

NRCB 2005-2008 Business Plan

NATURAL RESOURCES CONSERVATION BOARD

INTRODUCTION

The Natural Resources Conservation Board (NRCB) is a quasi-judicial, provincial regulatory agency reporting to Alberta's Minister of Sustainable Resource Development. The NRCB is identified in the Government's overall business planning framework within the Ministry of Sustainable Resource Development's business plan.

Ultimately, the NRCB is accountable to the Alberta public. Since 1991, the NRCB, through the *Natural Resources Conservation Board Act (NRCBA)*, has reviewed proposed developments affecting Alberta's non-energy natural resources, including forestry, recreation and tourism projects, mines and water management projects. Since 2002, the NRCB has been responsible for administering the *Agricultural Operations Practices Act (AOPA)* and regulating the confined feeding industry. The Board's mandate is to ensure that before these developments proceed, the social, economic and environmental needs of the public are addressed.

The strategies, performance measures and targets identified in this document identify the Board's plans over the 2005/08 timeframe for fulfilling its mandate of delivering effective and efficient processes of assessing and conducting reviews of major non-energy natural resource and livestock developments, and regulating confined feeding operations (CFOs) to ensure ongoing compliance with regulatory requirements.

The NRCB's plans for the 2005-2008 timeframe reflect a shift in resources to improve service delivery and provide a more comprehensive approach to compliance and enforcement for the confined feeding industry. Additional resources added at the end of 2003/04, allow the NRCB to expand its compliance program beyond being complaint-driven. Increased emphasis on post-construction inspections of newly built facilities and development of a risk-focussed approach for monitoring and inspecting existing facilities are included in the NRCB's long range plans, moving the organization into the next generation of regulatory delivery.

VISION

A regulatory framework that demonstrates competence, inspires confidence and protects and sustains Alberta's natural resources.

MISSION

The NRCB oversees the responsible development of Alberta's non-energy natural resources and confined feeding industries, in the interests of Albertans.

CORE BUSINESSES, GOALS, STRATEGIES AND PERFORMANCE MEASURES

CORE BUSINESS: APPLICATIONS

Goal: *An efficient and reliable application process for confined feeding operations.*

Output Statement: *Applicants receive timely decisions and decision certainty based on consistently applied legislation and thorough assessment.*

The Board estimates it will process between 130 to 160 applications for new or expanding confined feeding operations (CFOs) each year over the 2005-2008 timeframe.

A major goal for 2005/06 is to continue to reduce both the time required by a producer to complete an application as well as the time required to process the application once it has been completed. The NRCB cannot control the time a producer may need to respond to deficiencies, but it can try to improve the information it provides to guide applicants through the application process, as well as the time it takes to process applications once the required information is submitted.

A clear understanding of legislative requirements and the consistent application of AOPA in reviewing and assessing CFO applications ensures a more efficient decision-making process, greater decision certainty, and fewer requests for review of application decisions.

Key Strategies

- Improve information gathering methods through regular updating of guides based on user feedback and workshops to assist users through the application process, in order to streamline the application process and reduce the number of deficient or incomplete applications submitted to the NRCB.
- Clearly communicate permit conditions to operators and verify conditions are met through post-construction audits and inspections.

Performance Measures

Timeliness of Decisions	2005-06 Target	2006-07 Target	2007-08 Target
Average working days to issue a decision on a technically complete file (all application requirements have been met)	85% of decisions in 22 days	90% of decisions in 21 days	95% of decisions in 20 days

CORE BUSINESS: REVIEWS

Goal: *Reviews of proposed agricultural livestock (CFO) developments and non-energy natural resource projects are fair and open, and decisions are timely.*

Output Statement: *Timely decisions are provided to stakeholders on Board reviews of NRCBA projects and AOPA application and enforcement decisions.*

A primary role of the NRCB, and common component of its two distinct mandates, is its responsibility for conducting reviews, whether to consider a proposal for a major natural resource development under *NRCBA* or applications for reviews under *AOPA*, where the views of directly affected parties with legitimate but competing interests can be heard and considered. However the length of time for review and decision-making differs between the two mandates. Reviews for agricultural operations typically take one or two days to complete, while hearings into major non-energy resource projects can take one week or more.

In 2003-04, the NRCB conducted 10 reviews of application decisions on *AOPA* matters. The Board expects the same level of review activity based on the application rate it anticipates over the next 3 years. A near-term goal is to improve the efficiency of the *AOPA* review process and to increase the Board's timeliness in issuing decisions following the close of a hearing. A broader, and longer-term, objective is to improve overall confidence in the regulatory system so that the need for reviews is reduced.

Projects related to *NRCBA* matters occur with less frequency, but typically require greater resources to complete given their complex nature. In 2003/04, the NRCB completed an extensive hearing, conducted over 8 days in February and March, into a proposal to expand a phosphogypsum storage facility. In 2004/05 the NRCB expects to conduct two hearings into major non-energy developments. That same level is anticipated for the 2005-2008 timeframe.

Key Strategies

- Develop strategies to ensure NRCB resources are available to undertake *NRCBA* reviews in a timely fashion, while maintaining performance levels for *AOPA* reviews.
- Use of facilitation and mediation, where appropriate, to assist parties in resolving issues prior to going to a review hearing.
- Enhance communication processes to ensure directly affected parties and participants understand the review process in order to improve process efficiency.
- Improve the hearing and review process through solicited feedback from both staff and participants.

Performance Measures

Timeliness of Decisions	2005-06 Target	2006-07 Target	2007-08 Target
<i>Agricultural Operation Practices Act (AOPA)</i> Average working days from the close of hearing to decision release	90% of decisions in 30 days	95% of decisions in 30 days	95% of decisions in 30 days
<i>Natural Resources Conservation Board Act (NRCBA)</i> Average working days from the completion of the record to decision release	100% of decisions within 80 days	100% of decisions in 75 days	100% of decisions in 75 days

CORE BUSINESS: COMPLIANCE AND ENFORCEMENT

Goal: *An industry that understands and complies with regulatory requirements.*

Output Statement: *Consistently applied standards and compliance assurance is delivered by ensuring expectations for complying with regulations and standards are understood and met.*

Increased stakeholder awareness of the NRCB and its role has led to an increase in stakeholders' expectations that the NRCB handle concerns around water quality, environmental protection and odour and nuisance issues related to confined feeding operations.

In 2003/04, the NRCB responded to approximately 1,200 public complaints involving 378 separate CFO facilities. Odour and other nuisance related complaints account for approximately 60% of all complaints received by the NRCB. Investigation of odour complaints does not usually present cases of environmental risk or non-compliance with regulations, however they do tend to occupy a disproportionate share of Compliance and Enforcement resources.

At the same time, the NRCB is facing a growing inventory of new permits (approximately 100 per year) requiring post-construction audits along with a demand for compliance assurance reviews and inspections of approximately 2,000 existing facilities. This level of activity points to the need to expand and shift resources to meet and manage regulatory expectations.

Additional resources added at the end of 2003/04, is allowing the NRCB to expand its compliance and enforcement program to provide a more comprehensive approach to compliance monitoring and enforcement. Efforts will include an increased emphasis on post-construction inspections of newly built facilities and development of a risk-focused approach to prioritizing inspection activities for existing operations.

Continued emphasis on building and maintaining stakeholder awareness of the NRCB and its regulatory role, and a focus on effective inspections and monitoring over 2005-2008 will help to improve public confidence in the industry, reduce the number of incidents of regulatory non-compliance by operators and reduce the number of complaints where there is no incidence of regulatory non-compliance.

Key Strategies

- Investigate all complaints in a thorough and timely manner with priority given to complaints where there is potential non-compliance issues and/or environmental risk.
- Increase emphasis on post-construction inspections and ongoing monitoring of permitted activities to ensure compliance with permit conditions and AOPA regulations.
- Develop a risk-based approach to prioritizing inspection activities, ensuring high-risk operations are not creating an environmental risk and are in regulatory compliance.
- Review, formalize and document an approach for handling odour complaints related to confined feeding operations to improve the efficiency and effectiveness of the NRCB's response to these types of complaints.
- Enhance communication and outreach initiatives to improve the industry awareness of regulations, thereby improving overall compliance and reducing the number of operations having unacceptable impacts.
- Examine opportunities for adopting a facilitative role to improve operator and neighbour relations in problem areas.

Performance Measures

	2005-06 Target	2006-07 Target	2007-08 Target
Percentage of complaint files resolved or requiring no further action	80% in 90 days	90% in 90 days	100% in 90 days
Operations inspected per year:			
> new facilities (%)	100%	100%	100%
> existing facilities(%)	20%	20%	20%