

Unauthorized construction at confined feeding operations an ongoing issue

Constructing without a permit is a serious offence

The Natural Resources Conservation Board (NRCB) continues to see increased cases of unauthorized construction of pens, barns, catch basins, and earthen manure storage facilities at a number of confined feeding operations (CFOs).

The *Agricultural Operation Practices Act* (AOPA) prohibits construction of a CFO, a manure storage facility, or a manure collection area, before required permits are issued. Unauthorized construction is a serious offence and can result in consequences ranging from enforcement orders to prosecution that could involve monetary penalties. In addition, operators may incur additional costs in addressing unauthorized construction issues such as costs associated with depopulation. Taking a regulatory shortcut may cost you more money in the end.

Call before you build

Before starting any construction at a CFO, manure storage facility, or a manure collection area, consult with an approval officer or inspector at the nearest NRCB office. The NRCB will help you determine whether the work requires an AOPA permit. You can ask an approval officer to visit your operation to discuss your plans and confirm any steps that are needed to remain in compliance.

Required permits **must** be in place **before** beginning any construction. If you have questions about what constitutes construction, contact your nearest NRCB office.

You can also self-report if you realize that work you have completed in the past or just started may need a permit. It is better to self-report and resolve the situation with the NRCB, than to continue and have to deal with potential severe enforcement consequences and increased costs down the road.

Enforcement

The NRCB may take enforcement action in response to unauthorized construction. Enforcement actions could include:

- requiring you to dismantle or depopulate the facility, at your own expense
- issuing you a compliance directive or an enforcement order (these are public documents that are posted on the NRCB website)
- prosecution, especially if you knew that you needed a permit, or do not cooperate with the inspector.

In determining the appropriate level of enforcement action, the NRCB considers:

- whether the operator self-reported
- cooperation of the operator
- potential risk to the environment.

The NRCB's [Unauthorized Construction under the Agricultural Operation Practices Act fact sheet](#) is available on its website, at www.nrcb.ca and at the link above. For more information, please contact an approval officer or an inspector at the NRCB office nearest you.

NRCB field offices:

Morinville	780-939-1212
Red Deer/Airdrie	403-340-5241
Lethbridge	403-381-5166