

Decision Summary RA24013A

This document summarizes my reasons for issuing Authorization RA24013A under the *Agricultural Operation Practices Act* (AOPA). Additional reasons are in Technical Documents RA24013 and RA24013A. 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 an amendment to an authorization. For additional information on NRCB permits please refer to www.nrcb.ca.

1. Background

On July 26, 2024, the NRCB issued Authorization RA24013 to Whitesand Hutterian Brethren, operating as Whitesand Farming Co. Ltd. (Whitesand), to construct a swine quarantine barn - 74 ft. x 16 ft. x 4 ft. (22.6 m x 4.9 m x 1.2 m deep) at an existing multi species confined feeding operation (CFO).

On August 7, 2024, Whitesand applied to amend Authorization RA24013, to modify the location of the swine quarantine barn to a different location on the same section (See TD RA24013A pg. 4). No other changes are proposed.

Under AOPA, this type of application requires an amendment to an authorization.

a. Location

The existing CFO is located at section 12-39-19 W4M in the County of Stettler, roughly 4.4 km east of the Town of Stettler, Alberta. The terrain is generally undulating but relatively flat in the immediate area of the CFO.

2. Notices to affected parties

Under section 21 of AOPA, the NRCB notifies all parties that are “affected” by an authorization application. Section 5 of AOPA’s Part 2 Matters Regulation defines “affected parties” as:

- the municipality where the CFO is located or is to be located
- 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
- any other municipality whose boundary is within a notification distance. In this case, the notification distance is 1.5 miles (805 m) from the CFO

None of the CFO facilities are located within 100 m of a bank of a river, stream, or canal.

A copy of the application was sent to the County of Stettler, which is the municipality where the CFO is located.

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.

A referral letter and a copy of the complete amendment application were sent to DEL Canada GP Ltd. and Apex Utilities Inc. as they are right of way/easement holders.

No responses were received.

4. Municipal Development Plan (MDP) consistency

In Decision Summary RA24013, I determined that the proposed construction of the swine quarantine barn was consistent with the land use provisions of the County of Stettler's municipal development plan (MDP). No changes have been made to the MDP since Authorization RA24013 was issued. The proposed new location of the swine quarantine barn has no effect on this determination. Therefore, the previous assessment of the application's consistency with the MDP is still valid, and additional analysis is not required.

5. AOPA requirements

With respect to the technical requirements set out in the regulations, the proposed construction:

- Meets the required AOPA setbacks from all nearby residences (AOPA setbacks are known as the "minimum distance separation" requirements, or MDS)
- 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 groundwater protection requirements for the design of floors and liners of manure storage facilities and manure collection areas

With the terms and conditions summarized in part 8, the application meets all relevant AOPA requirements.

6. Responses from municipality

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.

Municipalities that are affected parties are identified by the Act as "directly affected." The County of Stettler is an affected party (and directly affected) because the proposed facility is located within its boundaries.

Mr. Rich Fitzgerald, a development officer/GIS coordinator, provided a written response on behalf of the County of Stettler. Mr. Fitzgerald stated that the application is consistent with the County of Stettler's land use provisions of the municipal development plan (MDP). The application's consistency with the County of Stettler's MDP is addressed in Appendix A of Decision Summary RA24013.

Mr. Fitzgerald also listed the setbacks required by the County of Stettler's land use bylaw (LUB) of 38 metres from the centre line of a county road, and 0.91 metres from the rear and side property boundaries. He did not state if the application appeared to meet these setbacks or not; however, I have assessed these setbacks, and the proposed quarantine barn meets these requirements.

7. Environmental risk of facilities

New CFO facilities which clearly meet or exceed AOPA requirements may be assumed to pose a low risk to surface and groundwater. There may be circumstances where, because of the proximity of a shallow aquifer, porous subsurface materials, or surface water systems an approval officer may require groundwater monitoring for the facility. An assessment was made, and groundwater monitoring is not required for this facility.

When reviewing a new application to amend an authorization for an existing CFO, NRCB approval officers assess the CFO's existing buildings, structures, and other facilities. In doing so, the approval officer considers information related to the site and the facilities, as well as results from the NRCB's environmental risk screening tool (ERST). The assessment of environmental risk focuses on surface water and groundwater. The ERST provides for a numeric scoring of risks, which can fall within either 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.) However, if those risks have previously been assessed, the approval officer will not conduct a new assessment unless site changes are identified that require a new assessment, or the assessment was supported with a previous version of the risk screening tool and requires updating. See NRCB Operational Policy 2016-7: Approvals, part 9.17.

In this case, the risks posed by Whitesand's existing CFO facilities were assessed in 2014, 2017 and 2024 for the swine quarantine barn, using the ERST. According to those assessments, the facilities pose a low potential risk to surface water and groundwater.

The circumstances have not changed since that assessment was done. The proposed change in location of the swine quarantine barn does not have an effect on the risk assessment. As a result, a new assessment of the risks posed by the CFO's existing facilities is not required.

8. Terms and conditions

Rather than issuing a separate "amendment" to Authorization RA24013, I am issuing a new authorization (RA24013A) with the required amendment. Authorization RA24013A therefore contains all of the terms and conditions in RA24013, but with modifications in regards to the new location of the swine quarantine barn.

9. Conclusion

Authorization RA24013A is issued for the reasons provided above, in Decision Summaries RA24013 and RA24013A, and in Technical Documents RA24013 and RA24013A. In the case of a conflict between these documents, the latest ones will take precedence.

Authorization RA24013 is therefore cancelled, unless Authorization RA24013A is held invalid following a review and decision by the NRCB's board members or by a court, in which case the previous permit will remain in effect. This authorization must be read in conjunction with NRCB previously issued Approval RA16034A, which remains in effect.

September 12, 2024

(Original signed)

Lynn Stone
Approval Officer