

Decision Summary LA24004A

This document summarizes my reasons for issuing Authorization LA24004A, an amended version of Authorization LA24004, under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document LA24004A. 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 amendment of an authorization. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

Authorization LA24004, issued on March 26, 2024, permitted the construction of a catch basin and an earthen liquid manure storage (EMS) at an existing multi-species CFO. These facilities were permitted to be constructed next to each other at the south end of the CFO.

On July 21, 2025, John Liefing submitted an application for amendment to the NRCB to combine these facilities by constructing a larger EMS, with amended dimensions and relocated 20 m east of the original proposed location, that will also collect run off from the feedlot pens. I deemed the application complete the same day.

The proposed modification involves:

- Constructing an earthen liquid manure storage – 45 m x 45 m x 6 m deep

a. Location

The CFO is located at NW 7-11-20 W4M in Lethbridge County, roughly three km northeast of Picture Butte, Alberta. The terrain is flat, and the nearest common body of water is a seasonal drain 179 m away.

b. Existing permits

On March 14, 2013, the owner of this CFO received a letter from the NRCB, confirming that this CFO has a capacity of 85 dairy cows (plus associated dries and replacements). The CFO also has a deemed Approval under PL21005 for the feedlot portion of the CFO. Together, with Authorization LA24004, this CFO is permitted for 85 milking cows (plus associated dries and replacements) and 400 beef finishers.

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 (1600 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 Lethbridge County, which is the municipality where the CFO is located. No other municipalities have a boundary within the 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 previous application LA24004 were emailed to Alberta Environment and Protected Areas, Alberta Transportation and Economic Corridors, Alberta Health Services, the Lethbridge Northern Irrigation District, the Lethbridge North County Potable Water Users, and ATCO. At that time, these organizations either stated that they do not have any concerns with the application or did not provide a response. Therefore, I did not send this amendment application to these referral agencies.

Authorization LA24004A 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

Authorization LA24004 determined that the application was consistent with the land use provisions of Lethbridge County's municipal development plan (MDP). There have not been changes to the MDP since that decision was made. The change in dimensions and location of the proposed EMS does not affect this determination. A new MDP consistency determination is not required.

5. AOPA requirements

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

- 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's existing CFO facilities are closer to the neighboring residence than the proposed facility, and the amount of annual manure production is not increasing, MDS does not apply.
- 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 protective layers 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." Lethbridge County is an affected party (and directly affected) because the proposed EMS is located within its boundaries.

Ms. Hannah Laberge, a planning intern with Lethbridge County, provided a written response on behalf of Lethbridge County. Ms. Laberge stated that the application is consistent with Lethbridge County's land use provisions of the municipal development plan (MDP).

Ms. Laberge also listed the setbacks required by Lethbridge County's land use bylaw (LUB) and noted that the application meets these setbacks.

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. The information on this file supports the assumption that risks to groundwater and surface water are low.

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 John Liefthling's existing CFO facilities were assessed in 2024 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.

8. Terms and conditions

Rather than issuing a separate "amendment" to Authorization LA24004, I am issuing a new authorization (LA24004A) with the required amendment. Authorization LA24004A therefore contains all of the terms and conditions in LA24004, but with modifications to the EMS dimensions and location.

9. Conclusion

Authorization LA24004A is issued for the reasons provided above, in Decision Summary

LA24004, and in Technical Documents LA24004 and LA24004A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization LA24004 is therefore superseded, unless Authorization LA24004A is held invalid following a review and decision by the NRCB's board members or by a court, in which case Authorization LA24004 will remain in effect.

Authorization LA24004A must be read in conjunction with John Liefing's deemed Approval PL21005.

August 26, 2025

(Original signed)

Kailee Davis
Approval Officer