

LA19036 Muilwijk – Board Review  
April 20 & 21, 2021

**Please see important notes below the Index**

APPLICATION RECORD INDEX

<b>AR No.</b>	<b>Date (YMD)</b>	<b>Description</b>
1.	19801203	MD Willow Creek Development Permit 1002-80
2.	19821029	MD Willow Creek Development Permit 54-82
3.	19860702	MD Willow Creek Development Permit 31-86
4.	19980928	MD Willow Creek Development Permit 118-98
5.	20110218	NRCB Approval LA10054M
6.	20110311	NRCB Approval LA10054N and Decision Report LA10054N
7.	20190814 through 20210114	Screenshots from NRCB's CFO2 Database for Application LA19036
8.	20200814	LA19036 Part One
9.	20190916	09.50 email A. Muilwijk to A. Snowdon describing site, plans
10.	20190917	14.59 email A. Muilwijk to A. Snowdon, fwd Chilako re water level

<b>AR No.</b>	<b>Date (YMD)</b>	<b>Description</b>
11.	20190924	13.17 email A. Snowdon to A. Muilwijk w spreading agreement sample
12.	20190925	Emails A. Muilwijk and A. Snowdon: <ul style="list-style-type: none"> <li>• 15.15 email A. Muilwijk to A. Snowdon</li> <li>• 16.02 email A. Snowdon to A. Muilwijk</li> </ul>
13.	20190925, 20190926	Emails A. Muilwijk and A. Snowdon time to meet
14.	20201001	10.03 email A. Muilwijk to A. Snowdon w AT roadside permit
15.	20191001	Emails A. Snowdon and A. Muilwijk re borehole results: <ul style="list-style-type: none"> <li>• 09.25 email A. Snowdon to A. Muilwijk seeking borehole results</li> <li>• 09.58 email A. Muilwijk to A. Snowdon w attachment</li> </ul>
16.	20191001	LA19036 Part Two
17.	20191002	Courtesy Letter
18.	20191009	09.05 email NRCB to A. Muilwijk deemed complete w atts
19.	20191009	Macleod Gazette LA19036 tear sheet
20.	20191011	letter Alberta Transportation to NRCB w permit correspondence <p style="text-align: right;">ALSO AT TECHNICAL DOCUMENT pp 21-32</p>
21.	20191012	response from J. Green

<b>AR No.</b>	<b>Date (YMD)</b>	<b>Description</b>
22.	20191015	response from LNID
23.	20191016	response from T. McCullough
24.	20191018	response from MD Willow Creek
25.	20191031	response from D. & H. Brauer
26.	20191101	response from AHS
27.	20191107	Emails AEP, A. Snowdon, A. Muilwijk: <ul style="list-style-type: none"> <li>• 15.45 email AEP response to A. Snowdon</li> <li>• 15.49 A. Snowdon forwards to A. Muilwijk</li> </ul>
28.	20191223	email A. Muilwijk to A. Snowdon, fwd containment liner, leak monitor info
29.	20200107 to 20200116	Emails A. Muilwijk and A. Snowdon
30.	20200424	10.16 email A. Snowdon to A. Muilwijk
31.	20200506	Emails A. Muilwijk and A. Cumming: <ul style="list-style-type: none"> <li>• 09.45 email A. Muilwijk to A. Cumming</li> <li>• 09.52 email A. Cumming to A. Muilwijk</li> </ul>

<b>AR No.</b>	<b>Date (YMD)</b>	<b>Description</b>
32.	20200522 to 20200525	20200522 to 20200525 emails A. Cumming and A. Muilwijk: 20200522 email: <ul style="list-style-type: none"> <li>• 13.49 email A. Cumming to A. Muilwijk seeking info, w Agdex</li> </ul> <p style="text-align: center;">SEE REFERENCES FOR ATTACHMENTS</p> 20200525 emails: <ul style="list-style-type: none"> <li>• 10.17 email A. Muilwijk to A. Cumming</li> <li>• 11.01 email A. Cumming to A. Muilwijk</li> <li>• 13.22 email A. Muilwijk to A. Cumming</li> <li>• 13.51 email A. Cumming to A. Muilwijk and J. Lobbezoo w Part One, Part Two</li> </ul> <p style="text-align: center;">SEE DOCUMENTS 8 &amp; 16 FOR ATTACHMENTS</p>
33.	20200716	09.23 email A. Cumming to A. Muilwijk w 2 technical guidelines <p style="text-align: center;">SEE REFERENCES FOR ATTACHMENTS</p>
34.	20201029	Emails J. Lobbezoo, A. Muilwijk and A. Cumming re Oct. 29 Wood report: <ul style="list-style-type: none"> <li>• 13.17 email J. Lobbezoo to A. Muilwijk w Oct. 29 Wood report</li> <li>• 14.59 email A. Muilwijk to A. Cumming</li> <li>• 15.31 email A. Cumming to A. Muilwijk</li> </ul>
35.	20201029	Wood report

AR No.	Date (YMD)	Description
36.	20201029 to 20201103	Emails A. Cumming with NRCB Science & Technology staff: <ul style="list-style-type: none"> <li>• 20201029 13.17 email J. Lobbezoo to A. Muilwijk w Oct. 29 Wood report (duplicate)</li> <li>• 20201029 14.59 email A. Muilwijk to A. Cumming (duplicate)</li> <li>• 20201030 10.08 email A. Cumming to W. Ceroici and others</li> <li>• 20201103 06.33 email W. Ceroici to A. Cumming</li> <li>• 20201103 08.30 email A. Cumming to W. Ceroici and others</li> </ul>
37.	20201105 and 20201106	Emails A. Muilwijk and A. Cumming: <ul style="list-style-type: none"> <li>• 09.37 email A. Muilwijk to A. Cumming w soil report, site map</li> <li>• 20201106 15.32 email A. Cumming to A. Muilwijk</li> </ul>
38.	20201105	Test hole location photo (jpg) Test hole data (Excel printout), dated Aug. 9, 2019 <p style="text-align: right;">ALSO AT TECHNICAL DOCUMENT pp 33-36</p>
39.	20201106	12 photos provided by A. Muilwijk to A. Cumming <p style="text-align: right;">ALSO AT TECHNICAL DOCUMENT pp 37-39</p>
40.	20201106	Emails J. Lobbezoo, A. Muilwijk and A. Cumming re Nov. 6 Wood report: <ul style="list-style-type: none"> <li>• 15.37 email J. Lobbezoo to A. Muilwijk</li> <li>• 16.07 email A. Muilwijk to A. Cumming</li> <li>• 16.20 email A. Cumming to A. Muilwijk</li> </ul>

AR No.	Date (YMD)	Description
41.	20201106	Wood report (revised)  ALSO AT TECHNICAL DOCUMENT pp 40-46
42.	20201106	Emails A. Muilwijk and A. Cumming re photos: <ul style="list-style-type: none"> <li>• 12.53 email A. Muilwijk to A. Cumming w links to files</li> <li>• 15.31 email A. Cumming to A. Muilwijk</li> </ul>
43.	20201117	Emails A. Muilwijk and A. Cumming: <ul style="list-style-type: none"> <li>• 13.49 email A. Muilwijk to A. Cumming</li> </ul> <p style="text-align: right;">ALSO AT TECHNICAL DOCUMENT p 3</p> <ul style="list-style-type: none"> <li>• 13.53 email A. Cumming to A. Muilwijk</li> </ul>
44.	20201126	Emails A. Cumming and AEP: <ul style="list-style-type: none"> <li>• 09.12 email A. Cumming to AEP</li> <li>• 10.09 email AEP to A. Cumming</li> </ul>
45.	20201126	letter S. Cunningham to A. Cumming w calculations  ALSO AT TECHNICAL DOCUMENT pp 98-99
46.	20201209	ERST site info form Nov. 4 visit, 3 facilities (covered pens, Barn 1, Barn 2)
47.	20201209	ERST site info form Nov. 4, visit, 5 facilities (open pens 2, open pen 1, catch basin, lagoon 1, lagoon 2)

<b>AR No.</b>	<b>Date (YMD)</b>	<b>Description</b>
48.	20201209	ERST Barn 1, Barn 2
49.	20201209	ERST Lagoon 1, Lagoon 2
50.	20201209	ERST Covered pens
51.	20201209	ERST Open pens 2, open pen 1, catch basin
52.	20210101	emails A. Muilwijk and A. Cumming: <ul style="list-style-type: none"> <li>• 10.22 email A. Muilwijk to A. Cumming</li> <li>• 10.41 email A. Cumming to A. Muilwijk</li> <li>• 12.57 email A. Muilwijk to A. Cumming</li> </ul>
53.	20210104	Emails A. Muilwijk and A. Cumming: <ul style="list-style-type: none"> <li>• 08.37 email A. Muilwijk to A. Cumming</li> <li>• 08.51 email A. Cumming to A. Muilwijk</li> <li>• 11.32 email A. Muilwijk to A. Cumming</li> <li>• 11.37 email A. Cumming to A. Muilwijk</li> </ul>
54.	20210104	08.50 email A. Cumming to A. Muilwijk forwarding 20210101 10.42 email
55.	20210111 to 20210113	Emails A. Cumming and A. Muilwijk re decision timing

**REFERENCES:**

<b>AR No.</b>	<b>Date</b>	<b>Description</b>
56.	201805	South Saskatchewan Regional Plan 2014-2024 (amended May 2018)
57.	20170614	MD Willow Creek Municipal Development Plan Bylaw No. 1765 (June 14, 2017)
58.	202012	MD Willow Creek Land Use Bylaw #1826 (consolidated to December 2020) (no maps)
59.	20160126	NRCB Operational Policy 2016-5: Determining Deemed Capacity for Grandfathered Confined Feeding Operations (January 26, 2016)
60.	20180508	NRCB Operational Policy 2016-7: Approvals (updated May 8, 2018)
61.	201109	NRCB Environmental Risk Screening Tool version 1.2 (companion document) (September 2011)
62.	202004	Agdex 096-62 Subsoil Investigations for Manure Storage Facilities and Manure Collection Areas (April 2020)
63.	201602	Agdex 096-81 Calculator for Determining Livestock Capacity of Operations as they Existed on January 1, 2002 (February 2016)
64.	201801	Agdex 096-90 Closure of Manure Storage Facilities and Manure Collection Areas (updated Jan 2018)
65.	201506	Agdex 096-93 Non-Engineered Concrete Liners for Manure Collection and Storage Areas (June 2015)



66.	2003-2015	Google Earth images 2003-2015
67.	1979	R. Allan Freeze & John A. Cherry, <i>Groundwater</i> , (New Jersey: Prentice Hall, 1979), title + contents + pp 14-18  REFERENCED AT TECHNICAL DOCUMENT p 98 (footnote)

### **Important notes on the Application Record**

**NOTE 1.** The Board in its RFR2021-02 decision directed the Approval Officer to make the complete application record available (at p 6). Many of the records may not be relevant to the hearing issues.

The Application Record includes many documents that are already part of Technical Document LA19036. The Application Record Index indicates where the document appears in the Technical Document.

With the five exceptions noted below, the Application Record contains all the records in application file LA19036 that

- 1) the Approval Officer is aware of and can locate, and
- 2) is dated between the Part 1 application (Aug. 14, 2019) and the permit decision (Jan. 14, 2021).

Exception 1: Miscellaneous neighbour correspondence. The Application Record includes responses to the public notice from directly affected individuals (John Green, Terri McCullough, and Dean and Hannah Brauer). The Application Record does not include other correspondence between the Approval Officer and these directly affected individuals. That correspondence is not relevant to the hearing issues and the individuals likely did not expect their correspondence with the Approval Officer (other than their written response) to be made public. This correspondence is:

- 20191008 email A. Snowdon to J. Green
- 20191211 emails A. Snowdon and J. Green
- 20200615 email A. Cumming to T. McCullough

Exception 2: Neighbouring landowners. The MD Willow Creek provided the NRCB with mailing addresses and names of owners of or residents on land within the notification radius. As this is personal information and as the identity of these neighbouring landowners is not in issue, the list of mailing addresses and names (called “LA19036 adjacent landowners” in the CFO database) is not part of the Application Record.

Exception 3: Draft ERST information. The Approval Officer’s decision issued January 14, 2021 relied on site information and results from an environmental risk screening tool (ERST) that were generated on December 9, 2020. For that reason, the Application Record does not include either:

- a) January 17, 2020 ERST information entered by the original approval officer from a site visit on September 17, 2019; or
- b) December 3, 2020 site information on the protective layer, and on groundwater resource and uppermost groundwater resource, compiled by NRCB environmental specialist Scott Cunningham. These turned out to be drafts as the Approval Officer and Mr. Cunningham updated some information from the Approval Officer’s site visit of November 4, 2020.

Exception 4: June 18, 2020 report. The Approval Officer did not rely on the June 18, 2020 Wood completion report, as he relied on the more recent November 6, 2020 Wood report. While the June 18, 2020 Wood report appears in the application file in the CFO database, and is mentioned in the RFR dated February 4, 2021 (at page 3), the Application Record does not include this record. Please see the Field Services Submission (provided separately) for a copy of the June 18, 2020 Wood report.

Exception 5: TAG RCC Report. The Technical Advisory Group (“TAG”) is made up of representatives from the NRCB, Agriculture & Forestry and industry. The Approval Officer, Andy Cumming, is a member of TAG. In May 2020, TAG chartered a project for a working group to determine whether there was “sufficient scientifically based information to support the development of a TAG guideline for the construction and maintenance of RCC as a liner under the Standards and Administration Regulation.” The report from that project (“TAG Working Group RCC report”) came to Mr. Cumming’s attention on December 23, 2020 (as reflected in the database entry on that date – see Document 7) in his capacity as a member of TAG. However, the Approval Officer did not use or rely on the TAG Working Group RCC report when coming to his decision, for reasons provided at page 5 of Decision Summary LA19036. As a result, the TAG Working Group RCC report is

not part of the Application Record. Please see the Field Services Submission (provided separately) for a copy of the TAG Working Group RCC report.

**NOTE 2.** The Application Record does not catalogue an exhaustive or 100 percent complete record of all the correspondence (phone calls, e-mails, letters) exchanged related to Application file LA19036. For example, transitory records may have been deleted.

**NOTE 3.** The description of records in the Application Record Index is for convenience only and should not be taken as an interpretation or position on the record.

**NOTE 4.** Redactions (in solid black) cover personal information that is not necessary to the hearing issues.

**NOTE 5.** Database screenshots (Document 7): The CFO2 database entries in the screenshots relating to phone calls do not purport to be a verbatim or complete record of what was said during a phone call. Similarly, the database entries in the screenshots relating to site visits are likely not a verbatim or complete record of all interactions and observations at the site. In the database screenshots:

AS = Adria Snowdon, original approval officer

AC= Andy Cumming, Approval Officer

SG = former Lethbridge field office administrator

SK = Sylvia Kaminski, Lethbridge field office administrator

Steps taken to assemble the Application Record:

- 1) Review of the NRCB's CFO2 database for the CFO at NE 10-09-27 W4M, for permits issued before the Part 1 application in LA19036 was filed. This includes municipal development permits (Documents 1, 2, 3 & 4) and two NRCB-issued permits (Documents 5 & 6).
- 2) Review of the database entries (Action tab) for Application LA19036 and compilation of screenshots of entries.

- 3) Review of the database documents (Documents tab) for Application LA19036.
- 4) Access to archived “received” and “sent” e-mails for Adria Snowdon dated August 14, 2019 to May 1, 2020 (with assistance from NRCB’s IT services provider), checking for any related to file LA19036. Document 29, for example, shows yellow highlighting of “Adria” as a function of a search term.
- 5) Inquiry of NRCB environmental specialist Scott Cunningham for documents that he relied on during his assistance on file LA19036, other than what is in the CFO database or Technical Document LA19036.
- 6) Inquiry of Approval Officer Andy Cumming for documents that he relied on in coming to the decision on file LA19036, other than what is in the CFO database or Technical Document LA19036. This inquiry yielded a few e-mail communications that are not referenced in the database, but do appear in the Application Record Index.