



BOARD DECISION REQUEST FOR REVIEW

RFR 2025-05 / BA25008

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

Amin Valji

September 19, 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 BA25008.

1. Background

On August 15, 2025, a Natural Resources Conservation Board (NRCB) approval officer issued Decision Summary BA25008 (Decision Summary). The Decision Summary granted an application by Amin Valji (Valji or the operator) for an NRCB Approval to change the livestock category (and expand) from beef to poultry and to construct facilities at an existing confined feeding operation (CFO). The existing CFO is located at SW 12-55-27 W4M in Sturgeon County.

Following the issuance of the Decision Summary, the Board received five requests for review (RFRs) of the Decision Summary within the filing deadline of September 8, 2025. Four of the RFRs were from parties who had been found by the approval officer to qualify for directly affected status. These parties were Kim and Earle Genik (Genik), Caitlin and Brad Peters (Peters), Neil and Shelby Sheehan (Sheehan), and Wayne Starchuk (Starchuk). The fifth RFR was from Jay and Natasha Vold (Vold), who had been found by the approval officer to not qualify for directly affected status. One of the RFRs was received shortly after 4:30 p.m. on September 8, 2025, but it has been the practice of the Board to accept submissions received on the day of the filing deadline.

On September 9, 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. NRCB Field Services filed a submission on behalf of the approval officer on September 10, 2025. Valji filed a rebuttal on September 15, 2025. These submissions were made within the filing deadline of September 15, 2025.

Five submissions were received after the RFR deadline from parties who had been found by the approval officer to be directly affected. These submissions were filed by Angeline Majeau on September 9, 2025; Barb, Bryan and Amanda Brochu on September 10, 2025; Nadine Fadden on September 14, 2025; Ron Fadden on September 14, 2025; and Amy and Craig Brochu on September 15, 2025. Three of the submissions were called rebuttals, while the other two expressed opposition to approval of the application.

The Board did not find that these submissions represented an adverse interest to outcomes requested or positions presented in the RFRs. As a result, the Board did not consider these submissions to be rebuttals; rather it found them to be late RFRs. The Board did not consider these late RFRs in making its decision, but notes the issues raised in the late RFRs were similar to issues raised in the RFRs.

Under the authority of section 18(1) of the *Natural Resources Conservation Board Act*, a division of the Board (panel) consisting of Rich Smith (chair), Laura Dunham, and Walter Ceroici 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 BA25008, dated August 15, 2025
- Technical Document BA25008, dated August 15, 2025
- Approval BA25008, dated August 15, 2025
- RFR filed by Kim and Earle Genik, received August 23, 2025
- RFR filed by Caitlin and Brad Peters, received September 4, 2025
- RFR filed by Neil and Shelby Sheehan, received September 8, 2025
- RFR filed by Jay and Natasha Vold (Sparks), received September 8, 2025
- RFR filed by Wayne Starchuk, received September 8, 2025
- Late RFR filed by Angeline Majeau, received September 9, 2025
- Late RFR filed by Barb Brochu, received September 10, 2025
- NRCB Field Services submission, received September 10, 2025
- Late RFR filed by Nadine Fadden, received September 14, 2025
- Late RFR filed by Ron Fadden, received September 14, 2025
- Amin Valji rebuttal, received September 15, 2025
- Late RFR filed by Amy and Craig Brochu, received September 15, 2025

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:

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

- reconsideration of “not” directly affected status
- changes in application – capacity, notification distance, co-permit holder
- past practices of operator
- absence of appropriate environmental studies or environmental impact assessment (EIA)
- community concerns and impacts
- odour and nuisance impacts
- manure spreading concerns
- impacts on surface water quality
- impacts on groundwater
- public health and safety concerns
- impacts on traffic and infrastructure
- water licensing
- potential decrease in property values
- management of CFO mortality

4.2 Position of NRCB Field Services

NRCB Field Services took no position on whether the Board should schedule a review of Decision Summary BA25008. The Field Services submission included copies of the original responses to the application from the parties who submitted RFRs. Unnecessary personal information had been redacted from these responses.

4.3 Amin Valji Rebuttal

Valji’s rebuttal noted that the proposed CFO is part of a family operation that has been farming in Sturgeon County for over 40 years, now with a third-generation family member involved in management. The rebuttal addressed the issues raised in the RFRs regarding odour and nuisance, traffic impacts, and manure management. The rebuttal stated that detailed responses to these issues had been provided by Valji as part of the application process and Appendix C of the Decision Summary outlined these responses well.

The rebuttal also addressed the issues that were raised in the RFRs regarding past compliance with NRCB regulations and animal welfare standards. The rebuttal noted that the NRCB Enforcement Order described in the RFRs was issued 22 years ago when Valji had recently purchased that farm and was dealing with existing structural and operational issues. There have been no further Enforcement Orders issued at either of the existing Valji operations. The family is very concerned about animal welfare and ethical production practices and participates in national Animal Care and Start Clean-Stay Clean programs administered by the Egg Farmers of Canada.

The rebuttal stated that a farm manager will be living on the site and Valji’s son, who manages the operation, will be on site nearly every day. Valji claimed to understand the need for good communication and relationships with adjacent landowners and committed to doing his best to minimize inconvenience to them.

5. Board Deliberations

5.1 Reconsideration of “not” directly affected status

The Vold RFR asked for reconsideration of their “not” directly affected status and requested a review of the approval officer decision. The RFR noted that the Vold residence is “downstream and down wind” from the proposed CFO, and this would cause significant odour and nuisance impacts, as well as impacts from potential contamination of Riviere Qui Barre which borders their property. The other issues raised in the Vold RFR were similar to issues raised in other RFRs and are not pertinent to consideration of the Vold status.

Section 7.2.1 of NRCB Operational Policy 2016:7–Approvals states that a person who does not automatically qualify as a directly affected party has the burden of demonstrating that they are directly affected by an application. In order to meet the burden, the following five elements must be demonstrated:

1. A plausible chain of causality exists between the proposed project and the effect asserted;
2. The effect would probably occur;
3. The effect could reasonably be expected to impact the party;
4. The effect would not be trivial; and
5. The effect falls within the NRCB regulatory mandate under AOPA.

The Board finds that the Vold residence is more than three times further away from the CFO than the 585-metre minimum distance separation (MDS) requirement. The MDS requirements of AOPA are a proxy for minimizing odours, flies, and other nuisance impacts from a CFO. The CFO application meets AOPA requirements for protection of surface water (section 7 of the Standards and Administration Regulation), thereby minimizing the risk of manure runoff into Riviere Qui Barre from the proposed operation. The Board agrees with the decision of the approval officer finding that the Volds do not qualify for directly affected status and the grounds provided in the Vold RFR are not sufficient to warrant reconsideration of this decision.

5.2 Changes in application – capacity, notification distance, co-permit holder

Virtually all the RFRs expressed concerns about grandfathering of the existing feedlot, and the change of category being significantly different than its current permit.

The approval officer indicated that a deemed permit (PB24001) for a 1,000 head feedlot was recognized in 2024 based on a grandfathering assessment conducted by the NRCB. The Board notes that this assessment was conducted according to AOPA requirements. The Board also notes that AOPA and its regulations allows for the conversion of animals at an existing CFO.

An application was submitted on February 26, 2025 for a CFO that could accommodate 220,000 chicken layers and 110,000 chicken pullets. Subsequently, on May 21, 2025, the livestock numbers were amended by the operator to 115,000 chicken layers and 115,000 chicken pullets and the size and orientation of the facilities was modified. The Board notes that it is an operator’s prerogative to modify an application for a CFO.

An RFR expressed a frustration that, during meetings in 2024 between some neighbours and Mr. Merrick Campbell, there was no mention about potential sale of the property or that the

feedlot could be altered or changed to another form of livestock. Consultation regarding a potential CFO development is recommended by the Board before an application is submitted to the NRCB but is not required by AOPA. A pre-application consultation helps neighbours understand what is proposed and allows for a more streamlined application process.

It was also questioned in one RFR why Mr. Valji was listed as the applicant in the initial approval application and then why both Mr. Valji and Mr. Campbell were listed as co-applicants in the subsequent Approval and Decision Summary. The Board acknowledges that this may be confusing but NRCB Operational Policy 2016-07—Approvals states that the owner of the land on which a CFO is located is also a permit holder. In this case, the landowner is Mr. Campbell and the CFO owner is Mr. Valji, so they are listed as co-permit holders.

The Board finds that this issue was adequately addressed by the approval officer.

5.3 Past practices of operator

The RFRs expressed concerns about past practices of the operator with respect to compliance with NRCB regulations and adherence to animal welfare standards at two other farms in the area. The RFRs noted that an NRCB Enforcement Order had been issued for one of these farms in 2003. The RFRs expressed the position that the approval officer should have given more consideration to these past practices in assessing this application.

NRCB Operational Policy 2016-7—Approvals states in section 9.16.2 that when applications and their supporting materials meet AOPA requirements, approval officers presume that applicants generally have the intent and resources to meet the requirements of the Act and of their permit, and that NRCB compliance staff can adequately resolve any compliance issues that may arise. The policy further states that these presumptions may not be appropriate if there is evidence of “intentional and persistent” past non-compliance. Since the issuance of the Enforcement Order, the two existing farms operated by Valji have received NRCB permits in 2004, 2010, and 2019 with no further issuance of Enforcement Orders for either farm.

There is no evidence of “intentional and persistent” past non-compliance. The Board finds that the issuance of an Enforcement Order, over twenty years ago, does not rebut the presumption that the applicant has the intent and resources to meet the requirements of AOPA and the national animal welfare standards administered by the Egg Farmers of Canada. The Board also expects that NRCB compliance staff will adequately resolve any AOPA compliance issues that arise with the proposed CFO.

The Board finds that this issue has been addressed adequately.

5.4 Absence of appropriate environmental studies or environmental impact assessment (EIA)

Some RFRs suggested that there was an absence of appropriate environmental studies and that a formal EIA should have been completed for the proposed CFO conversion/expansion. The Board agrees with the approval officer that an EIA is not required for the proposed CFO since CFO permit applications are assessed based on AOPA requirements. EIAs are only required for non-energy natural resources project applications under the *Natural Resources Conservation Board Act*. AOPA requirements are based on consideration of the potential environmental impacts of CFOs and the AOPA regulations are designed to mitigate these impacts.

The Board finds that this issue was adequately addressed by the approval officer.

5.5 Community concerns and impacts

Many of the RFRs submitted that the approval officer had not given adequate consideration to community concerns regarding this application and the impacts of the CFO on the community. They noted the large number of community members opposed to this application, the petition letter from “Concerned Residents of Sturgeon County,” and the concerns expressed by Sturgeon County Council and the Alexander First Nation. Some RFRs indicated there had been a lack of public consultation and that the owner does not live in the community. One RFR submitted that the Sturgeon County Municipal Development Plan (MDP) had been misapplied.

The approval officer found that the application was consistent with the land use provisions of the MDP. As noted in the Decision Summary at p. 5, approval officers apply a presumption that an application has acceptable effects on the community if the application is consistent with the MDP. Previous NRCB Board decisions have recognized that this is an appropriate acknowledgement of municipal planning authority and MDP zoning as benchmarks for acceptable and non-acceptable community effects: see *Spruit Farms Ltd.*, Board Decision RFR 2018-13 at p. 5 and *Zealand Farms Ltd.*, Board Decision RFR 2019-04 at p. 7.

In *Spruit Farms Ltd.*, the NRCB panel was satisfied that the municipality had addressed effects on the community associated with CFO siting within its planning and land use documents and found that the number of affected parties was not a determinative factor in assessing the general effects on the community and whether a CFO is an appropriate land use. The Board adopts the reasoning in *Spruit Farms Ltd.* and agrees with the decision of the approval officer that the evidence provided in responses to the application was not sufficient to rebut the presumption of acceptable community effects based on MDP consistency. The Board also finds that there was insufficient evidence presented in the RFRs to rebut this presumption.

5.6 Odour and nuisance impacts

The Peters and Genik RFRs expressed concern that the proposed operation could impact air quality and increase the number of flies, thereby affecting the quality of life for residents in the surrounding area.

The Board agrees with the approval officer that AOPA’s minimum distance separation (MDS) requirements are a proxy for minimizing odours, flies, and other nuisance effects from CFOs and that the MDS for the proposed CFO was calculated correctly. Because the proposed CFO conversion and expansion meet the MDS to all neighbouring residences, it is reasonable to assume that any odour and nuisance effects from the proposed CFO expansion will be limited and of short duration.

The Board notes that in the Decision Summary it is stated the operator will be incorporating several design features to reduce any nuisance effects, including:

- no farm activity after 4 pm to reduce noise levels,
- enhanced ventilation of the barn and manure storage facility to maintain a dry manure to reduce dust and minimize fly populations, and
- when required, utilize natural controls to minimize fly larvae.

Given the approval officer's assessment of the MDS and the measures proposed by the operator to reduce nuisance effects, the Board finds that this issue has been adequately dealt with.

5.7 Manure spreading concerns

Some RFRs expressed concern about manure spreading. The Board notes that AOPA contains several provisions to protect soil, surface water, groundwater quality and to reduce nuisance effects (e.g., odour). The operator is obligated to satisfy the approval officer that, for the first year following the approval, the operator has access to sufficient land to meet the land base requirements for manure spreading. The Board agrees with the approval officer's conclusion that this requirement is met.

The Board also agrees with the approval officer that AOPA regulations (sections 22 to 27 of the Standards and Administration Regulation) provide rules for manure application on an on-going basis. These rules require an applicant to incorporate manure within 48 hours of application (for cultivated land) and meet all manure spreading setbacks to water bodies and residents. These requirements apply to all lands where manure from the operation is spread.

It is noteworthy that to protect groundwater quality (as well as surface water and soil quality), regulations under AOPA set nutrient application limits to prevent soils from being overloaded with nitrogen. The Standards and Administration Regulation under AOPA also requires operators to test soils on farmland to which manure is applied for salts and nitrogen at least every three years, and to make these records available for inspection by the NRCB.

The Board acknowledges that the approval officer indicated in the Decision Summary that manure spreading complaints can be reported to the NRCB's 24-hour reporting line (1-866-383-6722) for follow-up by an NRCB inspector.

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

5.8 Impacts on surface water quality

The Sheehan and Genik RFRs raised a concern that surface water quality in the area may be impacted by the proposed CFO conversion/expansion since the CFO property includes tributaries that feed into Murray Marsh and the Riviere Qui Barre, which were referred to as ecologically sensitive areas.

Based on information provided in the Decision Summary and further documented in Technical Document BA25008, the Board agrees with the approval officer that the CFO meets AOPA technical requirements designed to protect surface water quality (e.g. sections 5, 6, 7, 8, 15, and 24 of the Standards and Administration Regulation). Further, the Board is confident that the approval officer correctly used the NRCB Environmental Risk Screening Tool to conclude that the proposed operation poses a low potential risk to surface water quality.

The Board notes that manure from the facilities will be stored on concrete pads under a roof, so it is unlikely there will be any runoff of manure-impacted water from the operation. Also, the River Que Barre is located about 975 m from the nearest manure management/collection facility at the proposed CFO – significantly further than the setback requirement in AOPA regulations (Section 7 of Standards and Administration Regulation).

The Board agrees with the approval officer that ongoing AOPA requirements outlined in the Manure Spreading Concerns above in section 5.7, such as incorporation of manure with 48 hours of application (for cultivated land), should be effective in reducing the potential for surface water contamination.

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

5.9 Impacts on groundwater quality

The Sheehan RFR raised a concern that the proposed CFO conversion and expansion could impact groundwater quality.

The Board agrees with the approval officer decision that the proposed operation poses a low potential risk to groundwater quality based on an assessment using the NRCB's Environmental Risk Management Tool. The Board notes that there are three potential sources of groundwater contamination from the proposed CFO conversion and expansion:

1. Grandfathered CFO facilities

The RFRs did not explicitly express concerns about decommissioning of the grandfathered feedlot facilities; however, it is the Board's view that proper and timely decommissioning of these facilities is important for reducing environmental effects. The Approval requires the operator to decommission the existing feedlot pens prior to December 31, 2028. The Board finds that decommissioning of the feedlot pens should be a priority to reduce potential environmental effects of the feedlot facilities and to ensure the property is "properly prepared" for construction of the new facilities. Given the importance of decommissioning the grandfathered feedlot in a timely manner, it is the Board's view that December 31, 2027, would be a more appropriate target date for completion of the feedlot facilities' decommissioning and the Board recommends that the approval officer make this change to condition 9 in the Approval.

The approval officer indicated that decommissioning of the existing feedlot pens must be completed in accordance with Technical Guideline Agdex 096-90, "Closure of Manure Storage Facilities and Manure Collection Areas". It is difficult to determine from the aerial photographs in the Technical Document if there are any other manure storage/collection facilities at the feedlot (e.g., catch basin) other than the nine pens. If any other facilities are identified, it is the Board's expectation that they would also be assessed and decommissioned according to the Technical Guideline.

2. Facilities associated with the proposed CFO conversion and expansion

According to the approval officer, the proposed CFO facilities meet all AOPA technical requirements intended to prevent or minimize manure leakage from CFO facilities, including setbacks from springs and water wells; nutrient management requirements regarding the land application of manure; and groundwater protection requirements for the floors and liners of manure storage facilities. Since the operation meets all AOPA technical requirements and manure will be stored on concrete pads under a roof, the potential groundwater impacts from the proposed CFO conversion and expansion should be minimal.

3. Manure spreading

As mentioned in the Manure Spreading Concerns section in 5.7 above, section 24 and schedule 3 of the Standards and Administration Regulation under AOPA set nutrient application limits to prevent the soils from being overloaded with nitrogen to reduce the potential for groundwater contamination.

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

5.10 Public health and safety concerns

Some RFRs raised concern about the potential public effect of emissions (e.g., ammonia) from the operation, and potential groundwater and surface contamination on human health.

The Board agrees with the approval officer that since the operation meets all AOPA requirements it is unlikely that there will be any effects on human health. Notably, a copy of the application was sent to Alberta Health Services (AHS) for review. AHS responded that it could not comment on potential or hypothetical concerns, but for this application, “there was no current public health concern and no water wells within the 100 m setback for manure storage”.

The Board supports the approval officer’s comment that AHS should be contacted directly to discuss any specific ongoing health concerns. If a member of the public has concerns or questions regarding health concerns, they can contact AHS (<http://ephisahs.albertahealthservices.ca/createcase>) or by phone (1-833-476-4743).

The Board finds that this issue was adequately addressed by the approval officer and that any health issues that may arise can be dealt with through AHS.

5.11 Impacts on traffic and infrastructure

Several of the RFRs expressed a concern about how a potential increase in traffic associated with the operation of the proposed CFO could impact public safety and the integrity of local roads. The Board agrees with the approval officer’s assessment in the Decision Summary that Sturgeon County has jurisdiction over local roads, including maintenance, and the NRCB does not require applicants to enter into road use agreements with counties or municipalities. The approval officer correctly stated that counties may require agreements on their own.

The operator indicated that traffic at the proposed operation will consist of approximately seven feed trucks and five egg trucks monthly, roughly between 10 am and 2 pm. Further, the operator stated that manure spreading events in the spring and fall would typically be completed in one day. The Peters RFR questioned the operator’s contention that there would be only seven feed trucks and five egg trucks monthly, and why travel by employees working at the operation was not considered. Given the size of the operation, the Board finds that the estimated truck traffic is reasonable. Further, the impact of employee travel to the operation is expected to be low and have a minimal effect on public safety and road integrity. Traffic issues related to manure spreading events in the spring and fall are also expected to have a low traffic impact given the short time of spreading.

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

5.12 Water Licensing

Several RFRs raised a concern that water supply demands of the operation could impact the availability of groundwater used by surrounding area residences. The approval officer correctly stated that Alberta Environment and Protected Areas (EPA) is responsible for licensing the use of groundwater and surface water in the province. The Board agrees that for the sake of efficiency and to avoid inconsistent regulation, there is no need for NRCB approval officers to consider water supply concerns when reviewing AOPA permit applications. The Board notes that the operator signed a water licensing declaration indicating that they do not require additional water licensing as the location already has a license in place. Since the approval officer notified EPA of the application and it is the responsibility of the operator to ensure that water licensing requirements are met, the Board is confident that the issue will be effectively dealt with by EPA.

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

5.13 Potential decrease in property values

Several of the RFRs raised a concern that the proposed CFO would reduce property values in the area. As indicated by the approval officer, the Board in previous review decisions has consistently stated that concerns regarding effects on land or property values are “not a subject for [the Board’s] review under AOPA” (see, for example, *Korova Feeders Ltd.*, Board Decision RFR 2019-05 at p. 4) or for approval officers’ consideration of permit applications. According to these decisions, impacts on property values are a land use issue which is dealt with by municipalities in municipal development plans and land use bylaws.

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

5.14 Management of CFO mortality

At least one RFR expressed concern about odour issues related to the management of dead birds.

The approval officer stated that the disposal of deceased livestock in Alberta is regulated by Alberta Agriculture and Irrigation (AGI) under the *Animal Health Act* and not the NRCB. The operator indicated that dead birds will not be disposed in fields or composted in manure but rather secured in a biosafe container which will be taken away for rendering.

The Board finds that this issue was adequately addressed by the approval officer and that any dead animal disposal issues that may arise can be dealt with effectively by AGI.

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 19th day of September, 2025.

Original signed by:

Rich Smith (chair)

Laura Dunham

Walter Ceroici