

# Compliance Directive

## **AGRICULTURAL OPERATION PRACTICES ACT, RSA 2000, c A-7**

**Directive #:** CD 24-05

**Date issued:** October 21, 2024

**Issued by:** Denny Puszkar, Inspector  
Compliance and Enforcement Division  
Natural Resources Conservation Board (NRCB), Lethbridge Office

**Issued to:** Lois Lake Dairy Ltd.  
Jim and Esther Veurink  
Box 312  
Coaldale AB T1M 1M4

### **Attention: Jim and Esther Veurink**

This directive relates to unauthorized construction of a calf barn, two outdoor pens and an expansion of an earthen liquid manure storage at Lois Lake Dairy, which is a dairy confined feeding operation (CFO). This construction was completed without a permit under the *Agricultural Operations Practices Act* (AOPA).

The operation is located at NE-20-009-19-W4, in Lethbridge County, in the Province of Alberta, approximately 6 km east of the town of Coaldale, Alberta. The CFO is owned and operated by Jim and Esther Veurink. The CFO does hold Municipal Development Permit 53-80 from the County of Lethbridge.

### **Background and investigation**

On October 7, 2024, Jim Veurink, on behalf of Lois Lake Dairy requested a letter from me stating that his operation located at NE-20-009-19-W4 held a grandfathered permit to operate as a dairy. While considering the request, I referenced Google Earth Pro Imagery and discovered multiple occurrences of what appeared to be unauthorized construction.

Two outdoor pens on the west side of the dairy barn appear to have been built around 2013. See pens 4 & 5 on Appendix A (Google Earth Pro Imagery: September 9, 2022). It also appeared that the earthen liquid manure storage (EMS) had been expanded around 2014-2015. See Appendix A (Google Earth Pro Imagery: September 9, 2022). Appendix B (Google Earth Imagery: September 27, 2002) has been included in this directive for reference to what was present on-site in 2002.

Later that day I spoke with Esther Veurink about the unauthorized construction of pens and EMS. She didn't recall the exact dates of the construction but believed the additional pens were built around 2013 and the EMS around 2014. Mrs. Veurink did state that former NRCB Approval Officer Orin Kenzie had come on-site around that time to discuss the work that was intended. She said that she was unaware of a letter from Mr. Kenzie or exactly what the conversation entailed.

Following my phone call with Mrs. Veurink I conducted an internal file review of the NRCB records for this site and found that, according to the records we have:

- At no time have Jim or Esther Veurink applied for or received a permit from the NRCB under AOPA since January 1, 2002.
- The operation does hold Municipal Development Permit 53-80 from the County of Lethbridge dated April 30, 1980. The development permit is for a conversion from a "farm and feedlot" to a dairy operation. There are no animal numbers associated with Development Permit 53-80.
- The NRCB does not have any record of Approval Officer Orin Kenzie visiting Lois Lake Dairy.

On October 8, 2024, I spoke with Jim Veurink regarding the potential unauthorized construction. He was not aware that the work that was done was considered unauthorized. He said Orin Kenzie had allowed them to build the new pens on the west side of the dairy barn. I told Jim that the NRCB has no record of Orin's visit to his operation and that he would require a permit to get into compliance.

On October 11, 2024, NRCB Approval Officer Kailee Davis and I visited Lois Lake Dairy and met with the operator Jim Veurink. Mr. Veurink reiterated that he wasn't aware of the need to get a permit. He spoke of his meeting with Orin Kenzie as one of the reasons for that. When I asked him about the expansion of the EMS, Mr. Veurink said that he had done that on his own accord and that it was not discussed with Mr. Kenzie.

We discussed his unauthorized construction and went over the permit application process. We left a permit application package with Mr. Veurink and suggested he contact a drilling company and engineer as soon as possible to help expedite his permit application.

We also toured the operation. Mr. Veurink pointed out the calf barn on the north end of the farm See Appendix A (Google Earth Pro Imagery: September 9, 2022). He said it was built in 2012. I told him that it would also be considered unauthorized construction and would have to be included on his permit application.

### **Unauthorized construction**

AOPA's permit requirements are intended to reduce the potential for groundwater contamination and surface water runoff, and to lessen the nuisance impacts of CFOs on neighbours. Without a permit, the regulatory objects in AOPA may be compromised.

The *Agricultural Operation Practices Act* (“AOPA”) at section 14 prohibits a person from constructing, expanding, or modifying a manure storage facility (MSF) or manure collection area (MCA) that requires a permit under the regulations unless they hold a permit.

With the information I have and my investigation, I find that the calf barn, two outdoor pens (MCAs) and expansion of the earthen liquid manure storage (MSF) were all constructed in contravention of section 14.

Under Section 39(1) of AOPA, the NRCB may issue an enforcement order to a person if, in the NRCB's opinion, the person is, among other things, contravening the act or its regulations. However, as this is the first enforcement action at this site and following the NRCB Compliance and Enforcement Policy, a compliance directive is being issued at this time rather than an enforcement order.

**DIRECTIVE:**

To mitigate any possible risks to the environment and potential nuisances to any affected neighbours, Lois Lake Dairy Ltd. and Jim and Esther Veurink shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Lois Lake Dairy Ltd. and Jim and Ester Veurink shall:

1. By October 25, 2024, submit a Part 1 AOPA Permit Application to the NRCB.
2. By November 1, 2024 provide confirmation to the NRCB that both a drilling services company as well as an engineer have been contacted to help support the permit application.
3. By March 1, 2025, depopulate pens four and five as identified on the Google Earth Pro Aerial Imagery from September 9, 2022 (Appendix A), if an NRCB permit for the new manure collection area(s) of pens four and five has not been obtained.
4. By March 1, 2025 pens four and five as identified on the Google Earth Pro Aerial Imagery from September 9, 2022 (Appendix A) shall also be permanently closed in accordance with Technical Guideline Agdex 096-90 Closure of Manure Storage Facilities and Manure Collections Areas for a solid manure collection area, if an NRCB permit for the manure collection area(s) of pens four and five has not been obtained. This includes removal of all the manure.
5. By March 1, 2025, depopulate the calf barn as identified on the Google Earth Pro Aerial Imagery from September 9, 2022 (Appendix A), if an NRCB permit for the calf barn has not been obtained.
6. By March 1, 2025 the calf barn as identified on the Google Earth Pro Aerial Imagery from September 9, 2022 (Appendix A) shall also be permanently closed in accordance with Technical Guideline Agdex 096-90 Closure of Manure Storage Facilities and Manure Collections Areas for a solid manure collection area, if an NRCB permit for the manure collection area(s) of the calf barn has not been obtained. This includes removal of all the manure.

7. By April 1, 2025, restore the EMS to the condition as it was in on January 1, 2002, if an NRCB permit for the manure storage facility has not been obtained.

Any of the deadline dates contained above may be extended in writing, but only by the NRCB, at the sole discretion of the NRCB.

All actions required above shall be in compliance with AOPA and its implementing regulations and shall not violate any other law. These requirements, including any deadlines, remain in effect until otherwise directed by the NRCB in writing.

Given the seriousness of unauthorized construction, the NRCB posts compliance directives for unauthorized construction on the NRCB's public website.

The NRCB may access the land and structures for the purpose of assessing compliance with this directive.

If Lois Lake Dairy Ltd. or Jim or Esther Veurink fail to comply with this directive, the NRCB may take additional enforcement action.

*(original signed)*

Denny Puszkar  
Inspector, Compliance and Enforcement Division  
Natural Resources Conservation Board

Cc: Lethbridge County

Appendices

- A. Google Earth Pro Imagery: September 9, 2022 (labelled by D. Puszkar)
- B. Google Earth Imagery: September 27, 2002

**Lois Lake Dairy Appendix A**

NE-20-009-18-W4

Google Earth Image: September 9, 2022

**Legend**

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**Calf Barn**

**Pen 4**

**Pen 5**

Approximate  
area of  
unauthorized  
EMS expansion

Range Rd 194

Lois Lake Dairy

Lois Lake Dairy

Google Earth

Image © 2024, 2019-2023

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80 m



**Lois Lake Dairy**  
Appendix B  
NE-20-009-19-VW4  
Google Earth Image: September 27, 2002



Legend

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80 m

Google Earth

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