

## Decision Summary RA25013

This document summarizes my reasons for issuing Authorization RA25013 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25013. 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 February 12, 2025, Erwin van den Brink, on behalf of Stigter Dairy Farm Ltd. (Stigter Dairy), submitted a Part 1 application to the NRCB to expand an existing dairy CFO. On April 15, 2025, Mr. van den Brink advised that he would no longer be applying for an expansion, and that his application would be to construct a new manure collection area (MCA).

The Part 2 application was submitted on April 17, 2025. On April 29, 2025, I deemed the application complete.

The proposed construction involves:

- Constructing a new heifer barn (heifer barn #2) – 122 m x 27.5 m

#### a. Location

The existing CFO is located at SW 30-41-27 W4M in Lacombe County, roughly 12 km northwest of Lacombe, Alberta. The terrain is level to undulating with a general slope to the west. The nearest common body of water is a small lake approximately 600 meters to the west of the CFO.

#### b. Existing permits

The CFO is already permitted under Approval RA10041 and Authorizations RA12013, RA17002 and RA18040.

### 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 specified notification distance. In this case, the notification distance is 1 mile (1609 m) 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 Lacombe County, which is the municipality where the CFO is located. No other municipality has a boundary within the one mile notification distance.

### **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 Alberta Agriculture and Irrigation (AGI).

I also sent a copy of the application to ATCO Gas and Pipelines Ltd. and Transglobe Energy Corp. who are right of way holders.

I received a response from AGI indicating the inspector responsible for the application.

I did not receive any other responses.

Authorization RA25013 does not relieve the permit holder from complying with other applicable laws, such as safety codes, other municipal bylaws, provincial legislation (e.g. *Historical Resources Act*), and federal legislation (e.g. *Migratory Birds Convention Act*).

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

I have determined that the proposed construction 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.)

### **5. AOPA requirements**

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

- Meets the required AOPA setbacks from nearby residences with an exemption under Section 3(5)(c) of the Standard and Administration Regulation. The proposed heifer barn is within the footprint of the existing CFO and is not encroaching into the MDS of the closest residence to the NW
- Meets the required AOPA setbacks from 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 exemption required to address the AOPA requirements around water well setbacks 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." Lacombe County is an affected party (and directly affected) because the proposed facility 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 Lacombe County's municipal development plan is addressed in Appendix A, attached.

While Ms. Noonan did not list the setbacks required by Lacombe County's land use bylaw (LUB) in her response, she did note that the application meets the setbacks.

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

New MCA 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 monitoring for the facility. The information on this file supports the assumption that risks to groundwater and surface water are low; therefore, groundwater monitoring is not required.

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 Stigter Dairy's existing CFO facilities were assessed in 2017 and 2018 using the ERST. According to that assessment, the facilities posed a low potential risk to surface water and groundwater.

The circumstances have not changed since those assessments were done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

## **8. Exemptions**

I determined that the proposed heifer barn is located within the required AOPA setback from a water well. As explained in Appendix B, an exemption to the 100 m water well setback is warranted due to construction and maintenance of the well, and the fully enclosed concrete nature of the proposed construction.

## **9. Terms and conditions**

Authorization RA25013 permits the construction of the new heifer barn.

Authorization RA25013 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 RA25013 includes conditions that generally address construction deadline, document submission, and construction inspection. For an explanation of the reasons for these conditions, see Appendix C.

## **10. Conclusion**

Authorization RA25013 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25013.

Authorization RA25013 must be read in conjunction with previously issued Approval RA10041 and Authorizations RA12013, RA17002 and RA18040 which remain in effect.

June 19, 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 Authorization RA25013

## 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.)

Stigter Dairy’s 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. As relevant here:

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 plan, 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).

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.”

Stigter Dairy’s application is not for a new CFO, regardless, the existing CFO is not within the setback of the 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 existing 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 that I may consider.

## APPENDIX B: Exemption from water well setbacks

### 1. Water Well Considerations

The proposed heifer barn is to be located less than 100 m from a water well. I have confirmed that one well is located approximately 30 m from it 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 collection area (MCA), and, if required, a groundwater monitoring program is implemented.

The potential risks of direct aquifer contamination from the MCA are presumed to be low if the applicant's proposed 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. The fully enclosed, concrete nature of the proposed construction.

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

#### **Water well ID: 299506**

Based on information provided by the applicant and from the Alberta Environment and Protected Areas (EPA) water well database, the water well located approximately 30 m southwest of the proposed heifer barn is likely EPA water well ID 299506. This well is reported to have been installed in 2002 and has a perforated or screened zone from 32 m to 50.3 m below ground level across shale and sandstone stratigraphy. The well has an above ground casing and is used for domestic and non-domestic purposes. The well's log identifies protective layers from 8.2 m to 21.9 m below ground level. The well has a driven seal from ground surface to 30.8 m below ground level (across the clay, sand and 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.<sup>1</sup>

In this case, the results of the water well exemption screening tool suggest that an exemption is likely as seen in Technical Document RA25013.

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<sup>1</sup> 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).

Under the regulation, an approval officer may require a groundwater monitoring program of the water well in question. In my view, given meeting AOPA technical requirements and low risk to the environment, monitoring is not required.

Based on the above, I am prepared to grant an exemption to the 100 m water well setback requirement for the new heifer barn.



## **APPENDIX C: Explanation of conditions in Authorization RA25013**

### **a. Construction Deadline**

Stigter Dairy proposes to complete construction of the new heifer barn #2 by August 15, 2025. I am of the opinion that a longer timeframe is more suitable to account for potential construction or material delays. Therefore, the deadline of August 31, 2026, is included as a condition in Authorization RA25013.

### **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, Authorization RA25013 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the new heifer barn #2 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. Stigter Dairy to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the new heifer barn #2.

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 RA25013 includes a condition stating that Stigter Dairy shall not place livestock or manure in the manure storage or collection portions of the new heifer barn #2 until NRCB personnel have inspected the barn and confirmed in writing that it meets the authorization requirements.