

Decision Summary RA25011

This document summarizes my reasons for issuing Registration RA25011 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25011. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at 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 a registration. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On February 11, 2025, Kevin Van de Pol on behalf of Iron Ridge Farms Ltd. (Iron Ridge) submitted a Part 1 application to the NRCB to construct a new dairy CFO.

The proposed site contains an existing barn, which was previously used as a below threshold sheep operation. The purpose of this application is to replace the concrete liner in the existing barn and to construct additional solid manure storage in order to operate an above threshold dairy CFO.

The Part 2 application was submitted on February 11, 2025. On March 6, 2025, I deemed the application complete.

The proposed CFO involves:

- Permitting livestock capacity of 80 milking cows (plus associated dries and replacements)
- Replacing the concrete liner in the existing barn (barn conversion) – 70.8 m x 22.2 m
- Constructing a solid manure pad – 24.4 m x 22.8 m

a. Location

The proposed CFO is located at south half of NE 28-39-28 W4M in Lacombe County, roughly 9 km west of the town of Blackfalds. The terrain is relatively flat with a gentle slope to the northeast. The closest common body of water is Gull Lake which is roughly 8 km north of the proposed CFO.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are “affected” by a registration application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- 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

- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of 250 metres. Therefore, the notification distance is ½ mile.

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 Lacombe County, which is the municipality where the CFO is to be located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in Lacombe Express newspaper in circulation in the community affected by the application on March 6, 2025, and
- sending 11 notification letters to people identified by Lacombe County as owning or residing on land within the notification distance.

The full application was made available for viewing at the Red Deer NRCB office during regular business hours.

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), Alberta Agriculture and Irrigation (AGI), and Alberta Transportation and Economic Corridors (TEC).

I also sent a copy of the application to Atco Gas and Pipelines Ltd. as they are a right of way holder.

Ms. Laura Partridge, a senior water administration officer with EPA, responded to the application and stated that no additional authorizations are required at this time.

Ms. Cindy Skjaveland, a property technologist with TEC, responded to the application by stating that the proposed CFO is outside of the Highway 2 development control area, and that all access to the site is via local municipal range roads with no impact on the provincial highway network.

I did not receive any other responses to the application.

4. Alberta Land Stewardship Act (ALSA) regional plan

Section 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the proposed CFO is to be located.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed CFO is consistent with the land use provisions of Lacombe County's municipal development plan. (See Appendix A for a more detailed discussion of the County's planning requirements.)

6. AOPA requirements

With respect to the technical requirements set out in the regulations, the proposed CFO:

- 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 springs and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application 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 10 and in Appendix C, the application meets all relevant AOPA requirements. The exemption that is required to address the AOPA requirements around water well setbacks is discussed in part 9 and Appendix B.

7. Responses from municipality and other directly affected parties

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. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by the Act as "directly affected." Lacombe County is an affected party (and directly affected) because the proposed CFO is located within its boundaries.

Ms. Allison Noonan, a planning services administrative assistant with Lacombe County, provided a written response on behalf of Lacombe County. Ms. Noonan stated that the application is consistent with Lacombe County's land use provisions of the municipal development plan. The application's consistency with the land use provisions of Lacombe County's municipal development plan, are addressed in Appendix A, attached.

Ms. Noonan also listed the setbacks required by Lacombe County's land use bylaw (LUB) and noted that the application meets these setbacks.

Apart from municipalities, an owner or occupant of land within the notification distance may request to be considered "directly affected." The NRCB did not receive a response from any individuals or other parties.

8. Environmental risk of CFO 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, or porous subsurface materials, and surface water systems an approval officer may require groundwater monitoring for the facility. In this case a determination was made that groundwater monitoring is not required because the application meets all relevant AOPA requirements, and the subsurface materials provide additional groundwater protection.

9. Exemptions

I determined that the proposed barn conversion and solid manure pad are located within the required AOPA setback from a water well. As explained in Appendix B, an exemption to the 100 metre water well setback is warranted due to how the well was constructed and maintained, and the fully enclosed and solid manure nature of the proposed facilities.

10. Terms and conditions

Registration RA25011 specifies the permitted livestock capacity as 80 milking cows (plus associated dries and replacements) and permits the construction of the solid manure pad and conversion of the existing barn.

Registration RA25011 contains terms that the NRCB generally includes in all AOPA registrations, 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, Registration RA25011 includes conditions that generally address construction deadline, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

11. Conclusion

Registration RA25011 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25011.

April 16, 2025

(Original signed)
Sarah Neff
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Exemption from water well setbacks
- C. Explanation of conditions in Registration RA25011

APPENDIX A: Consistency with the municipal development plan

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

Iron Ridge’s proposed CFO is located in Lacombe County and is therefore subject to that county’s MDP. Lacombe County adopted the latest revision to this plan on March 13, 2025, under Bylaw No. 1238/17.

Section 3.3.1 states that “[A]ll lands in the County shall be deemed to be agricultural lands unless otherwise designated by the Municipal Development Plan, an approved statutory or non-statutory, the Land Use Bylaw, or provincial legislation”.

I consider this section to be a source of insight for the interpretation of the remaining portions of the MDP and land use bylaw (LUB). The County’s LUB is discussed further below.

Section 3.9.1 of the County’s MDP states that the “County shall provide input on applications for confined feeding operations to the Natural Resources Conservation Board (NRCB) under the *Agricultural Operation Practices Act*. The County’s support is subject to the following:

- a) no new confined feeding operation shall be permitted less than 1.6 kilometres (1 mile) from the boundary of:
 - i) a town, village, summer village or hamlet;
 - ii) an area developed or designated for multi-lot residential use; or
 - iii) a provincial or municipal park or recreation area, or other area used or intended to be used for a recreational facility development,

except that where provincial regulations require a larger setback distance, that distance shall apply.

Further restrictions on the development of confined feeding operations may apply as directed by an Intermunicipal Development Plan or other plan approved by Council.”

Iron Ridge’s proposed CFO is not within the setback of these areas listed above.

As for section 3.9.1’s reference to intermunicipal development plans (IDP) or other plans approved by the County’s Council, the proposed CFO is not located within land identified as part of an IDP or any other plans.

For these reasons, I conclude that the application is consistent with the land use provisions of Lacombe County's MDP. This conclusion is supported by the County's response to the application.

APPENDIX B: Exemption from water well setbacks

1. Water Well Considerations

The proposed barn conversion and solid manure pad are to be located less than 100 m from a water well. I have confirmed that one water well is located approximately 5 m from the proposed barn conversion and approximately 65 m from the proposed solid manure pad during a site visit and via aerial imagery. This is in conflict with the section 7(1)(b) of the Standards and Administration Regulation (SAR) under AOPA.

Section 7(2), however, allows for exemptions if, before construction, the applicant can demonstrate that the aquifer into which the water well is drilled is not likely to be contaminated by the manure storage facility (MSF)/manure collection area (MCA), and, if required, a groundwater monitoring program is implemented.

The potential risks of direct aquifer contamination from the MSF/MCA are presumed to be low if the applicant's proposed MSF/MCA meets AOPA's technical requirements to control runoff and leakage. Approval officers also assess whether the water well itself could act as a conduit for aquifer contamination.

In this case, I felt the following factors were relevant to determine the risk of aquifer contamination via the water well:

- a. How the well was constructed
- b. Whether the well is being properly maintained
- c. Construction and manure management of the MSF/MCA

These presumptions and considerations are based on NRCB Operational Policy 2016-7: Approvals, part 9.10.2.

Water well ID 167138:

Based on information provided by the applicant and from the Alberta Environment and Protected Areas (EPA) water well database, the water well located approximately 5 m east and 65 m southeast of the proposed barn conversion and solid manure pad, respectively, is likely EPA water well ID 167138. This well is reported to have been installed in 1992 and has a perforated or screened zone from 30.8 m to 42.4 m below ground level across sandstone and shale layers. This well is used for domestic and non-domestic purposes. The well's log identifies protective layers from 5.5 m to 20.7 m below ground level. The well has a driven seal from ground surface to 32.6 m below ground level (across the clay/sand/shale layers). The well appeared to be in good condition at the time of my site inspection and its casing was protected by a welded steel cage.

The NRCB has developed a "water well exemption screening tool," based on the factors listed above, to help approval officers assess the groundwater risks associated with a nearby water well.¹

¹ A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.

In this case, the results of the water well exemption screening tool suggest that an exemption is likely as seen in Technical Document RA25011.

Under the regulation, an approval officer may require a groundwater monitoring program of the water well in question. In my view, monitoring is not required because of the construction and routine maintenance of the well, and because the proposed construction meets AOPA technical requirements and pose a low risk to surface water and groundwater. Additionally, the barn (which is the closest facility to the well) is a fully enclosed facility managed on a solid manure system only, with no liquid manure pits.

Based on the above, I am prepared to grant an exemption to the 100 m water well setback requirement for the proposed barn conversion and solid manure pad.

APPENDIX C: Explanation of conditions in Registration RA25011

Registration RA25011 includes several conditions, discussed below:

a. Construction Deadline

Iron Ridge proposes to complete construction of the proposed solid manure pad and replace the concrete liner in the existing barn by March 4, 2028. This timeframe is considered to be reasonable for the proposed scope of work. The deadline of March 30, 2028, is included as a condition in Registration RA25011.

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, Registration RA25011 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portions of the barn conversion and the new solid manure pad to meet the specifications for category D (solid manure – dry) and category C (solid manure – wet), respectively, in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas”.
- b. Iron Ridge to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the barn conversion and solid manure pad.

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. Registration RA25011 includes a condition stating that Iron Ridge shall not place livestock or manure on the manure storage or collection portions of the barn conversion or place manure on the new solid manure pad until NRCB personnel have inspected the facilities and confirmed in writing that they meet the registration requirements.