

# Compliance Directive

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

**Directive #:** CD 25-15

**Date issued:** July 24, 2025

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

**Issued to:** Hutterian Brethren Church of Wavy Lake (Wavy Lake Colony)  
Philip Hofer, Dairy Manager  
Donalda, Alberta

This directive relates to unauthorized construction at Hutterian Brethren Church of Wavy Lake, which is a multi-species confined feeding operation (CFO). The unauthorized construction is in relation to a manure storage facility (MSF), specifically a solid manure storage pad with a concrete floor, that has been constructed and is being used to store solid manure. In addition, the 45.7 m x 45.7 m x 2.4 m deep feedlot runoff control catch basin permitted by the NRCB in Approval RA05022 has not been properly maintained or managed, resulting in the catch basin contents overflowing.

The operation is located at SW 20-44-15 W4M, in Flagstaff County, in the Province of Alberta, approximately 5 km west of the hamlet of Strome. The CFO is owned and operated by the Hutterian Brethren Church of Wavy Lake and managed by Philip Hofer of Wavy Lake Colony. The CFO is currently permitted under NRCB Approval RA19059A and Authorization RA21019.

### **Background and investigation**

On July 10, 2025, I attended Wavy Lake Colony and met with Philip Hofer to conduct an inspection of the above ground dairy liquid manure storage tank as part of the NRCB's liner inspection program. Prior to attending the site, I reviewed aerial imagery of the site, NRCB permits, and the technical document (TD) for the most recent NRCB permit, Authorization RA21019. Page 5 of RA21019 TD (**Appendix A**) included a site plan of the facility that showed the feedlot and catch basin located to the north and northeast of the dairy barn. However, when looking at Google Earth Pro aerial imagery, I was unable to determine the exact location of the feedlot and the catch basin. Visible on Google Earth Pro aerial imagery dated April 10, 2025 (**Appendix B**), just north of the dairy barn are livestock pens which during my site inspection I believed to be the feedlot pens. Once I returned to the office, I confirmed these pens were the dairy replacement area, permitted by Authorization RA08027 and as shown on the application site plan from RA08027 (**Appendix C**), but not shown on the site plan on page 5 of RA21019 TD. Directly to the north of the dairy replacement area was a large

wetland type of area. I asked Philip about the location of the catch basin and the feedlot the area. Philip advised the catch basin had always been located in the field to the north and received runoff from the dairy replacement area (occupied by dairy cattle). Philip advised runoff from the dairy replacement area travels via a drainage channel that runs along the east side of the dairy replacement area, through a culvert, then along the drainage channel to the north into the wetland type area (**Appendix D**). As I was unable to determine the exact location of the catch basin, located within the wetland type area, I was also unable to assess whether the physical integrity of the catch basin liner inside walls, bottom, outside walls, or top berm had been compromised due to potential erosion or damage resulting from the catch basin overflowing.

A solid manure storage pad with a concrete floor (**Appendix E**) had been constructed just off the southeast corner of the pen area, which I later confirmed to be the dairy replacement area. Solid manure was currently being stored on the storage pad. I asked Philip if a permit had been obtained for the solid manure storage pad. He stated he didn't think so. I advised I had not seen a permit on file. I also advised that a permit was required for the solid manure storage pad and that it was considered unauthorized construction. I advised Philip that once I returned to the office, I would speak with an NRCB approval officer and then follow-up with him as to the next steps.

On July 15, 2025, I further reviewed the NRCB's historical records and aerial imagery for SW 20-44-15 W4M. On file was a letter from Almor Testing Services Ltd. dated July 23, 2010, stating that they had received representative drawings of the feedlot and catch basin construction and confirmed they observed the location of these areas completed during their site testing. Subsequent construction completion letters were issued by the NRCB. The area to the north of the dairy replacement area, where the large wetland type area could be seen on the April 10, 2025, Google Earth Pro aerial imagery, appeared to be the result of the catch basin overflowing onto a portion of the constructed feedlot liner.

On July 16, 2025, I called and spoke with Philip. I asked Philip about the feedlot and the catch basin. I stated, based on NRCB records it appeared that the feedlot and catch basin liners had been constructed to the north of the dairy replacement area, but the feedlot penning itself had not been constructed and the catch basin seeding requirements also not completed. Philip stated the feedlot was landscaped and pressure tested but they had decided not to proceed with it as it was too close to buildings and too small. I stated that the catch basin appeared to be a lot larger than what was permitted, 45.7 m (150 ft.) x 45.7 m (150 ft.). Philip stated the catch basin overflows and runs into the area where the feedlot was supposed to be but will go up and down depending on the weather. I advised that an engineered liner was required for the catch basin as a permit condition. I further advised the integrity of the liner may have been compromised by allowing it to overflow, but that it would need to be verified. I stated the catch basin would need to be pumped out and the contents land applied. Philip stated they have pumped out the catch basin in the past. I asked when he thought he might be able to pump out the catch basin. He replied in the late fall; late October or November just before freeze-up, as that is when the custom guys come to pump out the above ground liquid manure storage tank. He stated they could possibly do it earlier if we needed them to. I advised I would be issuing a compliance directive that would provide details/directive as to what needed to be done as well address the

unauthorized construction of the solid manure storage pad which requires permitting. He asked how they go about obtaining a permit. I advised he could contact the Red Deer office and ask to speak with an approval officer, or they could go onto the NRCB's website. I advised Philip I hoped to have the compliance directive to him the following week and that as there was unauthorized construction the compliance directive would be posted on the NRCB's website.

It is understood that the feedlot area was never completely constructed and has never had any animals or manure in it, therefore any runoff from this area would not contain manure. The catch basin for the feedlot is also the catch basin used for the dairy replacement area, which at the time of my inspection was populated with animals and had manure in it.

### **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, organic 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, organic materials or compost, or runoff from any one of these or any combination of these, 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.

Section 15(1)(b) of the Standards and Administration Regulation states that the owner or operator of a manure storage facility or a manure collection area must maintain the physical integrity of the liner or protective layer.

Section 19(3) of the Standards and Administration Regulation states that in addition to the storage capacity under subsection (2), the catch basin must have a freeboard of not less than 0.5 metres when the basin is filled to capacity.

Based on my observations, my conversations with Philip Hofer, and my site inspection on July 10, 2025, I conclude that the Hutterian Brethren Church of Wavy Lake and Philip Hofer of Wavy Lake Colony have contravened section 14 of AOPA and section 19(3) of the Standards and Administration Regulation for the reasons that they have constructed a MSF without a permit and have failed to maintain a freeboard of not less than 0.5 metres in the feedlot runoff control catch basin permitted in Approval RA05022

and to be used in conjunction with the dairy replacement area permitted in Authorization RA08027. At this time, the integrity of the catch basin liner is unknown.

Under Section 39(1) of AOPA, an inspector may issue an enforcement order to a person if, in the inspector's opinion, the person is, among other things, contravening the act or its regulations. Although an enforcement letter was issued previously for unauthorized construction (RC20150), a permit had been issued for the facility, but the facility was built in a different location. The operator has been cooperative, there does not appear to be an immediate risk to the environment, 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, Hutterian Brethren Church of Wavy Lake and Philip Hofer of Wavy Lake Colony shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Hutterian Brethren Church of Wavy Lake and Philip Hofer of Wavy Lake Colony shall:

1. **By November 4, 2025**, if an NRCB permit under AOPA has not been obtained for the MSF, specifically the solid manure storage pad shown in Appendix E, you shall cease use of the MSF, remove all manure from the MSF, and close the MSF in accordance with Technical Guideline Agdex 096-90 [Closure of Manure Storage Facilities and Manure Collection Areas](#)  
  
and
2. **By November 4, 2025**, empty the contents of the catch basin originally permitted in NRCB Approval RA05022, land apply the contents in accordance with the conditions of Approval RA05022A, and contact the NRCB to schedule a site inspection;  
  
or
3. **By November 4, 2025**, obtain a NRCB permit for the construction a new catch basin for use in conjunction with the dairy replacement area originally permitted in Authorization RA08027.

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 Hutterian Brethren Church of Wavy Lake and Philip Hofer of Wavy Lake Colony fail(s) to comply with this directive, the NRCB may take additional enforcement action.

(Original signed)

Tracey Krenn

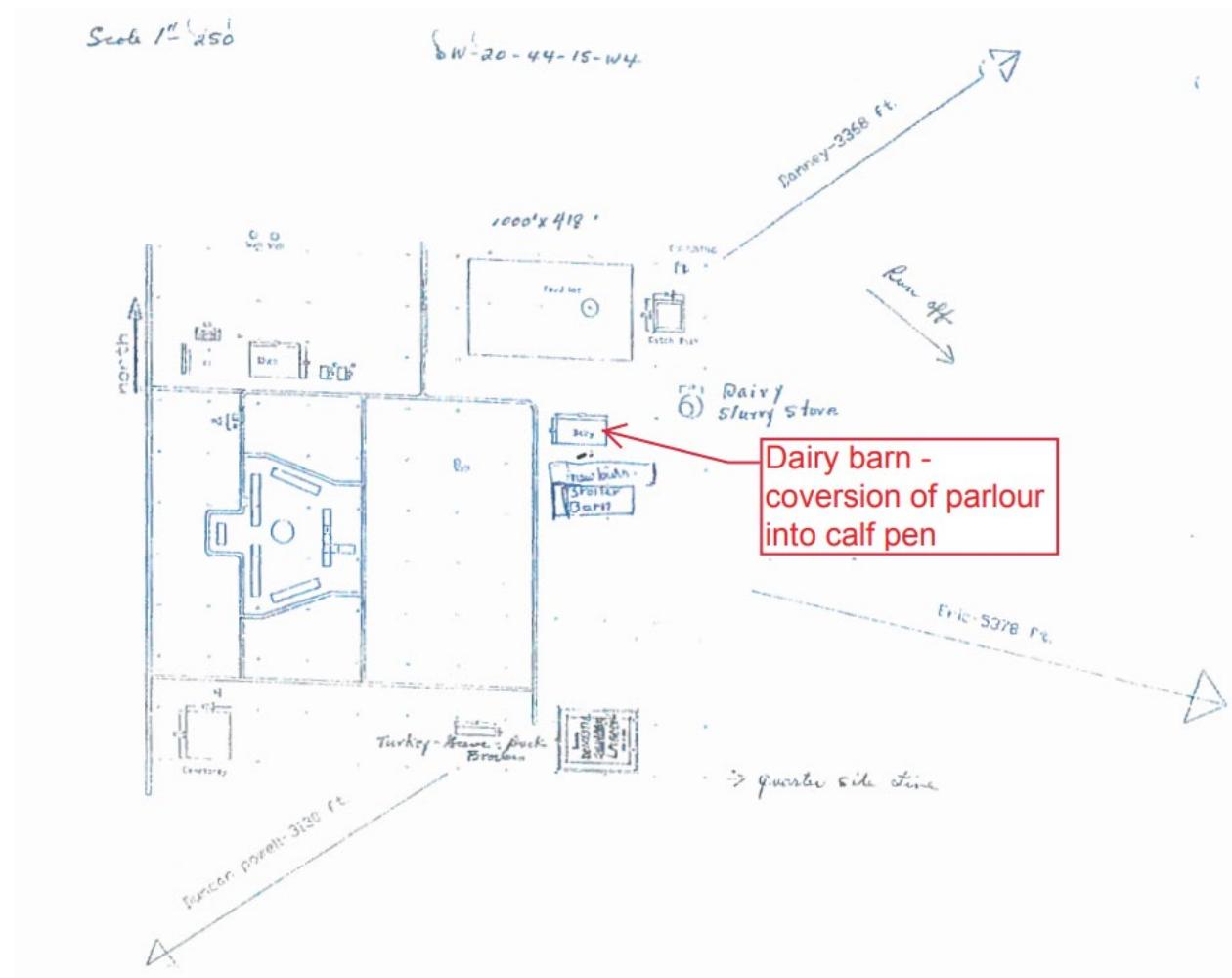
Inspector, Compliance and Enforcement Division  
Natural Resources Conservation Board

Cc: Flagstaff County

## **Appendices**

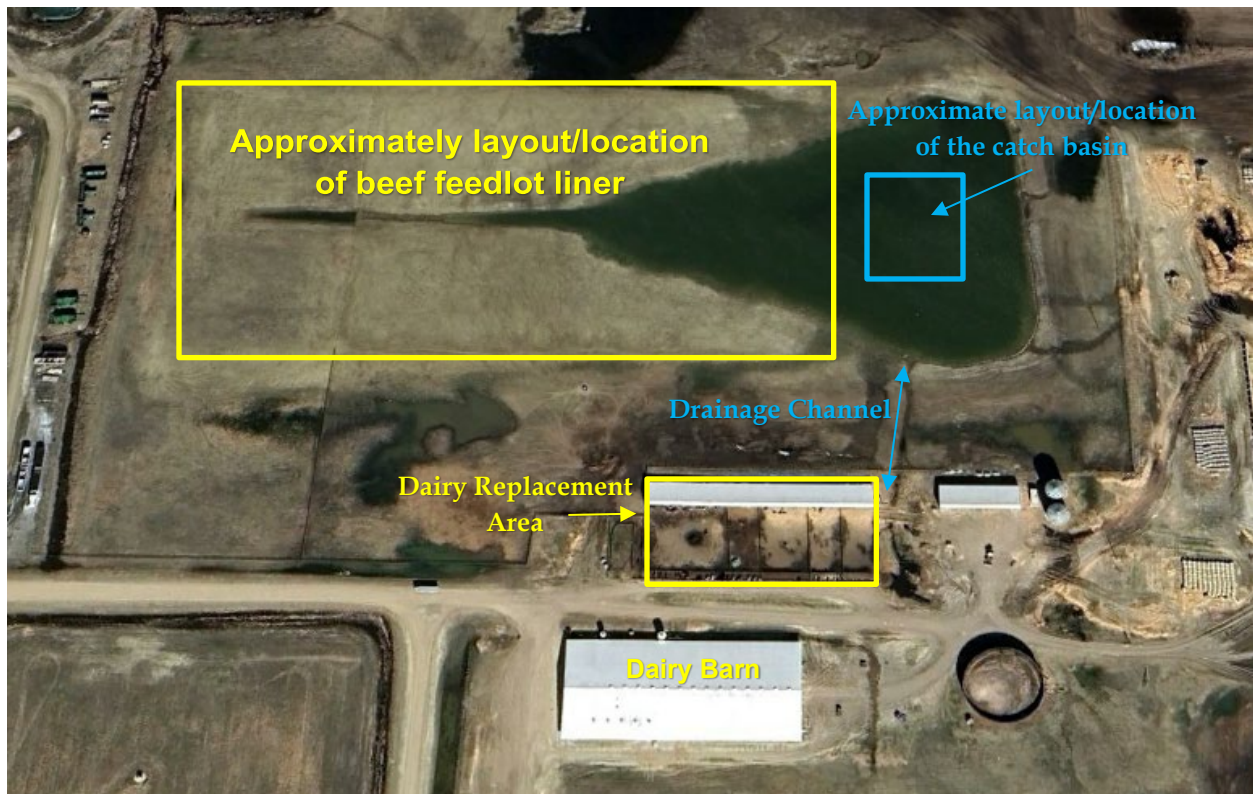
- A. RA21019 TD 14 Jan 22 (page 5)
- B. Google Earth Pro Aerial Imagery April 10, 2025 (as labelled by Inspector Tracey Krenn) and Almor Testing Services Ltd. site plan
- C. Dairy Replacement Area Site Plan from Authorization RA08027
- D. Site Inspection Photos July 10, 2025 – Dairy replacement area and drainage channel
- E. Site Inspection Photos July 10, 2025 – Solid manure storage pad (Unauthorized Construction)

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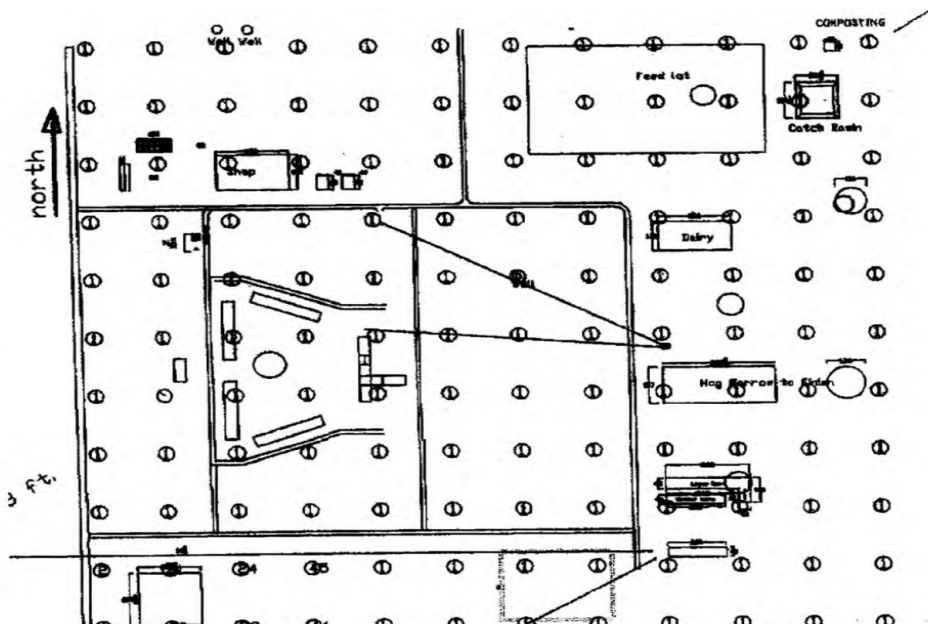




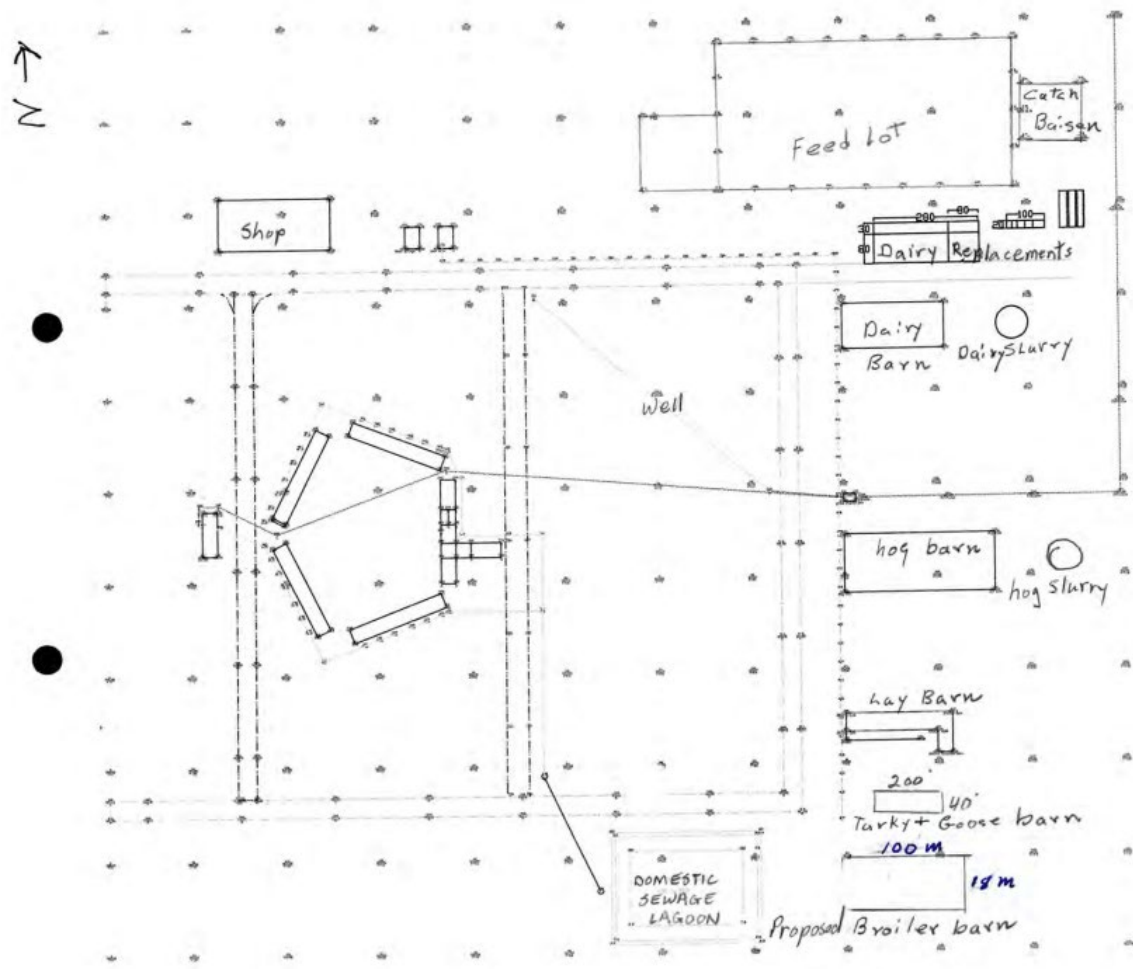
**Appendix B - Google Earth Pro Aerial Imagery April 10, 2025 (as labelled by Inspector Tracey Krenn) and Almor Testing Services Ltd. site plan**



Approximate location of beef feedlot (305 m x 128 m) and the feedlot runoff control catch basin (45.7 m x 45.7 m) as confirmed by Almor Testing Services Ltd. (Professional Engineer) July 23, 2010, and shown on the site plan below.



# Appendix C – Dairy Replacement Area Site Plan from Authorization RA08027





**Appendix D – Site Inspection Photos July 10, 2025 – Dairy replacement area and drainage channel**



Looking west from the east side of the dairy replacement area at the drainage channel that runs from the dairy replacement area to the north





**Appendix E – Site Inspection Photos July 10, 2025 - Solid manure storage pad  
(Unauthorized Construction)**

