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**Subject:** LA21057 Tateson Ranching Ltd. RFR - approval officer material  
**Date:** Tuesday, October 18, 2022 11:41:17 AM

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Good morning,

I act for the Approval Officer in this matter. We take no position on whether, under section 25(1) the Board should schedule a review of this decision in relation to the request for review filed by the applicant, Tateson Ranching Ltd. This neutral stance on the merits is appropriate for a decision-maker whose decision is potentially under review.

However, it is reasonable and appropriate for the Approval Officer to clarify to the Board, and excerpt, parts of the legislation and parts of the decision documents that are already before the Board. The object is a fully informed adjudication of the request for review (see *Ontario (Energy Board) v Ontario Power Generation*, 2015 SCC 44 at para 48 : <https://canlii.ca/t/glb07>). To that end, I provide the following references.

Relating to condition 3 of Approval LA21057:

Section 7 of the Standards and Administration Regulation under the *Agricultural Operation Practices Act* ("AOPA") provides [emphasis added]:

**Natural water and wells**

7(1) The owner or operator of a manure storage facility or a manure collection area must not construct the facility or area

- (a) less than 100 metres from a spring,
- (b) less than 100 metres from a water well, or
- (c) less than 30 metres from a common body of water.

(2) Subsection (1)(a) and (b) does not apply if ...

(3) Subsection (1)(c) does not apply if the owner or operator demonstrates to an approval officer or the Board, before the facility or area is constructed, that

- (a) the natural drainage from the facility or area is away from the common body of water, or
- (b) a berm or other secondary protection for the common body of water constructed by the owner or operator protects the common body of water from contamination.

Section 17 of AOPA provides in part:

**Variance**

17(1) A person may apply to an approval officer or the Board for a variance of the requirements in the regulations respecting confined feeding operations, manure storage facilities or the collection, transportation, storage, application, use, transfer or disposal of manure, composting materials or compost, and an approval officer or the Board may grant a variance if in the opinion of an approval officer or the Board the variance provides the same or a greater degree of protection and safety as that provided for by the regulations.

I draw the Board's attention to Decision Summary LA21057 at part 8 (page 4); at part 9 (top of page 5); and at Appendix B at part c. (page 9).

Relating to condition 5 of Approval LA21057:

Section 4 of the Standards and Administration Regulation under AOPA provides:

**Seasonal feeding and bedding sites, livestock corrals**

4(1) The owner or operator of a seasonal feeding and bedding site or a livestock corral must locate the site or corral 30 metres or more from a common body of water.

(2) Subsection (1) does not apply to a seasonal feeding and bedding site or a livestock corral if the owner or operator

- (a) constructs an interceptor between the site or corral and the common body of water that diverts runoff away from that common body of water, or
- (b) removes manure and bedding that accumulates at the site or corral to an appropriate manure storage facility before runoff occurs from the site or corral.

I draw the Board's attention to Decision Summary LA21057 at part 8 (page 4); Appendix B part e. (page 10)

Relating to condition 7 of Approval LA21057:

I draw the Board's attention to Decision Summary LA21057 at Appendix B part d. (top of page 10)

I have blind-copied Julie Tateson on this e-mail.

Regards,

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