

REVISED: NO I - REQUEST FOR REVIEW: RA23012 / Ridder Farms Ltd.

Filed By:	Dennis and Leslie Chernick
Deadline for RFRs:	June 5, 2024
Date RFR received:	May 28, 2024 (dated May 24, 2024) and May 31, 2024 (dated May 17, 2024)
Status of Party as per Decision Summary:	Directly Affected Party



Request for Board Review (RFR) of an Approval Officer CFO Application Decision

Instructions

- Eligibility.** Only those parties listed as “directly affected” in the approval officer’s CFO application decision, or those parties requesting reconsideration of their status (see section #3), are eligible to request a Board review (RFR).
- Jurisdiction.** The Board’s jurisdiction in Alberta to review a decision by an approval officer is set out in sections 20(5), 22(4), and 23(3) of the *Agricultural Operation Practices Act* (AOPA).
- Deadline.** The NRCB must receive an RFR by the deadline specified in the approval officer’s decision cover letter. The AOPA Administrative Procedures Regulation does not allow consideration of time extension requests or late submissions.
- Public Documents.** RFRs and attachments are public documents.
- Submission.** Submit this form and any attachments by email to Laura Friend, Manager of Board Reviews at laura.friend@nrcb.ca. Contact her at 403-297-8269 for assistance.

1. Confined Feeding Operation (CFO) Application Details

NRCB Application No.	RA 23012
Name of Owner/Operator or Operation	RIDDER
Type of application (if known)	<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Registration <input type="checkbox"/> Authorization
Location (legal land description)	NE 23 43 26 W 4
Municipality	Ponoka

2. Status Declaration

I hereby request a Board review of the approval officer’s decision:
(You must check one)

- I am the owner/operator (directly affected party)
- I represent the owner/operator
- I represent the municipality (directly affected party)
- I am listed as a directly affected party in the approval officer’s decision
- I am **not** listed as a directly affected party in the approval officer’s decision and therefore I am requesting my status be reconsidered (see section #3)

3. Request for Reconsideration by Board of “Not” Directly Affected Status

Instructions. Only those parties **not** listed as directly affected in the approval officer’s decision are to complete this section.

- The Board can only consider RFRs submitted by "directly affected" parties. Those parties not listed as directly affected in the approval officer’s decision must first request the Board to reconsider their status. If the Board grants a party “directly affected” status, it will then consider their RFR.
- Upon receipt of a CFO application, the approval officer sends a notification letter to the “affected” parties. Affected parties are owners or occupants of land residing within a designated distance from the applied-for CFO. Operators and the municipalities located within the designated distance always have “directly affected” status.
- An affected party must apply for “directly affected” status by providing a written response to the approval officer’s notification letter by the deadline specified. The Board cannot reconsider the status of a party unless they had first responded to the approval officer.
- The approval officer determines the "directly affected" parties to the application based on the responses received, and includes this determination in their decision.

My grounds for requesting a reconsideration of my “not” directly affected status are:

4. Request for a Board Review (RFR)

All parties or their representative must complete this section. If you need more space, include an attachment.

- Approval officers must ensure that a CFO application meets the Alberta legislative requirements before they approve it. Conversely, approval officers must deny an application if the requirements are not met. (Sections 20 and 22 of the Agricultural Operation Practices Act (AOPA)).
- If you believe the **approval officer failed to adequately address an issue** (or issues), state the issue(s) and provide your reasoning below.
- The issue(s) must have been in front of the approval officer at the time they made the CFO application decision; the Board will not consider any new issues.
- Include how the decision affects you, such as any damage or bias you believe would occur to you because of the approval officer's decision.

My grounds for requesting a Board review of the approval officer's decision are:

See attachment "A" ISSUES

also "Ridders are aware of the presence of a pipeline along the property line and fence line" and

"satisfied with the accuracy of information they have provided"

Yet they signed an application that info was true and best to their knowledge and then submitted a caveat deeming it was their land -

5. Board Action Requested

If the Board grants a review of the approval officer's decision (either an approval, denial, cancellation, amendment, or deemed permit), only the "directly affected" parties are eligible to participate (see section #3). A review will be in the form of either a hearing or a written review.

If the Board grants a review, I would like it to:


- Reverse the approval officer's decision
- Amend or vary the approval officer's decision

If the Board decides to grant a review on a permitted decision, it may decide to amend or vary the permit terms and/or conditions.

Are there any new conditions, or amendments to existing conditions, that you would like the Board to consider?

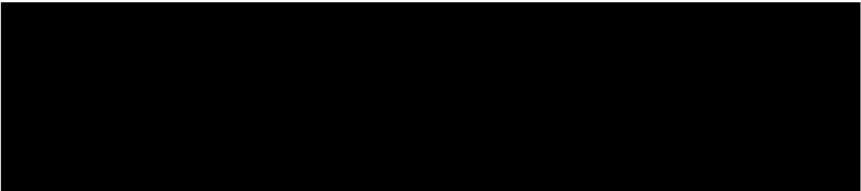
6. Contact Information of Person Submitting the RFR

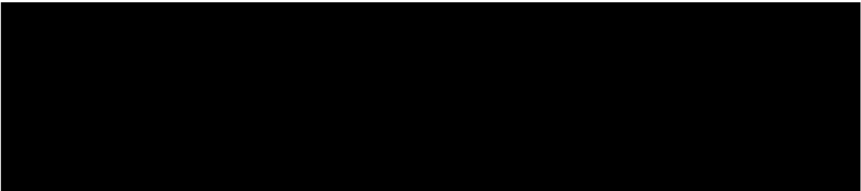
Name Dennis & Leslie Chernick

Street/Box Address 

Town/City/Postal Code Ponoka Alberta T4J1R7

Legal Land Description NW 23 43 26 w-4

Telephone Number 

Email Address 

Date MAY 24 2024

7. Contact Information of Legal Counsel or Representative (if applicable)

Name _____

Address _____

Telephone Number _____

Email Address _____

Attachment "A" - Issues

Liquid manure:

There is no data that suggest the existing earthen manure pit has the capacity to hold liquid manure for 240 milking cows as well as dries and replacements. Instead a personal opinion "This type of land application is typically limited to once or twice a year, and are typically of short duration." With data, NRCB should have been able to calculate the time needed for this inconvenience. As it stands the ridders have applied liquid manure twice this year and didn't work it in.

Water:

Someone, or some authority established a 100 meter set back location, There is no data to support, that that authority was contacted about the well located 61 meters from a proposed new barn or that data was provided to show that the use of that well would not exceed the volume permit in the water use document. Again another personal decision was listed "I felt the following..." There are professional people in the water well business that you failed to contact to support your decision.

Credibility:

The Ridder's were permitted for 70 milking cows in 1996. In 2008 where the Ridders still abiding with that permit? Who "grandfathered them and for what reason?". Was the permit being abused or infringed upon? A personal decision? That being said, why did NRCB not subjugate all the set back rules at that time? Or when they approved the earth manure storage.

The application was submitted with aerial photos and the Ridders knowingly outline areas that where not their property. They provided false information. If an affected party had not seen this infringement then NRCB would have approved the application thinking everything was OK. Instead another personal opinion and it was deemed "has been pasture land." I have never seen a black dirt pasture, it was housing livestock and cropped.

So in closing will NRCB monitor the 170 milking cow permit until the new barn is built and approved before allowing milking of an excess of 170.

Thank you

Dennis Chernick





May 17, 2024

NRCB
#303 4920 - 50th Sreet
Red Deer, Alberta
T4N 3K8

Re: Application RA23012 Ridder Farms

Dear Lynn Stone:

Thank you for sending me the decision package for the mentioned application. I do have some issues, but whether they hold merit is up to you.

In my communication I addressed "liquid manure". There is a difference between manure and liquid manure. or should I call it "earthen manure" as you have indicated how it should be stored to protect our ground water. To spread earthen manure within 150 metres of a residence is simply a disaster. And to say "typically limited to once or twice a year and of short duration", means you have not lived beside that farm for 20 years. And, they are increasing their herd by a factor of 70. Will the storage tanks hold that much earthen manure, or will they have to be emptied more than one or twice a year? Maybe that farm could empty the earthen manure into tanker trucks and dispose of it elsewhere, because manure the old fashion way is not an issue.

Yes, they have a water license, and yes the water is tested, but nowhere can I read that the static water level must be tested. The Canadian Government has openly stated that water table levels are decreasing. And, does the daily consumption of water by the livestock and the water usage for cleaning (which all goes into earthen manure) not exceed what they are licensed to use. Your report did not include those figures. They must test the well for water availability.

There is a lot of land in this country and we don't have to confine operations to feed our population growth.

Thank you for giving me the opportunity to respond.

Dennis Chernick
Dennis Chernick
[Redacted]
Ponoka, Alberta
T4J 1R2

P.S. what about the infringement ^{ON} the North boundary where calve pens are almost attached to power poles. Is there not a set back? NRCB just OK'ed it!

I guess I am having a bad day as another dairy down the road ripped up our phone lines for the "umpteen" time by infringing on land between power poles. Telus can verify -

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