

Decision Summary RA22027

This document summarizes my reasons for denying Registration RA22027 under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Document RA22027. All decision documents and the full application are available on the Natural Resources Conservation Board (NRCB) website at www.nrcb.ca under Confined Feeding Operations (CFO)/CFO Search. My decision is based on the act and its regulations, the policies of the NRCB, the information contained in the application, and all other materials in the application file.

Under AOPA this type of application requires a registration. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On November 7, 2022, Damien Rasmuson on behalf of Darcor Holsteins Inc. (Darcor) submitted a Part 1 application to the NRCB to convert an existing hog operation into a dairy CFO and expand its livestock capacity.

The proposed conversion and expansion in application RA22027 involves:

- Converting a hog CFO into a dairy CFO, and changing livestock category and numbers from 440 sows – farrow to isowean to 190 milking cows (plus associated dries and replacements)
- Constructing a dairy barn (73.5 m x 37.5 m x 2.4 m) with milk house attached (12 m x 14 m)
- Constructing a calf barn (24.5 m x 12 m)
- Expanding the existing earthen liquid manure storage and installing a synthetic liner (70 m x 40 m x 5.5 m)
- Demolishing three existing hog barns (13.4 m x 14.5 m x 1 m, 36.5 m x 12 m x 1 m, 23 m x 10 m x 1 m) (partly completed)
- Converting an existing hog barn to a heated shop (20 m x 8 m x 1 m) (already completed)
- Converting an existing hog barn to cold storage (15 m x 8.5 m x 1 m) (already completed)
- Decommissioning an existing hog barn (45 m x 10 m x 1 m)
- Demolishing two existing open shelters (12 m x 11 m, 10.5 m x 10 m)

The application is to convert a hog CFO into a dairy CFO and expand it. Part 2 Matters Regulation under AOPA. Section 1(1)(d)(i) of that regulation defines an “expansion” as the construction of additional facilities to confine more livestock.

a. Location

The hog CFO and proposed conversion and expansion into a dairy CFO is located at NE 14-47-23 W4M in the County of Wetaskiwin, approximately 7.2 km north of Gwynne, Alberta, and approximately 300 metres east of Coal Lake. The location of the site is approximately 50 metres

above the level of the lake. The topography of the site is undulating, with a western slope towards the lake. Immediately west of the site is a break in the slope. The slopes from this break down to the lake are steep.

b. Existing permits

To date, the CFO has NRCB Registration RA05042. This registration included a determination of the CFO's grandfathered status. Registration RA05042 permitted the construction of a farrowing barn and set the permitted number of livestock at 440 sows – farrow to isowean.

Under AOPA's Part 2 Matters Regulation 440 sows – farrow to isowean is 231.6 animal units and 190 milking cows (plus replacements) is 380 animal units. Accordingly, after conversion, application RA22027 is for more manure production, and a permitted livestock capacity expansion.

This application is for a new registration, not an amendment of Registration RA05042. The reason is because, under NRCB Operational Policy 2016-7: Approvals, part 8.4, if an operator wishes to increase permitted number of livestock, they must apply for a new permit.

c. Additional circumstances

The Part 2 application was submitted on December 16, 2022. On January 12, 2023, I deemed the application complete. Due to weather and workloads, my first site visit was January 31, 2023. The deadline for responses from directly affected parties was February 9, 2023.

On my first site visit, I became aware that the hog CFO had not been in operation for over 10 years (2011), and observed the physical state of disrepair of the hog barns. On March 7, 2023, I notified the operator that I was intending to cancel Registration RA05042 (the hog operation) due to abandonment. The next few months were taken up in process required under section 12 of AOPA's Administrative Procedures Regulation.

During this time, the County of Wetaskiwin had a municipal development plan (MDP) in place that prohibited new CFOs within 1.6 km of Coal Lake. Between summer 2022 and April 2023, the county went through the process of updating its new MDP (open houses; first reading Feb. 21; second reading Mar. 28). The revisions included prohibiting expanding, as well as new, CFOs within 1.6 km of Coal Lake. On April 11, 2023, the county adopted the revised MDP in third reading (Bylaw 2023/05).

On June 9, 2023, under Decision Summary RA05042C, I found that the hog CFO had been abandoned. I also exercised my discretion, under section 29(1)(b) of AOPA, to cancel Registration RA05042 (including the deemed permit). On June 14, 2023, Darcor requested to put Application RA22027 on hold pending the outcome of a review hearing on the abandonment and cancellation decision by the NRCB Board.

The NRCB Board held a hearing on October 10, 2023. On November 21, 2023, a four-member panel of the NRCB's Board issued a decision concluding that the hog operation had not been abandoned and that, in the circumstances, the cancellation of permit RA05042 should not have occurred (see NRCB Board Review Decision 2023-05). As a result of the Board's decision, Registration RA05042 was revived. The applicant then requested I continue processing Application RA22027. The application was, after the Board decision, for an expanding CFO rather than a new CFO.

NRCB Operational Policy 2016-7: Approvals, part 9.2.3. guides approval officers to use the MDP in effect on the date of the permitting decision to determine the consistency of the application with the MDP's land use provisions.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies (or directs the applicant to notify) all parties that are "affected" by a registration application. Section 5 of AOPA's Part 2 Matters Regulation defines "affected parties" as:

- In the case where part of a CFO is located, or is to be located, within 100 m of a bank of a river, stream or canal, a municipality entitled to divert water from that body within 10 miles downstream
- the municipality where the CFO is located or is to be located
- any other municipality whose boundary is within a ½ mile (805 m) from the CFO
- all persons who own or reside on land within the greater of ½ mile (805 m) or the minimum distance separation for the land on which the CFO is located

The land zoning on which the CFO is located would require a minimum distance separation of 342 metres. Therefore, the notification distance is ½ mile (805 m). (The NRCB refers to this distance as the "notification radius.")

A copy of the application was sent to the County of Wetaskiwin, which is the municipality where the CFO is located. The proposed conversion and expansion of the CFO is not located within 100 m of the bank of a river, stream or canal.

The NRCB gave notice of the application by:

- posting it on the NRCB website,
- public advertisement in the Pipestone Flyer in circulation in the community affected by the application on January 12, 2023, and
- sending 12 notification letters to people identified by the County of Wetaskiwin as owning or residing on land within the notification distance.

The full application was made available for viewing during regular business hours and was posted on the NRCB website for public viewing.

3. Notice to other persons or organizations

Under NRCB policy, the NRCB may also notify persons and organizations the approval officer considers appropriate. This includes sending applications to referral agencies which have a potential regulatory interest under their respective legislation.

Referral letters and a copy of the complete application were emailed to Alberta Health Services (AHS), Alberta Environment and Protected Areas (EPA), and Alberta Agriculture and Irrigation (AGI).

I also sent a copy of the application to right of way holder Apex Utilities (formerly AltaGas Utilities Inc).

I received responses from AHS and EPA.

Mr. Gordon Watt, an AHS environmental health officer/executive officer, indicated that AHS has no concerns with this application and included comments under the *Public Health Act* that the applicant must follow.

Ms. Laura Partridge, a senior water administration officer with EPA, indicated that no additional water licensing is required at this time.

4. Alberta Land Stewardship Act (ALSA) regional plan

Section 22(9) of AOPA requires that an approval officer must ensure the application complies with any applicable ALSA regional plan.

There is no ALSA regional plan for the area where the CFO is located.

5. Municipal Development Plan (MDP) consistency

I have determined that the proposed CFO conversion and expansion is inconsistent with Objective 11.6.3.d., a land use provision of the County of Wetaskiwin's MDP. The application does not meet the 1.6 km setback requirements for a new or expanding CFO to a named lake (Coal Lake).

In accordance with AOPA section 22(1)(a), since I determined there is an inconsistency with the MDP land use provisions, I am required to deny the application. (See Appendix A for a more detailed discussion of the county's planning requirements.)

6. AOPA requirements

Despite being inconsistent with the land use provisions of the county's MDP, I nevertheless reviewed the application to determine if it was consistent with respect to the technical requirements set out in the regulations. The proposed CFO modification:

- Meets the required AOPA setbacks from nearby residences, with one exception (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS). The owner of that residence has signed a written waiver of the MDS requirement to their residence
- Meets the required AOPA setbacks from water wells, springs, and common bodies of water
- Has sufficient means to control surface runoff of manure
- Meets AOPA's nutrient management requirements regarding the land application of manure
- Meets AOPA groundwater protection requirements for the design of floors and liners of manure storage facilities and manure collection areas

If the NRCB's Board directs that a registration be issued, following a review hearing, I have provided recommendations on conditions to be considered. (See Appendix C of this decision summary).

7. Responses from the municipality and other directly affected parties

Directly affected parties are entitled to a reasonable opportunity to provide evidence and written submissions relevant to the application and are entitled to request an NRCB Board review of the approval officer's decision. Not all affected parties are "directly affected" under AOPA.

Municipalities that are affected parties are identified by AOPA as “directly affected.” The County of Wetaskiwin is an affected party (and directly affected) because the proposed expansion is located within its boundaries.

On February 8, 2023, Mr. Jarvis Grant, a development officer with the County of Wetaskiwin, provided a written response on behalf of the county. Mr. Grant stated that the application was not consistent with the County of Wetaskiwin’s land use provisions of the municipal development plan (MDP) of the time, because County Council considered this application a new CFO, and therefore it did not meet objective 1.4.3(b). On April 11, 2023, after the response from Mr. Grant, the County of Wetaskiwin adopted a new MDP (Bylaw 2023/05). As per NRCB Operational Policy 2016-7: Approvals, part 9.2.3., I used the MDP in effect on the date of the permitting decision to determine the consistency of the application with the MDP’s land use provisions.

The application’s inconsistency with revised the County of Wetaskiwin’s MDP is addressed in Appendix A, attached.

Mr. Grant noted that the application meets the setbacks required by the County of Wetaskiwin’s land use bylaw (LUB).

Apart from municipalities, an owner or occupant of land within the notification distance may request to be considered “directly affected.” The NRCB received responses from 27 parties.

Of the 27 parties who submitted responses, one of them owns or resides on land within the 805 metre (1/2 mile) notification distance for affected persons. Because of her location within this distance, and because she submitted a response, she qualifies for directly affected party status. (See NRCB Operational Policy 2016-7: Approvals, part 7.2.2).

The other 26 respondents do not own or reside on land within the 805 metre (1/2 mile) notification distance for affected persons. Under Section 21 of AOPA, these respondents are not considered affected persons and cannot apply for directly affected status.

The NRCB considers a person who owns a residence within the MDS of the CFO, and who waives the MDS requirements in writing to be automatically considered a directly affected party (See NRCB Operational Policy 2016-7: Approvals, part 7.2.2). Mr. Tom Ballhorn provided an MDS waiver and is a directly affected party.

One of the directly affected parties raised concerns regarding water quality (blue green algae) and the beauty of the lake (quality of life provided by the lake will deteriorate), compliance with the county’s setback to the lake, and manure spreading runoff to the lake.

These concerns are addressed in Appendix B.

8. Environmental risk of CFO facilities

New CFO facilities which clearly meet or exceed AOPA requirements are automatically assumed to pose a low risk to surface and groundwater. However, there may be circumstances where, because of the proximity of a shallow aquifer, or porous subsurface materials, an approval officer may require surface and/or groundwater monitoring for the facility. In this case a determination was made, and monitoring is not required because there are no shallow aquifers, or water wells and common bodies of water within 100 m or 30 m, respectively, from the

proposed CFO facilities.

Nonetheless, as part of my review of this application, I assessed the risk to the environment posed by the CFO's proposed manure storage facility and manure collection area. I used the NRCB's environmental risk screening tool (ERST) to assist in my assessment of risk to surface water and groundwater (see NRCB Operational Policy 2016-7: Approvals, parts 9.17 and 9.18). The tool provides for a numeric scoring of risks, which can fall within a low, moderate, or high risk range. (A complete description of this tool is available under CFO/Groundwater and Surface Water Protection on the NRCB website at www.nrcb.ca.)

The assessment indicated that the potential risks to surface water and groundwater were low.

9. Conclusion

Application RA22027 is denied because the proposed CFO conversion and expansion is inconsistent with the land use provisions in the County of Wetaskiwin's current MDP.

However, in case the NRCB's Board members, following a review of this decision, decide that a registration should be issued, Appendix C provides my recommendations on the conditions that should be considered, including consolidation of Registration RA05042, if a permit is issued.

February 9, 2024

(Original signed)
Francisco Echegaray, P.Ag.
Approval Officer

Appendices:

- A. Consistency with the municipal development plan
- B. Concerns raised by directly affected parties
- C. Conditions for consideration

APPENDIX A: Consistency with the municipal development plan

Under section 22 of AOPA, an approval officer may only approve an application for a registration or amendment of a registration if the approval officer holds the opinion that the application is consistent with the “land use provisions” of the applicable municipal development plan (MDP).

This does not mean consistency with the entire MDP. In general, “land use provisions” cover MDP policies that provide generic directions about the acceptability of various land uses in specific areas.

Conversely, “land use provisions” do not call for discretionary judgements relating to the acceptability of a given confined feeding operation (CFO) development. Similarly, section 22(2.1) of AOPA precludes approval officers from considering MDP provisions “respecting tests or conditions related to the construction of or the site” for a CFO or manure storage facility, or regarding the land application of manure. (These types of MDP provisions are commonly referred to as MDP “tests or conditions.”). “Land use provisions” also do not impose procedural requirements on the NRCB. (See NRCB Operational Policy 2016-7: Approvals, part 9.2.7.)

Darcor’s CFO is located in the County of Wetaskiwin and is therefore subject to that county’s MDP. The County of Wetaskiwin adopted the latest revision to this plan on April 11, 2023, under Bylaw 2023/05 (with first and second readings on February 21 and March 28, respectively).

NRCB Operational Policy 2016-7: Approvals, part 9.2.3, states that the MDP (or IDP) in effect on the date of the permitting decision applies, even if it is not the same version that was in effect when the Part 1 application was received. Therefore, I used the latest adopted MDP to assess whether the application is consistent with the land use provisions of the MDP.

As relevant here, section 11.6 of the MDP aims to “support” CFOs while “minimizing conflicts with surrounding land uses and negative impacts on the environment through land stewardship best practices.” Additionally, the MDP notes that, while CFOs are under provincial jurisdiction, it is the county’s intent to “restrict new or expanded CFOs only in those locations where they are incompatible with neighbouring land uses or negatively impact sensitive environmental features”. The MDP also reports the county’s view that, the *Municipal Government Act* “requires” the county to identify where new CFOs may be located.

Objective 11.6.1 supports CFOs at “appropriate locations.”

Objective 11.6.2 references the requirements of AOPA in determining Minimum Distance Separation for CFOs.

Objective 11.6.3. “Prohibit[s] new or expanded Confined Feeding Operation within the following areas (as shown on **Map 4. Confined feeding Operations Setbacks**):

- a. 2.4 km (1.5 miles) from the boundary of any city, town, village, summer village, hamlet, school, and hospital;
- b. the Acreage Policy Area or within 1.6 km (1 mile) of its boundary;
- c. the watersheds of Battle Lake, Pigeon Lake and Wizard Lake;
- d. 1.6 km (1 mile) of the following named lakes: Battle Lake, Bearhills Lake, Bittern Lake, Buck Lake, Coal Lake, Labyrinth Lake, Long Lake, Red Deer Lake, Samson Lake, Town

- Lake, Twin Lakes, and Watelet Lake;
e. any setback required by AOPA.”

The cancellation of Registration RA05042 was overturned by the NRCB Board, Registration RA05042 is still in effect and the hog operation is existing. Accordingly, application RA22027 is for an expanding CFO. The conversion and expansion of the CFO is located 300 m from Coal Lake, and therefore, the application is inconsistent with objective 11.6.3.d.

Objective 11.6.4 states that, notwithstanding objective 11.6.3, the county will support expanding or upgrading existing CFOs where “upgrades in technology and/or practices result in improved manure management and/or mitigation of negative impacts on surrounding land uses and the environment.” As noted in section 8 of the decision summary, all of the CFO’s proposed facilities pose a low potential risk to both groundwater and surface water, which arguably may “result in improved manure management and/or mitigation of negative impacts on surrounding land uses and the environment”. However, this policy likely isn’t a “land use provision” because it calls for discretionary judgements about what applications the county will support.

In addition, this policy may well be precluded from my consideration under section 22(2.1) of AOPA, which precludes an approval officer from considering MDP provisions “respecting tests or conditions related to the construction of or the site for a confined feeding operation or manure storage facility” and regarding the land application of manure.

Objective 11.6.5 refers to CFOs within the setbacks in 11.6.3 that are “not in operation for a period of ten (10) years or more”, in which case the county considers these operations to be “without proper authorization to resume operation or expand”.

AOPA determines which above-threshold operations have “authorization” to operate. AOPA sets out the conditions for a CFO operating and obtaining a permit, including a few circumstances where the NRCB can cancel a permit. An MDP policy that purports to override AOPA’s regulation on that point cannot be a valid land use provision; and therefore, I am precluded from considering this provision. I note that the NRCB’s Board has issued a decision concluding that this particular existing hog operation permitted under Registration RA05042 is not abandoned nor is this permit cancelled.

Objective 11.6.6 states the county’s support for “new residences where the residence is associated with a CFO within the Minimum Distance Separation of an existing CFO”. I interpret this to be a requirement as relating to the development of residences near CFOs. The permitting of residences is within the municipality’s jurisdiction.

Objective 11.6.7 states that the county requires CFO proponents to “demonstrate that their development will not result in environmental impacts from their proposed operation” and *may* recommend to the NRCB that an “Environmental Impact Assessment” be submitted along with the application. This is likely not a land use provision and the NRCB Board has guided approval officers to disregard requests for environmental impact assessments for being a “test or condition” (RFR 2008-02 Hutterian Brethren of Silver Springs, at page 4). Nevertheless, the county has made no such request for this application. Additionally, the proposed conversion and expansion meets the AOPA’s environmental protection standards.

Objective 11.6.8 states that the county “requests” the NRCB to include conditions in their decisions requiring CFO proponents to “enter into agreements with the county, which may

include dust control, road use and off-site levies”. The NRCB does not have direct responsibility for regulating road use. Section 18 of the *Municipal Government Act* gives counties “direction, control and management” of roads within their borders. In addition, municipalities have the knowledge, expertise and jurisdiction to implement and enforce road use agreements. Nevertheless, the county has made no such request for this application.

For the above reasons, I consider the application to be inconsistent with the land use provisions of the County of Wetaskiwin’s MDP. Because of the inconsistencies with the county’s MDP, I must deny the application under section 22(1)(a) of AOPA.

APPENDIX B: Concerns raised by directly affected parties

Concerns from owners/occupants of land within the notification distance

The following individuals qualify for directly affected party status (See NRCB Operational Policy 2016:7 – Approvals, part 7.2.2.)

Lori Cridland
SW 14-47-23 W4M

Tom Ballhorn (provided an MDS waiver).

Section 21 of AOPA limits these directly affected parties to making submissions respecting whether the application meets the requirements of the regulations.

One of the directly affected parties raised the following concerns which are listed and summarized below, together with my analysis and conclusions:

1. **Surface water quality, quality of life, and health impacts** - The respondent had concerns related to the impact from the CFO on the water quality of Coal Lake (blue green algae) and its potential health impact and deterioration of the quality of life provided by the lake.

Approval officer's conclusions

AOPA and its regulations contain several requirements to prevent or minimize manure leakage from CFO facilities and thus to prevent or minimize manure leakage from CFO facilities and therefore provide protection to surface and groundwater from contamination. Two of these requirements are the setbacks from springs and common bodies of water set out in Section 7(1)(a) and (c) of the Standards and Administration Regulation, which prohibits the construction of a manure storage facility or manure collection area less than 100 m from a spring and 30 m from a common body of water.

During my site visits, I did not note any springs or common bodies of water within 100 m and 30 m, respectively, of the proposed CFO facilities. I also verified these distances by reviewing available air photos. The proposed CFO conversion and expansion meets all of these AOPA setback requirements.

AOPA does not expressly require approval officers to consider the nuisance (quality of life) or health effects of a proposed development, when deciding whether to issue a registration under the act.

Approval officers often refer applications to Alberta Health Services (AHS) for its information, and for them to identify any potential health issues related to the proposed developments.

As per NRCB Operational Policy 2016-7: Approvals, part 8.7.5., I referred the application to AHS for its comments.

In their response AHS indicated that they had no objection to this application.

As noted in section 8 of the decision summary, I assessed the CFO's proposed facilities, using the NRCB's ERST, in order to determine the level of risk they pose to surface water. I determined that the CFO's proposed facilities pose a low risk to surface water.

As noted in the decision summary above, and further documented in Technical Document RA22027, the proposed CFO conversion and expansion meets all AOPA technical requirements. Because the CFO meets or exceeds these requirements, I concluded that the level of risk to surface water posed by the proposed CFO facilities is acceptable.

- 2. Manure application impact into water quality of the lake** – The respondent raised concerns regarding the impact of manure spreading on the water quality of the lake.

Approval officer's conclusion:

Manure application is regulated under sections 24 and 25 of the Standards and Administration Regulation.

Under section 24(3)(d) of the regulation, one option for manure application is for a permit applicant to satisfy an approval officer that they have access to sufficient land base to apply their manure for the first year following the granting of the application.

For this proposal, 176 hectares of land in the black soil zone are required for manure spreading. Darcor has secured 246 hectares of land for manure spreading. Therefore, the application meets the land base requirement in section 24(3)(d) of the regulation.

Section 24(1) of the Regulation requires manure to be incorporated within 48 hours of application when it is applied to cultivated land.

Incorporation reduces odours and runoff by working the manure into the soil. This type of land application of manure is typically limited to once or twice per year and is typically of short duration.

The Standards and Administration Regulation has other requirements to protect the soil, groundwater, and surface water from excessive application of manure (section 25). These include soil testing requirements, soil salinity limits, nitrate-nitrogen limits, setbacks based on the slope of the terrain to common bodies of water, and setbacks to water wells and residences. Under the Regulation (section 28), the operator must also keep manure spreading and soil sampling records for five years and provide those records to the NRCB upon request.

Sections 24(9) and (10) of the Standards and Administration Regulation, define the setbacks for manure application from a common body of water and water wells, as well as setbacks based on the slope of the terrain to common bodies of water in the case of frozen or snow-covered land, or forage and directly seeded crops. The operator is responsible to follow these requirements.

When followed, all of these AOPA requirements will provide protection to neighbours from manure runoff, nutrient leaching, and nuisances from manure spreading. It will also minimize impacts of manure spreading on runoff.

Complaints about CFO-related issues can be reported to the NRCB's 24 hour toll free reporting line (1-866-383-6722) and will be followed up on by an NRCB inspector. Neighbours can also call any NRCB office during regular business hours if they have questions about permit conditions or ongoing AOPA operational requirements.

3. **Setback to the lake** – The respondent indicated that the location of the CFO does not comply with the setbacks of the County of Wetaskiwin bylaws.

Approval officer's conclusion:

The directly affected party submitted their response in February 2023, prior to the county adopting their revised MDP in April 2023. At that time the existing CFO application (as an expanding, not new, CFO) appeared to meet the County of Wetaskiwin's setback to Coal Lake.

As of April 11, 2023, however, Objective 11.6.3.d. of the County of Wetaskiwin's MDP prohibits new or expanded CFOs within 1.6 km (1 mile) of some named lakes (including Coal Lake). Darcor's CFO is located 300 m of Coal Lake, and therefore, the application is inconsistent with this objective. See more details in Appendix A.

APPENDIX C: Conditions for consideration (if the decision is overturned following a review)

If the NRCB's Board, following a review hearing, were to overturn my decision and direct me to issue a permit for this application, I would propose to that the following conditions be considered for inclusion in a permit. Additionally, I would propose to consolidate Registration RA05042 and carry forward all relevant terms and conditions into the new permit, with any necessary changes or deletions of those terms and conditions.

- A construction completion condition should be included that grants the permit holder three construction seasons to complete the proposed construction.
- A condition requiring Darcor to provide documentation to confirm the specifications of the concrete used to construct the manure storage and collection portions of the new dairy and calf barns.
- A condition requiring Darcor to provide a completion report, stamped by a professional engineer, certifying that the synthetically lined liquid manure storage:
 - o has been constructed in accordance with the proposed design including the size, depth and dimensions;
 - o is constructed in the approved location;
 - o has a liner installed in accordance with the liner manufacturer's requirements, including under membrane surface preparation and proper sealing at all seams.
- A condition requiring an inspection of the new dairy and calf barns, and the synthetic lined liquid manure storage, to occur before livestock or manure are placed in them.