



BOARD DECISION REQUEST FOR REVIEW

RFR 2025-04 / EO 25-04

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

Westcoast Holsteins Ltd. and Ron
Kooyman

August 28, 2025

The Board issues this decision under the authority of the *Agricultural Operation Practices Act* (AOPA or the Act), following its consideration of a request for Board review (RFR) of Enforcement Order No. EO 25-04.

1. Background

On August 1, 2025, a Natural Resources Conservation Board (NRCB) inspector issued Enforcement Order No. EO 25-04 (the EO or Order) to Westcoast Holsteins Ltd. and Ron Kooyman (Westcoast). The EO was issued on the basis that they are creating an environmental risk at a dairy confined feeding operation (CFO). The CFO is located at NW 35-042-25 W4M in Ponoka County and the risk to the environment is posed by a two-stage earthen manure storage (EMS) at the operation.

The CFO was constructed with the two-stage EMS prior to 2002. There are limited details available on the design and construction of the EMS, but it appears to be built with the bottom on a sandstone bedrock layer. There is no evidence that the EMS has a liner between the storage and the surrounding soils and bedrock.

NRCB Approval RA05006, issued on April 14, 2005, included a requirement for leak detection monitoring at the EMS using existing monitoring wells. A monitoring statement issued by the NRCB in 2010 increased the frequency of monitoring from once every two years to annually. In 2018, three new monitoring wells were installed around the EMS. The monitoring wells frequently do not have enough water in them for sampling, but samples from one or more of the monitoring wells were collected in 2020, 2021, and 2022. The analyses of all these samples showed elevated levels of chloride and nitrate-nitrogen, considered to be important indicators that manure constituents are leaking out of a storage.

In 2023, an NRCB inspector issued Compliance Directive CD 23-04 to Westcoast due to a risk to the environment posed by the EMS. CD 23-04 required Westcoast to submit a detailed plan to the NRCB, by July 1, 2024, for the installation of a liner in the EMS that would meet AOPA requirements. If an NRCB permit for the liner installation had not been received by July 1, 2025, Westcoast was required to fully decommission the EMS.

On January 8, 2025, the NRCB issued Authorization RA24019 giving Westcoast permission to install a synthetic liner in the EMS, with a construction deadline of July 1, 2025. In May of 2025, Westcoast informed the NRCB that it likely would not be installing a synthetic liner in the EMS in 2025. Westcoast asked if it was possible to consider an alternative option of installing new monitoring wells that would yield more consistent volumes of water for sampling. After further discussions between Westcoast and the NRCB over the next two months, the inspector issued the EO.

Following the issuance of the EO, the Board received a request for review (RFR) within the filing deadline of August 18, 2025, from Westcoast, the owners and operators of the CFO.

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), Rich Smith, and Daniel Heaney was established to consider the RFR 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:

- Enforcement Order No. EO 25-04 with attachments, dated August 1, 2025
- RFR filed by Westcoast Holsteins Ltd. and Ron Kooyman with attachment, received August 12, 2025
- EMS Leak Detection Program report from Envirowest Engineering, dated June 12, 2020

3. Board Jurisdiction

The Board’s authority for granting a review of an inspector’s decision is found in section 41(1) of AOPA, which states:

41(1) The Board may, on the request of a person to whom an enforcement order is directed, review and confirm, vary, amend or rescind the enforcement order.

4. Issue Raised in the RFR

In the RFR, Westcoast questioned the reliability of the test results from sampling in the monitoring wells, noting that the potential risk to the environment posed by the EMS is based on limited testing results over the past 10 years. Westcoast asserted that the current monitoring wells cannot provide consistent or reliable data to confirm whether elevated manure constituents are present, or whether the EMS is in fact creating any risk to groundwater or soil. Westcoast further stated that the EO requirement to line or decommission the EMS is based on potentially outdated or unrepresentative data.

Westcoast made the point that the EO requirements create a risk of the company incurring significant and potentially unnecessary cost for remediation that may not be necessary, resulting in undue financial hardship for the company and threatening the continued viability of the operation.

The remedy sought by Westcoast is significant amendments to the EO. The amendments would allow Westcoast to install new, deeper monitoring wells into the wet sandstone aquifer by April 30, 2026. The requirement to line or decommission the EMS would be suspended until the

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

results of at least one year of monitoring from the new wells are available. If new test results show nitrate or manure constituent levels above acceptable thresholds, Westcoast would proceed with lining the EMS in accordance with NRCB requirements. Westcoast also requested a suspension of Enforcement Order No. EO 25-04 until a review has been completed.

5. Board Deliberations

5.1 Monitoring Well Test Results

The Board does not agree with Westcoast that the test results from samples in the monitoring wells are inconsistent or unreliable. While it is better for monitoring wells to have water available for sampling each year, there are test results available from samples taken from the monitoring wells in three of the past six years. The test results from all these samples show elevated levels of chloride and nitrate-nitrogen, indicating that manure constituents are leaking from the EMS. Despite the intermittent frequency with which the monitoring wells have had sufficient water for sampling, the Board is satisfied that the available test results provide sufficient evidence to assess the risk to the environment at this operation.

5.2 Addressing Risk to the Environment

The Board finds that the proposed installation of new, deeper monitoring wells into the wet sandstone aquifer is not an acceptable method of addressing the risk to the environment at this CFO. Installing a monitoring well into an aquifer introduces new risks to the environment that would require significant mitigation measures as outlined in the attachment to the RFR. Furthermore, the Board finds that testing water from a monitoring well installed into a deep aquifer is inconsistent with the purpose of leak detection monitoring. Leak detection monitoring is intended to identify leaks from a manure storage before the manure constituents reach an aquifer that is being used as a groundwater resource.

The Board finds that the current monitoring wells, despite the intermittent frequency of having enough water for sampling, have fulfilled the purpose of leak detection monitoring by indicating that the EMS is leaking. In the Board's view, the risk to the environment at this operation is posed by the performance of the EMS, not by the performance of monitoring wells. Therefore, the Board finds that the appropriate way to reduce the risk to the environment is to improve the manure storage facilities at the operation, not install new monitoring wells.

6. Board Decision

As a result of the Board's deliberations, it has determined that the issues raised in the RFR filed by Westcoast Holsteins Ltd. and Ron Kooyman are without merit, contrary to existing evidence, and may create further risk of contamination of the underlying aquifer.

The Board upholds the requirements in the EO for Westcoast to take appropriate action to address the risk to the environment posed by the existing EMS. However, given the timing of this decision, the Board recognizes that Westcoast may face significant difficulty meeting the deadline of November 15, 2025, as stated in the EO. Therefore, the Board is prepared to amend the EO to provide clarity on the measures that Westcoast must take to meet the requirements of the Order and to provide Westcoast with sufficient time to meet these requirements. The

Board makes these amendments recognizing that the risks to the environment at this operation have been apparent for many years and Westcoast has not taken any substantive action to address these risks.

The Board's amending of the **ORDERS** section on page 6 of 66 of Enforcement Order No. EO 25-04 is as follows:

"ORDERS:

To mitigate any possible risks to the environment and potential nuisances to any affected neighbours, Westcoast Holsteins Ltd. and Ron Kooyman shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Westcoast Holsteins Ltd. and Ron Kooyman shall by August 31, 2026 either:

- 1. Line the existing two-stage EMS, adhering to the requirements and conditions of an approved and active NRCB permit for the lined EMS.*

OR

- 2. Construct a new manure storage facility, adhering to the requirements and conditions of an approved and active NRCB permit for the new manure storage facility, and fully decommission the existing two-stage EMS according to Technical Guideline 096-90 Closure of Manure Storage Facilities and Manure Collection Areas.*

OR

- 3. If the existing two-stage EMS has not been lined to meet AOPA requirements or a new manure storage facility meeting AOPA requirements has not been constructed by the August 31, 2026 deadline, Westcoast Holsteins Ltd. and Ron Kooyman shall have depopulated the facilities, decommissioned the EMS according to Technical Guidelines 096-90 and ceased operations of the CFO.*

Further, Westcoast Holsteins Ltd. and Ron Kooyman shall, no later than November 15, 2025, provide the NRCB with a detailed proposal for the required improvements to the manure storage facilities at the CFO and no later than April 1, 2026 provide the NRCB with detailed plans for the installation of a liner in the existing two-stage EMS that meets AOPA requirements or construction a new manure storage facility that meets AOPA requirements. These updates will be posted on the NRCB website."

To mitigate against further inaction and delay, the clause in the EO at the bottom of page 6 of EO 25-04 allowing extensions of the deadline dates:

“Any of the deadline dates contained above may be extended in writing, but only by the NRCB, at the sole discretion of the NRCB.”

will be deleted and replaced with:

“The deadline dates listed in these ORDERS as amended are final and are not subject to discretionary extension by the operational branch of the NRCB.”

With the exception of the above amendments, Enforcement Order No. EO 25-04 remains in effect as issued and the applicant’s request for Review of the EO and Suspension of the EO pending review is denied.

DATED at EDMONTON, ALBERTA, this 28th day of August, 2025.

Original signed by:

Sandi Roberts (chair)

Rich Smith

Daniel Heaney