

## Decision Summary RA25028

This document summarizes my reasons for issuing Approval RA25028 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25028. 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 approval. For additional information on NRCB permits please refer to [www.nrcb.ca](http://www.nrcb.ca).

### 1. Background

On March 31, 2025, Cor and Cathy Haagsma on behalf of Poly-C Farms Ltd. (Poly-C) submitted a Part 1 application to the NRCB to expand an existing dairy CFO.

The Part 2 application was submitted on March 31, 2025. On May 7, 2025, I deemed the application complete.

The proposed expansion involves:

- Increasing the permitted number of milking cows (plus associated dries and replacements) from 400 to 625
- Constructing a new dairy barn (east barn) – 104.9 m x 36.6 m with a liquid manure pit (42.7 m x 3.5 m x 1.2 m deep)
- Constructing a connecting alley between the east and west barn – 7.3 m x 6.1 m x 1.2 m deep

#### a. Location

The existing CFO is located at NW 3-43-26 W4M in Ponoka County, roughly 5.6 km west of Ponoka, AB. The terrain is gently undulating, with a general slope to the southwest towards the Battle River, which is located approximately 1.2 km from the CFO.

#### b. Existing permits

To date, the NRCB has issued Approval RA08021 and Authorizations RA12058, RA13008, RA13029 and RA14020. Collectively, these NRCB permits allow Poly-C to construct and operate a dairy CFO with a permitted livestock capacity of 400 milking cows (plus associated dries and replacements). The CFO's existing permitted facilities are listed in the appendix to the Approval RA25028.

### 2. Notices to affected parties

Under section 19 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are "affected" by an approval 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 person or 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 specified distance from the CFO, depending on the size of the CFO
- all persons who own or reside on land within a specified distance from the CFO, depending on the size of the CFO

For the size of this CFO the specified distance is 1.5 miles. (The NRCB refers to this distance as the “notification distance”.)

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 Ponoka County, which is the municipality where the CFO is located.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Ponoka News newspaper in circulation in the community affected by the application on May 7, 2025, and
- sending 42 notification letters to people identified by Ponoka County as owning or residing on land within the notification distance.

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

### **3. Notice to other persons or organizations**

Under section 19 of AOPA, 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), Alberta Transportation & Economic Corridors (TEC).

I also sent a copy of the application to Apex Utilities Inc. as they are a right of way holder.

I received responses from AGI, TEC and EPA.

A representative with AGI responded to the notification by indicating the inspector that is responsible for the application.

Ms. Cindy Skjaveland, a property technologist with TEC, responded to the application and stated that the applicant will require a Roadside Development Permit for any ground disturbance or structure that falls within 400 m of Highway 795 and the nearest local road intersection. Ms. Skjaveland’s response has been forwarded to the applicant for their information and action.

Mr. Matthew Osinowski, a senior water administration hydrogeologist with EPA, responded directly to the applicant by stating the existing licensing for the CFO, and that additional groundwater licensing will be required for the proposed expansion. Mr. Osinowski also indicated that because the volume of water in the application will be greater than 3,650 m<sup>3</sup>/year, the applicant is also required to submit a Groundwater Evaluation Report to accompany the licence

application. The applicant is reminded that it is their responsibility to ensure they have sufficiently licensed water under the *Water Act* for the proposed expansion.

I did not receive any other responses.

Approval RA25028 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. Alberta Land Stewardship Act (ALSA) regional plan**

Section 20(10) 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 expansion is consistent with the land use provisions of Ponoka 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 expansion:

- Meets the required AOPA setbacks from nearby residences, with three exceptions (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS). The proposed barn with connecting alley is to be located further away than other existing CFO facilities relative to the residences located within the MDS. For two of the three residences, the MDS does not apply, as the residences were constructed after the owner of the CFO started construction of the CFO (Section 3(8)(c) of the Standards and Administration Regulation). For the remaining residence, the expansion factor has been applied in order to meet the MDS requirements (Schedule 1(6)(3) of the Standards and Administration Regulation)
- 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 11 and in Appendix D, the application meets all relevant AOPA requirements. The exemption that is required to address the AOPA requirements around water well setbacks are discussed in the following parts of this decision summary and in Appendix C.

#### **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.” Ponoka County is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

Ms. Robin Dubitz, a development planner with Ponoka County, provided a written response on behalf of Ponoka County. Ms. Dubitz stated that the application is consistent with Ponoka County’s land use provisions of the municipal development plan (MDP). The application’s consistency with the land use provisions of Ponoka County’s MDP is addressed in Appendix A, attached.

Apart from municipalities, any member of the public may request to be considered “directly affected.” The NRCB received a response from one individual.

The individual who submitted a response owns or resides on land within the 1.5 mile notification distance for affected persons. Because of their location within this distance, and because they submitted a response, they qualify for directly affected party status. (See NRCB Operational Policy 2016-7: *Approvals*, part 7.2.1)

The directly affected party submitted a response indicating no objection with the application. (See Appendix B).

## **8. Environmental risk of CFO facilities**

New MSF/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. Due to the proximity of two water wells to the proposed construction, a water well monitoring condition will be carried forward from Approval RA08021 and included in this approval.

When reviewing a new approval 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 Poly-C’s existing CFO facilities were assessed in 2013 and 2014 using the ERST. According to those assessments, the facilities posed a low potential risk to surface water and groundwater.

There have been no changes related to groundwater or surface water protection, water wells, or CFO facilities since those assessments were done. As a result, a new assessment of the risks posed by the CFO’s existing facilities is not required.

## 9. Exemptions

I determined that the proposed east barn with connecting alley is located within the required AOPA setback from two water wells. As explained in Appendix C, an exemption to the 100 m water well setback is warranted due to construction and maintenance of the wells, and the fully enclosed concrete nature of the proposed construction. A water well monitoring condition will also be carried forward from Approval RA08021 (see Appendix D, below).

## 10. Other factors

Because the approval application is consistent with the MDP land use provisions, and meets the requirements of AOPA and its regulations, I also considered other factors.

AOPA requires me to consider matters that would normally be considered if a development permit were being issued. The NRCB interprets this to include aspects such as property line and road setbacks related to the site of the CFO. (Grow North, RFR 2011-01 at page 2). Approval officers are limited to what matters they can consider though as their regulatory authority is limited.

Ms. Dubitz also listed the setbacks required by Ponoka County's land use bylaw (LUB) and noted that the application does not meet the property line setbacks. However, Ms. Dubitz indicated that the County has no objection to the application because Lot 2A, Block 1, Plan 0120439, S-10-43-26-W4 is currently owned by Poly-C, and that if/when that land is sold, there would be a requirement of a lot line adjustment to ensure the CFO infrastructure is in conformance with legal building setback requirements.

I have considered the effects the proposed expansion may have on natural resources administered by provincial departments. EPA has not made me aware of statements of concern submitted under section 73 of the *Environmental Protection and Enhancement Act* or section 109 of the *Water Act* in respect of the subject of this application. Furthermore, the application meets AOPAs technical requirements, and the applicant has been reminded that it is their responsibility to ensure they have received the appropriate water licensing for the proposed CFO expansion.

I am not aware of any written decision of the Environmental Appeals Board for this location (<https://eab.gov.ab.ca/status.htm>), accessed June 23, 2025.

Finally, I considered the effects of the proposed expansion on the environment, the economy, and the community, and the appropriate use of land. In doing so, I had before me information in the application, views from Ponoka County, and my own observations from a site visit.

Consistent with NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9, I presumed that the effects on the environment are acceptable because the application meets all of AOPA's technical requirements. In my view, this presumption is not rebutted.

Consistent with NRCB Operational Policy 2016-7: *Approvals*, part 9.10.9, if the application is consistent with the MDP then the proposed expansion is presumed to have an acceptable effect on the economy and community. In my view, this presumption is not rebutted.

I also presumed that the proposed expansion is an appropriate use of land because the application is consistent with the land use provisions of the MDP (see NRCB Operational Policy

2016-7: *Approvals*, part 9.10.9). In my view, this presumption is not rebutted.

## 11. Terms and conditions

Approval RA25028 specifies the cumulative permitted livestock capacity as 625 milking cows (plus associated dries and replacements) and permits the construction of the east barn and connecting alley.

Approval RA25028 contains terms that the NRCB generally includes in all AOPA approvals, 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, Approval RA25028 includes conditions that generally address construction deadline, monitoring, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix D.

For clarity, and pursuant to NRCB policy, I consolidated the following permits with Approval RA25028: Approval RA08021 and Authorizations RA12058, RA13008, RA13029 and RA14020 (see NRCB Operational Policy 2016-7: *Approvals*, part 11.5). Permit consolidation helps the permit holder, municipality, neighbours and other parties keep track of a CFO's requirements, by providing a single document that lists all the operating and construction requirements. Consolidating permits generally involves carrying forward all relevant terms and conditions in the existing permits into the new permit, with any necessary changes or deletions of those terms and conditions. This consolidation is carried out under section 23 of AOPA, which enables approval officers to amend AOPA permits on their own motion. Appendix D discusses which conditions from the historical permits are or are not carried forward into the new approval.

## 12. Conclusion

Approval RA25028 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25028.

Poly-C's NRCB-issued Approval RA08021 and Authorizations RA12058, RA13008, RA13029 and RA14020 are therefore superseded, and their content consolidated into this Approval RA25028, unless Approval RA25028 is held invalid following a review and decision by the NRCB's board members or by a court, in which case these previously issued permits will remain in effect.

July 7, 2025

*(original signed)*  
Sarah Neff  
Approval Officer

## Appendices:

- A. Consistency with municipal land use planning
- B. Determining directly affected party status
- C. Exemption from water well setbacks
- D. Explanation of conditions in Approval RA25028

## APPENDIX A: Consistency with the municipal land planning

Under section 20 of AOPA, an approval officer may only approve an application for an approval or amendment of an approval if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP) and any applicable intermunicipal development plan (IDP).

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 20(1.1) 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.)

Poly-C’s CFO is located in Ponoka County and is therefore subject to that county’s MDP. Ponoka County adopted the latest revision to this plan in September 2023, under Bylaw 6-08-MDP.

Section 2 of the MDP contains eight numbered policies that relate to applications for CFOs under AOPA. These eight policies are discussed below. Three other MDP policies relate to CFOs below the AOPA permit threshold or to proposed residential developments near existing CFOs and as such, are irrelevant to my MDP consistency determination.

Under policy 2.1, the County “encourages” the development of CFOs to add value to crop production and provide “more employment and income per acre of land”. However, policy 2.1 also states that the environment and neighbours’ rights “must be protected”. This policy likely isn’t a “land use provision” but provides a general context for interpreting and applying the other policies in section 2.

Policy 2.2 states the County’s “belie[f] that very large CFOs are inappropriate in this part of Alberta and requests the NRCB not to allow them here”. This policy defines “very large” as “more than ten times” the threshold for approvals in the Part 2 Matters Regulation under AOPA. This policy likely isn’t a “land use provision”, as it calls for discretionary judgement about which sizes of CFOs are acceptable in the County.

Policy 2.3 has two parts. The first part lists three setbacks and two exclusion zones for new CFOs. Poly-C’s CFO is an existing CFO. Therefore, this part is irrelevant to this application.

The second part of policy 2.3 calls for “very strict conditions on manure handling and storage” in the Chain Lakes and Maskwa Creek watersheds. This policy likely isn’t a “land use provision” because it calls for discretionary judgements about what conditions are “very strict”. In addition, this policy may be precluded from my consideration under section 20(1.1) of AOPA, which precludes an approval officer from considering MDP provisions “respecting tests or conditions related to the construction of or the site for a confined feeding operation or manure storage facility” and regarding the land application of manure. Regardless, the application meets

AOPA's technical requirements for manure handling and storage and those requirements are arguably "very strict". Therefore, the application would be consistent with this policy, if it applied.

Policy 2.4 calls for the NRCB to "set strict rules for the timely incorporation of manure within a mile of any urban municipality or rural residence". This is a "test or condition" respecting application of manure under section 20(1.1) of AOPA. Therefore, I am precluded from considering this policy. Regardless, Poly-C's CFO is subject to the Standards and Administration Regulation under AOPA. This regulation provides rules for the land application of manure, including timely incorporation in specified circumstances. These rules are arguably "strict", which is consistent with this policy.

Policy 2.5 precludes the siting of CFOs within two miles of "any lake" unless the "regulators" are "convinced" that the CFO's manure management system is "fail-safe", and the CFO poses "no reasonable risk of contamination of the lake". I interpret this policy to refer to the siting of new CFOs. Poly-C's CFO is an existing CFO and therefore, I find this policy not relevant to my MDP consistency determination. Regardless, there are no lakes within 2 miles of the CFO.

Policy 2.6 precludes new or expanded CFOs where there is "any risk that runoff will contaminate domestic water supplies". Policy 2.6 likely isn't a "land use provision" because it calls for discretionary judgements about acceptable risks. On its face, "any risk" is a low-risk threshold, but the threshold is presumably more than "minor" or "insignificant". At any rate, the existing CFO meets AOPA's operational and construction requirements, which are designed to minimize the risks to surface water and groundwater.

Policy 2.8 states that "where a new CFO is proposed, the MDS should be contained entirely within land owned by the operator of the CFO..." Poly-C's application is for an existing CFO; therefore, this section does not apply.

Policy 2.11 states that the County "may develop policies to reduce nuisance caused by the spreading of manure near residences," including ones that require immediate incorporation of manure and limits on the timing or rate of manure application. I am unaware of any manure application policies that the County has developed under policy 2.11. Regardless, section 20(1.1) of AOPA precludes me from considering policy 2.11 because it relates to the application of manure.

In addition to the MDP, the proposed expansion is located within the North-West Ponoka Area Structure Plan (ASP), adopted October 25, 2018. As relevant here, the ASP states that "no new CFOs should be allowed in the highly developed area west of Highway 2, north of Highway 53, east of the Battle River, and south of a line one to two miles south of the Meniak Road." The application is for an existing CFO, not a new CFO, and is therefore consistent with the ASP.

For these reasons, I conclude that the application is consistent with the land use provisions of Ponoka County's MDP and the North-West Ponoka Area Structure Plan that I may consider.



## **APPENDIX B: Determining directly affected party status**

The following individual qualifies for directly affected party status because they submitted a response to the application and they own or reside on land within the “affected party radius,” as specified in section 5(c) of the Agricultural Operation, Part 2 Matters Regulation: See NRCB Operational Policy 2016-7: Approvals, part 7.2.1.

Raymond Cook  
BLK:02; LOT:01; NW-04-43-26-W4M  
Ponoka, AB.

Mr. Cook’s response stated he has no objection to the application and did not indicate any concerns.

## **APPENDIX C: Exemption from water well setbacks**

### **1. Water well considerations**

The proposed east barn with connecting alley is to be located less than 100 m from water wells. I have confirmed that two water wells are located approximately 55 m and 80 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 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. 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 40151**

Based on information provided by the applicant and from the Alberta Environment and Protected Areas (EPA) water well database, the water well located approximately 55 m west of the proposed east barn with connecting alley is likely EPA water well ID 40151. This well is reported to have been installed in 2002 and has a perforated or screened zone from 67.1 m to 91.4 m below ground level across stratigraphy. The well has an above ground casing and is used for non-domestic purposes. The well's log identifies protective layers from ground surface to 12.5 m below ground level. The well has a driven seal from ground surface to 31.1 m below ground level (across the sandy clay, shale and sandstone 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.

#### **Water well ID 277279**

Based on information provided by the applicant and from the Alberta Environment and Protected Areas (EPA) water well database, the water well located approximately 80 m west of the east barn with connecting alley is likely EPA water well ID 277279. This well is reported to have been installed in 1996 and has a perforated or screened zone from 61 m to 79.3 m below ground level across stratigraphy. The well has an above ground casing and is used for domestic purposes. The well's log identifies protective layers from ground surface to 14.6 m below ground level. The well has a bentonite seal from ground surface to 36.6 m below ground level (across the clay, till and sandstone layers). The well is located inside a fully enclosed shed and

appeared to be in good condition at the time of my site inspection; 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 RA25028.

Under the regulation, an approval officer may require a groundwater monitoring program of the water wells in question. In my view, due to the proximity of the wells to the proposed and existing facilities, the monitoring condition that was included in Approval RA08021 requiring annual sampling of water well IDs 40151 and 277279 will be carried forward into this approval.

Based on the above, I am prepared to grant an exemption to the 100 m water well setback requirement for the east barn with connecting alley.

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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).

## **APPENDIX D: Explanation of conditions in Approval RA25028**

Approval RA25028 includes several conditions, discussed below, and carries forward a condition from Approval RA08021 (see section 2 of this appendix). Construction conditions from historical permits that have been met are identified in the appendix to Approval RA25028.

### **1. New conditions in Approval RA25028**

#### **a. Construction deadline**

Poly-C proposes to complete construction of the proposed new east barn with connecting alley by December 2025. In my opinion, this timeframe does not allow for potential material or construction delays. Therefore, the deadline of December 1, 2027, is included as a condition in Approval RA25028.

#### **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, Approval RA25028 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portions of the east barn with connecting alley to meet the specification for category B (liquid manure shallow pits) and category C (solid manure – wet) in Technical Guideline Agdex 096-93 “Non-Engineered Concrete Liners for Manure Collection and Storage Areas.”
- b. Poly-C to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the east barn with connecting alley.

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. Approval RA25028 includes a condition stating that Poly-C shall not place livestock or manure in the manure storage or collection portions of the new east barn with connecting alley until NRCB personnel have inspected the facility and confirmed in writing that it meets the approval requirements.

### **2. Condition carried forward and modified from Approval RA08021**

Pursuant to section 23 of AOPA (approval officer amendments), I have determined that operating condition 4 from Approval RA08021 should be carried forward as modified to better reflect updated NRCB policies.

Operating condition 4:

The permit holder shall sample and test raw groundwater on an annual basis, from water well ID 40151 and water well ID 277279 according to the water well monitoring requirements prescribed by the NRCB in writing (“Sampling for Water Well Monitoring” Fact Sheet). The NRCB may, based on the monitoring results and at its discretion, revise those requirements in writing. (See Water Well Monitoring Requirements)