

NATURAL RESOURCES CONSERVATION BOARD

NRCB application process

**Confined feeding operations, manure collection areas, and
manure storage facilities**

January 2020

Table of Contents

| | | |
|-----------|--|----|
| Section 1 | Introduction..... | 3 |
| 1.1 | Background | 3 |
| 1.2 | How to use this guide..... | 3 |
| 1.3 | Freedom of information and protection of privacy | 3 |
| 1.4 | Requirements and recommended practices | 3 |
| Section 2 | Permit types..... | 4 |
| Section 3 | One-window application process | 4 |
| Section 4 | Considerations before applying..... | 4 |
| 4.1 | Compliance with other Alberta legislation not regulated by the NRCB..... | 4 |
| 4.2 | Best management practices | 5 |
| 4.3 | Application costs | 5 |
| Section 5 | Application and decision process..... | 5 |
| 5.1 | Preparing and submitting the application | 5 |
| 5.2 | Community consultation..... | 7 |
| 5.3 | Application completeness check | 7 |
| 5.4 | Notice of application | 7 |
| 5.5 | Statements..... | 7 |
| 5.6 | Determination of directly affected party status | 8 |
| Section 6 | Approval officer decision | 8 |
| 6.1 | Decision summary and permit..... | 9 |
| Section 7 | Board review and decision process | 9 |
| Section 8 | Compliance and enforcement..... | 9 |
| | Appendix 1: NRCB regional Offices..... | 10 |
| | Appendix 2: Terms for the purpose of this guide | 11 |
| | Appendix 3: Reference documents | 14 |

Section 1 Introduction

1.1 Background

The Natural Resources Conservation Board (NRCB) under the [Agricultural Operation Practices Act](#) (AOPA) is responsible for regulating confined feeding operations (CFOs), manure collection areas, manure storage facilities, agricultural composting facilities (handling agricultural compost from primary agriculture at agricultural operations), and any associated structures (excluding residences).

If you intend to construct a new facility, expand or modify an existing facility, or make amendments to an existing permit you must apply to the NRCB.

The NRCB reviews the applications to determine consistency with the requirements of AOPA and all associated regulations.

A permit issued by the NRCB exists for the lifetime of the facility permitted and stays with the land, regardless of whether ownership of an operation changes.

1.2 How to use this guide

This guide describes the application process for obtaining an approval, registration, or authorization, or an amendment to an existing NRCB permit under AOPA (see [Section 2 Permit types](#)).

Copies of AOPA and all other necessary documentation for completing an NRCB application are available from any NRCB regional office (see [Appendix 1](#)) or from the NRCB website www.nrcb.ca.

1.3 Freedom of information and protection of privacy

The information provided in an NRCB application is collected under AOPA, subject to the provisions of the [Freedom of Information and Protection of Privacy Act](#) and is considered public.

Under a one-window application process (see [Section 3](#)), the information collected in an NRCB application, and all supporting documentation, is posted on the NRCB website and shared with government, referral agencies, and other parties as required.

The NRCB retains the original application and all related materials (i.e. notices, statements, and decisions).

If an applicant or a party who submits a statement wishes any portion(s) of an application or statement to remain confidential, they must make a written request to the NRCB before submission stating the reason(s) why this information should remain confidential. The NRCB approval officer will notify the applicant, or party submitting the statement, of a decision on their request for confidentiality.

1.4 Requirements and recommended practices

Regulatory requirements are those rules set out in AOPA that applicants and operators of CFOs, manure collection areas, and manure storage facilities are obligated to meet. The NRCB takes enforcement action in cases of non-compliance with requirements. Regulatory requirements are identified as “must” statements in the legislation. The NRCB encourages operators to use best management practices. Applicants are not required to meet these practices, but should consider them when applying for a permit for a CFO, manure collection area, manure storage facility, or agricultural composting facility.

Section 2 Permit types

The NRCB issues permits and considers applications for amendments to existing permits. Each permit type is described below.

- **Approval**—for larger scale new/expanded CFOs (based on number of animals and manure production)
- **Registration**—for medium-sized new/expanded CFOs (based on number of animals and manure production)
- **Authorization**—for new/expanded manure collection areas or manure storage facilities (no change to livestock numbers or annual manure production)
- **Amendment**—for changes to existing permits issued by the NRCB, a municipal district, or a health authority (where there is no change in animal number/type or manure production)

Section 3 One-window application process

The NRCB administers a one-window provincial application process for CFOs, manure collection areas, and manure storage facilities. When an NRCB approval officer accepts a completed application, copies of the application are sent to the appropriate agencies for review and consideration. The applicant is responsible for choosing whether to use the one-window approach or to apply separately to each agency for permits or licences for their development.

The applicant may require licences, permits, and authorizations from other agencies. These could include:

- a licence under the [Water Act](#) for the diversion of water (water supply),
- a licence under the *Water Act* for changes to natural drainage or activities in water bodies
- a [wetland assessment](#) from Alberta Environment and Protected Areas
- a licence or approval under the [Environmental Protection and Enhancement Act](#) (EPEA)
- an agreement with an irrigation district or water cooperative to supply water or to convey water under the applicant's or supplier's licence
- an authorization under the [Public Lands Act](#) for activities and/or structures on public lands
- a permit under the [Public Highways Development Act](#)

Section 4 Considerations before applying

4.1 Compliance with other Alberta legislation not regulated by the NRCB

In addition to meeting all requirements under AOPA, applicants must ensure they meet the requirements of other Alberta legislation when applying to construct a new or expanding CFO, manure collection area, or manure storage facility. A partial list of such legislation includes:

- [Marketing of Agricultural Products Act](#)—the applicant may require registration and/or quota authorization by the main marketing boards and commissions under this act.
- [Animal Health Act](#)—the applicant must consider requirements under this act with regard to the destruction and disposal of dead animals. The *Animal Health Act* is under the jurisdiction of Alberta Agriculture and Forestry, Regulatory Services Branch.
- [Public Health Act](#)—the applicant may need to consider requirements under this act with regard to the protection of public health.
- [Municipal Government Act](#)—the applicant must consider municipal land use planning, zoning, and setbacks.

4.2 Best management practices

The applicant may want to consider recommendations for best management practices contained in manuals developed by industry associations and Alberta Agriculture and Forestry.

4.3 Application costs

There is no charge to file an application to the NRCB. However, some costs may apply as follows:

- Notification—costs associated with notification of affected parties under AOPA or under joint notification with Alberta Environment and Protected Areas are paid by the NRCB. However, if a separate notice is required by Alberta Environment and Protected Areas under the *Water Act*, or by other agencies, the applicant will be responsible for those notification costs.
- Third party consultants and professionals—an applicant may need to engage the services of third party consultants and professionals at their own expense to supply technical reports and other data to address AOPA requirements in their applications.

Section 5 Application and decision process

[Figure 1](#) summarizes the NRCB application and decision process. Details of the process are described in the subsections below.

5.1 Preparing and submitting the application

The time required to prepare an application depends on the complexity of the proposed development. Typically, larger and more technical operations require more engineering considerations, supporting information, and planning than smaller, less complicated operations.

After careful study of AOPA and this guide, an applicant should contact their regional [NRCB office](#) and consult with an approval officer regarding application requirements for the proposed development. However, applicants should recognize that it is not the responsibility of approval officers to design the operation or complete the application on their behalf.

Approval officers are obligated to determine whether applications meet the requirements of AOPA. If approval officers are not provided with accurate, complete applications, they cannot make accurate assessments.

Applying for an AOPA permit to construct a new facility or expand or modify an existing CFO, manure collection area, or manure storage facility involves completing and submitting Parts 1 and 2 of the two-part NRCB “Application under the *Agricultural Operation Practices Act*”, and providing the supporting documentation to substantiate the technical information provided.

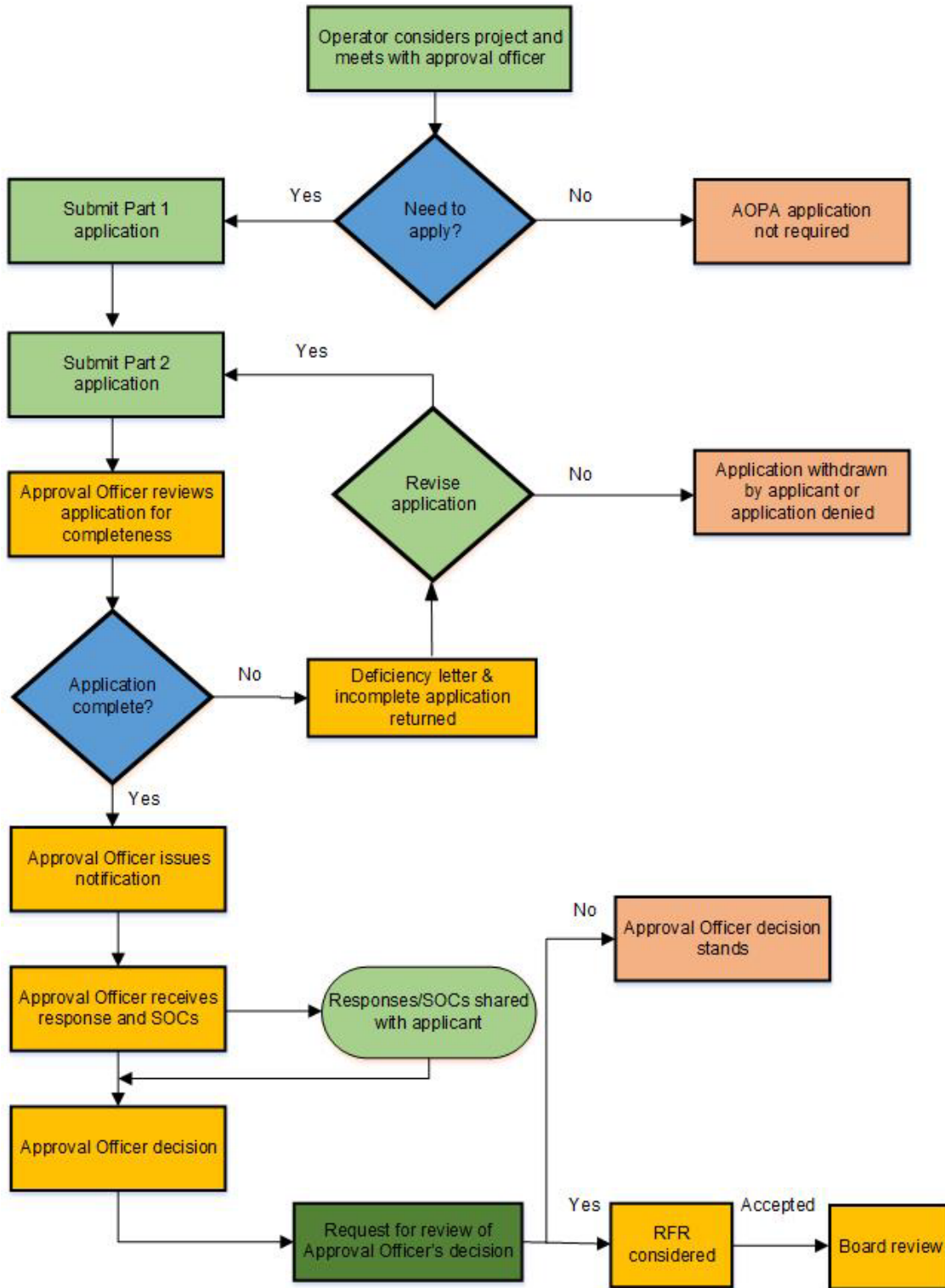
By contacting an approval officer, an applicant will be informed of the information and sections of the application forms they will need to complete and submit as part of their application.

In order to amend an existing permit, the applicant must complete and submit an NRCB “[Application for Amendment](#)” form. Details on how to apply for an amendment are available by contacting an NRCB approval officer.

An NRCB approval officer or representatives from other agencies will make one or more site visits during the application process to determine the suitability of, and specific requirements for, the proposed development. The approval officer will also communicate any deficiencies with the application to the applicant before deeming the application complete and proceeding to the next step in the process.

Completed applications (Parts 1 and 2, and supporting documentation, or an Application for Amendment) are accepted via email, mail, courier, or hand delivery at the NRCB regional office in the region where the proposed development will be located (see [Appendix 1](#)), or can be submitted through the NRCB website.

Figure 1: AOPA application process



*Approval officers are available to consult with applicants throughout this process.

5.2 Community consultation

Applicants are encouraged to contact their neighbours and other parties who may be affected by the proposed development. Affected parties may include nearby residents, community groups, businesses, and municipalities/counties.

Early involvement and communication by the applicant with affected parties may lead to a greater understanding of one another's interests and may result in fewer objections to a proposed development, and a smoother application process overall.

Consultation with affected parties may include:

- explaining what is being proposed
- distributing a copy of the application and other project-specific information
- responding to questions and concerns
- discussing alternatives and options for reducing impacts or concerns
- seeking support or agreement to not object to the development

The consultation process does not end when a permit is issued; communication and consultation about ongoing activities is a courtesy and is good business practice for the operator.

5.3 Application completeness check

A completeness check allows the approval officer to ensure that the application meets requirements under AOPA.

If the approval officer considers the application to be deficient, they will return the application and supporting documentation to the applicant with a deficiency letter requesting the additional information. If the application is determined to be complete, the approval officer will move the process forward and proceed to public notification.

During the detailed review of the application and depending on the concerns and issues raised, the applicant may be required to provide additional information to address issues or concerns raised.

5.4 Notice of application

The approval officer provides notice of the application to affected parties as required by AOPA once the application is determined to be complete. Such parties include:

- Municipal governments—municipal districts and counties (on all applications)
- other agencies—irrigation districts, regional health authorities, and other agencies (as required)
- parties within the notification radius for the operation—as identified under AOPA (only for approval and registration applications)

Notification can be by letter or in a local newspaper. If the application requires an approval or licence under the *Water Act*, the NRCB and Alberta Environment and Protected Areas may develop a joint public notice of application.

A public notice of application includes:

- applicant information
- legal land description of the proposed development
- a brief description of what is proposed
- time and location for public viewing of the application, and
- timeframe for the public to file an application for directly affected party status and submit statements of concern regarding the proposed development

5.5 Statements

A statement is a written submission about the potential impact of a proposed development application, submitted to the NRCB by a potentially directly affected party.

Statements are accepted for applications relating to approvals and registrations, and applications to amend approvals and registrations, and must be received by the NRCB on or before the deadline indicated in the notice of application. The approval officer considers statements during review of these applications.

A statement must include:

- the name, address, and contact numbers of the party
- the legal land location of the proposed development
- the legal land location of the affected party's residence, place of business, or land ownership, and
- a description of how the proposed development would impact them

A statement becomes a public document. The approval officer distributes copies of the statement to the applicant and other agencies as applicable.

Wherever possible, the NRCB expects applicants to try to resolve or address issues raised in statements through discussions with potentially directly affected parties. In some cases, redesign or modification of the proposed development may be considered as a possible means of addressing concerns (see Section 5.2); however, the proposed development must meet AOPA requirements.

Any agreements resulting from discussions between the applicant and a directly affected party must be in writing and forwarded to the NRCB in order to be considered. Commitments made in writing and submitted as part of an application, which exceed AOPA requirements, will be included as conditions if a permit is issued.

5.6 Determination of directly affected party status

The approval officer decides who is considered a directly affected party based on the definition in AOPA. The NRCB automatically considers an affected party to be a directly affected party, if the party meets all of the following criteria:

- they reside within the affected party radius, and
- they provide a statement of concern or support in response to the public notice, and
- the statement is received within the deadline stated in the public notice for statements of concern

The NRCB also automatically gives directly affected party status to neighbours who sign a minimum distance separation waiver, provided that the waiver is required in order for the application to proceed.

Parties who submit statements but who are not automatically considered to be directly affected must include information to explain why they should be considered directly affected for the application.

The approval officer's decision report will explain the criteria used for determining directly affected party status for each party (see Section 6.1).

Any party an approval officer determines to not be "directly affected" may apply in writing to the Board for a review of their status.

Section 6 Approval officer decision

The approval officer prepares a decision about an application based on the technical information provided by the applicant, issues raised in statements, feedback from other agencies, and various other factors as outlined in the legislation.

The two potential outcomes of a decision for an application are that a permit is issued or the application is denied. According to AOPA, an application must be denied by the approval officer if:

- it fails to meet any regulation or standard, or the requirements for a variance of a regulation or standard
- it is inconsistent with the land use zoning provisions of the municipal development plan, or

- the necessary approvals under the *Water Act* (if the choice was to link the water licence process with the AOPA process) or other provincial legislation cannot be obtained

6.1 Decision summary and permit

Once the approval officer makes a decision regarding a proposed development, a decision summary is provided to the applicant, summarizing the approval officer's reasons for issuing the decision, based on AOPA, NRCB policies, and the information contained in the application. If the application has been approved, the applicant also receives the appropriate permit. If the application has been denied, a permit is not issued, however the reasons for not granting a permit are contained in the decision summary.

The NRCB also provides a copy of the decision summary and permit (if issued) to directly affected parties, persons who submitted statements and were determined to not be directly affected, and referral agencies. All decision summaries, technical documents, and permits on AOPA applications are posted on the NRCB website www.nrcb.ca.

Section 7 Board review and decision process

An NRCB Board review is a formal review of an approval officer's decision or an enforcement order, which may be requested by a directly affected party. A Board review may take the form of a public hearing, mediation, written proceedings, or meetings.

Please see the NRCB fact sheet, [Requests for Board Review \(Approvals, Registrations and Authorizations\) Agricultural Operation Practices Act \(Section 25\)](#) for information on the process for Board reviews of approval officer decisions.

Additional information on the Board review process and on how to apply for a Board review can be found on the NRCB website at www.nrcb.ca.

Section 8 Compliance and enforcement

The NRCB's compliance and enforcement policy is founded on the following principles:

- collaborative problem solving
- environmental performance
- risk-based compliance
- complaint response

With an NRCB permit comes an expectation and an obligation to comply with AOPA regulations and any permit conditions. Offences under AOPA that can result in enforcement action include:

- constructing without a permit
- failure to comply with the terms and conditions of a permit
- failure to maintain records in accordance with the regulations
- failure to apply manure in accordance with the regulations
- creating a risk to the environment or inappropriate disturbance
- resisting, obstructing, or delaying an inspector

Please see the [NRCB Compliance and Enforcement Policy](#) for more information.

Additional information on NRCB compliance and enforcement can be found on the NRCB website at www.nrcb.ca.

Appendix 1: NRCB regional offices

Peace and North Central Regions - Morinville

Provincial Building
 201, 10008 – 107 Street
 Morinville AB T8R 1L3
 Phone: 780-939-1212

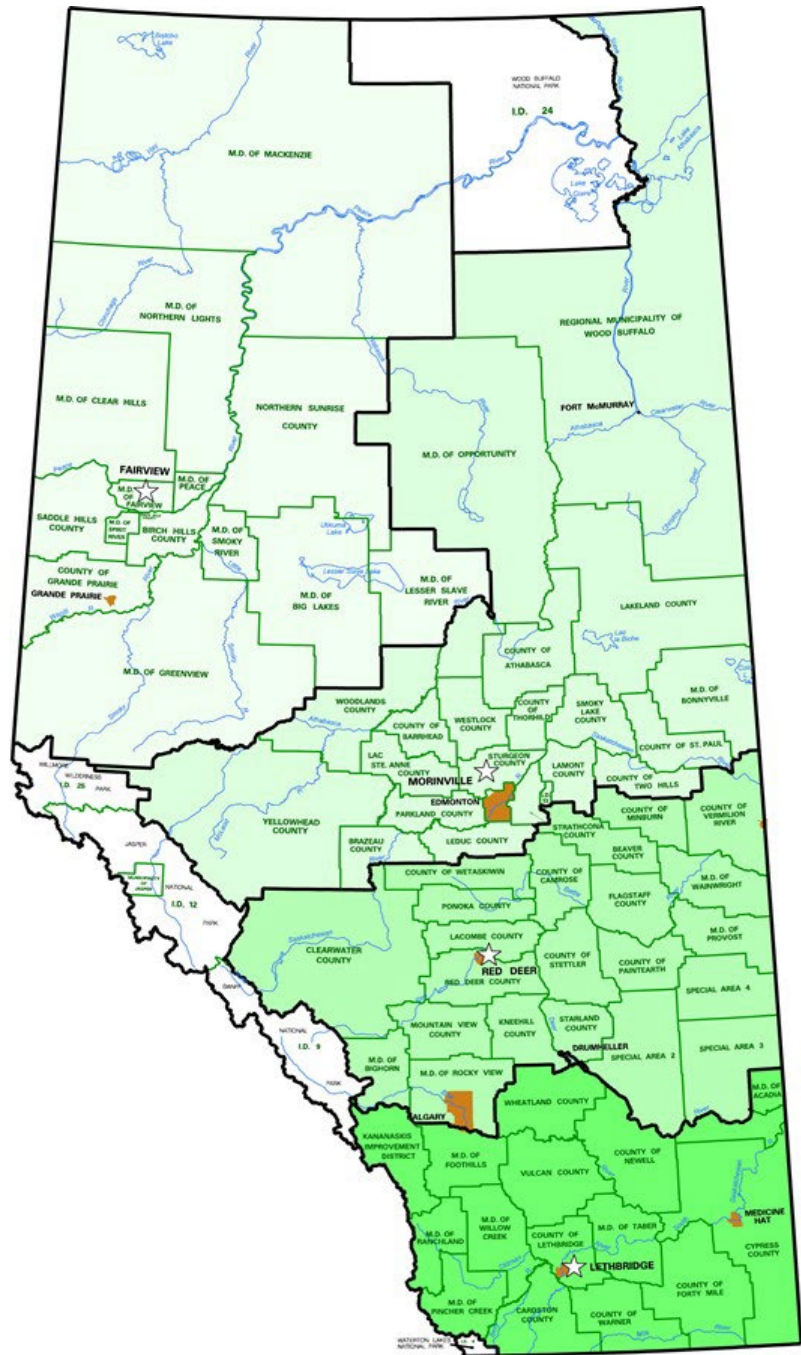
Central Region – Airdrie and Red Deer

Provincial Building 303, 4920 – 51 Street
 Red Deer AB T4N 6K8
 Phone: 403-340-5241

Southern Region - Lethbridge

Agriculture Centre
 100, 5401 – 1 Avenue S
 Lethbridge AB T1J 4V6
 Phone: 403-381-5166

☆ Regional Office Locations



1.866.383.6722 NRCB REPORTING LINE: CONFINED LIVESTOCK AND MANURE MANAGEMENT

www.nrcb.ca

 **NRCB** Natural Resources Conservation Board

Appendix 2: Terms for the purpose of this guide

These terms are based on existing definitions in AOPA.

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| Affected person or party | A person or municipality determined in accordance with the regulations to be an affected person. Refer to Section 4, Part 2 Matters Regulation AR 257/2001, Agricultural Operation Practices Act . |
| AOPA | Alberta provincial legislation consisting of the <i>Agricultural Operation Practices Act</i> and the <i>Agricultural Operation Practices Amendment Act</i> . |
| Appeal | A request to the Alberta Court of Appeal to review an NRCB Board decision on a question of jurisdiction or law. |
| Applicant | The person, company, or agent of a person/company that is applying to the NRCB for a permit or an amendment to an existing permit for a new or expanded CFO, manure collection area, or manure storage facility. |
| Application | A two-part application for approval, registration or authorization from the NRCB to construct a new or expanded CFO, manure collection area, or manure storage facility, or an Application for an Amendment to an existing permit issued by the NRCB, municipal district, or health authority. |
| Approval | The permit type required to construct or expand a CFO for the containment of the number of animals set out in Column 3, Schedule 2, <i>Part 2 Matters Regulation AR 257/2001, Agricultural Operation Practices Act</i> for the type of livestock at the confined feeding operation. |
| Authorization | The permit type required to construct or expand a manure storage facility for containment of 500 tonnes or more of manure for seven months or more in any calendar year. |
| Board | The chair of the Board and members appointed under the <i>Natural Resources Conservation Board Act</i> , or a panel of members designated by the chair. |
| Board Review | An NRCB Board review is a formal review of an approval officer's decision or an enforcement order, which may be requested by a directly affected party. A board review may take the form of a public hearing, mediation, written proceedings, or meetings. |
| Compliance directive | A written directive issued by the NRCB to clarify the action an operator needs to take to come into compliance with their permit or the act. |
| Compost | A solid manure product resulting from composting but does not include compost to which the Fertilizers Act (Canada) applies. |
| Construction | With respect to a structure, operation or facility includes reconstructing, renovation, altering, or expanding but does not include general maintenance of the structure, operation or facility. Does not include clearing and levelling of land. |
| Confined feeding operation (CFO) | Fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing, or breeding by means other than grazing and any other building or structure directly related to that purpose. Does not include residences, seasonal livestock feeding and bedding sites, equestrian stables, auction markets, racetracks, or exhibition grounds (<i>Agricultural Operation Practices Act</i> , Section 1). |

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| Court order | An order issued by the Court of Queen's Bench to an operator if that operator does not comply with an enforcement order previously issued by the NRCB or in some way resists, obstructs, or delays a NRCB inspector. |
| Development permit | A development permit issued pursuant to Part 17 of the Municipal Government Act . |
| Directly affected party | A municipality or any other party determined by an NRCB approval officer to be directly affected by a proposed development based on legislation or submitted statements. |
| Emergency order | An order allowing the NRCB to take emergency corrective action and recover costs if an owner/operator does not comply with an enforcement order and the situation poses immediate environmental risk. |
| Enforcement order | An order issued by the NRCB directing an owner/operator to comply with certain conditions as stipulated in the order. |
| Expansion | The construction of additional facilities to store manure, composting materials, or compost or to accommodate more livestock. |
| Hearing | A process conducted by the Board to decide any matter relating to a review, other than whether to grant a request or application for review. |
| Livestock | Poultry, horses, cattle, sheep, swine, goats, bison, fur-bearing animals raised in captivity, and diversified livestock animals within the meaning of the Livestock Industry Diversification Act . |
| Manure | Livestock excreta, associated feed losses, bedding, litter, soil, and wash water. Does not include manure to which the Fertilizers Act (Canada) applies. |
| Manure collection area | The floor of a barn, the under-floor pits of a barn, the floor of a feedlot pen, and a catch basin where manure collects. Does not include the floor of a livestock corral (<i>Agricultural Operation Practices Act</i> , Section 1.) |
| Manure storage facility | A facility for the storage of manure, composting materials, and compost, and a facility for composting. Does not include such a facility at an equestrian stable, an auction market, a racetrack, or exhibition grounds (<i>Agricultural Operation Practices Act</i> , Section 1). |
| Municipal development plan | A municipal development plan within the meaning of the Municipal Government Act . |
| Operator | The operator of a CFO, manure collection area or manure storage facility. |
| Permit | An approval, registration, or authorization or an amendment to an approval, registration or authorization under the <i>Agricultural Operation Practices Act</i> . |
| Registration | Required for an owner or operator to construct or expand a CFO for the containment of the number of animals set out in Column 2, Schedule 2, <i>Part 2 Matters Regulation AR 257/2001, Agricultural Operation Practices Act</i> for the type of livestock to be present at the CFO. |
| Statement | A written statement submitted to the NRCB by a potentially directly affected party upon notification of a proposed development that explains how a proposed development would render that party directly affected. |

Supporting
documentation

Data or information that is attached to an NRCB application, which may include films, photographs, charts, maps, graphs, plans, surveys, diagrams, engineering reports, books of account, transcripts, and video/audio recordings.

Working days

Monday through Friday, excluding Saturdays, Sundays and public holidays (in the province of Alberta).

Appendix 3: Reference documents

NRCB documents

The documents listed below are available on the NRCB's website (www.nrcb.ca), or from any NRCB office ([Appendix 1](#)).

Guides

[How to complete: Part 1-General Information and Disclosure](#)

[How to complete: Part 2-Technical Requirements and General Information](#)

[How to complete: Part 2-Technical Requirements, Liquid Manure Storage](#)

[How to complete: Part 2-Technical Requirements, Solid Manure Storage](#)

[How to complete: Part 2-Technical Requirements, Runoff Control Catch Basin](#)

Application Forms

[Part 1-General information and Disclosure](#)

[Part 2-Technical Requirements and General Information](#)

[Part 2-Technical Requirements: Liquid Manure Storage](#)

[Part 2-Technical Requirements: Solid Manure Storage](#)

[Part 2-Technical Requirements: Runoff Control Catch Basin](#)

[Application for Amendment](#)

Alberta Agriculture and Forestry documents

The documents listed below are available on the government's website (www.gov.ab.ca) or by contacting the Alberta Ag-Info Centre toll-free at 1-866-882-7677.

[2008 Reference Guide: Agricultural Operations Practices Act \(AOPA\)](#)

[Manure Composting Manual \(2004\)](#)

Alberta legislation

The legislation listed below are available for online use, or for download or in print from the [Queen's Printer](#) at a nominal charge.

[Agricultural Operation Practices Act \(AOPA\)](#)

[Animal Health Act](#)

[Environmental Protection and Enhancement Act \(EPEA\)](#)

[Freedom of Information and Protection of Privacy Act \(FOIP\)](#)

[Livestock Industry Diversification Act](#)

[Marketing of Agricultural Products Act](#)

[Municipal Government Act](#)

[Public Highways Development Act](#)

[Public Health Act](#)

[Public Lands Act](#)

[Water Act](#)

Federal legislation

[Fertilizers Act](#)

[Fisheries Act](#)