

From: [Fiona Vance](#)
To: [Laura Friend](#)
Cc: [Bill Kennedy](#); [Lynn Stone](#); [Andy Cumming](#); robindubitz@ponokacounty.com
Subject: RA23012 Ridder RFR - Field Services documents
Date: June 7, 2024 1:45:36 PM
Attachments: [20080501 RA08010 AU 01 May 08.pdf](#)
[20080501 RA08010 DR 01 May 08 \(1\).pdf](#)
[20240229 RA23012+Response+Dennis+Chernick_Redacted.pdf](#)
[20240311 RA23012+Response+Dennis+and+Leslie+Chernick_Redacted.pdf](#)
[20240321 Email chain Chernick and AO_Redacted.pdf](#)

Good afternoon,

I am legal counsel on behalf of NRCB Field Services, including the approval officer.

We are taking no position on this Request for Review. In other words, we take no position on whether or not the Board should schedule a review of the decision in RA23012.

A few Field Services records may assist the Board in making its determination on whether to schedule a review. Those records are attached as:

1. Authorization RA08010. This, plus the accompanying Decision Report, are publicly available on the NRCB website using the CFO Search tool, though attached here for ease of reference;
2. Decision Report RA08010;
3. Response from Dennis Chernick to application RA23012 in the form of two e-mails dated February 29, 2024 (redacted for unnecessary personal information);
4. Responses from Dennis and Leslie Chernick to application RA23012 in the form of two letters dated March 4 and March 6, 2024 and received by the NRCB on March 11, 2024 (redacted for unnecessary personal information);;
5. Response from Dennis Chernick to application RA23012 in the form of an e-mail dated March 21, 2024 (redacted for unnecessary personal information);.

The approval officer advises me she took items 3-5 (the Chernicks' letters and e-mails) into account when coming to her decision.

Dennis Chernick also sent an e-mail to the approval officer on April 17, 2024. However, as the response deadline for this application was March 27, 2024, I am not including that e-mail with this package.

I have blind-copied Ridder Farms Ltd., Dennis Chernick, and Joanne Volk on this message.

Regards,

Fiona N. Vance (*she/elle*)

Chief Legal Officer - Operations, NRCB
Fiona.Vance@nrcb.ca
(780) 999-3197

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THE PROVINCE OF ALBERTA
AGRICULTURAL OPERATION PRACTICES ACT
NATURAL RESOURCES CONSERVATION BOARD

In consideration of Decision Summary RA08010, Authorization RA08010 is issued to:

Name: Ridder Farms Ltd. (hereinafter referred to as 'applicant' or 'operator')
Address: Box 11, Site 1, RR #4, Ponoka, AB. T4J 1R4
Contact Person: Everhard Ridder
Phone No: 403-783-8158 Fax No: 403-783-2392

The operator is to adhere to and follow the requirements of the *Agricultural Operation Practices Act* (AOPA) and the regulations passed pursuant to that Act.

The operator is to adhere to the descriptions contained in the filed application and the decision summary together with the site plan, building plans, engineering reports and other attached documents, unless otherwise noted in the following conditions.

The applicant or operator is responsible for all costs associated with monitoring, sampling, testing, recording and reporting requirements.

A deemed Registration exists at this site as Permit No. D-96-11 was issued by Ponoka County on February 12, 1996. It is desirable for the sake of brevity and clarity that all of the terms and conditions applicable to this confined feeding operation be found in one permit. Upon review of Ponoka County's Permit No. D-96-11, there are no relevant subsisting terms and conditions to carry forward to and consolidate into Authorization RA08010.

Permit No. D-96-11 nonetheless continues in full force and effect.

Authorization RA08010 is subject to the following conditions:

Construction Conditions

Permitted Construction (based on the submitted site plan):

- 32m x 39.1m extension to existing dairy barn

1. Extension to Existing Dairy Barn

- a. If the water table is encountered and causes or creates construction problems or delays during construction of the new barn extension, construction must cease in the problem construction area and the NRCB must be notified immediately.
- b. A completion report confirming the new barn extension manure pit and manure scrape alley liner materials and construction procedures, prepared by a qualified third party, must be provided to the NRCB prior to animals and manure entering the new barn extension. The completion report must include verification of: distance from the water table to the bottom of the pit liner material at the time of construction, dimensions of the



new barn extension, concrete compressive strength, method of sulphate protection, reinforcing size and spacing and method of sealing joints and extrusions in areas that contain manure.

2. Construction Completion

- a. Construction of the manure storage portions of the new barn extension must be completed prior to January 31, 2011 unless otherwise agreed upon by the NRCB.
- b. The manure storage portions of the new barn extension must be inspected by NRCB personnel prior to animals or manure being placed in the new barn.

Operating Conditions

3. Water Well Testing Reporting

- a. Drinking water quality tests for chlorides and nitrates must be conducted annually on the water well(s) within 100 metres of the confined feeding operation with the results submitted annually to the NRCB by June 1, beginning in 2009.

This Authorization becomes effective immediately. The Authorization conditions will remain in effect unless amended by the NRCB.

May 1, 2008

(original signed by)

Sandi Roberts, P.Eng.
Approval Officer

THE PROVINCE OF ALBERTA
AGRICULTURAL OPERATION PRACTICES ACT
NATURAL RESOURCES CONSERVATION BOARD

Decision Summary RA08010 is issued in consideration of Application RA08010.
Application RA08010 is approved.

1. BACKGROUND

On February 27, 2008, Ridder Farms Ltd. applied to the Natural Resources Conservation Board (NRCB) to construct and operate a dairy barn extension with no change to the number of animals at the site, located at NE 23-43-26-W4 in Ponoka County. The *Agricultural Operation Practices Act* (AOPA) requires an Authorization for this proposal.

The current operation is considered to have a deemed Registration at this site as Permit No. D-96-11 was issued by Ponoka County on February 12, 1996 for the construction of a 70 cow dairy barn. Because the capacity of the CFO facilities that existed at this site on January 1, 2002 was 170 milking cows (with additional associated dry cows and replacement stock), it is deemed to be permitted to have 170 milking cows (with additional associated dry cows and replacement stock).

The applicant is proposing to construct a 32m long x 39.1m wide extension on the east side of an existing 42m long x 39.1m wide dairy barn. The extension will contain a 36m x 4.7m x 2.4m deep concrete manure pit.

Although this decision report is only for consideration of a dairy barn extension with no change to the number of animals at the site, the complete facility was assessed to determine the level of risk to the environment posed by the existing buildings and structures. Where the risk was seen to have the potential to create an adverse impact, those portions of the operation have been included and considered in the technical section of this decision report.

The proposed site is located approximately 5.5 km northwest of the Town of Ponoka. Topography of the area is undulating. The site is located on high land. Other dairy facilities at the site include a 70m x 40m corral area with 3 open front shelters and a 53m x 59m x 5m deep liquid earthen manure storage facility.

The location of the proposed development is indicated on the map included in Appendix 1 attached.

This application does not include an application for a water licence.

The application was determined to be technically complete on April 2, 2008.

2. STATEMENTS OF CONCERN

2.1 Municipalities

I have determined that, for this application, Ponoka County is a directly affected party.

In a phone conversation on April 30, 2008, Ponoka County stated that they have no comments or concerns about the proposal.

Based on the response received from Ponoka County and my independent review of their Municipal Development Plan (MDP), I have determined that the proposed dairy barn extension with no change to the number of animals at the site is consistent with the land use provisions of their MDP.

3. RESPONSES FROM REFERRAL AGENCIES

3.1 Alberta Environment

Summary of information supplied in the application

The applicant has chosen to not couple this AOPA application with an application for a water licence from Alberta Environment.

Approval Officer Comments, Observations and Conclusions

Because the number of animals at this site will not change, water usage will also not change.

A copy of this decision summary will be provided to Alberta Environment for their information.

3.2 David Thompson Health Region

In a phone conversation on April 30, 2008, the David Thompson Health Region stated that they have no concerns about the proposal at this time.

4. TECHNICAL ISSUES

When preparing this decision report, I received technical assistance from Andrea Hiba Brack, NRCB Environmental Technical Specialist.

All of the relevant criteria from AOPA and its regulations were considered for this application. Only those that did not clearly meet or exceed the requirements or standards, and those that were raised as issues by directly affected parties, will be dealt with in more detail in this section.

4.1 Distances to Water Wells

Summary of information supplied in the application

There are 2 water wells located closer than 100 metres from the CFO facilities.

Approval Officer Comments, Observations and Conclusions

The water well by the house, identified in the Alberta Environment database as Well I.D. 0086874 (drilled in 1988), is higher in elevation than the CFO. This well has a driven seal from 0 ft to 44 ft. Because of its elevation it is unlikely to be contaminated by the CFO facilities.

The water well near the corrals, identified in the Alberta Environment database as Well I.D. 1670028 (drilled in 2003), is sealed with bentonite chips/tablets from 0 ft to 190 ft. Because of its method of sealing it is unlikely to be contaminated by the CFO facilities. As an added precaution a condition will be included that states: "Drinking water quality tests for chlorides and nitrates must be conducted annually on the water well(s) within 100 metres of the confined feeding operation with the results submitted annually to the NRCB by June 1, beginning in 2009.

The test for the exemption of the distance requirement to water wells has been satisfied by the above and the added condition.

4.2 Dairy Barn Extension

Summary of information supplied in the application

The proposed dairy barn extension would be build onto the east end of the existing dairy barn. It will measure 32m x 39.1m and will contain a concrete manure pit measuring 36m x 4.7m x 2.4m deep.

From water well drilling reports, depth to the uppermost groundwater resource is 61m.

On March 6, 2008, Envirowest Engineering Inc. drilled one 6.0 metre deep borehole in the area of the proposed manure pit. The borehole log shows sandy clay to 5.0 metres below grade, then clayey shale to 5.75 metres and sandy silt to 6.0 metres. On March 20, 2008 depth to water table was 3.15 metres below grade.

The proposed manure pit floor will be 6" thick and will be constructed with concrete that has a compressive strength of 32 MPa which contains Type 50 cement. Reinforcing will be 10M rebar spaced 18" on center.

The proposed manure pit walls will be 8" thick and will be constructed with concrete that has a compressive strength of 32 MPa which contains Type 50 cement. There will be two layers of 10M reinforcing spaced 24" on center.

The barn scrape alleys will be 4" thick and will be constructed with concrete that has a compressive strength of 30 MPa which contains Type 50 cement. Reinforcing will be 10M rebar spaced 24" on center.

All joints and extrusions that penetrate the concrete liner in manure areas will have Type 101 waterstop or equivalent.

Approval Officer Comments, Observations and Conclusions

The depth to the water table measured on March 20 was 3.15 metres below grade and the proposed depth of the below ground manure pit is 2.4 metres. The applicant has been advised that the regulations require the bottom of the manure pit floor to be at least 1 metre above the water table at the time of construction. The applicant commented that due to the elevation at the site, the entire depth of the proposed below ground manure pit may not be below grade. Because depth to water table changes, it may be shallower or deeper at the time of construction than it was on March 20.

A condition will be included that states: "If the water table is encountered and causes or creates construction problems or delays during construction of the new barn extension, construction must cease in the problem construction area and the NRCB must be notified immediately."

A condition will be included that states: "A completion report confirming the new barn extension manure pit and manure scrape alley liner materials and construction procedures, prepared by a qualified third party, must be provided to the NRCB prior to animals and manure entering the new barn extension. The completion report must include verification of: distance from the water table to the bottom of the pit liner material at the time of construction, dimensions of the new barn extension, concrete compressive strength, method of sulphate protection, reinforcing size and spacing and method of sealing joints and extrusions in areas that contain manure."

With the above conditions, the proposed new barn extension provides equivalent or greater protection to the groundwater resource than that required by the regulations.

5. CONSTRUCTION COMPLETION

Summary of information supplied in the application

The proposed construction completion date is January 2011.

Approval Officer Comments, Observations and Conclusions

A condition will be included that states: "Construction of the manure storage portions of the new barn extension must be completed prior to January 31, 2011 unless otherwise agreed upon by the NRCB."

The NRCB inspects newly constructed facilities prior to animals or manure being placed in those facilities. A condition will be included that states: "The manure storage portions of the new barn extension must be inspected by NRCB personnel prior to animals or manure being placed in the new barn."

6. CONCLUSION

In the case of application RA08010, I have reviewed the application and determined that it does meet the requirements for confined feeding operations/manure storage facilities as established in the regulations.

The current operation is considered to have a deemed Registration at this site as Permit No. D-96-11 was issued by Ponoka County on February 12, 1996 for the construction of a 70 cow dairy barn. Because the capacity of the CFO facilities that existed at this site on January 1, 2002 was 170 milking cows (with additional associated dry cows and replacement stock), it is deemed to be permitted to have 170 milking cows (with additional associated dry cows and replacement stock). This approval officer is of the opinion that it is desirable for the sake of brevity and clarity that all of the terms and conditions applicable to the confined feeding operation be found in one permit. I have reviewed Ponoka County's Permit No. D-96-11 and have determined that there are no relevant subsisting terms and conditions to carry forward to and consolidate in Authorization RA08010.

Permit No. D-96-11 nonetheless continues in full force and effect.

Authorization RA08010 is issued for this proposal.

May 1, 2008

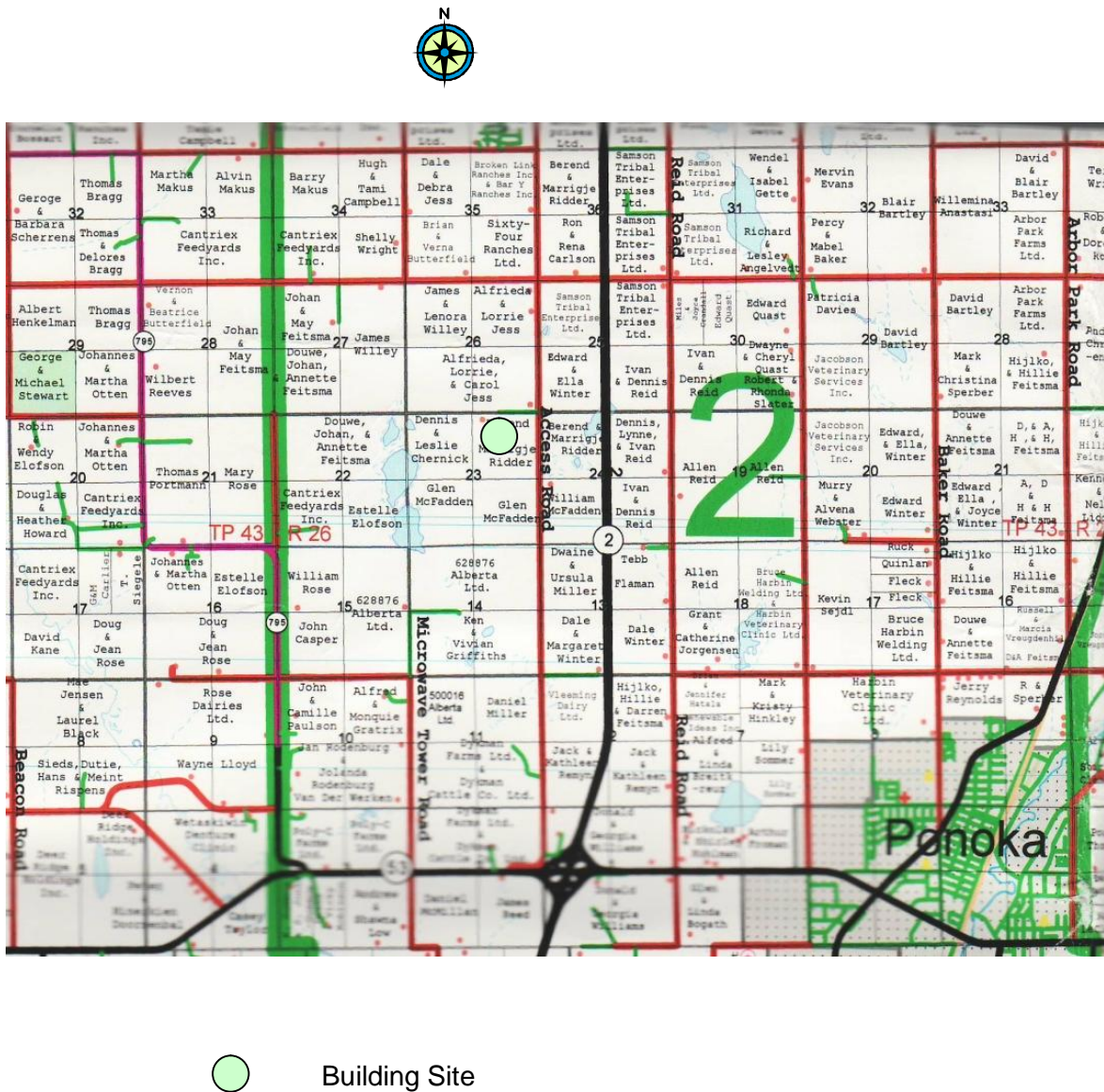
(original signed by)

Sandi Roberts, P.Eng.
Approval Officer



APPENDIX 1

The location of the proposed development is provided on the following map:



From: [REDACTED]
To: [Lynn Stone](#)
Subject: Re: Ridder application RA23012 notification letter
Date: February 29, 2024 1:40:34 PM

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Also, there is an undeveloped road allowance on the west portion of their property. I guess when you are considering their application you ask if they are infringing on other parties rights. either mine or the counties. If they are going to do it, then lets do it right.

Thanks, I am in from feeding.

Dennis

On Thursday, February 29, 2024 at 01:22:07 p.m. MST, Lynn Stone <lynn.stone@nrcb.ca> wrote:

Hi Dennis,

Thank you for your email. I'll give you a call today after 2.

Thanks,

Lynn Stone, MSc., P.Ag

Approval Officer

Natural Resources Conservation Board

303, 4920 51 St

Red Deer, AB T4N 6K8

Direct: 403-340-5358

Fax: 403-340-5599

Lynn.Stone@nrcb.ca

www.nrcb.ca

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destroyed without making a copy.

From: [REDACTED]
Sent: Thursday, February 29, 2024 1:06 PM
To: Lynn Stone <Lynn.Stone@nrbc.ca>
Subject: Ridder application RA23012 notification letter

Hi Lynn, hope you are having a good day.

I have looked over the Ridder application and take issue with some of the information they submitted. The aerial photo they sent and marked "A" a distance of 217 m is incorrect, The figure 81 is on my property due to a crooked fence. If you drive by on that road and look north one will a red stake on the north side that tell where their property ends. The pipeline that runs there is on my property by maybe as much as 40 m, As it stands right now I cannot use that portion of my land to graze as their bull and animals are destroying the fence.

The Ridders are good neighbors but I cannot support as presented. I wish they had come and discussed this with us prior to sending in the application.

You can contact me after 2:00 today at [REDACTED]

Thank you

Dennis Chernick

March 6, 2024



NRCB
#303, 4920-51 Street
Red Deer, Alberta
T4N 6K8

To: Lynn Stone

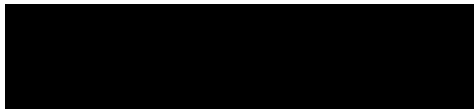
Re: Application RA23012 Ridder Farms Ltd,
NE 23-43-26 W4M

The applicant and our family have been neighbours for over 20 years. We have had many visits discussing the location of property barriers. They have been shown survey maps by the gas company showing the location of an ethylene pipeline. The applicant is aware of this pipeline, not running on their property and runs parallel to their west boundary and located on our property. We cannot accept, to the best of their knowledge, the applicant did not know the location of that pipeline and they chose to present to NRCB that it was located on their property.

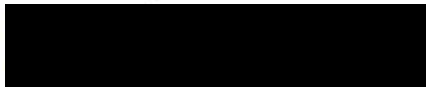
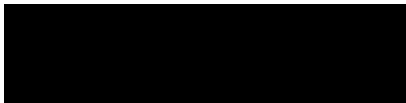
The applicant was not forthright and maybe suspect of other information on their application.

We are asking NRCB to permanently deny this application.

Thank you



Dennis and Leslie Chernick





March 4, 2024

NRCB
#303, 4920-51 Street
Red Deer, Alberta
T4N 6K8

To: Lynn Stone

Re: Application RA23012 Ridder Farms Ltd.
NE 23-43-26 W4M

There are 2 other issues I would like to address. Water and liquid manure.

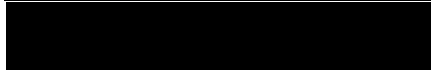
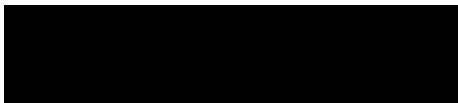
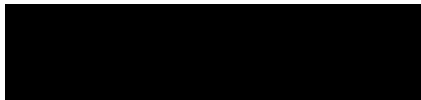
A recent report on Government wells stated that ground water levels are receding. There is an approved County subdivision bordering lands of this application, and they will need water. The applicant is increasing their herd to 240 milking cows not to mention dry cows and replacement animals. Is there going to be adequate water based on engineered studies to sustain the additional livestock?

Liquid manure has a very strong toxic odour, persists for days, can cause nausea, and leach into the water supply. This odour is associated with those that house their livestock indoors. I am a farmer and believe in the "Right to Farm", but that does not give me or those that apply liquid manure the right to alter the quality of life of neighbours. Clean air is just as important as clean water. By approving this application NRCB will be condoning the additional pollution to our atmosphere, and possibly our water supply, no matter how much land the applicant possesses.

I made my initial contact with NRCB when I spotted mis-information on the application. The applicant is infringing on another person's land. Will NRCB ask the applicant to erect barriers so that their livestock will not infringe. And, how will the reduction of space affect the application?

I appreciate the opportunity to respond.

Dennis Chernick



From: [Lynn Stone](#)
To: [REDACTED]
Subject: RE: RA23012
Date: March 21, 2024 10:47:00 AM

Hi Dennis,

Thank you for your information. I'll add it to my file to review.

Thanks,

Lynn Stone, MSc., P.Ag
Approval Officer
Natural Resources Conservation Board
303, 4920 51 St
Red Deer, AB T4N 6K8
Call: 403-340-5358
Lynn.Stone@nrcb.ca
www.nrcb.ca

Effective March 20, 2024, my cell number will no longer be in service. Please call or text me at 403-340-5358.

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From: [REDACTED]
Sent: Thursday, March 21, 2024 10:15 AM
To: Lynn Stone <Lynn.Stone@nrcb.ca>
Subject: RA23012

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Hi Lynn, this is Dennis Chernick, NW 23 -43-26 W-4, you know how to get in touch as you have sent me a letter and I would like to expand on my initial email February 29, 2024.

I addressed an aerial photograph with an area marked "A" on page 5 of 15 of their application. Probably just under 1/2 is on my property. We are not talking inches, but maybe acres. Take a look at pages 6 & 7 of their application and it clearly shows the infringement on my land.

Again, I cannot support this application that was knowingly submitted without my consent for the use of my land.

Further on page 7 you will see they acknowledged the use of other person's land by using the word "rented".

Thank you, I appreciate the opportunity to respond.

Dennis Chernick