



# Unauthorized Construction under the Agricultural Operation Practices Act

# Fact Sheet

## Why a permit is required

- The *Agricultural Operation Practices Act* (AOPA) requires operators to obtain a permit before constructing or expanding a manure storage facility or collection area at a confined feeding operation (CFO), i.e. any facility that collects or stores manure, such as barns, liquid manure storage (lagoons), livestock pens, runoff control structures, and catch basins.
- AOPA's standards are designed to protect groundwater and surface water, and ensure that nuisances for neighbours (for example, odour, flies, or dust) are minimized and managed. Obtaining a permit before starting construction confirms that the proposed facility can meet the technical requirements of the act, including the minimum distance separation, is consistent with the Municipal Development Plan land use provisions, and that, where required by AOPA, neighbours are notified of the planned development.

## Responsibilities of CFO owners and operators

- Owners or operators of a CFO, including landowners, are legally responsible for obtaining **all** permits before beginning construction.
- If you are concerned that an activity you have started may be considered construction, **contact the NRCB right away**. It is better to let the NRCB know, and work with them to find a solution, than to face potential enforcement action.

## Post-construction inspection

- After permitted construction is completed and **before livestock or manure is placed in the facility**, the permit holder is required to contact the NRCB to schedule and carry out a post-construction inspection.

- The inspection will assess if the facility was constructed according to the terms and conditions of the AOPA permit.
- If the facility meets the terms and conditions of the AOPA permit, the NRCB will issue a letter allowing use of the facility.

## What is considered construction

- Construction includes a wide number of activities. At a minimum, it includes:
  - > Developing or expanding livestock confinement facilities e.g. pens
  - > Any concrete pouring for a manure collection or storage facility
  - > Any work to install a foundation for a manure collection or storage facility
  - > Any work to dig an earthen manure storage for a CFO facility (other than clearing and levelling land)

## What isn't considered construction

- The following activities are **not** considered "construction" (see section 1(1)(c) of the Part 2 Matters Regulation) - but it's always a good idea to first contact the NRCB to confirm whether a permit is required:
  - > General repair or maintenance of a structure, CFO or manure storage facility (also see the NRCB Livestock Pen Floor Repair and Maintenance Fact Sheet)
  - > Clearing and levelling land, but any other work that goes beyond clearing or levelling is not allowed by AOPA.
- If you are unsure of whether the work you plan to do is considered construction, contact the NRCB to confirm whether a permit is required.

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## Consequences of un-authorized construction

- Construction without a permit is a contravention of the Act. It is a serious offence and has significant potential consequences for the owner or operator:
  - > You could be required to dismantle or depopulate the facility.
  - > You could be prosecuted, especially if you knew that you needed a permit, or don't cooperate with the NRCB.
- The NRCB may take enforcement action including issuing a compliance directive or enforcement order requiring the owner or operator to take action, or suspending the CFO's current permit.
- If you are issued a compliance directive or an enforcement order, they are considered public documents and will be posted on the NRCB website. A

copy of the directive or order will be provided to the local municipality.

## Further information

- For more information, please contact:

### **NRCB field offices:**

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

Dial 310-0000 to be connected toll free.

Fact sheets and other NRCB publications are available at [www.nrcb.ca](http://www.nrcb.ca).

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