

Compliance Directive

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

Directive #: CD 25-07

Date issued: April 10, 2025

Issued by: Tracey Krenn, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Red Deer Office

Issued to: Roelof Kwakernaak
RR 2 Site 11 Box 12
Olds, AB T4H 1P3

Attention: **Roelof Kwakernaak**

This directive relates to unauthorized construction of a manure storage facility (MSF) and manure collection areas (MCAs) at an existing dairy confined feeding operation (CFO) without a permit when a permit is required under the *Agricultural Operation Practices Act* (AOPA). The MSF consists of solid manure stockpiling and the MCAs consist of a calf/hay storage barn, a heifer barn, and a dry cow barn.

The operation is located at NW 32-31-03-W5M, in Mountain View County, in the Province of Alberta, 17.5 km northwest of the town of Didsbury. The CFO is operated and owned by Roelof Kwakernaak. The operation has received municipal development permit (DP 041-98), and NRCB issued Authorization RA06023 and Registration RA08017 and is currently permitted for a 120 milking cow dairy (with additional associated dry cows and replacement stock).

Background and investigation

On February 28, 2025, as part of the NRCB's Above Ground Storage Tank Inspection Program, I reviewed aerial imagery for NW 32-31-03-W5M. Upon review of aerial imagery for this site, I identified two structures that had been constructed south of the existing dairy barn after 2012. I then conducted a search of the NRCB's database and was unable to locate a permit for these structures. After leaving a voicemail message for the operator, the operator called me back and I advised the operator his dairy had been selected as part of the NRCB's Above Ground Storage Tank Inspection Program. I further advised the operator, that while reviewing aerial imagery, I noticed two new structures had been constructed sometime after 2012. I asked the operator what they were. The operator advised they were for heifers and dry cows. I asked if there were concrete floors in the barns. The operator advised there were concrete feed alleys. I advised the operator the barns are considered manure collections areas (MCAs) for which a permit is required under AOPA. The operator stated it was just solid manure

and not manure storage, as the manure is being scraped away. The operator advised he also has a strawpack area. I explained what constituted manure and what was considered a MCA. I advised that what he had described, is considered a MCA, and a permit is required. I stated I would like to schedule a site inspection to look at the above ground tank and that I would also like to bring an approval officer (AO) to discuss permitting requirements. We discussed potential dates and times, and I advised I would speak with an AO and contact him with a date and time for the inspection. I also advised the operator that the newly constructed barns would be considered unauthorized construction and that I may issue a compliance directive, which I explained to him, to ensure compliance with the AOPA.

On March 26, 2025, AO Lynn Stone and I attended the dairy CFO and met with the owner/operator, Roelof Kwakernaak. The operator took us to the area of the existing permitted dairy barn (NRCB Registration RA08017) and the existing permitted open face calf shelter (NRCB Authorization RA06023) where I observed the following:

- Between the existing dairy barn and open face calf shelter was a newly constructed calf/hay storage barn that was not shown on aerial imagery from August of 2022. The front portion of the barn was currently being used to house and feed calves. The remainder of the barn was empty. The operator advised the remainder of the barn was to be used for hay storage. The floor of the barn was dirt which the operator advised consisted of clay. The operator advised the calf/hay storage barn was built last year, in 2024, to replace the portable calf hutches.
- Directly south of the new calf/hay storage barn was a fenced area that contained portable calf hutches. There was no livestock in this area at the time of inspection.
- Directly southwest of the calf/hay storage barn and directly south of the open face calf shelter was a newly constructed barn that the operator advised was used to house dry cows (occupied). The dry cow barn contained a concrete feed alley and freestalls. The floor of the freestall area was dirt which the operator advised consisted of clay. The operator advised he had built the barn over existing corrals. AO Lynn Stone advised that if that were the case, the barn could potentially be grandfathered.
- Located directly south of the calf/hay storage barn and portable calf hutch area, was another newly constructed barn which the operator advised was used as a heifer barn (occupied). This barn also had a concrete feed alley and freestalls. The operator advised the concrete alley extended 10 feet into the freestall area.
- Visible at the south end of the heifer barn was a solid manure stockpile. The operator advised that every time he cleans out the barns, he stockpiles manure at this location until it is spread.

The operator stated that he is currently milking 70 cows.

Upon returning to the office, I reviewed Valtus Aerial Imagery from 1999 – 2003. There were no corrals visible in the location of the newly constructed dry cow barn. The next

clear aerial imagery is from 2011, which shows vegetated pens that were not fully enclosed.

On April 4, 2025, I reviewed NRCB records for this site. I did not find any correspondence to indicate corrals existed in 2002 where the dry cow barn had been constructed. A site plan from 2006 shows this area as pasture. I emailed the operator advising of my findings with respect to the corrals and potential grandfathering. I advised that as per AOPA a permit is required for the construction, expansion, or modification of a CFO and provided a link to the NRCB website. I also advised, as per our previous discussion, I would be proceeding with a compliance directive. The operator then contacted me by phone, and we discussed the email I had sent. I emailed the operator a screenshot of the Valtus 1999 – 2003 Aerial Imagery and the site plan from 2006. We discussed the next steps, and I provided the operator with AO Lynn Stone's contact information.

Unauthorized construction

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 regulatory objects in AOPA may be compromised.

The *Agricultural Operation Practices Act* ("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 MSF is defined as a facility for the storage of manure, composting materials and compost and a facility for composting but does not include such a facility at an equestrian stable, an auction market, a race track or exhibition grounds.

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.

Based on my review of aerial imagery, review of NRCB records, and my site inspection of March 26, 2025, I conclude that Roelof Kwakernaak has contravened section 14 of AOPA for the reason that he has constructed a MSF (consistent stockpiling of manure south of the heifer barn) and MCAs (construction of a calf/hay storage barn, a dry cow barn, and a heifer barn) without a permit, when a permit was required.

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 the act or its regulations. Although the operator was aware of the NRCB (as indicated by previous correspondence sent to the operator) there is no record of previous complaints, and the operator has been cooperative. As this is the first enforcement action at this site, 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, Roelof Kwakernaak shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Roelof Kwakernaak shall:

1. By September 15, 2025, depopulate, remove all manure, and cease using the calf/hay storage barn (see Appendix A) for the purpose of housing livestock or manure storage, unless an NRCB permit for the use of the calf/hay barn as a manure collection area has been obtained.
2. By September 15, 2025, depopulate, remove all manure, and cease using the dry cow barn (see Appendix A) for the purpose of housing livestock or manure storage, unless an NRCB permit for the use of the dry cow barn as a manure collection area has been obtained.
3. By September 15, 2025, depopulate, remove all manure, and cease using the heifer barn (see Appendix A) for the purpose of housing livestock, unless an NRCB permit for the use of the heifer barn as a manure collection area has been obtained.
4. By September 15, 2025, remove the manure stockpile located at the south end of the heifer barn and not use that area until it meets the AOPA's requirements for short-term solid manure storage, unless an NRCB permit has been obtained for a manure storage facility.
5. Not repopulate the portable calf hutch area (see Appendix A) unless an NRCB permit has been obtained for the use of the portable calf hutch area as a manure collection area.

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 Roelof Kwakernaak fails to comply with this directive, the NRCB may take additional enforcement action.

(Original signed)
Tracey Krenn
Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: Mountain View County

Appendix

- A. Google Earth Pro Aerial Imagery date August 2022. Labelled by Inspector Tracey Krenn

Appendix A – Google Earth Pro Aerial Imagery dated August 2022. Labelled by Inspector Tracey Krenn.

