

#7 - REQUEST FOR REVIEW: RA21043 / Double T Cattle Co. Ltd.

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Deadline for RFRs: June 8, 2022

Date RFR received: June 8, 2022

Status of party as per Decision Summary: Directly Affected Party

First off, we want to argue the fact that our Statement of Concern letter was not included in the decision of approval. We definitely want to say the Approval Officer erred in that and he didn't reason with the fact that we were away during the 21-day period and didn't have sufficient time to research and respond to impacts.

We would like to explain that the officer should have shown due diligence given our extremely close proximity of 1400 meters of the operation of the feedlot and the fact that we were not present. We cannot forfeit a right when we are unaware of them.

I am requesting review based on deficiencies and lack of rational by the Approval Officer to uphold the AOPA. The Approval Officer displayed gross incompetence and what could be argued criminal and abusive authority in his disregard for the AOPA. This blatant disregard for order illustrates the founded public mistrust of the NRCB and its policy framework. The casual bias and disregard for the AOPA of this Approval Officer discredits the work and rational of other NRCB Officers and decisions.

- 1) The Approval Officer disregarded facts, testimony and documented histories for his own bias and assumptions. Repeatedly throughout the approval officer's decision making he mentions and states facts and the AOPA legislation but often gives convoluted, hypothetical reasoning and assumptions of figmentive "best case" scenarios that reflect a lack of real world understanding or experience.
- 2) The Approval Officer completely ignores the "material" he cites in his opening paragraph as material he "based his decision on". In appendix A he disregards the factual Municipal Development Plan (MDP) after citing very clear and specific sections of it and bases his entire decision of its intent and relevance of the hearsay, oral conversation of a 20-year-old memory from the CAO. Despite the clear, black and white text of the non-statutory County Planning documents. Note, the conversation was not included in the introductory paragraph.
- 3) In this Appendix A, the Approval Officer tries to argue rational that Beef Manure is not as harmful as Pig manure. We know Bacteria, Nutrients, Salts, Hydrogen Sulfide, Ammonia, Methane, Particulate Matter and Viruses are just as hazardous in all poop regardless the species. We know this as the AOPA clearly states this with various Animal Units in Schedule 2 of the AOPA regardless of species there are limitations and management requirements in the Act. The Approval Officer completely disregards that regardless of species the Application surpasses the 3,500 head cut-off in the County Planning documents. The entire AOPA is built off this understanding of hazard and impacts.
- 4) The approval Officer is abusing his power and the AOPA specifically the "Grandfathering clause" intended to protect reputable existing facilities. The strict requirements in the AOPA to meet the grandfathering status is that the CFO had to have existed prior to Jan 1, 2002. Regardless of county permits conditions to meet existence is that it must have been in the thresholds of a

feedlots scale and must have been used continuously year-round as a CFO and not as a seasonal finishing lot. The Approval Officer even states that the facility in 1997 prior to 2003 was a small scale 300 Sow piggery. The county permit is for an intensive livestock operation not meeting the definitions of a column 2 or column 3 Confined Feeding Operation. It was not used for birthing and not finishing year-round and was clearly stated by the Approval Officer as too small in scale. Despite several witness testimony, the Approval Officer disregards facts and the law for his own delusions. The Grandfathering clause does not stand.

- 5) Also stated by several witnesses, of which the Approval Officer disregards, the facility was not in operation as a confined feeding Operation until after 2003. The Officer even states that July 7, 2003, the facility received NRCB approval for a 700 Sow Operation Farrow to finish. If this isn't clear rational and evidence that the facility was not an approved, or functioning CFO prior to Jan 1, 2002 than we have much bigger problems at the NRCB. Why would anyone apply for a CFO approval a year and 6 months later if they were grandfathered in? The Grandfather Clause should not stand as per the AOPA.
- 6) The Approval Officer should have deemed the site abandoned and ordered it decommissioned and cleaned up. The application should have been made after the decommissioning and from new development standards. The state of disrepair is evident as the Approval Officer even uses quotes to describe the decapitated "barn". The Approval Officer notes the site hadn't been used as a CFO in almost 10 years. The site must have remained in continuous use for the Grandfathered clause. The Approval Officer even notes that the Manure storage facilities are basically non-existent, an integral part of the definition of a CFO is manure storage. If those facilities don't really exist to any suitable level how can the status of grandfathered CFO be accepted. Yet again, another requirement of the NRCB to meet "Grandfathered" status and a clear display of incompetency by the Approval Officer. Asbestos debris from the infrastructure in disrepair had been illegally landfilled in the lagoon by the applicant. Among other things, contaminated soils, manure, deadstock and God knows what else was buried in the lagoon. From a directly involved paid for services source, it was everything and anything they could find, get their hands and needed to be disposed of. Based on the applicant's behavior displays of complete disregard for the AOPA decommissioning procedures, OH&S and the Waste and Class 2 Landfilling laws for Asbestos, the Environmental Protection and Enhancement Act, and the Water Act. He was later ordered to clean up and retrieve the asbestos debris. Instead of reprimanding the applicant for being lazy, and negligent and not relinquishing the permit and properly decommissioning the site before it could do anymore damage to the environment the Approval Officer is rewarding this behavior by abusing a grandfathering clause and allowing him to cut corners putting the safety of people and the environment at risk. Despite making clear and detailed observations of the inoperable site from December 17, 2021, and stating "The landowner never formally relinquished the CFO permit but the apparent use of the site had changed from its former

- permitted state.” The Approval Officer by definitions of Canadian laws just proved the site was not operating as per the conditions of its permit and thus, voids its permit. It did not have the facilities or infrastructure required for its permit including concrete pads and manure handling.
- 7) The nonsensical ramblings of the Approval Officers hypothetical assumptions on the size of the existing Pig CFO is embarrassing to say the least. Here we have an Officer that already stated the East portion of the concrete pad had been removed and compromising the integrity of the rest. The Officer begins to use hypothetical logic and calculations that exhibit a lack of experience and rational. This is very unsettling considering the gravity and impact of the decisions he is making. He goes about it in such a cavalier and reckless haphazard way I am embarrassed for anyone in the Environmental Technical fields as he is degrading science and math. The Officer states that the facility was abandoned in 2014 and partially decommissioned. Why he would use a standard from 2014 to determine the hypothetical number of Pigs is nonsensical. He then uses that standard (.95m²) to back calculate from the size of the concrete floor “feasibility” of the number of pigs. His threshold is 13 Pigs! His using up to the .5 meter of the concrete pad completely disregards the thickness of walls, floor space for equipment, boot washing and entry areas, alleys, quarantine or medical pens, staff supplies, hose closets etc. His entire argument and decision is based on 13 figured meters? Appendix A Under policy 2.2, the County MDP makes it clear that #,500 head of Beef finishers exceeds the “Very Large” threshold for CFO land use, had the county wanted this species exempt, as the Approval Officer is trying to play “make believe”, it would have been written in the MDP.

13 imaginary Pigs are being used to argue an exceedance beyond a policy, imagined to be applicable to imaginary species... is this how the NRCB is operating these days?

- 8) Despite all the other evidence that this is not grandfathered status, despite all the previous impacts to the environment, despite the uninvestigated haphazard decommissioning, he stretches numbers for arguments and disregards caution for human and environmental health, he argues that the Column 2 CFO standards built 20 years prior and since destroyed are equivalent in scale and impacts as a Column 3 CFO based on 13 hypothetical Pigs!
- 9) Visiting the site in December under snow cover is poor judgment and investigative work. The site not having been properly decommissioned could have had all kinds of leaching and impacts to soils that would have gone unnoticed. Assessment of wetlands and surface runoff cannot be properly assessed and the illegal surface water drainage ditches the applicant is famous for had gone unnoticed. At one point a surface water drainage ditch diverting manure slurry in the direction of Battle River had been stopped by authorities and years of conflicts on the east side of the property as the

- applicant had made an eastwardly drainage ditch for manure slurry to drain to a neighbor's property to chain lakes. Allowing an approval for such a large facility as 4000 head of cattle without doing a proper investigation and assessment of impacts from the abandoned facility, shows a disregard for the AOAP.
- 10) Had the Approval Officer exercised even the slightest caution or intentions to do a good job, and done any kind of investigation into groundwater impacts, he would have come across water approval and development applications for other past facilities on the site and in the area. One in particular a landfill from the County. The landfill application was denied based on the close proximity to the shallow A'horizon aquifer. The groundwater interface between activities on the surface and shallow pits for manure slurry ponds was too close. This A'horizon aquifer is in direct communication to Chain Lake and Battle River. Keep in mind, Hydrogeology doesn't follow the same "Cardinal divide" as the surface water does between the two watersheds. Not only will chlorides, nitrates and phosphorus make its way to both watersheds via atmospheric deposition and seasonal surface water, but chronic seepage all year long underground will exceed the lakes thresholds. Not to mention poison surrounding dug outs and ponds which will lead to nitrate poisoning of neighboring livestock.
 - 11) Common sense and critical thinking of the Approval Officer would have brought his attention to the weeping tiles. The mere existence that there are decommissioned weeping tile proves that shallow groundwater interfaces with the surface in this particular were exceptionally problematic. While the tiles are in partial decommissioning water is still water. The tiles are partially working to keep seepage and water moving out of the area. If they were completely ineffective the area would be very saturated again.
 - 12) The Approval Officer notes he didn't feel the need to do a risk assessment on the Earthen Manure lagoon because one was done in 2009. The same Lagoon that had been filled in with building debris in 2015 and then re-excavated. The same manure lagoon that sits in an existing Call C wetland (which is worth saving on the Alberta Wetland index). The same Manure Lagoon with weeping tiles to hold back flooding. THAT lagoon wasn't worth assessing but "with minor modifications" can be repaired.
 - 13) In Appendix C, Mr. Sakib, wrongly used Alberta Merged Wetland Inventory to make a determination on the footprint of the CFO in a wetland and the proximity of a westernly wetland. The Alberta Merged Wetland Index has a very clear warning and disclaimer upon opening the mapping system. The Index alone should not be used to determine wetland's locations or make any decisions regarding developments or their protections. Lidar imagery was used to infer and determine wetland classifications. Morning dew, recent rains etc. can all impact the accuracy of the lidar. As such the Alberta Government has a stand-alone policy that to access wetland health and impacts a wetland assessment is always required. Both Dr. Mike Iwanyshyn and Mr. Nazmus Sakib violated provincial policies and created a liability for the Alberta Government. All 3 men, including the Approval Officer had

differing descriptions and conclusions about surface water flow and wetland impacts.

- 14) I could carry on with about 20 more arguments and challenges to the Approval Officers decision making and I have several 1000's of pages of case studies, data, diagrams, maps, photos and historical events to argue that the likelihood of a catastrophic event, with significant and adverse impacts and a staggering cost that would make this a reckless liability for the province and applicant. I am tired and frankly, given the short timeframe haven't had time to do it all. I would like an extension to continue to give you this information or at least submit it all in a review.

We also want to have it known what a significant impact this decision will have on our business that we run from our own shop, our own yard and our recently updated and renovated home office. The cost of impact is reaching the \$ 5.5 million already and that was the rough first setup.

What a severe impact this will have on our family's prospect of exposure duration to the toxicity and poor air quality index ratings of, something we take for granted, non-toxic air! There are many studies available that proof that the life expectancy is significantly lower when living this close to this kind of feedlot. It has been proven from past events and the confirmation of present behavior of the owner that following set standards for health and or environment are not taken as they should and have repercussions for him, but damages are already done for the environment and human and animal health. Living where we are now is 1400 meters from where the feedlot will be, we will be in for acute, chronic and long-term exposure that will raise our changes of Cancers.

My parents will be moving here to Alberta in November this year to live with me, their only daughter, their son in law of 26 years and their only 3 grandchildren. They look forward to seeing our sons grow up to fine young men that are interested to take over their dads' business. Talking and planning to build their home on our 20 acres and mow the lawn for dad when he's old, their words. The loss of dreams and the cost of impact for our boys will be huge, over \$ 4 million is our first draft.

My parents both have had skin cancer and have that regularly checked and surgically removed, my mom had colon Cancer in 2014 and my dad prostate and thyroid Cancer at the same time in 2020. It's a blessing and by the lords grace they both pulled through and I still have them and are not an orphan before turning 40. Our reason of them moving in with us is so I, as their only child can take care of them, and they don't have to go to a nursing home. Covid has shown us, if we want to have access to our elderly keep them close and do not lock them up and have no visiting rights. The cost of impact of that is over \$ 2 million. And I can't give a dollar amount for the lost time together and the strain it would bring me and my family mentally and physically to have them in a nursing home.

The proven fact is that because both my parents had 4 types of Cancer, me and our sons have a higher risk of getting Cancer as well. In 2021 I was fortunate enough to have a very invasive preventive surgery that eliminated some worries and lower the risk of a type of Cancer, and now we get this approval that has proven to bring so much risks to bring us Cancer. How do we calculate the impact of that to our family and friends, 300 million dollars and a million alpaca's?

Knowing the prospect of what has been approved by this decision and will be going to expose us by simply walking in our yard, sleeping with our bedroom windows open, enjoying a BBQ and the precious fire pit moments, having our kids playing soccer in our yard on grass that is diluted by toxins that come down on cooler surfaces and are air born again when disturbing them , snowball fights with snow that is diluted, jumping on their trampoline disturbing and making the diluted particles air born once again, having water fights in our swimming pool what will be diluted by many toxins just because we are in the exposure route and are too close to the operation. The prospect of all this, and I am sure I am forgetting many moments, that we have the constant daily reality for inhalation, oral or dermal exposure to and in many instances, we get a second chance or continuing chances to disturb earlier dilution to keep the toxicity exposure to us on the highest levels imaginable.

On a personal note, I have never felt so vulnerable as a human being. As a mother of 3 healthy young boys, a wife of a very hard-working healthy business owner and the only healthy daughter of my healthy parents. We all have rights, you, me, the feedlot owner, everyone, but when your health is going to be this severely chronically impacted in the near future, it makes me very nervous and strained physically, mentally and emotionally.

We will be seeking support from an Environmental Consultant to explain the impacts to us specifically and have our knowledge more up to date.

I am requesting that the decision be reversed to be in accordance with the AOPA. Further, had the decision met the AOPA, based on past behaviors, management and histories of the Applicant, and its operations, as well as the cumulative impacts of several other intensive operations, the monitoring and mitigation in the approval were grotesquely deficient. In the event the application is re-applied, or the approval stands, I request amendments for human health and environmental mitigations.

The list of mitigations is long and is specific to the operations history of management and high likelihood of future occurrence. Again, I request the approval reversed, but at the very least I request serious mitigations.

NRCB

documents <https://www.dropbox.com/sh/hi2n9usoe568of9/AAABhoBpYxVGF73wLAXCer6sa?dl=0>

Environmental Reports <https://www.dropbox.com/sh/2epqzc04ma9087i/AAC-LWoZP9IWCYw4YpyxwP3Sa?dl=0>

Thank you for your time to read our letter, we sincerely appreciate it.
God Bless.

Dennis, Antoinette, Chris, Dean and Ryan Ruter

