



BOARD DECISION REQUEST FOR REVIEW

RFR 2025-03 / LA24020

In Consideration of a Request for Board
Review filed under the *Agricultural
Operation Practices Act*

Southwood Stock Farms Ltd.

August 25, 2025

The Board issues this decision under the authority of the *Agricultural Operation Practices Act* (AOPA or the Act), following its consideration of requests for Board’s review (RFR) of Decision Summary LA24020.

1. Background

On July 29, 2025, a Natural Resources Conservation Board (NRCB) approval officer issued Decision Summary LA24020 (Decision Summary). The Decision Summary granted an application by Southwood Stock Farms Ltd. (Southwood) for an NRCB Approval to expand an existing confined feeding operation (CFO). The existing CFO is located at SE 5-14-15 W4M in the Municipal District of Taber (MD of Taber).

Following the issuance of the Decision Summary, the Board received requests for review (RFRs) of the Decision Summary within the filing deadline of August 13, 2025, from two parties who had been found to be directly affected by the approval officer. These parties were Harvey Pepneck and Jason and Twyla Van Hal (Van Hal).

On August 14, 2025, the NRCB sent a Notice of Filed Requests for Board Review and provided a rebuttal opportunity to the directly affected parties listed in the Decision Summary. The rebuttal opportunity gives parties that may have an adverse interest to the matters raised in the RFRs a chance to submit their views. Consistent with its typical practice, NRCB Field Services did not take a position on whether the RFRs should be granted. This was confirmed in an August 18, 2025, email to the Board’s review manager. Southwood filed a rebuttal within the filing deadline on August 20, 2025.

Under the authority of section 18(1) of the *Natural Resources Conservation Board Act*, a division of the Board (panel) consisting of Sandi Roberts (chair), Earl Graham, and Darin Stepaniuk was established to consider the RFRs and decide whether a review is warranted.

As used here, a “review” is a quasi-judicial hearing or written review in which the parties can submit expert and witness testimony and other evidence, when relevant, to the issues selected by the Board to be considered at the oral hearing or written review.¹ References to the “Board” in this document are to findings of the panel of Board Members established specifically for this file.

2. Documents Considered

The Board considered the following information:

- Decision Summary LA24020, dated July 29, 2025
- Technical Document LA24020, dated July 29, 2025
- Approval LA24020, dated July 29, 2025
- RFR filed by Harvey Pepneck, received August 13, 2025
- RFR filed by Jason and Twyla Van Hal, received August 13, 2025

¹ For more information on Board reviews, see NRCB, *Board Reviews & Court Decisions – Board Review Process*, [online](#).

- NRCB Field Services August 18, 2025 email
- Southwood Stock Farms Ltd. rebuttal, received August 20, 2025
- Decision Summary LA19033, dated November 7, 2019
- NRCB Operational Policy 2016-7: Approvals, updated November 14, 2023
- Responses provided to the approval officer in April 2025 from Harvey and Kathy Pepneck and Jason and Twyla Van Hal

3. Board Jurisdiction

The Board's authority for granting a review of an approval officer's decision is found in section 25(1) of AOPA, which states:

- 25(1) The Board must, within 10 working days of receiving an application under section 20(5), 22(4) or 23(3) and within 10 working days of the Board's determination under section 20(8) that a person or organization is a directly affected party,
- (a) dismiss the application for review, if in the opinion of the Board, the issues raised in the application for review were adequately dealt with by the approval officer or the issues raised are of little merit, or
 - (b) schedule a review.

4. Submissions

4.1 Issues Raised in the RFRs

The RFRs raised the following issues:

- nuisance concerns
- health impacts
- prior application commitment
- manure application incorporation requirements
- discussion of public input
- public consultation
- community effects
- environmental risk assessment
- dust suppression in pens
- wind fencing
- cattle escape
- road dust suppression compensation
- manure provision

4.2 Position of NRCB Field Services

NRCB Field Services took no position on whether the Board should schedule a review.

4.3 Southwood Stock Farms Ltd. Rebuttal

Southwood's rebuttal responded to issues raised in the RFRs with submissions and information on the following:

- history of farm operations
- personal experience with CFO effects at on-site residences
- nature of local traffic
- application process and interaction with neighbors
- nuisance mitigation efforts
- manure storage and spreading
- environmental risk
- community effects
- CFO ownership
- cattle containment
- dust suppression
- road dust suppression compensation
- wind fence
- manure provision

5. Board Deliberations

5.1 Nuisance Concerns

Both RFRs raised nuisance concerns affecting quality of life as review grounds.

The approval officer's consideration of nuisance concerns is set out at page 11 of the Decision Summary.

As the approval officer noted, AOPA's minimum distance separation (MDS) requirements are a proxy for minimizing odours, flies, dust, noise, light, and other nuisance effects from CFOs. The proposed CFO meets the MDS to all neighboring residences with two exceptions where the residents have provided waivers.

The Board encourages operators to consider operational nuisance mitigation strategies to supplement MDS. The Board appreciates that persons outside of the MDS may experience nuisance impacts. As noted by the approval officer, if persistent issues arise during CFO operations, they can potentially be resolved through discussion with the operator or reporting to the NRCB toll free reporting line at 1-866-383-6722. The Standards and Administration Regulation provides authority to require operators to use specific dust or fly control programs where that is warranted.

The Board's view is that nuisance concerns have been adequately addressed.

5.2 Health Impacts

The Van Hal RFR stated that the proposed expansion will jeopardize the health of the broader community.

The approval officer's consideration of health impacts is set out at pages 14 and 15 of the Decision Summary. The approval officer provided Alberta Health Services with copies of the application and the responses where persons outlined health concerns. Alberta Health Services' response to the referral did not express concerns about health impacts.

The Board is satisfied that health impacts have been adequately addressed.

5.3 Prior Application Commitment

The Harvey Pepneck RFR referenced a previous expansion application by Southwood. The RFR suggested that the Pepnecks did not oppose approval in reliance on a commitment by Southwood that there would be no further expansion.

Southwood's rebuttal indicated that it has never communicated there would be no further expansion.

There was a previous expansion application approved on November 7, 2019. Decision Summary LA19033 showed that no directly affected parties beyond the MD of Taber responded to the notice of application. There is no indication in Decision Summary LA19033 of any commitment by Southwood that there would be no further expansion.

The existence of a prior commitment constraining expansion is unsubstantiated. In the circumstances, this cannot be characterized as an issue that would support granting a review.

5.4 Manure Application Incorporation Requirements

Both RFRs reference non-compliance with manure application incorporation requirements as a basis for review.

Stockwood's rebuttal provided some information about occasions where incorporation has been delayed and a circumstance where incorporation may have been another party's responsibility. The rebuttal also stated that new tillage equipment has been obtained to speed up manure incorporation.

As discussed at page 11 of the Decision Summary, manure incorporation is governed by section 24 of the Standards and Administration Regulation. Section 24(1) requires incorporation within 48 hours. However, section 24(5) allows manure application without incorporation on forage or directly seeded crops provided that occurs at least 150 metres from any residence or other occupied structure. The approval officer has correctly identified the applicable requirements.

There was nothing before the approval officer and there is nothing before the Board demonstrating this to be a case where there has been a history of intentional and persistent non-compliance with AOPA regulatory requirements bearing on approval application decision-making. Southwood is required to comply with section 24 of the Standards and Administration Regulation. NRCB's compliance staff are best positioned to respond to any future non-compliance should that occur.

The Board's conclusion is that this issue was adequately addressed by the approval officer or is otherwise of insufficient merit to warrant review.

5.5 Discussion of Public Input

The Van Hal RFR stated that page 10 of the Decision Summary included discussion of objection letters under the heading of “Letter of Support”. The RFR characterized this as misleading. The RFR also referenced opposition letters far outweighing the single letter of support. The Board assumes that the overall thrust of the RFR discussion of this issue is an assertion that the approval officer failed to adequately consider public input.

It is clear to the Board that page 10 of the Decision Summary is missing a heading between the discussion of the letter of support and the application responses opposing approval. This is a minor editorial omission. The substance of the Decision Summary demonstrates that the approval officer carefully considered the issues raised by the responses to the application in light of AOPA approval application decision-making requirements. The Board concludes that the approval officer addressed public input appropriately.

5.6 Public Consultation

The Van Hal RFR stated that the applicant only consulted with two acreage owners within the MDS before submitting its application, contrary to best management practices.

Southwood’s rebuttal described that it contacted two parties to obtain MDS waivers and that it relied on the AOPA process for public notice.

There is no requirement in AOPA for an approval applicant to undertake a public consultation program. Given this, the issue of the adequacy of Southwood’s public consultation program has no merit and does not support the Board granting a review.

5.7 Community Effects

The Van Hal RFR took issue with the approval officer’s conclusion of acceptable effect on the community.

The approval officer was guided by NRCB Operational Policy 2016-7: Approvals, updated November 14, 2023 (Approvals Policy). Section 9.10.9 of the Approvals Policy indicates that there is a presumption of acceptable community effects where, as is the case here, the proposal is consistent with the land-use provisions of the MDP. The presumption can be overcome where there is sufficient contrary evidence. The approval officer concluded that the presumption was not rebutted.

The presumption of acceptable community effects where a proposal is consistent with the land-use provisions of the MDP reflects the importance of municipal land-use planning.

The Van Hal RFR referenced a substantial and consistent community opposition conveyed to the NRCB as a basis for concluding that the community effects are not acceptable. In contrast, the Decision Summary indicated that, apart from the MD of Taber, the notice of application generated six responses from nine individuals. One response supported the application. Following approval, there are now two RFRs before the Board.

The Board’s view is that the approval officer’s conclusion of acceptable community effects based on MDP consistency is appropriate. The issue of community effects was adequately addressed.

5.8 Environmental Risk Assessment

The Van Hal RFR asserted that the approval officer incorrectly concluded that a new environmental risk assessment was not required as part of the application process.

The Decision Summary indicated that the surface and groundwater risks posed by the existing facilities or components of the CFO were assessed using the NRCB environmental risk screening tool (ERST) in 2016 and 2019. A chart in Technical Document LA24020 page 12 indicates the 2016 and 2019 ERST rating for each existing facility of the CFO. It is the Board's understanding that no changes are proposed to be made to any of the existing facilities and that the ERST has not been revised since these facilities were rated. Section 9.17 of the Approvals Policy states that under these circumstances the existing facilities will not be reassessed by an approval officer. The Board finds that the approval officer properly followed policy and that performing a new environmental risk assessment on the existing facilities with the ERST is not required.

Section 9.18 of the Approvals Policy notes that it is not necessary for approval officers to determine ERST scores for new buildings or structures that clearly meet AOPA requirements for groundwater and surface water protection. In this case, the approval officer determined that AOPA requirements for the proposed new facilities have been met. The Board finds that the approval officer properly followed policy and that additional environment risk assessment for the proposed new facilities is not required.

The Board finds that the approval officer adequately dealt with this issue.

5.9 Dust Suppression in Pens and Wind Fencing

The Van Hal RFR requested an approval requirement that a cattle pen sprinkler system be installed. The Van Hals submitted that this would minimize dust during dry or windy conditions, help address concerns of neighboring residents and support the health and comfort of confined cattle.

Southwood's rebuttal outlined dust suppression actions currently in place and planned: application of heavy straw bedding; construction of bale stacks on the west side of the operation; installation of roller compacted concrete pen liners; use of corn planting as a dust barrier; and avoidance of manure stockpiling near neighbouring residences. Southwood also submitted that sprinkler systems increase odour and flies and pose health risks for cattle.

The Van Hal RFR also requested an approval requirement for installation of wind fencing. The Van Hals submitted that this would reduce dust and odour impacts at neighbouring residences.

Southwood's rebuttal suggested that such fencing would be ineffective, vulnerable to wind damage, and pose risks for bird deaths and road safety.

As previously discussed in section 5.1 of this decision, the approval officer considered nuisance concerns in arriving at an approval decision. The approval officer had sufficient information before them to consider whether an approval-mandated sprinkler system, wind fencing, or other nuisance controls would be appropriate considering MDS, Southwood's existing and planned nuisance control, and trade-offs associated with additional measures. The information before the Board does not demonstrate a need to revisit the weighing of these considerations through a Board review. In addition, NRCB staff have the ability to review dust issues as the

expanded operation proceeds and can direct additional dust control, if appropriate, pursuant to section 20(2) of the Standards and Administration Regulation.

The Board concludes that these issues were adequately addressed by the approval officer or otherwise lack merit to support a Board review.

5.10 Cattle Escape, Road Dust Suppression Compensation, and Manure Provision

In addition to pen dust suppression and wind fence installation, the Van Hal RFR requested the following approval requirements:

- prevention of cattle escape
- provision of compensation to cover neighbours' CFO traffic-related road dust mitigation costs
- provision of free manure to neighbouring residents

Southwood's rebuttal contained information and submissions supporting its view that these would be inappropriate requirements.

These are all matters beyond the scope of AOPA and do not provide a basis for Board review.

Board Decision

As a result of the Board's review of the documents under consideration for these RFRs and its deliberations on the issues raised in the RFRs, the Board finds all the issues were adequately dealt with by the approval officer or otherwise are of insufficient merit to warrant a review. The RFRs are denied.

DATED at EDMONTON, ALBERTA, this 25th day of August, 2025.

Original signed by:

Sandi Roberts (chair)

Earl Graham

Darin Stepaniuk