

Compliance Directive

AGRICULTURAL OPERATION PRACTICES ACT, RSA 2000, c A-7

Directive #: CD 25-06

Date issued: March 26, 2025

Issued by: Jim Parker, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Lethbridge Office

Issued to: Justin Tateson
Box 93
Scandia AB T0J 2Z0

Attention: **Justin Tateson**

This directive relates to the unauthorized construction of a manure collection area (MCA) pens which has expanded outside of the permitted footprint and the unauthorized construction of a catch basin without a permit. This confined feeding operation (CFO) facility is owned and operated by Justin Tateson and is a beef feedlot CFO.

The unauthorized construction consists of:

1. pens expanded outside of the permitted footprint from grandfathered deemed permit PL23002.
2. a catch basin located on the southwest end of the property adjacent to the pens used for the cow/ calf portion of the operation. This catch basin collects runoff from the pens to the north that are associated with the cow/ calf operation, but also collects runoff from the west row of CFO pens via a ditch along the south end of the CFO pens.

The operation is located at SE 17-15-15-W4, in the County of Newell, Province of Alberta, approximately 3 Km southeast of the Town of Scandia AB. The CFO is operated and owned by Justin Tateson. The CFO has one permit PL23002 from the NRCB issued on January 27, 2025, and is currently permitted for 1,300 beef finishers.

Background and investigation

As the Lethbridge NRCB office was completing a grandfathering (deemed) permit determination for Mr. Tateson, it was observed through updated pictures on Google Earth Pro, that there appeared to be unauthorized construction outside of the potential grandfathered footprint. This operation is a combination of a CFO and a seasonal feeding and bedding site for the operation's cow/calf herd.

This operation did have a past compliance directive (CD 23-01) issued to Mr. Tateson for unauthorized construction of the catch basin. This compliance directive was closed until the grandfathering request was completed.

On January 9, 2025, an internal complaint was registered through our Lethbridge office for unauthorized construction.

On January 13, 2025, Inspector Denny Puszkar and I contacted Mr. Tateson. We discussed with Mr. Tateson that his grandfathering permit determination had not been completed, so at this point he had no NRCB permit. We further discussed with him that when comparing his potential grandfathering permit footprint to the new Google Earth Pro images of his feedlot, there appeared to be pens constructed outside of that potential footprint. We discussed his pen layout and how the pens are used (CFO or SFBS). I said we would wait until the grandfathering determination was completed before we discussed any unauthorized construction enforcement action, since at this time we don't know exactly what his grandfathered footprint, if approved, would look like. We scheduled an onsite meeting for the next day.

On January 14, 2025, Inspector Puszkar and myself went out to Mr. Tateson's operation to inspect the operation and look at how the pens are being used and the overall footprint.

We discussed the two larger pens (pens 1 & 2, see Appendix A) on the far west side and the two larger pens on the far east side (pens 3 & 4). Mr. Tateson said those are all used for his cow/calf operation and are seasonal feeding and bedding sites (SFBS). Two other small pens at the south end (pens 23 & 24) had horses in them. On the east side of the potential feedlot footprint there were four pens (Pens 5- 8), of which the two north pens (Pens 7 & 8) were outside the potential footprint and currently had feeder calves in them. Two pens on the west side, at the north end (pens 14 & 15) had been extended out past the footprint by approximately 9 metres. Some of his feedlot footprint on the southwest side (east of pens 20- 22) has been removed to widen the road. A feed alley and road that was a bit curved going north-south down the middle of feedlot has been straightened out (east of pens 15- 18).

Although the footprint of the operation had changed and possibly expanded it was currently operating within the approved animal numbers allowed in the deemed permit.

In the southwest corner of the property (see Appendix A) is an unauthorized catch basin. The catch basin collects runoff from the SFBS pens to the north but also collects runoff from the west middle row of pens via a ditch along the south end of pens 9 and 22.

On January 27, 2025, Grandfathered deemed permit PL23002 was issued to Justin Tateson for 1,300 beef finishers. Refer to attached Appendix B (Google Earth Pro Imagery), where the red outline shows the CFO pens that form the deemed footprint. The deemed permit, including footprint, can be found on the NRCB website under Recent CFO Decisions, or through the CFO Search tool.

On February 27, 2025, I contacted Mr. Tateson and stated that now that he has his grandfathered permit, we can address the unauthorized construction at the CFO. For the pens which have expanded outside his permitted footprint and are being used as part of the CFO, I informed Mr. Tateson that he will need to get a permit for those pens. I further stated to Mr. Tateson that he will need a permit for the unauthorized construction of the catch basin in the southwest corner of the property, and that I would be issuing a compliance directive regarding these two issues.

I told him he will have to go through our Applications Division for a permit and I sent him Approval Officer Carina Weisbach's contact information so he can get started as soon as possible.

Unauthorized construction

The permit requirements in the *Agricultural Operation Practices Act* ("AOPA") 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 regulatory objects in AOPA may be compromised.

AOPA at section 14 prohibits a person from constructing, expanding, or modifying a manure storage facility (MSF) or manure collection area (MCA) that requires a permit under the regulations unless they hold a permit. A catch basin is considered a manure collection area.

A MCA is defined as the floor of a barn, the under-floor pits of a barn, the floor of a feedlot pen and a catch basin where manure collects but does not include the floor of a livestock corral.

Under section 4(2) of the Part 2 Matters Regulation, an authorization is required for an MSF or MCA that is part of a CFO unless the owner or operator already holds a permit authorizing the construction, expansion or modification.

Under Section 39(1) of AOPA, the NRCB may issue an enforcement order to a person if, in the NRCB's opinion, the person is, among other things, contravening AOPA or its regulations. However, as this is an extension of the first compliance directive at this site, and since the operator has been cooperative, and following the NRCB Compliance and Enforcement Policy, a compliance directive is being issued at this time rather than an enforcement order.

DIRECTIVE:

To mitigate any possible risks to the environment and potential nuisances to any affected neighbours, Justin Tateson shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Justin Tateson shall:

1. Unless a permit has been acquired for the unauthorized pens,
 - a. By September 15, 2025, depopulate the portions of pens that are outside of approved footprint (unauthorized pens outlined in orange in Appendix B); and
 - b. By September 30, 2025, remove all manure from above noted pens.

2. If by September 15, 2025, no AOPA permit for the catch basin is received, you must on a permanent basis:
 - a. Cease using the catch basin for runoff from the CFO pens,
 - b. Construct berms at the edge of your property that runs adjacent to Highway 530, to ensure runoff remains on your property,
3. The seasonal feeding and bedding portions of the property (outlined in purple in Appendix B) must only be used for the cow/calf portion of the operation and must be empty throughout the grazing season as per The *Agricultural Operation Practices Act* (“AOPA”) and NRCB Operational Policy 2015-2: *Distinguishing Between Confined Feeding Operations and Seasonal Feeding and Bedding Sites (For Cattle Operations)*

Any of the deadline dates contained above may be extended in writing, but only by the NRCB, at the sole discretion of the NRCB.

All actions required above shall be in compliance with AOPA and its implementing regulations and shall not violate any other law. These requirements, including any deadlines, remain in effect until otherwise directed by the NRCB in writing.

Given the seriousness of unauthorized construction, the NRCB posts compliance directives for unauthorized construction on the NRCB’s public website.

The NRCB may access the land and structures for the purpose of assessing compliance with this directive.

If Justin Tateson fails to comply with this directive, the NRCB may take additional enforcement action.

(original signed)

Jim Parker
Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: County of Newell

Appendix

- A. Google Earth Pro Aerial Imagery 2025 (labelled by Jim Parker)
Image of current operation.
- B. Google Earth Pro Aerial Imagery 2024 (labelled by Jim Parker)
Overlay of current image showing grandfathered footprint, unauthorized construction, seasonal feeding and bedding areas and unauthorized catch basin.



Untitled Map

Write a description for your map.

Legend

SFBS seasonal feeding and bedding

CFO

Unauthorized construction

Unauthorized construction catch basin

Tateson



200 m

Google Earth

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