for the facility. In the consideration of the proposed rooster barn, I did not find any circumstances that require addressing as all AOPA technical requirements are met.

## **8. MDS**

I determined that the existing CFO is located within the minimum distance separation from two residences. Under the Standards Administration Regulation 3(5)(c)(ii) an approval officer can issue an authorization despite MDS not being met, if the application is to build an additional building on the site of the CFO when the total annual manure production will not be increased. The proposed CFO facility is not located closer to either residences (than the existing CFO facilities) and the CFO is not increasing permitted livestock numbers or manure production.

## **9. Terms and conditions**

Authorization BA24019 permits the construction of the rooster barn.

Authorization BA24019 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 BA24019 includes conditions that generally address construction deadlines, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

## 10. Conclusion

Authorization BA24019 is issued for the reasons provided above, in the attached appendices, and in Technical Document BA24019.

Authorization BA24019 must be read in conjunction with Tiemstra Poultry's NRCB previously issued Approval BA24004 which remains in effect.

March 5, 2025

(Original signed)

Nathan Shirley  
Approval Officer

### Appendices:

- A. Consistency with the municipal development plan
- B. Explanation of conditions in Authorization BA24019

## **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.)

Tiemstra Poultry’s CFO is located in the County of Barrhead and is therefore subject to that county’s MDP. The county adopted the latest revision to this plan on August 17, 2010, under Bylaw No. 4-2010.

Part 3.1.3 of the MDP lists 14 agricultural development policies and includes CFOs as among “primary use[s]” in the agricultural use area. The first policy recognizes agriculture as the priority land use in rural areas, supports agricultural diversification, encourages siting agricultural industries in agricultural areas, and discourages non-agricultural land uses in intensive agricultural areas. Of the remaining 13 policies, only 10 and 11 relate specifically to CFOs.

Policy 10 states “input shall be provided to the NRCB in responding to applications for new or expanded CFOs based on the technical and locational merits of each application.” This policy is likely not a land use provision because it requires site-specific, discretionary determinations (see NRCB Operational Policy 2016-7, Approvals 8.2.4). Therefore, this policy is not relevant to the MDP consistency determination required by section 22(2.1) of AOPA. At any rate, the application meets the “technical and locational” requirements of AOPA.

Policy 11 states that “minimum distance separations shall conform to standards set out in the Agricultural Operation Practices Act.” “Minimum distance separations” appears to be a reference to the minimum distance separation (MDS) requirement in section 3 of the Standards and Administration Regulation under AOPA. MDP policy 11 is not relevant to my MDP consistency determination because it is based on AOPA’s MDS requirements. (See NRCB Operational Policy 2016-7, Approvals, part 8.2.5). That said, as explained in Section 8 of the Decision Summary MDS does not apply.

I conclude that the application is consistent with the relevant land use provisions of the County of Barrhead’s MDP that I may consider.

## **APPENDIX B: Explanation of conditions in Authorization BA24019**

Authorization BA24019 includes several conditions, discussed below:

### **a. Construction Deadline**

Tiemstra Poultry proposes to complete construction of the proposed new rooster barn by December 31, 2026. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 1, 2026 is included as a condition in Authorization BA24019.

### **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, Approval BA24019 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portions of the rooster 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. Tiemstra Poultry to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the rooster 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 BA24019 includes a condition stating that Tiemstra Poultry shall not place livestock or manure in the manure storage or collection portions of the new rooster barn until NRCB personnel have inspected the barn and confirmed in writing that it meets the authorization requirements.