

Compliance Directive

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

Directive #: CD 24-10

Date issued: November 20, 2024

Issued by: Fraser Grant, Senior Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Airdrie Office

Issued to: Hutterian Brethren Church of Valley View
Box 99
Torrington, AB T0M 2B0

Attention: George Stahl

This directive relates to unauthorized construction of a manure collection area. Hutterian Brethren Church of Valley View (Valley View Colony), which is a multi-species confined feeding operation (CFO), has constructed the manure liner of a dry cow / heifer barn without first obtaining a permit for the barn under the *Agricultural Operation Practices Act* (AOPA).

The CFO is located at N½ 09-32-26 W4M and S½ 16-32-26 W4M (the site), in Kneehill County, in the Province of Alberta, approximately 4 km northwest of Allingham, Alberta. The CFO land is owned and operated under the name Hutterian Brethren Church of Valley View. The CFO has received three permits (RA10031A, RA10031M, and RA23004) from the NRCB and three previous permits (1317-92, 1439-94, and 2015-99) from Kneehill County, which are considered part of a deemed permit under AOPA. Valley View Colony is currently permitted for 122 milking cows (plus associated dries and replacements), 15,000 chicken layers, 2,000 beef finishers, 7,200 nursery to finisher hogs, 1,200 chicken broilers, 1,200 ducks, 400 geese, and 300 turkeys.

Background and investigation

On November 15, 2024, myself, NRCB Inspector Tracey Krenn, and NRCB Approval Officer Lynn Stone attended Valley View Colony to conduct a post construction inspection of facilities permitted by NRCB Approval RA23004 issued on August 22, 2023. During the post construction inspection, George Stahl, minister at Valley View Colony, toured us around the new dairy barn and calf barn. Immediately south of the calf barn there was an area that had concrete footings and a compacted clay liner. The dimensions of the area were approximately 30 m wide by 90 m long. Mr. Stahl indicated that this area would be used to construct a dry cow / heifer barn. He indicated that the barn would be used over winter to feed dry cows and young stock.

I informed Mr. Stahl that although the barn was not complete, constructing the compacted clay liner and footings was considered unauthorized construction. Mr. Stahl indicated that they had engineering results for the compacted clay liner and was not sure why it was not included in application RA23004. George was apologetic for not including the facility in the application and immediately asked to initiate the application process. George informed me that no further construction would be completed at the dry cow / heifer barn until a permit was obtained.

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. A dry cow / heifer barn is considered a manure collection area.

With the information I have and my investigation, I find that the dry cow / heifer barn is considered a manure collection area that requires a permit under AOPA, and has been 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 the operator has only initiated construction, not populated the facility, and this is the first enforcement action against the operator, it is my opinion that a compliance directive is appropriate.

DIRECTIVE:

To mitigate any possible risks to the environment and potential nuisances to any affected neighbours, Hutterian Brethren Church of Valley View and George Stahl, shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, the Hutterian Brethren Church of Valley View and George Stahl shall:

1. Cease all construction of the dry cow / heifer barn, unless an NRCB permit has been obtained.
2. Not use the footprint of the of the dry cow / heifer barn as a CFO facility, unless an NRCB permit has been obtained.

The directives contained above may be altered, 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 the Hutterian Brethren Church of Valley View fails to comply with this directive, the NRCB may take additional enforcement action.

(Original signed)

Fraser Grant

Senior Inspector, Compliance and Enforcement Division

Natural Resources Conservation Board

Cc: Kneehill County, Planning and Development

Appendices

A. RA23004 TD Page 6 – additional labelling by Fraser Grant

Appendix A - RA23004 TD Page 6 - additional labelling by Fraser Grant



Existing concrete liquid manure storage facility will not be used for manure storage