

Compliance Directive

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

Directive #: CD 25-11

Date issued: June 5, 2025

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

Issued to: PNV Land Corporation
Springer Dairy Ltd. operated by Bryan Vande Munt
Box 1127 Picture Butte, Alberta T0K1V0

Attention: **Bryan Vande Munt**

This directive relates to unauthorized construction at Springer Dairy Ltd., which is a “deemed” dairy confined feeding operation (CFO). The unauthorized construction is in relation to the construction of a manure collection area (MCA) in the form of a “new feed alley” which replaced the “old feed alley,” and the construction of a manure storage facility (MSF) which is the conversion of the freshwater storage dugout to a MSF as characterized in the Google Earth site image (Appendix A), labelled by the operator on May 26, 2025.

The operation is located at SE-29-011-20-W4, in Lethbridge County in the Province of Alberta, approximately 80 m directly west of Huntsville School in Iron Springs, Alberta. The CFO land is owned by PNV Land Corporation and operated by Bryan Vande Munt under the company name of Springer Dairy Ltd. The operation has a County of Lethbridge No. 26 Development Permit No. 30/78 dated May 24, 1978, for 65 cows.

Background and investigation

On May 23, 2025, the NRCB received an anonymous online complaint that Springer Dairy Ltd. had completed an addition to the existing dairy barn, had converted a dugout previously used for drinking water to a manure storage facility, and was currently doing further construction on the dairy barn.

As a result of this complaint, I initiated a desk top file review to see if I could determine the extent of the alleged unauthorized construction in the complaint and further determine whether or not the operator had converted the water storage dugout to a manure storage facility (MSF).

I identified the operation on the south ½ of SE-29-11-20-W4 bordering the west side of the Huntsville School in Iron Springs, Alberta. It was clear based on my search of the NRCB CFO Database this operation did not have any NRCB permits and in fact was not entered in the database as a confined feeding operation. After completing further reviews of aerial imagery using the Government of Alberta Geocortex web mapping tool website, it was clear the operation existed around January 1, 2002, and likely long before that based on the Geocortex Valtus imagery from 1999-2003. It appeared the operation remained mostly unchanged from 2003 until sometime between 2019 and 2022 where an addition was constructed on the southwest corner of the dairy barn.

It also appeared the operator reversed the usage of the freshwater storage dugout and the original MSF sometime between 2019 and 2022 (Appendix B and C). Google Earth imagery showed what appeared to be a MSF which was in existence since at least around the grandfathering time frame (January 1, 2002). However, between 2019 and 2022 some changes were made to what looked like a freshwater storage dugout directly south of the original MSF that was surrounded by trees. Between 2019 and 2022 the trees were levelled, and the usage of the freshwater storage dugout appeared to have changed to an MSF.

On May 24, 2025, I had a discussion with the operator Bryan Vande Munt about the complaint that had been alleged and about the observations I had made based on my desktop review of this operation. Mr. Vande Munt indicated the addition on the southwest corner of the original main dairy barn that runs north-south is a “new feed alley” and that it replaced the “old feed alley” that ran north-south along the north-east side of the main dairy barn. The “new feed alley”, which has a scrape alley for manure, is considered a manure collection area under AOPA, as it collects manure from the dairy animals during feeding events.

Mr. Vande Munt also confirmed that he switched uses of the liquid storages. The north liquid storage, which was formerly used for manure storage, was now being used as a freshwater storage dugout. The south liquid storage, which was formerly used as a freshwater storage dugout, was now being used for liquid manure storage. As a result of this discussion, I explained to Mr. Vande Munt that he was not in compliance because he constructed the “new feed alley” (MCA) and because he converted the freshwater storage dugout into an MSF without an NRCB permit authorizing him to complete the construction. I explained to Mr. Vande Munt that I would need to conduct a site inspection of the operation to confirm the status of the operation and to confirm everything that he had related to me.

On May 26, 2025, I attended Springer Dairy and met Mr. Vande Munt onsite in front of the Milk house part of the main dairy barn. I presented Mr. Vande Munt with a printed Google Earth image of his operation and had Mr. Vande Munt label the site image with naming conventions for each area of the barn and the operation to understand the operation before commencing my inspection (Appendix A).

After this task was completed, Mr. Vande Munt and I toured the entire facility so that I had a chance to make my observations and take photographs of the facility to confirm what Mr. Vande Munt had communicated to me previously during our phone discussion on May 24, 2025. During my site inspection, I confirmed what Mr. Vande Munt had indicated previously regarding the construction of the “new feed alley” and the discontinued use of the “old feed

alley.” The “old feed alley” is used minimally for animals to roam for extra space and Mr. Vande Munt indicated sometimes he keeps a few goats in the “old feed alley” and also uses that space in the wintertime as a calving barn for the dairy cows.

I also observed the current MSF is filled from an underground pit system within the main dairy barn that flows directly from the new feed alley/free stall barn (see Appendix A) via an outlet pipe into the converted MSF. Mr. Vande Munt indicated he switched uses of the previous freshwater storage dugout and the previous MSF because the converted MSF is directly behind the new feed alley building.

I explained to Mr. Vande Munt that he should have applied to get a permit because the converted MSF was not used to store manure on January 1, 2002. I further explained to Mr. Vande Munt that he was taking on the risk management function from an environmental perspective because Mr. Vande Munt constructed the MCA and converted the water storage dugout to an MSF without receiving a permit from the NRCB.

I further explained the seriousness of unauthorized construction under AOPA and the reasons why the NRCB expects operators to receive an NRCB permit before completing the type of construction that Mr. Vande Munt had completed. I also covered the applicable legislation under AOPA with Mr. Vande Munt and subsequently, Mr. Vande Munt indicated he now understood the significance of receiving an NRCB permit before commencing construction of an MCA or MSF.

I explained to Mr. Vande Munt I would be writing him a compliance directive to get him back into compliance. Mr. Vande Munt indicated he understood everything that had been explained. Mr. Vande Munt was cooperative during my site inspection and has been during all my discussions with him.

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 observations, my conversations with Bryan Vande Munt of Springer Dairy Ltd., and my site inspection on May 26, 2025, I conclude that Bryan Vande Munt of Springer Dairy Ltd. contravened section 14 of AOPA for the reason that he constructed an MSF (converted water storage dugout to an MSF) and new feed alley (MCA) without first receiving an NRCB Permit authorizing that construction.

The CFO was issued a municipal development permit in 1978 for a 65-head dairy. A CFO that existed (with or without a development permit) on January 1, 2002, is deemed under AOPA to hold a permit. For clarity, this Compliance Directive is not a grandfathering determination and makes no findings about the status or capacity of this CFO on January 1, 2002. Nonetheless, it remains clear from aerial photos and what Mr. Vande Munt said that both the MCA and the new MSF were constructed after January 1, 2002 and without a permit under AOPA.

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. However, as this is the first enforcement action at this site, the operator has been cooperative, forthcoming with information, 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, PNV Land Corp. and Bryan Vande Munt of Springer Dairy Ltd. shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, PNV Land Corp and Bryan Vande Munt of Springer Dairy Ltd. shall:

1. By October 10, 2025, depopulate, remove all manure, and cease using the new MCA” (new feed alley)” for the purpose of housing and feeding livestock or manure collection unless an NRCB permit for this facility under AOPA has been obtained.
2. By October 10, 2025, if an NRCB permit under AOPA has not been obtained for the MSF that was converted from a freshwater dugout to an MSF,
 - a. remove all manure and cease using the converted MSF as a liquid manure storage, and
 - b. submit a plan to the NRCB on how you will manage and store your liquid manure
3. By October 31, 2025, if an NRCB permit under AOPA has not been obtained for the MSF that was converted from a freshwater dugout to an MSF you must;
 - a. fully close the MSF, in accordance with Technical Guideline Agdex 096-90 Closure of Manure Storage Facilities and Manure Collection Areas.

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 PNV Land Corp. or Bryan Vande Munt of Springer Dairy Ltd. fails to comply with this directive, the NRCB may take additional enforcement action.



Morgan Schindel
Inspector, Compliance and Enforcement Division
Natural Resources Conservation Board

Cc: Lethbridge County Development and Planning

Appendix

- A. Google Earth Site Image Labelled by Bryan Vande Munt on May 26, 2025
- B. Google Earth Site Image from 2019 depicting the CFO
- C. Google Earth Site Image from 2022 depicting the unauthorized construction

SERVICE OF ORDER:

Delivered to: Bryan Vande Munt	Delivered to:	Delivered to:
Method of Delivery: Personally	Method of Delivery:	Method of Delivery:
Date of Delivery: June 5, 2025	Date of Delivery:	Date of Delivery:

Appendix A: Google Earth Site Image (2025) labelled by Bryan Vande Munt on May 26, 2025



Appendix B: Google Earth Site Image from 2019 depicting the CFO



Appendix C: Google Earth Site Image from 2022 depicting unauthorized construction

