

Compliance Directive

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

- Directive #:** CD 25-04
- Date issued:** January 20, 2025
- Issued by:** Denny Puszkar, Inspector
Compliance and Enforcement Division
Natural Resources Conservation Board (NRCB), Lethbridge Office
- Issued to:** Rimrock Cattle Company Ltd.,
Box 5279 High River, AB T1V 1M4
Doug Price,
Kendra Donnelly, and
Evan Hegedys
- Attention:** **Rimrock Cattle Company Ltd., Doug Price, Kendra Donnelly, and Evan Hegedys**

This directive relates to an inappropriate disturbance by Rimrock Cattle Company Ltd. (Rimrock) which is a beef cattle finishing feedlot. The feedlot's operations have been the subject of over 4600 odour complaints since January 1, 2022. The design and management of the catch basins specifically, have created conditions that contribute to an inappropriate odour disturbance.

The operation is located at Section 05-19-29-W4, in Foothills County, in the Province of Alberta, approximately 5 km west of the town of High River, AB. The confined feeding operation (CFO) is owned by Rimrock Cattle Company Ltd. Doug Price, Kendra Donnelly, and Evan Hegedys are directors of the corporation and are the primary administrators of the day-to-day management of the feedlot. The operation holds a deemed grandfathered permit PL20001.

Background and investigation

1. History

- a) Rimrock Feeders Ltd. purchased this operation from Western Feedlots on May 6, 2019. Upon purchase, Rimrock requested that the NRCB undertake a grandfathering determination investigation pursuant to Section 18.1 of the *Agricultural Operation Practices Act* (AOPA), to determine the type of livestock as well as the footprint of the operation that existed on January 1, 2002.
 - PL20001 was issued by the NRCB on October 8, 2020. It was determined that Rimrock had a deemed permit for 35,000 beef finishing cattle.

- b) Around the same time Rimrock undertook a major renovation of the site, beginning with the installation of roller compacted concrete (RCC) on their pen floors. The installation of RCC is significant as it increases both the volume of runoff and amount of solid manure runoff from pens into the facility catch basins.
- c) In February 2024, Rimrock Cattle Company Ltd. purchased the land and CFO from Rimrock Feeders Ltd.

2. Catch basin management & complaint review

- a) Between May 6, 2019 and November 1, 2024, the NRCB received 4,690 odour complaints regarding Rimrock. By way of comparison, in the 17+ years prior to Rimrock purchasing this location (dating back to January 1, 2002), there had been 111 odour complaints submitted to the NRCB.
- b) Numerous site inspections throughout the summer of 2022 revealed very strong odour originating from the catch basins southeast of the operation (see Appendix A: Google Earth Pro Imagery: June 11, 2023 for aerial image of the site).
 - It became the opinion of the NRCB that the odour from the catch basins was a leading contributor to the volume of complaints that were being received.
- c) On September 6, 2022 I had a discussion with the on-site manager, Shylo Penrod, about the catch basins and Rimrock's plan to have them emptied. Mr. Penrod said that they had contacted a custom manure spreading company that was going to be on site that day to have a look at the catch basins and they would likely be able to start pumping that week or next.
- d) For a few reasons, the custom company was not able to start pumping out the catch basin until October 31, 2022. The company agitated and pumped the catch basins to remove as much of the liquid and solid manure buildup as possible. The work was completed on November 1, 2022.
- e) I was on site on October 31, 2022, to observe the company cleaning out the southeast catch basin. The levels of liquid in both the cell 1 & 2 catch basins were significantly lower. The solid manure buildup also appeared to have significantly decreased.
- f) Rimrock did not clean their catch basins during the 2023 calendar year.
- g) In order to assess the effect of emptying the catch basins, I reviewed the number of complaints received after the 2022 cleanout and again exactly one year later (when the catch basins were not cleaned out). I started the review of complaint numbers on November 7 of each year, to allow for the possibility of the cleanout process itself creating odours and thus generating complaints. Year over year, I looked at a three-month timeframe and a six-month timeframe.
- h) Three Month Complaint Review:
 - November 7, 2022 to February 7, 2023 (after cleanout): In the three months following cleanout, the NRCB received 111 odour complaints.
 - November 7, 2023 to February 7, 2024 (without cleanout): In the same three-month timeframe one year later without cleanout of the catch basins, the NRCB received 513 odour complaints.

This amounts to a 462% increase in odour complaints over a three-month period when the catch basins were not cleaned out.

i) Six Month Complaint Review:

- November 7, 2022 to May 7, 2023 (after cleanout): In the six months following cleanout, the NRCB received 262 odour complaints.
- November 7, 2023 to May 7, 2024 (without cleanout): In the same six-month timeframe one year later without cleanout of the catch basins, the NRCB received 810 odour complaints.

This amounts to a 309% increase in odour complaints over a six-month period when the catch basins were not cleaned out.

j) NRCB complaint data suggest that the cleanout of the catch basins on October 31, 2022, had a significant, positive and lasting impact on nuisance odours. The data suggests that the failure of Rimrock to clean out their catch basins in the spring and fall of 2023, resulted in nuisance odours impacting the town of High River and area.

3. Catch basin design

- a) The design of the 2-celled catch basin also contributes, in part, to the high number of odour complaints the NRCB receives.
- Cell 1 and 2 of the southeast catch basin currently have a combined surface area of approximately 67,000 square meters. The depth of the catch basins is currently undetermined.
 - The pen space of the entire Rimrock feedlot has a surface area of approximately 660,620 square meters. A feedlot this size requires 62,760 cubic meters of runoff containment capacity.
 - A “traditional” rectangular catch basin with a depth of 4 meters with the same capacity of 62,760 cubic meters would have a surface area of approximately 21,850 square meters.
 - That is approximately 1/3 of the size of the existing 67,000 square meters surface area at Rimrock.
 - The catch basins were grandfathered as a part of PL20001. The southeast catch basins have not changed size or shape since 2002 (see Appendix A: Google Earth Pro Imagery: June 11, 2023 and Appendix B: Google Earth Pro Imagery: July 18, 2002) for a comparison. They are not typical rectangular shaped catch basins often found at feedlots in Alberta.
 - While AOPA does not regulate the surface areas of catch basins, a larger surface area allows more manure-related odour gas to escape, thus increasing the opportunity for nuisance odours.
- b) The larger surface area of the grandfathered catch basins does contribute to the excess release of odorous gases. This also likely contributes to odour complaints of an inappropriate disturbance.

4. NRCB air monitoring & objectives

- a) In response to the odour complaints registered by the residents of High River and surrounding areas, the NRCB initiated a focused study to better understand the odours impacting the residents and what, if any, management actions may be needed to address the odour concerns.
- b) On November 14, 2024, the NRCB released a report titled "Community Level Odour Monitoring in High River, Alberta".
- c) The report outlined 4 objectives of the community level monitoring in High River. This compliance directive specifically relates to objective 3:

Objective 3: Investigate the practices being conducted by the source operation(s) to determine management requirements to mitigate odours.
- d) Among the findings in the report, it was determined that odorous compounds appear to be strongly linked to sources that occur in a southwesterly direction of High River; predominantly in the direction of Rimrock.

Inappropriate disturbance

The *Agricultural Operation Practices Act* ("AOPA") aims to lessen the nuisance impacts of CFOs on neighbours. Odour is a disturbance related to CFOs.

Despite this, few regulations under AOPA address odour from CFOs. The issue arises under section 39(1) of AOPA, where the NRCB may issue an enforcement order to a person if, in the NRCB's opinion, the person is creating an inappropriate disturbance.

An inappropriate disturbance must be both a disturbance, and inappropriate in the sense that it must be beyond what one might reasonably expect the community to tolerate. See NRCB Board Decision 03-07 *Paragon Livestock Exchange Inc.* at pages 32-33.

In this case, the disturbance affects the surrounding rural residents as well as the residents in the Town of High River. The odours originating from Rimrock are often described as unlike typical cattle or feedlot odours. Common odour descriptors from complainants include, very high ammonia, rotting flesh and manure, extremely pungent as well as vomit and headache inducing. I would describe my own experiences, while in the vicinity of the catch basins during the summer and fall of 2022 and 2023, similarly.

The NRCB's report "Community Level Odour Monitoring in High River, Alberta" showed that the sources of complaint-correlated odour reports are not wholly from Rimrock's direction. However, a comparison of complaints to the NRCB before 2019 and after 2019 suggests the likely cause of odours is from Rimrock when the wind is from the west-southwest direction.

In my view, the odour disturbance is inappropriate because:

- a. Catch basins are intended to be kept empty, to fill in cases of rainfall. The simple measure of cleaning out catch basins has not been part of Rimrock's regular practices. The cleanout and management of the catch basins has been deficient for the following reasons:
 - i. Catch basins were not emptied in 2023.

- ii. Rimrock has never emptied the catch basins in the spring.
- b. The surface area of the existing catch basins is significantly higher than what could be expected at a similarly sized feedlot operation and contributes to excessive odour leaving the operation.

Section 39(1) authorizes me to issue an enforcement order. 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 odour nuisances to any affected neighbours, Rimrock Cattle Company Ltd, Doug Price, Kendra Donnelly and Evan Hegedys shall take all necessary and appropriate measures to comply with AOPA and its regulations. In particular, Rimrock Cattle Company Ltd, Doug Price, Kendra Donnelly and Evan Hegedys shall:

1) By March 5, 2025 submit a plan to the NRCB detailing how AOPA runoff containment requirements will continue to be met without the regular use of cell 2 of the southeast catch basin. The plan shall consist of a detailed catch basin management and cleanout system, that would eliminate the need for the ongoing use of cell 2. The plan must also include:

- a. Timelines to complete the detailed work.
- b. A date when Rimrock will cease the regular use of cell 2 of the existing southeast catch basin.
- c. At least a semi-annual cleanout schedule of the existing catch basin, plus a plan to empty the catch basin following any major rainfall events or once it is 50% full.
- d. Semi-annual cleanout of all swales that direct pen manure runoff into the catch basin.
- e. Clean out and closure of cell 2 according to NRCB Technical Guideline Agdex 96-90 Closure of Manure Storage Facilities and Manure Collection Areas for a low-risk facility, including timelines to complete. Additionally, it is recommended that the area be reseeded to perennial forage or annually cropped to reduce any nutrient accumulation that may have occurred in the area.
- f. Emergency (extreme rainfall events) only use of the closed cell 2 catch basin.
- g. Upgrade the existing head gate currently located between cell 1 & 2 to ensure that it functions properly.
- h. An improved system to empty cell 2 in the event it has to be used (i.e. install a sump pump pit)
- i. Notify the NRCB should the use of cell 2 be required.

2) Upon NRCB written approval of the plan and associated timelines, the approved plan must be immediately implemented and carried out accordingly. Failure to fully execute the plan and comply with the deadlines or details within the approved plan will result in additional enforcement action.

3) By May 15, 2025 ensure that both cell 1 and 2 of the southeast catch basin have been emptied (including both liquid and majority of the solids) utilizing capable

equipment and operator expertise and all the contents applied to the land following manure spreading permit conditions.

4) Along the farthest east row of the feedlot pens, cease manure stockpiling and remove any existing manure stockpiles during the months of June, July and August annually.

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.

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

If Rimrock Cattle Company Ltd, Doug Price, Kendra Donnelly or Evan Hegedys fails to comply with this directive, the NRCB may take additional enforcement action.



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

Cc: Foothills County

Appendices

Appendix A: Google Earth Pro Imagery: June 11, 2023

Appendix B: Google Earth Pro Imagery: July 18, 2002

Legend

Appendix A

Rimrock Cattle Company

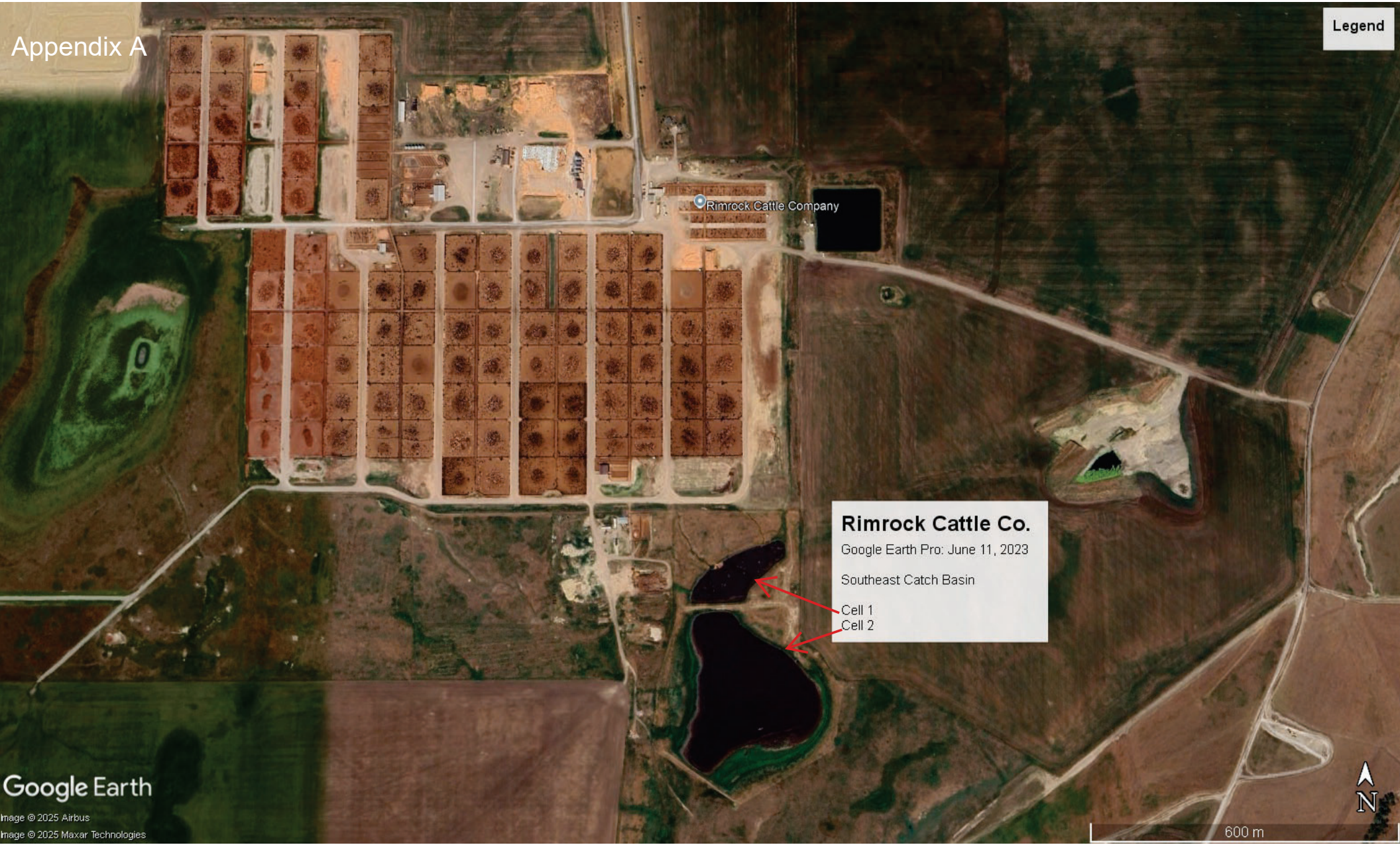
Rimrock Cattle Co.
Google Earth Pro: June 11, 2023
Southeast Catch Basin
Cell 1
Cell 2

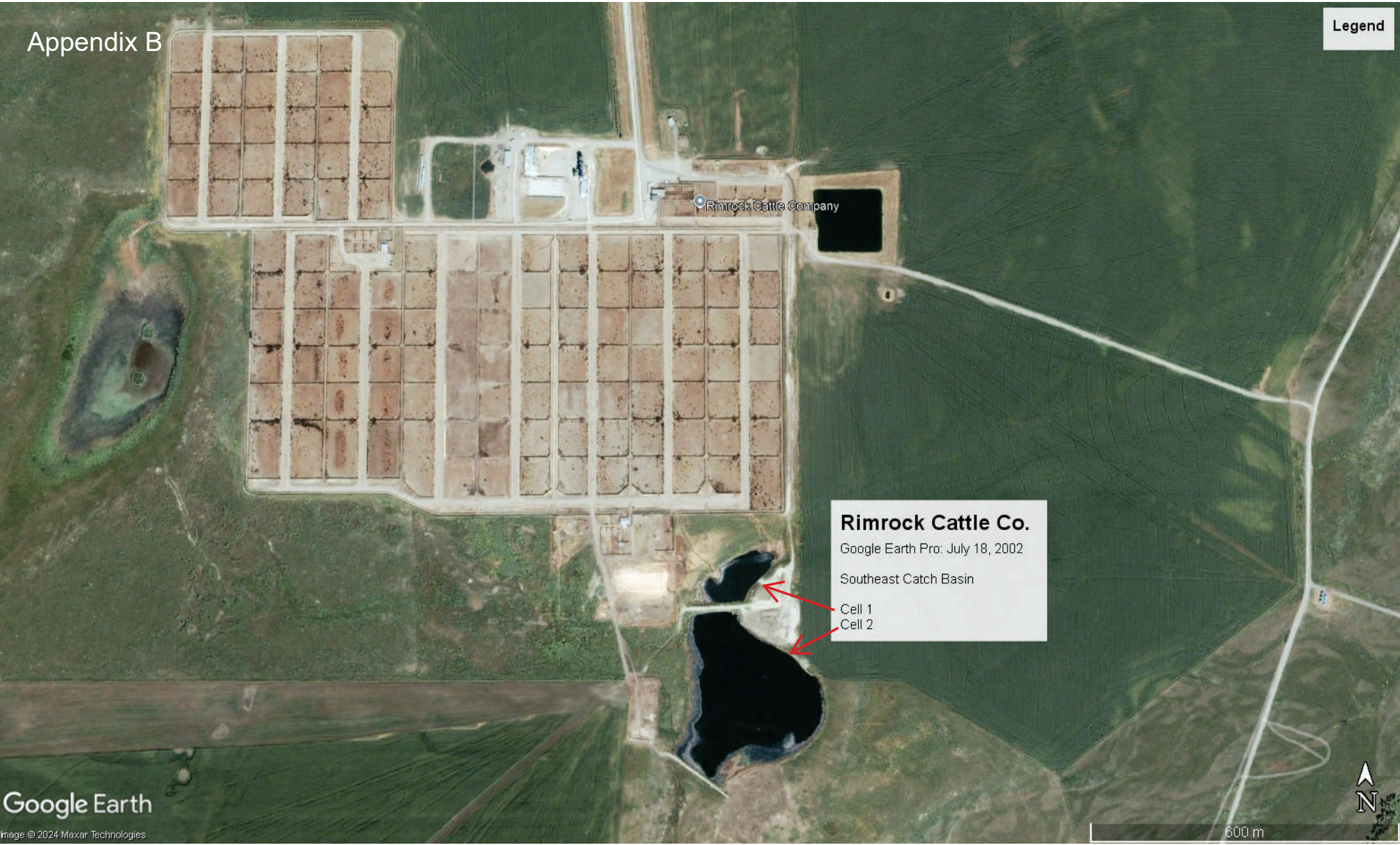
Google Earth

Image © 2025 Airbus
Image © 2025 Maxar Technologies



600 m





Rimrock Cattle Company

Rimrock Cattle Co.
Google Earth Pro: July 18, 2002
Southeast Catch Basin
Cell 1
Cell 2

