

## Decision Summary BA25014

This document summarizes my reasons for issuing Authorization BA25014 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document BA25014. 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 June 3, 2025, Mattheus de Wildt on behalf of De Wildt Dairy Ltd. submitted a Part 1 application to the NRCB to construct a manure storage facility (MSF) facility at an existing dairy CFO.

The Part 2 application was submitted on June 3, 2025. On June 24, 2025, I deemed the application complete.

The proposed construction involves:

- Constructing a pack barn – 91 m x 28 m
- Constructing a solid manure storage pad – 30 m 30 m

#### a. Location

The existing CFO is located at SE 26-59-3 W5M in the County of Barrhead, roughly 3.2 km from the town of Barrhead, AB. The terrain is relatively flat, sloping slightly to the east with the nearest body of water being a seasonal drainage 360 m to the southwest.

#### b. Existing permits

The CFO is already permitted under Registration BA05008B. On May 2, 2018, the CFO received NRCB issued Authorization BA18008 to construct a dairy barn and cross-over pit. To date, these facilities have not been constructed.

## 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 notification distance. In this case, the notification distance is 0.5 miles from the CFO

A copy of the application was sent to the County of Barrhead, which is the municipality where the CFO is located.

### **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).

Responses from EPA, TEC, and AGI all indicated they had no concerns with the application.

Authorization BA25014 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. MDP consistency**

I have determined that the proposed construction is consistent with the land use provisions of the County of Barrhead's municipal development plan (See Appendix A for a more detailed discussion of the county's planning requirements.) There is no applicable intermunicipal development plan (IDP).

### **5. AOPA requirements**

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

- 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 water wells, 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 8, the application meets all relevant AOPA requirements.

### **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." The County of Barrhead is an affected party (and directly affected) because the proposed construction is located within its boundaries.

Layne Mullen, Development Officer with the County of Barrhead, provided a written response on

behalf of the County of Barrhead. Layne Mullen stated that the application is consistent with the County of Barrhead's land use provisions of the municipal development plan (MDP). The application's consistency with the land use provisions of the County of Barrhead's MDP is addressed in Appendix A, attached.

Layne Mullen also listed the setbacks required by the County of Barrhead's land use bylaw (LUB) and noted that the application meets these setbacks.

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

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 De Wildt Dairy's existing CFO facilities were assessed in 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 that assessment was done. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

New MSF's and MCA's 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 supervision or monitoring for the facility. The information on this file supports the assumption that risks to groundwater and surface water are low and monitoring is not required for proposed facilities.

## **8. Terms and conditions**

Authorization BA25014 permits the construction of the pack barn and solid manure storage pad.

Authorization BA25014 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 BA25014 includes conditions that generally address construction deadlines, document submission and construction inspection. For an explanation of the reasons for these conditions, see Appendix B.

## **9. Conclusion**

Authorization BA25014 is issued for the reasons provided above, in the attached appendices, and in Technical Document BA25014.

Authorization BA25014 must be read in conjunction with De Wildt Dairy's NRCB previously issued Registration BA25008B which remains in effect.

August 11, 2025

(Original signed)

Nathan Shirley  
Approval Officer

**Appendices:**

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Authorization BA25014

## APPENDIX A: Consistency with municipal land use planning

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) and any applicable intermunicipal development plan (IDP). In this case, there is no applicable IDP.

This does not mean consistency with the entire MDP. In general, “land use provisions” cover 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 provisions are commonly referred to as “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.)

### Municipal Development Plan (MDP)

De Wildt Dairy’s CFO is located in the County of Barrhead and is therefore subject to that County’s MDP. The County adopted the latest revision to this plan on August 17, 2010, under Bylaw No. 4-2010.

Part 3.1.3 of the MDP lists 14 agricultural development policies and includes CFOs as among “primary use[s]” in agricultural use areas. The first policy recognizes agriculture as the priority land use in rural areas, supports agricultural diversification, encourages siting agricultural industries in agricultural areas, and discourages non-agricultural land uses in intensive agricultural areas. Of the remaining 13 policies, only policies 10 and 11 relate specifically to CFOs.

Policy 10 states “input shall be provided to the NRCB in responding to applications for new or expanded CFOs based on the technical and locational merits of each application.” This policy is likely not a land use provision because it requires site-specific, discretionary determinations (see NRCB Operational Policy 2016-7, *Approvals* 8.2.4). Therefore, this policy is not relevant to the MDP consistency determination required by section 22(2.1) of AOPA. At any rate, the application meets the “technical and locational” requirements of AOPA.

Policy 11 states that “minimum distance separations shall conform to standards set out in the Agricultural Operation Practices Act.” “Minimum distance separations” appears to be a reference to the minimum distance separation (MDS) requirement in section 3 of the Standards and Administration Regulation under AOPA. MDP policy 11 is not relevant to my MDP consistency determination because it is based on AOPA’s MDS requirements. (See NRCB Operational Policy 2016-7, *Approvals*, part 9.9). That said, the CFO meets the MDS requirements.

I conclude that the application is consistent with the relevant land use provisions of the County of Barrhead’s MDP that I may consider.

## **APPENDIX B: Explanation of conditions in Authorization BA25014**

Authorization BA25014 includes several conditions, discussed below:

### **a. Construction deadline**

De Wildt Dairy proposes to complete construction of the proposed new pack barn and solid manure storage pad by the end of 2028. This time-frame is considered to be reasonable for the proposed scope of work. The deadline of December 1, 2028, is included as a condition in Authorization BA25014.

### **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 BA25014 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the pack barn and solid manure storage pad to meet the specification 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. De Wildt Dairy to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the pack barn and solid manure storage 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. Authorization BA25014 includes a condition stating that De Wildt Dairy shall not place livestock or manure in the manure storage or collection portions of the new facilities until NRCB personnel have inspected the facilities and confirmed in writing that they meet the authorization requirements.