

Effective Delivery of the *Agricultural Operation Practices Act*

Report of the June 7, 2022
Accountability Session

Natural Resources Conservation Board and
Alberta Agriculture, Forestry and Rural Economic
Development

September 19, 2022



Table of contents

Effective Delivery of the Agricultural Operation Practices Act —Report of the June 7, 2022 Accountability Session

Background	1
Responsibilities of the Natural Resources Conservation Board and Alberta Agriculture, Forestry and Rural Economic Development	1
Purpose of the accountability session	1
2022 accountability session	2
Opening remarks	2
Summary of PAG member submissions and presentations	3
Open forum with Minister and Deputy Ministers	6
Conclusion of accountability session	7

Appendices

Appendix 1 Participants	8
Appendix 2 Accomplishments 2014-2022	10

Background

Part 2 of the *Agricultural Operation Practices Act* (AOPA) was proclaimed in 2002 to set out provincial standards for manure management and the siting of confined feeding operation facilities. Part 2 sets the permitting process for the construction or expansion of confined feeding operations (CFOs), the compliance process, and manure management requirements for all operations that manage manure.

Before January 1, 2002, regulation of confined feeding operations was a municipal responsibility. Standards varied throughout the province. In addition to providing consistent province-wide standards for licensing and siting confined feeding operations, AOPA provides a formal appeal process and opportunity for directly affected parties to participate in the regulatory process. The Act also requires permit decisions to uphold municipal land use provisions, addresses nuisance impacts such as dust and odour, and sets out minimum environmental standards for manure storage and manure application. The Act grandfathers pre-2002 confined feeding operations above a certain threshold, including those without municipal permits, but requires grandfathered operations to apply for an AOPA permit for all new construction and expansion of existing facilities.

The purpose of AOPA was stated in a May 2006 memorandum of understanding between Environment and Sustainable Resource Development (ESRD), the Natural Resources Conservation Board (NRCB), and Agriculture and Rural Development (ARD):

“To ensure that the province's livestock industry can grow to meet the opportunities presented by local and world markets in an environmentally sustainable manner.”

Responsibilities of the Natural Resources Conservation Board and Alberta Agriculture, Forestry and Rural Economic Development

AOPA delegates provincial responsibility for its delivery to the Natural Resources Conservation Board (NRCB). The field services divisions of the NRCB are responsible for assessing and issuing decisions on applications, delivering enforcement and compliance, and for developing operational policy in support of the delivery of AOPA. The Board of the NRCB is a separate, adjudicative review body under the Act for decisions made by approval officers and inspectors.

The Act and regulations are the responsibility of Agriculture, Forestry and Rural Economic Development (AFRED), which supports delivery of AOPA through public literature, and consults with AOPA stakeholders on the overarching policy framework of AOPA and on maintenance of the Act.

The Chief Executive Officer, NRCB and Assistant Deputy Minister, Primary Agriculture, AFRED, co-chair the Policy Advisory Group (PAG), established in 2006 under the joint memorandum of understanding. The Policy Advisory Group is a multi-stakeholder body comprising representatives appointed by confined feeding industries and municipal and environmental non-government sectors to provide advice on important policy and regulatory issues.

A Technical Advisory Group was also established under the memorandum of understanding to develop technical guidelines to help NRCB staff and producers consistently apply AOPA. The Technical Advisory Group is co-chaired by AFRED and the NRCB and includes two representatives from the confined feeding industry. The guidelines are written in consultation with technical experts.

Purpose of the accountability session

The requirement for an accountability session is set out in the May 2006 memorandum of understanding. Accountability sessions are intended to assess how effectively AOPA is being delivered.

Accountability sessions were held in 2008, 2010 and 2014. The reports from all sessions are available on the NRCB website.

2022 accountability session

The 2022 accountability session was held on June 7 in Edmonton, with several PAG members, staff and observers joining the meeting virtually.

Participants included Nate Horner, Minister, AFRED; Peter Woloshyn, Chair, NRCB; members of the Policy Advisory Group; observers; and NRCB and AFRED staff. Jason Nixon, Minister, Environment and Parks (EP), could not attend but was represented by staff members Riley Braun, Chief of Staff, and Keith Pridgen, Senior Advisor. Tim Schultz, Chief of Staff for the Minister of AFRED, also attended. Policy Advisory Group members represent Alberta's four major livestock sectors (beef, dairy, pork and poultry), the Intensive Livestock Working Group (ILWG), municipalities and the non-government environmental sector. Members also include an EP representative and a Board member of the NRCB. The complete list of participants is provided in Appendix 1.

The session was co-chaired by Bev Yee, Deputy Minister, EP, and Shannon Marchand, Deputy Minister, AFRED. Policy Advisory Group members representing the industry, municipal and non-government environmental sectors provided written submissions in advance of the session and were invited to speak on behalf of their sectors.

Opening remarks

Nate Horner, Minister of Agriculture, Forestry and Rural Economic Development opened the session and offered regrets from Jason Nixon, Minister of Environment and Parks, whose schedule prevented him from attending. He extended his thanks to staff from the NRCB and AFRED for organizing the session and to all the stakeholders who took the time to make submissions on the delivery of AOPA. He went on to recognize that the past couple of years have been a rollercoaster in agriculture with issues such as dry conditions, avian influenza, BSE, and supply chain challenges. He committed that his department will continue to work with the Agricultural Financial Services Corporation and commodity groups to focus on creating a dynamic future for communities across the province. Minister Horner acknowledged the key role that agriculture plays in Alberta and the responsibility of producers to manage the land effectively and be good stewards and neighbours. He commented that he appreciated stakeholders taking the time to discuss AOPA and that he was looking forward to hearing stakeholder perspectives on how the legislation is delivered. He observed that PAG is an outstanding forum to help ensure that the agriculture industry continues to grow and he indicated that he looked forward to hearing the presentations.

Bev Yee, Deputy Minister of Environment and Parks offered a few remarks on behalf of Minister Nixon. She commented that Minister Nixon thinks that the way AOPA is delivered is very important and meets the needs of both the confined feeding sector and of rural municipalities while managing for environmental effects. She added that this type of session examining how the Act is delivered should occur for every piece of legislation. She went on to say that Minister Nixon would echo Minister Horner's concerns regarding drought conditions in the province. The department is already seeing water shortage issues and the minister is committed to working with stakeholders to address these issues. The deputy

minister also acknowledged the NRCB as an important regulator and partner for the Government of Alberta, and commented on the value of the NRCB's arms' length relationship with government. She added that it takes many partners working together towards stewardship and that we are all in this together.

Sean Royer, Chief Executive Officer, NRCB acknowledged that this accountability session had been a long time coming for a variety of reasons, including the fact that the delivery of AOPA has met and exceeded expectations. The evidence is in the very positive submissions from the partners around the table as well as the very convincing results of an Ipsos survey of applicants and complainants under AOPA. The survey found a 98 per cent satisfaction rate with the application process and 100 per cent satisfaction on the compliance side—outstanding results for any organization, let alone a regulator. Much of the success of the NRCB as an organization is due its professional, highly competent staff, and also to PAG—this is a journey that has been made together. Sean also touched on several of the NRCB's efforts at continuous improvement since the previous accountability session, including new and updated policies and ongoing efforts to maintain open communication with operators, stakeholders and municipalities (see Appendix 2). He went on to highlight several areas in which the NRCB plans to make improvements including digitization of application forms, new and updated policies, continued collaboration with AFRED and EP, and the possibility of NRCB regulating greenhouse organic solid wastes.

Jamie Wuite, Executive Director, Natural Resource Management Branch, AFRED acted on behalf of John Conrad, ADM, Primary Agriculture and PAG co-chair. Jamie commented on AFRED's close working relationship with the NRCB, and particularly with the organization's front-line staff. He added that Sean Royer's history with AFRED makes him uniquely qualified for his latest role as CEO of the NRCB. Jamie also acknowledged and thanked Walter Ceroici for his time as acting CEO of the NRCB.

Summary of Policy Advisory Group member submissions and presentations

Policy Advisory Group members provided written submissions in advance of the accountability session and then spoke to these submissions at the session. Members commented that the Policy Advisory Group continues to be a useful forum for dialogue and policy development. Significant progress has been made on several fronts, but challenges remain in some areas. The successes and challenges listed below have been summarized from the written submissions provided by members:

Successes

- AOPA enables confined feeding operations (CFOs) to grow and operate in an environmentally sustainable manner. AOPA is well-designed and well-delivered and the established set of uniform standards across the province provides stability for the industry and encourages long-term investment.
- NRCB staff are well-informed and professional in their work to deliver AOPA, NRCB communication with operators and stakeholders is open and positive, and the NRCB has been reasonably transparent, timely and consistent in its decisions.
- The red tape reduction process as related to AOPA was thorough and identified improvements.
- The NRCB has been open to consultation with industry when new technology becomes available, or as new issues arise.
- The Technical Advisory Group is also working well to provide detailed guidance to industry when clarifications are needed.
- Progress had been made on policy work on grandfathered permits and on mitigating unauthorized construction.
- The NRCB's efforts to communicate clearly and share information with producers, complainants, and members of the public regarding requirements under AOPA, manure spreading record keeping, and dust mitigation are appreciated.

Challenges

- Industry sector representatives expressed an over-riding concern related to municipal land use planning and the use of CFO exclusion zones to control the development or expansion of CFOs.
- The pork industry suggested that unique sector challenges may require alternative ways to address alterations to building size, manure storage, or original operational design as public pressures increase on [animal] welfare issues.
- Municipalities expressed concern that as CFOs continue to grow in scale, AOPA regulations don't adequately account for the growth. They also suggested that timelines for input on applications are too short and that members of the public feel their concerns are not being heard, that better communication with municipalities is needed regarding complaints and enforcement, and continued to express concern regarding issues related to municipal road use.
- The environmental non-government sector raised concerns regarding nutrient management, soil testing requirements in AOPA, the NRCB's reliance on a complaint-based system for enforcement of AOPA, confusion regarding how to register a complaint, and odour and dust issues that have the potential to affect human and animal health.

The following themes and highlights are from both the written and oral presentations. The italicized quotes are direct excerpts from member submissions or comments.

I. NRCB delivery of AOPA

- NRCB delivery of AOPA is going well, providing consistency and clarity to the application and compliance processes.
"The Act and its associated legislation provide clarity to CFOs, outlining the rules for operating and expanding, and providing approvals for operations, as well as enforcing compliance and conducting dispute reviews. An established set of uniform standards across the province provides certainty for agriculture, stimulates long-term investments and eases the time and cost of decision-making and permit approvals." Alberta Cattle Feeders' Association
- NRCB staff are considered professional and knowledgeable and communication with operators and stakeholders has been positive.
"The AOPA and its delivery in the field by the NRCB is well understood by the dairy farm community, with Alberta Agriculture, Forestry and Rural Economic Development (AAFRED) and NRCB staff providing clarity, guidance and excellent follow up to individual dairy producers whenever requested." Alberta Milk
"In addition to implementing AOPA, can there be a role for the NRCB as an advocate for AOPA. It has been a success story for all stakeholders bringing clarity to industry and positive outcomes for industry, government and the public interest." Alberta Chicken Producers
- The NRCB has been open to consultation with industry regarding new technology and emerging issues.
"The Technical and Policy Advisory Groups are working well to provide detailed guidance to industry when clarifications are needed." Egg Farmers of Alberta
- The NRCB reminds CFO owners/operators of their responsibility to protect the environment. Conditions in AOPA permits make them fully aware of what is required in order for their operation to remain in compliance.
"The NRCB is responsible for enforcing AOPA and dealing with complaints regarding a CFO operation. Good communication with the producers and the complainant is essential in trying to resolve issues." Southern Alberta Group for the Environment

- The application process is transparent for the producer but more challenging for municipalities and neighbours. It is important to ensure concerns are being heard before an application goes ahead and starts off on a bad note.
- Different aspects of CFOs are dealt with by different organizations—the NRCB, EP, municipalities. This can be confusing for those with concerns and it doesn't give them confidence that they are being heard.
“Better communication [is needed] with municipalities in regards to complaints/enforcements.”
Rural Municipalities of Alberta

II. Policy Advisory Group process

- The stakeholder engagement process facilitated through the Policy Advisory Group has been very successful in identifying and addressing evolving issues related to CFOs.
“The PAG process is one of consensus building amongst various interests and has proven to be a very effective method of issue management.” Intensive Livestock Working Group
- What has been accomplished in Alberta through AOPA, the NRCB and PAG is unique in North America. This level of collaboration among diverse stakeholders in order to find solutions is something that does not exist in other jurisdictions.
“AOPA and NRCB can help to accomplish the foundation and collaborative support to maintain trust and relationships can help to ensure harmony.” Alberta Pork
- The success of the PAG model has provided tools that can allow members to continue to improve the industry and continue to make these relationships work.
“The collaboration and open communication the Policy Advisory Group provides; in our view PAG, and most notably the Accountability Session, is an effective means of ensuring AOPA is successfully delivered.” Alberta Chicken Producers

III. Land use planning/exclusion zones

- All of the PAG representatives from industry sectors expressed concern related to municipal land use planning and the use of CFO exclusion zones to control the development or expansion of CFOs.
“Some municipalities are using the requirement of land use planning tools, such as IDPs, as an opportunity to introduce CFO exclusion zones that limit both the expansion of current and the creation of new CFOs in designated areas.” Intensive Livestock Working Group
- Members expressed concerned that these exclusion zones undermine the authority of the NRCB to approve new CFOs and limit grandfathered CFOs located in exclusion zones.
“As well, while existing CFOs within an exclusion zone are grandfathered, they are typically limited or completely restricted in their ability to expand, renovate, or even pivot to different livestock to respond to changing market conditions.” Alberta Cattle Feeders' Association
- Members felt that this practice is based on a lack of understanding between rural and urban communities as urban centres expand into agricultural areas, resulting in the erosion of opportunities for agricultural expansion, and sometimes might be used to target specific cultural groups.
“Municipal land use planning that uses land use planning to target specific cultural groups through exclusion zones or withholding housing permits at operation sites [is a concern].” Alberta Pork
- Several members stated that this concern regarding exclusion zones relates to a lack of clarity regarding authority under both AOPA and the *Municipal Government Act* (MGA). As a solution, they suggested that the Government of Alberta facilitate the alignment of the relevant sections of both pieces of legislation, along with their regulations and standards, in order to support the true intent of AOPA.

“Land use planning tools in the MGA must be aligned with AOPA. In addition, codifying and clarifying how CFO exclusion zones can reduce ambiguity between the two pieces of governing legislation (AOPA and the MGA) and should assist municipalities to make stronger decisions.”
Alberta Milk

“Clarity is required - Balance needs to be found. Intensive agriculture is a pillar of a healthy agricultural industry.” Alberta Beef Producers

- Exclusion zones are contentious but are a tool for municipalities to try to plan where operations are going. Urban municipalities and ratepayers are not necessarily in agreement that AOPA offers them sufficient protection so there are many pressures on municipalities to expand exclusion zones.

“The ILWG project is a great example of how agriculture is working to ensure its reputation and we are happy to be part of it, even though there might be hard conversations.” Rural Municipalities of Alberta

IV. AOPA review/amendment

- PAG members expressed support for AOPA as it currently exists and were of the opinion that the legislation does not need to be opened or amended at this time.

“PAG has been so effective in recognizing and adapting its consensus process to accommodate change, that any consideration of an AOPA legislative review at this time would be considered superfluous.” Intensive Livestock Working Group

- Several members suggested that any changes required to provide clarity to AOPA should be achieved through red tape reduction or other mechanisms, rather than reviewing or amending the Act at this time.

V. Other topics

- The NRCB relies on a complaints-driven process where the onus has been placed on the public to inform them of operators who are not in compliance with AOPA or with conditions in their permits. This process can also pit neighbours against one another.
- As CFOs continue to grow, concerns have been raised that AOPA regulations do not adequately account for the increased scale of operations.
- Alberta Pork mentioned the need to provide criteria for dragline hoses through roadway culverts so that municipalities can approve easily. Use of draglines for the transportation of manure will help address carbon footprint and to reduce road traffic (a win for the environment and the municipalities).
- Water permitting can sometimes be lengthy and Alberta Environment staff may not always understand the requirements within a barn or operation. For example, not recognizing the human use of water inside barns for water showers (for biosecurity measures), washrooms and drinking, resulting in permit delays.
- Annual permits could be issued for winter spreading for operators with good manure management plans in place.

Open forum with Minister and Deputy Ministers

The co-chairs opened the meeting for discussion. The Minister could ask questions and members could raise issues other than those presented during the sector presentations. The objectives of the round table session was to achieve clarity and mutual understanding about what members feel is working, to identify legitimate concerns that can be addressed and to determine whether specific follow-up action is required.

Discussion continued on the dominant issue raised in the session—the use of exclusion zones in municipal land use planning. PAG members expressed optimism that the collaboration and communication that occurs around the PAG table and among members away from the PAG table would serve well in addressing the issues. Support was also articulated for finding a better way within AOPA and within the NRCB so that what is meant to be a planning tool will not be used for other purposes and become a wedge issue in communities. Support was communicated for the ILWG public trust project and its upcoming third phase as key in helping to address these issues. Members expressed understanding and support for the need to work together and to communicate. Environment and Parks' work on red tape reduction and particularly the department's work on streamlining water licensing was also praised.

Deputy Minister Marchand stated that he has heard very good things about the NRCB and its work. He observed the need to work together on the persistent issue of the relationship of legislative frameworks. Deputy Minister Yee summarized what she had heard as a function of the push and pull dynamic between finite resources—the desire to grow the economy (meaning growing population and food demands), and the tensions between these things. She also acknowledged that she had heard the comments to government to make sure legislation is aligned. She concluded by congratulating members for having the courage to have these conversations and added we must be prepared for trade offs in discussions.

Co-chairs Bev Yee and Shannon Marchand thanked the Policy Advisory Group members for the informative discussion. DM Yee added that Minister Nixon often remarks that we don't tell Alberta's good stories enough.

Conclusion of accountability session

Peter Woloshyn, Chair, NRCB expressed his appreciation to the meeting organizers for the opportunity to reconnect with so many Policy Advisory Group members and remarked on the level of engagement from Environment and Parks in the session. He noted his involvement with the NRCB going back to 2006, first as CEO and now as chair, and the organization's growth into a respected regulator. Peter acknowledged the quality staff who are the face of the organization and that the NRCB's reputation has allowed it to attract talent like John Brown and now Sean Royer to the CEO chair. He recognized the policy development work in consultation with PAG members that has supported staff with the direction and regulatory framework that has led to success. Peter also commented on the use of exclusion zones by municipalities and suggested that the architects of AOPA probably did not mean for exclusions zones to replace minimum distance separation as outlined in the Act, for every resident or subdivision in a municipality. He added that more communication with stakeholders over time will help address various challenges discussed at the accountability session.

Minister Horner thanked the co-chairs and expressed appreciation to the members for their feedback and suggestions for improvements to the delivery of AOPA. He extended thanks for the context on how stakeholders and the regulator interact and encouraged all members to keep having these open discussions. He added that he feels resolutions are possible to all topics presented and thanked members for their commitment to taking on the tough issues.

Co-chairs Bev Yee and Shannon Marchand thanked the minister and Peter Woloshyn for their comments and thanked Sean Royer and Jamie Wuite and their staff for coordinating the session. They thanked members for the opportunity to be part of the discussion and noted that the NRCB will prepare a follow-up report from the session.

The meeting concluded at 2:30 p.m., June 7, 2022



Sean Royer
Chief Executive Officer
Natural Resources Conservation Board
Co-chair, Policy Advisory Group

September 19, 2022



Jamie Wuite
Executive Director
Natural Resource Management Branch
Agriculture, Forestry & Rural Economic Development
Co-chair, Policy Advisory Group
September 19, 2022

Appendix 1: Participants

Guests: Honourable Nate Horner, Minister, Agriculture, Forestry and Rural Economic Development
Peter Woloshyn, Chair, Natural Resources Conservation Board

Co-chairs: Bev Yee, Deputy Minister, Environment and Parks
Shannon Marchand, Deputy Minister, Agriculture, Forestry and Rural Economic Development

Policy Advisory Group participants:

Co-chairs

Sean Royer	Chief Executive Officer, NRCB
Jamie Wuite	Executive Director, Natural Resource Management, AFRED

Government:

NRCB	Page Stuart	Board Member, NRCB
EP	Jamie Curran	Assistant Deputy Minister, Strategy and Governance
EP	Stacey Smythe	Assistant Deputy Minister, Regulatory Assurance

Agricultural industry:

Beef sector	Brad Dubeau	General Manager, Alberta Beef Producers
Beef sector	Stuart Thiessen*	Representative Alberta Beef Producers
Beef sector	Janice Tranberg	President and CEO, Alberta Cattle Feeders' Association
Beef sector	Kendra Donnelly	Director, Alberta Cattle Feeders' Association
ILWG	Bob de Boer	Chair, Intensive Livestock Working Group
ILWG	Ron Axelson*	Executive Director, Intensive Livestock Working Group
Dairy sector	Wim van de Brake	Director, Alberta Milk
Pork sector	Stan Vanessen	Vice Chair, Alberta Pork
Poultry sector	David Hyink	Chair, Alberta Chicken Producers
Poultry sector	Rob van Diemen	Vice Chair, Alberta Chicken Producers

Municipal:

Rural	Jason Schneider	Director, Rural Municipalities of Alberta
Rural	Kevin Wirsta	Director, Rural Municipalities of Alberta
Urban	Bruce Mcleod	Director, Alberta Municipalities

Environmental non-government:

Ann Baran*	Representative, Southern Alberta Group for the Environment
------------	--

Regrets: Miranda Verhoef, Director, Alberta Milk
Darcy Fitzgerald, Executive Director, Alberta Pork
Joe Kleinsasser, Director, Egg Farmers of Alberta
Wayne Ungstad, Representative, Agriculture Caucus

Observers: Mike Slomp, Manager, Producer Services, Alberta Milk
Mark Lyseng, Lead, Government Relations and Policy, Alberta Beef Producers
Cam Lane, Executive Director, Intergovernmental Relations and Engagement, EP
Fraser Grant*, Inspector, NRCB
Francisco Echegaray*, Approval Officer, NRCB

NRCB and AFRED technical support to Policy Advisory Group:

Andy Cumming*, Director, Field Services - Applications, NRCB
Kevin Seward*, Manager, Compliance, NRCB
Janet Harvey, Communications, NRCB
Fiona Vance*, Chief Legal Officer – Operations, NRCB
Nora Decosemo*, Executive Assistant to the Chief Executive Officer, NRCB
Mike Iwanyshyn*, Manager, Science and Technology, NRCB
Virginia Nelson*, Director, Natural Resource Analysis, AFRED
Deanne Madsen*, Agri-Environmental Extension Specialist, AFRED
Vince Murray*, AOPA Engineer, AFRED
Trevor Wallace*, Nutrient Management Specialist, AFRED

* Attended the meeting virtually

Appendix 2: Accomplishments, 2014-2022

Significant NRCB accomplishments since the January 2014 accountability session include the following:

1. Regulatory Update

The NRCB discussed proposed amendments to the Board's Administrative Procedures Regulation at several PAG meetings. The amendment was finalized in 2017.

2. NRCB Policies

The NRCB completed the following policies (new or updated) to clarify the intent of AOPA:

Updated policies:

- Amending Municipal Permit Cancellations (2016)
- Determining Deemed Capacity for Grandfathered Confined Feeding Operations (2016)
- Construction Deadlines (2017)
- Unauthorized Construction (2017)
- Approvals Policy was updated, including sections on waivers, relevance of statutory plans and land use bylaws to municipal development plan consistency determinations, consolidation of permits, and burdens and standards of proof (2018)
- Distinguishing Between Confined Feeding Operations and Seasonal Feeding and Bedding Sites (for Cattle Operations) (2018)
- Permit Cancellations under AOPA Section 29 (2018)
- Public Notice on Grandfathering Decisions (2018)
- Resolving Disputed Permit Information Requirements Between the Applicant and Approval Officer (2019)
- Compliance and Enforcement (2016 and 2021)
- Approval Officer Amendments Under Section 23 of AOPA (2018 and 2021)
- Biosecurity (2018 and 2021)
- Manure Release Response (2021)

New policy:

- Large Scale Country Residential Developments (for Determining Minimum Distance Separation) (2018)

3. NRCB Fact Sheets

Fact sheets are important for providing information to producers and stakeholders about AOPA regulatory requirements. The NRCB completed the following fact sheets (new or updated):

- Work Submitted by Professional Engineers (2016)
- Dust Control (2017)
- Applying Manure on Frozen or Snow Covered Land (2018)
- Distinguishing Between Confined Feeding Operations & Seasonal Feeding & Bedding Sites (for Cattle Operations) (2018)
- Requests for Board Review (Approvals, Registrations and Authorizations) Agricultural Operation Practices Act (Section 25) (2018)
- Livestock Pen Floor Repair and Maintenance (2019)
- Short-Term Solid Manure Storage Requirements (2020)
- Minimum Distance Separation (MDS) Waivers (2016 and 2021)
- The Permitting Process for Confined Feeding Operations in Alberta (2017 and 2021)
- Unauthorized Construction under the *Agricultural Operation Practices Act* (2017 and 2021)

4. Communication with stakeholders

NRCB communication with operators and stakeholders, and the public continues to be important for providing information on AOPA regulatory requirements. NRCB communication activities since 2014 include the following:

- The NRCB repeated the CFO survey in 2015, 2018 and 2021 to gauge operators' and complainants' satisfaction with their interactions with inspectors and approval officers on approval and compliance issues. The Ipsos survey indicated a continued high level of satisfaction, with 2021 results the most positive to date.
- The NRCB completed a major upgrade to its website in 2019 to make information more accessible and make the website easier to maintain and manage. The NRCB also introduced the option to file permit applications electronically through the NRCB website.
- The NRCB regularly met in person and virtually with municipal councils and individual municipal leaders in order to discuss specific issues and/or inform municipalities about the requirements of AOPA and how these requirements affect municipal land use planning. NRCB staff continued to attend and participate in industry and stakeholder conferences, trade shows.
- The NRCB provided articles to confined feeding industry associations on various regulatory aspects of AOPA, for publication in their newsletters, on their websites, and through their social media channels.

5. Support for AOPA delivery – Technical Advisory Group (TAG)

TAG was established in 2008 to identify, prioritize and develop technical guidelines to support the delivery of AOPA. The group is co-chaired by the NRCB and Alberta Agriculture and Forestry and includes two livestock industry representatives.

Guidelines completed by TAG since 2014 include:

- Non-Engineered Concrete Liners for Manure Collection and Storage Areas (June 2015)
- Definitions for Frozen and Snow-covered Land (February 2016)
- Calculator for Determining Livestock Capacity of Operations as they Existed on January 1, 2002 (February 2016)
- Identifying Manure Storage Facilities and Manure Collection Areas at Confined Feeding Operations (June 2018)
- Subsoil Investigations for Manure Storage Facilities and Manure Collection Areas (April 2020)

6. Other NRCB accomplishments since 2014 include the following:

- The Office of the Auditor General completed an audit of NRCB activities related to confined feeding operations (CFOs), confirming that the NRCB's approach to data collection and regulatory response to confined feeding operation issues is timely and effective (2014).
- An MOU was developed between Alberta Environment and Sustainable Resource Development, Alberta Agriculture and Rural Development, and the NRCB regarding on-farm management of livestock manure mixed with other feedstocks at biodigesters (2015, revised 2020).
- The NRCB updated an MOU with Alberta Agriculture and Forestry's inspection and investigation branch to respond to dead animal disposal complaints (2015).
- The NRCB contributed to the work of the Cross-Ministry Water for Life Committee as a full member, including as part of Watershed Planning and Advisory Councils and the Water Council lake watershed management project team (2017), and was a corresponding member of the Clean Air Strategic Alliance (CASA) non-point source project on non-industrial sources of emissions that affect air quality (2016).
- The NRCB completed the Risk Based Compliance Program involving 172 operations (2017).
- The NRCB continued annual updates of its CFO database to better track staff interactions with CFO operators in both the compliance and application process, and to collect more accurate and detailed statistics about those activities.

- The NRCB instituted AOPA warnings as a means to track non-compliance issues (2018).
- The NRCB has worked closely with Agriculture and Forestry to meet the Government of Alberta's red tape reduction targets as applied to AOPA and to NRCB operational policies. (2019 to 2021).
- The NRCB collaborated with Alberta Agriculture, Forestry and Rural Economic Development in their seven-year project that ended in 2020 to study the effects of manure management activities (manure storage and manure spreading) on groundwater quality at CFOs in south and central Alberta. A presentation summarizing the results was provided at the January 21, 2021 PAG meeting (2020).
- The NRCB issued a special enforcement and compliance guideline in response to meat packing plant backlogs due to the COVID-19 pandemic (2020).
- The NRCB entered into an agreement with Environment and Parks whereby NRCB science and technology staff can conduct and evaluate preliminary wetland reviews and determinations at CFOs (2020).
- The NRCB issued interim guidance on the use of roller compacted concrete as a potential liner at CFOs (2021).
- The NRCB issued provisions allowing confined feeding of cow-calf herds without a permit during very dry conditions (2021).

Contacts

Natural Resources Conservation Board

4th Floor, Sterling Place
9940 - 106 Street
Edmonton AB T5K 2N2
T 780-422-1977
(toll free 310-0000)

NRCB reporting line: 1-866-383-6722
Email: info@nrcb.ca
Web address: www.nrcb.ca

Agriculture, Forestry and Rural Economic Development Natural Resource Management Branch

3rd Floor, J.G. O'Donoghue Building
7000 - 113 Street
Edmonton AB T6H 5T6

Ag-Info Centre: 310-FARM (3276)
Email: aginfocentre@gov.ab.ca
Web address: [www.alberta.ca/manure-
management-guidelines-and-legislation.aspx](http://www.alberta.ca/manure-management-guidelines-and-legislation.aspx)

Copies of the *Agricultural Operation Practices Act* can be obtained from the Queen's Printer at www.alberta.ca/alberta-queens-printer.aspx or from the Natural Resources Conservation Board website.

September 19, 2022