

Decision Summary RA25033

This document summarizes my reasons for issuing Authorization RA25033 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA25033. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at 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.

1. Background

On April 30, 2025, Sipke and Margreet Dijkstra, on behalf of Sylvanside Dairy Ltd. (Sylvanside Dairy), submitted a Part 1 application to the NRCB to expand a manure storage facility (MSF)/manure collection area (MCA) at an existing dairy CFO.

The Part 2 application was submitted on July 21, 2025. On July 22, 2025, I deemed the application complete.

The proposed expansion involves:

- Constructing an addition to dairy barn – 35.4 m x 30.5 m (with in-barn pit 35.3 m x 4.87 m x 2.4 m deep) (total dimensions of the barn are approximately 84.7 m x 35.4 m)

The purpose of the barn expansion is to better accommodate the existing cow herd. There are no proposed changes to the already permitted livestock numbers.

a. Location

The existing CFO is located at NE 22-42-25 W4M in Ponoka County, roughly 3.2 km southeast of Ponoka, Alberta. The terrain gently slopes to the east towards Chain Lakes, located approximately 2.9 km to the east of the CFO.

b. Existing permits

The CFO is already permitted under municipal development permit D-97-27, Approval RA10073 and Authorizations RA03053A, RA07029, RA15048 and RA18034.

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 one mile 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 Ponoka County, 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) and Alberta Agriculture and Irrigation (AGI).

I also sent a copy of the application to ATCO Gas and Pipelines Ltd., Battle River Power Coop., and Lynx Energy ULC as they are right of way holders.

A representative from AGI responded and provided the name of the milk inspector that is responsible for the application.

Mr. Brian Archinuk, IT manager, responded on behalf of Battle River Power Coop, and acknowledged that the deeming email was received and forwarded onto the appropriate department.

No other responses were received.

Authorization RA25033 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 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.)

There is no Intermunicipal Development Plan (IDP) in place for the CFO's location.

5. AOPA requirements

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

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS), with the use of an exemption. Under AOPA's Standards and Administration Regulation 3(5)(c), if a CFO is seeking to modify or expand an existing building but will not be increasing the total amount of annual manure production, MDS does not apply. This is the case for Sylvanside Dairy.
- 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 and Appendix B, 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." Ponoka County is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Ms. Robin Dubitz, a development officer 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.

Ms. Dubitz also noted that the application meets the setbacks required by Ponoka County's land use bylaw (LUB).

7. Environmental risk of 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. This information file supports the presumption that the dairy barn addition poses a low potential risk to groundwater and surface water; therefore, 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.) 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 Sylvanside Dairy's existing CFO facilities were assessed in 2015 and 2018 using the ERST. According to those assessments, the facilities pose 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. Terms and conditions

Authorization RA25033 permits the expansion to the existing dairy barn.

Authorization RA25033 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 RA25033 includes conditions that generally address construction deadline, document submission, construction inspection, and reporting of livestock numbers. For an explanation of the reasons for these conditions, see Appendix B.

9. Conclusion

Authorization RA25033 is issued for the reasons provided above, in the attached appendices, and in Technical Document RA25033.

Authorization RA25033 must be read in conjunction with Sylvanside Dairy's deemed Registration, including Ponoka County Development Permit No. D-97-27, and NRCB issued Approval RA10073 and Authorizations RA03053A, RA07029, RA015048 and RA18034, which remain in effect.

August 21, 2025

(Original signed)

Lynn Stone
Approval Officer

Appendices:

- A. Consistency with municipal land use planning
- B. Explanation of conditions in Authorization RA25033

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). There is no IDP in place for the CFO’s location

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)

Sylvanside Dairy’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 October 2018, under Bylaw 06-08-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.)

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 it 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. In this case, a “very large” dairy CFO would have over 500 milking cows. This policy likely isn’t a “land use provision”. Nevertheless, Sylvanside Dairy’s application is not for an increase in permitted livestock numbers. Sylvanside is already permitted for 260 milking cows (plus associated dries and replacements), so the proposed expansion is consistent with this policy.

Policy 2.3 has two parts. The first part lists three setbacks and two exclusion zones for new CFOs. Sylvanside Dairy’s CFO is an existing CFO; therefore, these policies do not apply 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 well be precluded from my consideration under section 22(2.1) 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 existing CFO meets AOPA’s technical requirements for manure handling and storage and those requirements are arguably “very strict.” Therefore, the existing CFO would be consistent with this section if the section 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 22(2.1) of AOPA, so I am precluded from considering this policy. At any rate, Sylvaside Dairy’s CFO will be 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 MDP 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.” Policy 2.5 is likely not a “land use provision” because its “fail-safe” and “reasonable risk” tests call for discretionary, CFO specific judgements. The provision may also be a “test or condition”, which I am precluded from considering by AOPA section 22(2.1) Sylvaside Dairy is two miles from the nearest lake (Chain Lakes), and therefore, the existing CFO would be consistent with this section if the section applied.

Policy 2.6 precludes new or expanded CFOs where there is “any risk that runoff will contaminate domestic water supplies.” Policy 2.6 likely is not 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 and groundwater.

Policy 2.8 states that “where a *new* CFO is proposed, the [minimum distance separation] MDS should be contained entirely within land owned by the operator of the CFO.” Sylvaside Dairy’s application is for an existing CFO, therefore this section does not apply. Furthermore, this is not a land use provision, but rather a “test or condition” that relates to MDS, so I am precluded from considering this policy.

Last, 2.11 states that the County “may develop policies to reduce the nuisance caused by the spreading of manure near residences,” including ones that require the 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. At any rate, section 22(2.1) of AOPA precludes me from considering policy 2.11 because it relates to manure application.

For these reasons, I conclude that the application is consistent with the land use provisions of Ponoka County’s MDP that I may consider. Ponoka County’s response did not raise any concerns with this application, which supports my conclusion.

APPENDIX B: Explanation of conditions in Authorization RA25033

a. Construction deadline

Sylvanside Dairy proposes to complete construction of the proposed expansion to the existing dairy barn by November 2025. In my opinion, a longer timeframe is more appropriate as it allows for unanticipated construction delays. The deadline of November 30, 2027, is included as a condition in Authorization RA25033.

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 RA25033 includes conditions requiring:

- a. the concrete used to construct the liner of the manure collection and storage portion of the dairy barn addition 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. Sylvanside Dairy to provide evidence or written confirmation from a qualified third party that the concrete used for the manure collection and storage area meets the required specifications.

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 RA25033 includes a condition stating that Sylvanside Dairy shall not place livestock or manure in the manure storage or collection portions of the new addition to the dairy barn until NRCB personnel have inspected the addition and confirmed in writing that it meets the authorization requirements.

c. No change in livestock numbers

Sylvanside Dairy proposed to enlarge their dairy barn. This could enable Sylvanside Dairy to increase their current livestock numbers above their permitted capacity of 260 milking cows (plus associated dries and replacements). However, Sylvanside Dairy has not requested to increase that permitted capacity. To ensure that Sylvanside Dairy does not exceed the current permitted capacity, a condition is included in Authorization RA25033 stating that Sylvanside Dairy must keep a monthly record of the number and type of livestock on site and provide that record to the NRCB upon request. All records must be kept for a period of two years.